

Future Melbourne Committee

Agenda item 7.1

20 April 2021

Notice of Motion, Cr Leppert: Horse-Drawn Vehicles

Motion

That the Future Melbourne Committee:

1. Notes that, since the cessation of street trading permits for horse-drawn vehicle operators under City of Melbourne local laws:
 - 1.1. Some operators continue to conduct street trading;
 - 1.2. Enforcing breaches of the Activities Local Law remains exceptionally difficult given the inability of local laws officers to apprehend drivers of a moving vehicle;
 - 1.3. Assertions are often made that the City of Melbourne has the power to ban horse-drawn vehicles as a class of vehicle under Local Government legislation, but these assertions are incorrect; and
 - 1.4. Direct regulatory mechanisms no longer exist to monitor the welfare of horses.
2. Notes that issues relating to moving road violations have always been matters for Victoria Police to enforce, given horse-drawn vehicles are regarded as vehicles under Road Safety Regulations, but expresses ongoing concern at the prevalence of illegal road movements by horse-drawn vehicle operators, particularly illegal U-turns and driving in prescribed bicycle lanes and through tram stops.
3. Notes that Swanston St is the world's busiest tram route and argues that truck movements in relation to the Metro Tunnel works at Town Hall and State Library stations make Swanston St, and therefore the key access points to the Hoddle Grid, particularly unsafe for horses and horse-drawn vehicle operations as they interact with the public.
4. Reasserts that the current regulatory and enforcement regime for horse-drawn vehicles in the central city is therefore inadequate, failing to meet public safety expectations.
5. Expresses the view that no regulatory instrument is likely to be able to adequately oversee and enforce the welfare of horses in a busy central business district context, given inherent risks such as shying from sudden noises and light, the prevalence of inconsistent hard surfaces and exhaust fumes, and interaction with other road users.
6. Proposes a forum of the Minister for Roads and Road Safety, senior Department of Transport officers, the Lord Mayor, senior City of Melbourne officers including the Director of On-Street Support and Compliance, a delegate or delegates of the Commissioner of Victoria Police, two representatives of the commercial horse-drawn vehicle operators as chosen by them, a representative of the RSPCA, a representative of Fed Square Pty Ltd, and any further key stakeholders at the discretion of the Minister and/or management (for example in the visitor economy space), to be held within the next three months to discuss options for the future of horse-drawn vehicle operations in inner Melbourne, with a view to removing risks to public safety and overcoming significant gaps in the regulatory framework and the enforcement of existing rules and regulations.
7. Requests that management arrange the forum and issue invitations as soon as practicable.
8. Requests that management ensure that the recommendations of the forum are publicly reported, and that any recommendations to the City of Melbourne that would require policy or operational changes be presented to this Committee or Council as appropriate.

Background

Horse-drawn vehicle operators conduct a legitimate business in the City of Melbourne. The trade is legal, subject to operators' compliance with Road Rules and other statutes, and a highly visible part of Melbourne's visitor economy.

This motion discusses the regulatory regime that horse-drawn vehicle operators work within.

The City of Melbourne previously regulated horse-drawn vehicle street trading through its Activities Local Law. Following years of difficulty in enforcing this regime, including a well-meaning but indirect code of practice, the City determined under delegation not to renew any street trading permits in July 2017.

The then-Lord Mayor spoke to this decision at the time, saying horse-drawn carriages and other vehicles “don’t mix. Horse-drawn vehicles, modern traffic, busy city, a million people a day. They just don’t mix. We need to ensure that Swanston St is a safe and accessible civic space for all Melburnians and visitors to the city.”

While street trading officially ceased, horse-drawn vehicles are vehicles for the purposes of the Road Rules, and continue to operate throughout the city. Many continue to conduct street trading, contrary to the local law, but enforcing this is exceptionally difficult given the inability of local law officers to apprehend the driver of a moving vehicle.

Horse-drawn vehicles continue to generate a large number of complaints to Council, occupy a high proportion of local law officers’ enforcement time, occupy the time and expense of our legal teams in the Magistrate’s Court, and – most significantly – continue to operate on Swanston Street, the world’s busiest tram route, where increased truck movements from the Metro project has exacerbated road safety risks.

Further regulatory changes to prohibit horse-drawn vehicles from any grouping of roads is a matter for the State. Powers are not available under Local Government legislation to pursue this outcome, but they are available to the State under Road Management legislation and the Road Rules.

A forum is proposed to seek a consensus between the City of Melbourne and Minister for Roads and Road Safety, with impacted parties and interested stakeholders present to advocate solutions.

The forum may consider the displacement of horse-drawn vehicles from the Hoddle Grid, or any other options and their consequences. The motion does not presuppose the outcome of the forum.

Mover: Cr Rohan Leppert

Seconder: Cr Dr Olivia Ball