

MANAGEMENT OF SICK OR INJURED ANIMALS

Policy Number: POL16/225 • **Adopted:** 27/01/2009 • **Reaffirmed:** 21/06/2013 • **Amended:** 24/01/2017 •
Minute Number: MIN09.71, MIN13.638, MIN17.24 • **File:** 32667E • **Produced By:** Planning, Environment &
Development Group • **Review Date:** 1/12/2020

1. PURPOSE

The purpose of this policy is to:

- Detail the circumstances where Council will assist to ensure veterinary treatment is provided for sick or injured animals.
- Inform a 'person in charge' of an animal of their responsibilities under the Prevention of Cruelty to Animals Act 1979 (POCTAA) and clarify what action Council will take if they do not fulfil these obligations.

2. STATEMENT

The POCTAA prohibits cruelty to animals and promotes animal welfare by requiring a 'person in charge' of an animal to provide care for the animal, to treat the animal in a humane manner and to ensure the welfare of the animal, including veterinary treatment as necessary. The Royal Society for the Prevention of Cruelty to Animals (RSPCA) is responsible to enforce this legislation.

The Companion Animals Act 1998 provides for the identification and registration of companion animals and for responsible pet ownership. Local Government is responsible to ensure owners of companion animals comply with the Act.

The Impounding Act relates to livestock which is a Council responsibility when livestock are on public land without authority.

This policy underpins the POCTAA, the Companion Animals Act, the Impounding Act and any other legislation that relates to the management of animals relevant to this issue.

Wildlife Rescue should be contacted if the sick or injured animal is a native animal.

3. PROVISIONS

3.1. Legislative Responsibilities

Section 5 (3)(c) of the POCTAA provides that a ‘person in charge’ of an animal shall not fail at any time, where it is necessary for the animal to be provided with veterinary treatment, whether or not over a period of time, to provide it with that treatment.

The maximum penalty for failing to do so is \$27,500 for a Corporation and \$5,500, or 6 months imprisonment (or both) in the case of an individual.

The ‘person in charge’ in relation to an animal includes the owner of the animal and a person who has the animal in the person’s possession or custody, or under the person’s care, control or supervision.

3.2. Sick and Injured Animals

A sick or injured animal comes to the attention of Council in a variety of ways:

- a) Chance find by a Council Officer in a public place.
- b) Seized or impounded animal in Council’s care.
- c) Responding to a call from the public about an animal in a public place.
- d) Responding to a request to collect a stray or surrendered animal from a private residence.
- e) A member of the public seeking to surrender or hand in a stray animal at the Shoalhaven Animal Shelter.

Situations such as those outlined in a) and b) above clearly place the Council as the ‘person in charge’ for the purposes of the POCTAA. As such, any animals that require treatment by a veterinarian will receive such treatment at Council’s expense.

Where an animal is in the charge of a person who is not a Council employee, such as outlined in c), d) and e) above, the responsibility for ensuring the animal receives veterinary treatment rests with that person.

At times there are mitigating circumstances which may require assistance from Council to deliver the animal to a vet clinic. Each of these matters will be assessed with action taken in the best interest of the animal.

3.3. Cost Recovery

Prior to the animal being released from the animal shelter, the reclaim fee payable is to include the cost of any veterinary treatment provided to the animal.

Where such an animal is not claimed and the owner can be identified, the cost of the veterinary treatment is to be recovered as a civil debt by Council.

Council officers will seek full cost recovery of any costs incurred by Council for veterinary treatment for sick or injured animals as part of any proceedings before the courts.

If the owner takes full responsibility and pays the veterinary fees and collects the animal from the veterinary clinic the above requirements do not apply

4. IMPLEMENTATION

This policy will be implemented by the Ranger Services Unit.

5. REVIEW

This policy will be reviewed within one year of the election of each new Council or earlier if circumstances arise to warrant revision.

6. APPLICATION OF ESD PRINCIPLES

This policy supports Council's commitment to the welfare of sick or injured animals throughout the City.