

Management of Sick or Injured Animals

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Directorate:	City Development
Record Number:	POL19/30

1. Purpose

The purpose of this policy is to:

- a) Detail the circumstances where Council will ensure veterinary treatment is provided for sick or injured animals.
- b) 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. The Royal Society for the Prevention of Cruelty to Animals (RSPCA) and the NSW Animal Welfare League are 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 relating 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 must provide veterinary treatment when required.

The 'person in charge' of an animal includes the owner or a person who has the animal in their possession or custody, or under their 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) Seized or impounded animal.
- b) An animal is found in a public place.
- c) A surrendered animal from a private residence.
- d) A surrendered animal at the Shoalhaven Animal Shelter.

Where an animal is in the charge of a person who is not a Council employee, 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 matter will be assessed with action taken in the best interest of the animal.

3.3. Decision to Euthanize

The power to destroy an animal is available under the following legislation:

- Companion Animals Act - section 64 after notice has been given under section 63.
- Impounding Act - section 11(4) impounding officer may destroy an animal immediately rather than take the animal to the animal shelter if the animal is seriously injured, diseased, starved or otherwise in a distressed state
- POCTAA - section 26AA confers powers to a Council officer to destroy an animal under either the Companion Animals Act or Impounding Act.

A Council officer may engage a Vet to euthanize an animal. All reasonable costs incurred by the Vet are recoverable from the owner of the animal under POCTAA (section 26AA (2)). There is no power for the Vet to recover the costs of destroying an animal from Council. Council's officer should make this clear to the Vet. Any ownership details should be passed to the Vet.

If an animal is presented to a Vet for treatment and it does not involve its destruction, Council may be liable for such treatment.

At times there are mitigating circumstances which may require assistance from Council to make decisions and cover costs incurred.

3.4. 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.

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.