



Policies, Procedures and Guidelines

IMPOUNDING LIVESTOCK POLICY

ENV005

BACKGROUND

The Impounding Act 1993 allows an impounding authority to authorise persons to impound and deal with animals that are left unattended or are trespassing. The decision to undertake impounding of livestock must be made by resolution of each Impounding Authority. An impounding Authority is defined in the Impounding Act 1993 and includes a Council. Whilst Councils and the Local Land Services (LLS) have certain responsibilities for livestock impounding, members of the NSW Police Service also have designated powers to impound straying stock and may exercise the powers of any impounding officer.

This policy has been developed to ensure the safety of Impounding Officers who are at risk when attending to straying stock. The policy outlines the primary objectives of the Impounding Officer and their roles and responsibilities in ensuring not only their own safety but the safety of the public when managing a call out by ensuring they are appropriately equipped and trained. This policy also outlines how impounding officers should manage an overturned stock carrier, ensure the welfare of stock, minimise the spread of disease and appropriately destroy and dispose of injured stock as required by the Impounding Act.

OBJECTIVE

The Central West Regional Organisation of Councils is committed to providing to its members, guidance and advice in order for them to be consistent and proficient in their approach to maintaining a Healthy and Safe Workplace with respect to activities associated with impounding livestock. The key objectives of this policy are:

- To protect the safety of Council staff when undertaking the duties related to impounding livestock.
- To alert other road users to the presence on roads of livestock in the local government area in the interest of safe use of roads.
- To minimise the spread of livestock disease and noxious weeds in the local government area.
- To provide for the welfare of livestock when being impounded.

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- To minimise any damage to road pavements, formations, drainage, vegetation and surrounding areas arising from livestock.
- To regulate the adequacy of fencing of livestock.

SCOPE

This policy applies to all areas under the control of councils affiliated with the central west regional organisation of councils.

DEFINITION

Animal means any of the following:

- cattle, horses, donkeys, mules, asses, camels, sheep, goats, pigs and deer.
- any dog that is in a national park, historic site, nature reserve, state game reserve, karst conservation area or Aboriginal area (as defined in the National Parks and Wildlife Act 1974),
- an animal (including a bird, reptile and fish) of any species prescribed by the regulations as a species of animal that can be impounded under this Act.

Area of operations of an impounding officer means:

in the case of an impounding officer appointed by a council, any place in the area of the council and any place in the area of another council in which that other council has authorised it to impound under this Act

Council means a council under the Local Government Act 1993.

Exercise of a power includes, where the power is a duty, the performance of the duty.

Impounded has the meaning given by section 8 of the Impounding Act 1993

Impounding authority means the Council

Impounding officer means a person appointed by the Council to exercise the powers of an impounding officer.

Note: Under section 5 all police officers have the powers of impounding officers. Police officers are not expected to exercise a primary role under this Act. Primary responsibility under this Act rests with the appropriate impounding authority.

Occupier of land includes:

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(a) a person who is managing the land on behalf of its owner or occupier, and

(b) a person who is responsible for caring for or controlling the land.

Owner of an animal or article means any person who alone or jointly is entitled, whether at law or in equity, to possession of the animal or article.

Place includes premises, an area of water and a means of transport.

Power includes authority, duty and function.

Private land means:

- all land, except Crown land (as defined in the Crown Lands Act 1989) and land dedicated or reserved for a public purpose that is not managed or controlled by a reserve trust under that Act, and
- Crown land (as defined in that Act) that is the subject of a holding (as defined in that Act).

Note: Land held under a lease from the Crown is treated as private land.

Public place means a place (other than a place declared by the regulations not to be a public place) that is open to or frequented by the public:

(a) Whether or not payment for admission to the place is required, and

(b) Whether or not the place is usually open to or frequented by the public, and, in particular, includes:

(c) Any place dedicated or reserved for a public purpose, and

(d) A place which, although privately owned, is a place to which the public are permitted to have access for the purposes of business or leisure or to use as a thoroughfare.

Public pound means a pound established as a public pound under this Act.

Unattended, in relation to an animal, includes abandoned or straying.

Roles and Responsibilities of Impounding Officer and Council

Staff Safety and Resourcing

- Impounding Officers will undertake an appropriate training and assessment program to ensure they have the appropriate skills and competencies. Training should include traffic

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control, stock handling, use of firearms, conflict resolution, stock diseases, animal welfare, fire control and risk assessment.

- The Impounding Officer must comply with the drug and alcohol policy of their employing Council.
- The Impounding Officer will not be permitted to undertake impounding duties if they have worked a 12 hours shift within a 24-hour period.
- The Impounding Officer will be limited to work 60 hours per week.
- The Impounding Officer will have authority to call out additional trained staff as the need arises.
- Council will arrange for relief personnel to be available to assist the Impounding Officer. Relief staff will be adequately trained in the duties of impounding.
- Council will provide the Impounding Officer with all necessary Immunisations.

Managing a Call Out

- Councils should ensure that relevant organisations (Police, LLS, RMS) within their local government area are familiar with the “Stray Livestock Notification Form” and encourage them to complete this proforma when advised of a matter.
- The Impounding Officer must make all reasonable enquiries in an effort to find out the name and address of the owner of straying stock.
- The Impounding Officer should make arrangements with the owner to direct the stock to safety.
- The Impounding Officer should call on additional trained personnel if required.
- The Impounding Officer is not to engage the service of the general public or their family or friends in any impounding activity.

Impounding of Stock

- Impounding of stock will be carried out in accordance with the Impounding Act 1993.
- The Impounding Officer should undertake a risk assessment on-site to identify the most appropriate place to impound stock.
- The Impounding Officer is to make a reasonable attempt to find a suitable impounding area other than private land.
- The impounding Officer should make a reasonable attempt to seek permission from the landowner prior to impounding stray stock on private land.
- Councils in cooperation with the LLS, Department of Primary Industries, National Farmers Federation and the Meat and Livestock Association are to encourage landowners that

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manage/own certified properties (EU, QA) to use appropriate identification on fences and gates.

Overtured Stock Carrier

In the event of an incident involving a stock transport vehicle:

- The primary objective of an Impounding Officer is to manage straying animals
- The impounding officer is at no time to enter the overturned stock transport vehicle.
- An overturned stock transport vehicle is considered an accident scene therefore the Police are to manage the accident scene and they need to be advised that the Impounding Officer is not authorised to enter overturned vehicles.
- LLS and Police are to destroy animals in truck roll over

Animal Welfare and Disease

- The Impounding Officer will manage live animals in accordance with the Prevention of Cruelty to Animals Act 1979.
- All care should be taken by the Impounding Officer to manage stock in a manner that will not facilitate the spread of disease.

Destroying Injured Stock

- The Impounding Officer can only destroy stock if appropriately licensed and adequately trained in the use of firearms (as per Impounding Act 1993).
- The Impounding Officer should ensure that all members of the public are removed from the area immediately surrounding and within sight of the area where the stock will be destroyed.
- The Impounding Officer will only use firearms issued by their Council for the purposes of destroying stock.
- The impounding officer may destroy the animal immediately if of the opinion that the animal is seriously injured, diseased, starved, is a danger to the public or is otherwise in a distressed state.

Disposal of Dead Stock

- The Impounding Officer is not responsible for the disposal of dead stock as this is the responsibility of the carrier / stock owner.

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- If the Impounding Officer is unable to ascertain the identity of the owner of stock, either the LLS or Council will proceed to collect and dispose of stock. The Impounding Officer should collect photographs and written details of dead stock for Council records.

Repair of inadequate Fencing

- The impounding officer should advise the land / stockowner to repair the fence containing stock to avoid further problems.
- If the land/stock owner has not been located the impounding officer should make a reasonable attempt to secure the fence.

Awareness of the following Acts

1. POEO Act 1997
2. Impounding Act 1993
3. Prevention of Cruelty to Animals Act 1979
4. Road Management Act
5. Occupational Health and Safety Act 2001

Appendix One

Stray Stock Notification Form

This form is to be used by Council staff, Police personnel, Police call centres, LLS or any other organisation that receives notification of stock on roads. This information is for the use of the Impounding Officer (IO) to ensure they can quickly, safely and with adequate resources, control stock.

Robert Hunt

GENERAL MANAGER

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