

ANIMAL WELFARE

DURING TOUGH TIMES - ENFORCEMENT

Animal welfare considerations are critical when managing stock during tough times, when feed and water resources are in short supply.

INSPECTIONS AND ENFORCEMENT

It is important to proactively manage your property and your stock to ensure you meet your animal welfare obligations. Understand your circumstances and options. Seek help and get expert advice. Prepare plans for destocking and stock movements and review your grazing, feeding and fodder plans.

Under the *Prevention of Cruelty to Animals Act 1979* (the POCTA Act), enforcement agencies can inspect your property and issue penalties, or prosecute, for breaches of the Act.

WHO ARE THE ENFORCEMENT AGENCIES?

The enforcement agencies of the POCTA Act can investigate animal cruelty. The enforcement agencies are:

- RSPCA NSW
- Animal Welfare League NSW
- NSW Police Force

HOW DO THE ENFORCEMENT AGENCIES MANAGE INSPECTIONS?

The primary purpose of an inspection is to ensure that animals are being cared for appropriately.

Usually inspections are triggered by a complaint to one of the animal welfare enforcement agencies. On receipt of a complaint, an enforcement agency will assign an inspector to investigate by visiting the related premises.

If there is concern for the welfare of stock animals, the enforcement agency may request the assistance of Local Land Services to provide advice. A visit from an enforcement agency will not always result in a penalty notice or prosecution.

Providing false or misleading information is an offence under the POCTA Act. False or vexatious complaints are investigated and treated seriously.

WHEN CAN AN ENFORCEMENT AGENCY INSPECTOR ENTER MY PROPERTY?

Authorised inspectors will often seek consent to enter a property to carry out inspections. Inspectors may enter private property without consent if they reasonably suspect that an offence against the POCTA Act or POCTA Regulation 2012 (POCTA Reg) is being, has been, or is about to be committed.



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Inspectors may also enter land used for certain commercial purposes without consent, in order to inspect the welfare of animals and/or gather evidence. This includes land on which an animal is being used, or kept for use, in connection with any trade, business or profession (e.g. a saleyard).

WHAT ACTIONS CAN AN INSPECTOR CARRY OUT WHILE ON THE PROPERTY?

The POCTA Act authorises inspectors to enter land to examine animals and gather evidence if there are reasonable grounds to suspect that an offence is, has, or is about to be committed under the POCTA Act.

Inspectors have a range of options available to resolve animal welfare cases with: no action taken, seizure, the provision of veterinary treatment, or euthanasia of animals in more serious cases.

In the majority of cases, inspectors will seek to resolve animal welfare issues by providing education and advice to the owner or person in charge of an animal. They may issue written instructions to achieve this outcome.

Inspectors exercise procedural fairness when investigating a complaint. They follow fair and proper procedures when deciding which method to use to improve animal welfare outcomes.

It is important to remember that not every allegation of poor animal welfare practice will result in enforcement action being taken.

WHAT DO I DO IF AN ENFORCEMENT AGENCY VISITS MY PROPERTY?

If an enforcement agency visits your property, the best approach is to cooperate with the inspectors. Remember, the primary purpose of inspections is to ensure the appropriate care of animals.

Authorised inspectors can provide advice and education, and issue instructions to the person caring for the animal/s to improve animal welfare outcomes.

You are encouraged to answer the inspectors' questions. If an inspector provides advice or issues you with care instructions, be sure you understand what is required and ask questions if you need to.

If you need the help of a translator or require other assistance to participate in the discussions, make sure you ask for help.



WHAT AM I REQUIRED TO DO IF I AM ISSUED WITH WRITTEN INSTRUCTIONS?

If an inspector provides you with advice or issues you with written instructions, be sure you understand what is required and ask questions if you need to.

You need to follow written instructions within the stated time frame.

An inspector may revisit a property following the initial inspection to ensure that directions or advice have been followed. If directions have not been followed and the animals remain at risk, an inspector may elect to take additional action.

Failure to comply with written instructions without a reasonable excuse is an offence under the POCTA Act.

If you require the assistance of a translator or any other form of assistance to participate in discussions or comply with written instructions, it is important that you ask for help.

WHEN DO THE ENFORCEMENT AGENCIES PROSECUTE?

A visit from an enforcement agency will not necessarily result in enforcement action being taken. In the majority of cases, enforcement agencies will seek to resolve animal welfare issues by providing education and advice.

The enforcement agencies consider a range of factors when deciding whether to prosecute for breaches of the POCTA Act or Regulation.

Depending on the circumstances, an inspector may take one or more of the following actions to improve animal welfare outcomes:

- provide advice on appropriate care
- officially caution the person/s
- issue written directions to address welfare issues
- issue a penalty infringement notice
- collect evidence to begin a prosecution
- immediately seize any animal found to be in distress.

CAN MY STOCK BE SEIZED?

Following an inspection of the animals, an inspector may provide advice or issue instructions to a stock owner/manager regarding care of the animals, usually in consultation with Local Land Services. In serious cases the enforcement agency may immediately seize an animal.

If the owner does not comply with the written instructions, and the animals remain in distress or likely to become distressed, the enforcement agency may request that a Stock Welfare Panel be established. The NSW Department of Primary Industries (DPI) has the authority to establish a Stock Welfare Panel.

Stock Welfare Panels seek to improve the animal welfare outcomes for the stock through a structured process.



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In most cases, Panels consist of representatives from an enforcement agency, Local Land Services, NSW DPI and NSW Farmers. The Local Land Services and NSW DPI representatives must have animal welfare or stock management expertise. If the Local Land Services representative is not a veterinarian, the Stock Welfare Panel may also include a private veterinarian.

On the recommendation of the Panel, NSW DPI may issue an official warning that includes animal care actions to be completed within a set timeframe. The Panel will monitor, assess and report on compliance. If the owner does not comply and the animals remain in distress or likely to become distressed, NSW DPI may authorise an enforcement agency to seize and dispose of the stock by way of sale or otherwise.

The costs of doing this are taken from the proceeds of the sale of the animals. The owner receives the balance of the proceeds of sale.

The Stock Welfare Panel process is legislated under Part 2B of the POCTA Act.

CAN MY STOCK BE EUTHANASED?

Stock will only be euthanased in serious circumstances.

In the majority of cases, enforcement agencies will seek to resolve animal welfare issues by providing education and advice.

Euthanasia is considered to be a 'last resort' measure that is taken to ensure appropriate animal welfare outcomes.

The POCTA Act authorises an inspector to euthanase an animal, if the inspector suspects on reasonable grounds, that the animal is in distress or the animal is so severely injured, diseased or in such a physical condition that it is cruel to keep it alive.

WHAT ROLE DOES LOCAL LAND SERVICES PLAY?

Local Land Services (LLS) is able to provide advice on livestock care and welfare, feeding, biosecurity, and assessing stock to ensure they are fit for transport.

LLS is not an animal welfare enforcement agency.

LLS vets can provide advice to animal welfare enforcement agencies for cases involving stock. They may also attend inspections in an advisory capacity.

Each Stock Welfare Panel includes an LLS representative.



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