



COUNCIL POLICY 1.2

Animal Management Policy

Version: V1 – 23/1/10

PURPOSE and SCOPE

Torres Shire Council is the enforcement authority for particular animal management matters in its local government area. Council's enforcement role is principally contained in:

- a. *Local Law No. 2 (Animal Management) 2013*, and associated Local Laws and Subordinate Local Laws ("the Local Laws");
- b. The *Animal Management (Cats and Dogs) Act 2008* ("AMCDA").

The purpose of this Policy is to provide guidance regarding particular matters that apply to animal management. This Policy does not derogate from Council's rights and obligations under the Local Laws, AMCDA or any other legislation ("authorising legislation"), and to the extent of any inconsistency between this Policy and a provision of authorising legislation, the authorising legislation will prevail.

IMPOUNDING

Council will have regard to its obligations under the authorising legislation, and the *Animal Care and Protection Act 2001*, when it impounds an animal.

Authorising legislation, including the Local Laws and AMCDA, does in some cases provide timeframes in which Council is to release or otherwise deal with an impounded animal. Council will deal with an impounded animal consistently with those timeframes.

Where authorising legislation does not provide for timeframes in which Council is to deal with an impounded animal, or where authorising legislation gives Council a discretion or is not prescriptive regarding the timeframe in which to deal with an impounded animal, Council will endeavour to deal with an impounded animal as expeditiously as possible, having regard to:

- a. any investigation being carried out that is relevant to the impounded animal;
- b. any formal process that Council is considering with respect to the impounded animal (for example, a regulated dog declaration under AMCDA);
- c. any other matters that Council considers may be relevant to the impounding of the animal.

ENFORCEMENT GUIDELINES

Council's role as an enforcement authority regularly requires Council to:

- a. receive complaints about alleged offending under various legislation;

- b. investigate alleged offending, both in response to complaints and other sources (for example, the observations of authorised officers while out on patrols);
- c. form a view about the appropriate enforcement strategy to be used for a particular offence.

Enforcement strategies used by Council in response to an alleged offence might include:

- a. a written warning;
- b. issuing a Compliance Notice;
- c. issuing a Penalty Infringement Notice;
- d. prosecuting the offender in the Magistrates Court.

When considering the appropriate enforcement strategy to use, Council may have regard to:

- a. the requirements of the authorising legislation;
- b. the severity of the alleged offence;
- c. whether the alleged offence involves a continuing issue that can be resolved (for example, repairing fencing that is causing an animal to escape a yard);
- d. the alleged offender's compliance history,;
- e. other public interest factors, including:
 - i. whether the enforcement action might be exposed to challenge, and if so, what Council's prospects of successfully resisting a challenge might be;
 - ii. expense associated with such action;
 - iii. the effectiveness of the enforcement strategy as distinct from others

RELEVANT LEGISLATION

- *Local Law No. 2 (Animal Management) 2013*
- *Animal Management (Cats and Dogs) Act 2008*

DOCUMENT CONTROL

Version	Resolution Date	Resolution No.	Policy Author
V1	24 Jan 2023	23/1/10	CEO

This Policy is to remain in force until otherwise amended/replaced by resolution of the Council.
Review Frequency: 3 yearly