

# Animal Welfare Inspections & Enforcement

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## Animal Welfare, Orange

The enforcement agencies of the *Prevention of Cruelty to Animals Act 1979* (POCTA Act) can investigate cruelty to an animal. The enforcement agencies are:

- RSPCA NSW
- Animal Welfare League NSW
- NSW Police

## Frequently asked questions

### Who are the animal welfare enforcement agencies?

In NSW, three organisations are authorised to enforce the Prevention of Cruelty to Animals Act 1979 (POCTA Act) - RSPCA NSW, Animal Welfare League NSW and NSW Police.

### How do animal welfare 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 Regulation is being, has been, or is about to be committed in respect of an animal.

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 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.

### **When do 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 through the provision of 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.

### **How do I make a complaint about animal cruelty?**

If you suspect or witness cruelty to an animal, you should directly contact one of the enforcement agencies.

RSPCA NSW: To make a complaint, ensure that you have all the necessary information and telephone the Cruelty Call Centre on: 02 9770 7555.

AWL NSW: To make a complaint, ensure that you have all the necessary information and telephone the Inspectorate on 02 8899 3333 or email [inspectors@awl.nsw.gov.au](mailto:inspectors@awl.nsw.gov.au).

NSW Police: To make a complaint, ensure that you have all the necessary information, and telephone the Police Assistance Line on 131 444, 24 hours a day, 7 days a week. If the Police Assistance Line can not directly assist you with your inquiry, they can refer you to the appropriate person or section who can.

### **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 with respect to an animal.

Inspectors have a range of options available to resolve animal welfare cases - beginning with no action taken, to 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 through the provision of 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 complaint. They ensure fair and proper procedures are followed when making a decision as to which method to utilise in order to improve the welfare outcomes for an animal.

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

### **What am I required to do if I am issued with written directions?**

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 animal/s remains 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.

## Stock welfare

### Can my stock be seized?

Following an inspection of an animal/s, an enforcement agency inspector may provide advice, or issue written instructions, relating to the care of the animals to a stockholder, usually in consultation with Local Land Services.

In serious cases an inspector may immediately seize an animal.

If a person in charge does not comply with written instructions, and the animal/s remain at risk, an enforcement agency may request that a Stock Welfare Panel be established. NSW 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.

Panels must consist of representatives from an enforcement agency, Local Land Services, NSW DPI and usually include a NSW Farmers' representative. 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.

Subsequent to advice from the Panel, NSW DPI may issue written instructions (an official warning notice) for the care of the animals to be completed within a set timeframe.

The Panel will monitor, assess and report on compliance. If the owner or person in charge does not comply, NSW DPI may issue an order 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 or person in charge receives the balance of the proceeds of sale.

This process is set out in Part 2B of the POCTA Act.

### What role does Local Land Services play?

LLS is not an animal welfare enforcement agency.

Local Land Services (LLS) is available to provide advice on:

- caring for animals and animal welfare,
- feeding stock,
- the assessment of stock to meet "fit to load" guidelines, and
- biosecurity.

If you are seeking this information, you are encouraged to contact your LLS Office.

LLS vets can assist animal welfare enforcement agencies for cases involving stock by attending inspections or providing advice.

A representative from LLS is on Stock Welfare Panels when they are convened.

### **What role does NSW DPI play?**

NSW DPI administers the POCTA Act, but is not an enforcement agency. NSW DPI has the power to authorise the establishment of a Stock Welfare Panel, which is usually at the request of an enforcement agency.

NSW DPI convenes and provides secretariat support for Stock Welfare Panels and a NSW DPI representative with expertise in animal welfare or livestock management, participates on Stock Welfare Panels when they are established. NSW DPI has the power to issue warnings and order seizure and disposal of stock.

### **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 through the provision of education and advice.

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

The POCTA Act provides that an authorised inspector may 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.

## **Complaints regarding cruelty to animals**

### **What information is needed to make a complaint?**

**Your name, address and telephone number** - this information will be kept in the strictest confidence, however, it is required to investigate a complaint. Further, the investigating officer may need to contact you to verify details of the complaint.

**The location of the animals** - if this is at a fixed location, you will need to provide the address details. If the animals are located on or within a vehicle, you will need to provide the registration details, and a description of the vehicle.

**The people involved** - if you have the information, the name and phone number of the person/s involved in the offence will be taken. If not, a clear description of all people involved should be provided.

**Your concern about the animals** - you need to provide information about the type and number of animals involved, the problem, and as much detail as possible about the animals condition.

**Time and date of the alleged offence** - you will need to advise of the date and time when you noticed the problem.

**Any other information** - if you are aware of any information which will help the inspector to investigate the complaint, for example if there are savage dogs, if the people involved are known to be violent, or the names and addresses of other witnesses to the cruelty.

Please be aware that providing false or misleading information is an offence under the Prevention of Cruelty to Animals Act.

### **What is animal cruelty?**

Examples of cruel acts which could form the basis of a complaint are:

- Animals which are exposed to extreme heat or cold (eg animals left in cars), or which are not adequately sheltered.
- Animals which are suffering from hunger or thirst.
- Animals which are hurt or abused.
- Animals which are left untreated following an injury or illness.
- Animals which are abandoned or which do not receive regular care.
- Animals for which their environment is not suited to their needs through size, breed, infirmity etc.
- Animals which are used to perform an illegal activity, eg where dogs or game cocks are encouraged to fight each other.

### **What will happen after I make my complaint?**

An inspector will investigate the complaint, and make a decision based on the evidence he/she can find as to what will be done.

The inspector may take one or more of the following actions:

- provide advice on appropriate care
- officially warn the person/s
- issue directions to the owner to address welfare issues
- issue an infringement notice
- collect evidence to begin a prosecution
- seize the animal/s

The inspector may then re-visit to ensure that directions or advice have been followed, and if they have not, may elect to take other action.

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