

LOCAL LAW NO. 6 (IMPOUNDING OF ANIMALS)

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PART 1 - PRELIMINARY

Citation

1. This local law may be cited as Warwick Shire Council Local Law No. 6 (Impounding of Animals).

Objects

2. The objects of this local law are -
 - (a) to provide for the establishment and administration of animal pounds; and
 - (b) to confer powers on authorised persons to impound stray animals or other animals that should be impounded in the public interest.

Definitions

3. In this local law -

“**animal**” includes a fish, bird or reptile but does not include an animal of a species excluded by local law policy from the application of this local law;

“**authorised person**” means a person authorised by the local government to exercise the powers of an authorised person under this local law.

“**keeper**” of an animal means -

- (a) the person who has the immediate custody and control of the animal; or
- (b) if the person who has the immediate custody and control of an animal is a minor, the minor’s parent or guardian; or
- (c) the occupier of the land on which the animal is ordinarily kept;

PART 2 - ESTABLISHMENT AND ADMINISTRATION OF ANIMAL POUNDS

Establishment of animal pounds

4. The local government may -
 - (a) establish an animal pound; or
 - (b) join with another local government in establishing an animal pound.

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Opening times for animal pound

5. The local government may, by local law policy -
- (a) fix the times when the animal pound will be open for the reception and release of animals; and
 - (b) fix the times for the sale of animals from the pound; and
 - (c) fix a scale of impounding fees to be paid on the release of impounded animals.

Register of impounded animals

- 6.
- (1) The local government must ensure that a proper record of impounded animals (the **“Register of Impounded Animals”**) is kept.
 - (2) The Register must contain the following information about each impounded animal -
 - (a) the species, breed and sex of the animal; and
 - (b) the brand, colour, distinguishing markings and features of the animal; and
 - (c) if applicable - the registration number of the animal; and
 - (d) if known - the name and address of the keeper; and
 - (e) the date and time of seizure and impounding; and
 - (f) the name and address of the authorised person who impounded the animal; and
 - (g) the reason for the impounding; and
 - (h) a note of any order made by an authorised person relating to the animal; and
 - (i) the date of the sale, release or destruction of the animal.
 - (3) The Register must be kept available for public inspection at the pound, or if the pound has no office - at another office prescribed by local law policy.

PART 3 - IMPOUNDING OF ANIMALS

Division 1 - Seizure and impounding of animals

Seizure and impounding of animals

- 7.
- (1) An authorised person may seize and impound an animal found wandering at large in a public place.
 - (2) An authorised person may, at the request of the occupier of land, seize and impound an animal found wandering at large on the occupier’s land.

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- (3) The occupier of land may seize an animal found wandering at large on the occupier's land and deliver the animal to an authorised person to be impounded.
- (4) However, an authorised person is not obliged to accept the custody of an animal under this section.

Division 2 - Dealing with impounded animals

Notice of impounding

8.

- (1) If an animal is impounded, under this or any other local law, and the authorised person who impounds the animal knows, or can readily find out, the name and address of the keeper of the animal, the authorised person must give the keeper written notice of the impounding stating that the animal may be reclaimed, within a period stated in the notice, by payment of the fees prescribed by local law policy.
- (2) If the keeper reclaims the animal and pays the relevant fees within the time fixed in the notice, the animal must be returned to the keeper.
- (3) However, if an animal is impounded under Clause 19, 22 or 23 of Local Law No. 5 (Keeping and Control of Animals) the authorised person must give the keeper written notice -
 - (a) of the requirement to obtain the necessary permit, register the animal or, as the case requires, construct or provide the required works or facilities; and
 - (b) that the animal may remain impounded -
 - (i) until the relevant things required under preceeding sub-clause (a) are done; or
 - (ii) if the return of the animal to the keeper will result in a contravention of local law No. 5 (Keeping and Control of Animals); and
 - (c) that if the animal remains impounded for a period greater than seven (7) days it may be destroyed or disposed of

and the animal must not be returned until the keeper obtains the necessary permit, registers the animal or, as the case requires, constructs or provides the required works or facilities.

- (4) Further, despite subsection (2), an animal must not be returned to the keeper if the keeping of the animal contravenes Local Law No. 5 (Keeping and Control

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of Animals or any other local law or a Planning Scheme of the local government.

Examples: An animal the keeping of which is prohibited under Local Law No. 5 (Keeping and Control of Animals); an animal which if returned will result in the number of animals kept on the land exceeding the maximum prescribed in a permit condition.

- (5) If an animal has continued to be lawfully impounded after the expiry of a period of seven (7) days after the giving of the written notice referred to in subsection (3), then an authorised person may destroy or dispose of the animal by sale.

Sale of impounded animals

9.

- (1) If an impounded animal is not reclaimed and returned to its keeper within a period fixed under the local law policies, the local government may sell the animal.
- (2) If a fair estimate of the animal's value is \$1,000 or more, the animal must be offered for sale at public auction.
- (3) A notice that the animal is available for purchase must be exhibited at the local government's public office and, if the animal is to be offered for sale at a public auction, the notice must be exhibited for at least 2 days before the date of the auction and must state the time and place of the auction.
- (4)
 - (a) Where a dog is offered for sale and the purchasers intend to keep the dog in a settled area defined in the schedules to Local Law No. 1 (Administration) the dog must be desexed and the purchaser must pay, in addition to its sale price, the schedule fee for its desexing and the schedule fee for its registration.
 - (b) Where a permit is required to keep any animal under the provisions of Local Law No. 5 (Keeping and Control of Animals) such permit fee is to be paid in addition to any other fees referred to in (a) above at the time of purchase of any animal.
- (5) An amount realised on sale of an impounded animal must be applied -
 - (a) first, towards the costs of the sale; and
 - (b) secondly, towards the impounding fees; and
 - (c) thirdly, in payment of the remainder to the former owner of the animal.

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- (6) If no one establishes a valid claim to the amount to which the former owner of the animal is entitled under subsection (5)(c) within 1 year after the date of sale, the amount becomes the absolute property of the local government.
- (7) If the animal is not sold within a period, fixed under the local law policies, from when notice that the animal is available for purchase is first given under subsection (3), the local government may dispose of the animal as the local government considers appropriate.

Examples -

The local government may give the animal away.

The local government may have the animal desexed prior to its sale.

The local government may have the animal destroyed.

PART 4 - LOCAL LAW POLICIES

Local law policies

10. The local government may make local law policies for the purposes of this local law.