

KELLEHERS AUSTRALIA

In-House Briefing Memorandum

~ Animal Welfare

Animal welfare is managed across various statutory authorities and local law enforcement agencies, including local councils and RSPCA. Interventions to protect animal welfare will require an authority to enter any land or building to enforce relevant laws. Authorities arise under section 224(7) *Local Government Act 1989* (Vic) and also under *Prevention of Cruelty to Animals Act 1986* (Vic) ("POCTA Act").

RSPCA and Local Law inspectors often work in tandem when there is suspicion of a breach of laws. Inspectors have special emergency powers to inspect a property (Ss 23 & 24 POCTA Act) and authorised Local Law officers may enter any land or building in the municipal district at any reasonable time to carry out and enforce relevant Acts, regulations or Local Laws.

The POCTA Act 1986 gives a POCTA Inspector authority to enter and seize animals under certain circumstances where there exists a reasonable belief that "abandoned, distressed or disabled" animals are within the premises (not a person's dwelling). A Notice of Intention may be given two days before a search and seizure of animals. Emergency powers of entry may exist when there is reasonable belief that animals within the premises are "confined without food or water" – ruminants for more than 36 hours and mammals or birds for more than 24 hours. Outside these emergency powers, the Inspector applies to a Magistrate, with the written approval of the Department Head, for a warrant to search the premises (s24G POCTA Act) and, in these circumstances, there must be reasonable belief that there is an abandoned, diseased, or "at risk" animal, or an animal which meets other POCTA Act conditions. Once seized, RSPCA and Local Law enforcement agencies may examine, inspect, feed and water, take samples and photographs as well as seek veterinary advice and consider prosecution for breach of law.

Animal Hoarding

Animal hoarding is a complex and baffling psychological problem that can lead to animals being kept in squalid conditions, neglected and diseased, without proper food, water, shelter and cleaning. The hoarder generally is deeply attached to the animals but experiences inability to care, due to high animal numbers or insufficient funds and this spirals out of control. Swinburne University psychology clinic conducts programs for participants who experience difficulty in this area, which is frequently the outcome of extreme trauma earlier in life.

Unfortunately for all concerned, Local Law approaches are based on punitive measures and, thus, tend to be almost entirely ineffective to achieving long-term solutions to this mental health issue. There is almost 100% recidivism. Court proceedings, and particularly raids that are seen as hostile and removing 'beloved' animals, tend to simply embed the problem and exaggerate trauma, paranoia and sensitivity.

Dealing effectively with animal hoarding to achieve long-term animal welfare solutions is an ongoing journey. It requires a careful response to ongoing management. The hoarding person must be an integral part but needs to feel that a trusting relationship exists throughout. From a psychological perspective, the best management involves participation across a broad range of public agencies, in a co-operative effort. This can involve a visiting person (GP, psychologist and/or psychiatrist) who monitors the animals, the subject person and the premises on a regular basis. This trusted visitor keeps a tight rein on the issue and immediately actions any problems, before animal welfare becomes affected. Ideally, an Animal Management Plan is prepared from such a process, providing tight structure, monitoring and consequences.

Mental health issues present in many forms. Animal hoarding is a particularly distressing problem.

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