

INQUIRY INTO VETERINARY WORKFORCE SHORTAGE IN NEW SOUTH WALES

Submission No.93
Dr Sandra Hodgins

Supporting Data as at 17 August 2023

Document tendered by

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Wildlife Patients seen 2008-2023

Wild Birds	4983
Wild mammals (possums, flying fox, bandicoot)	3035
Total Wildlife	8018

Fee-paying Patients

Dogs	6828
Cats	7964
Total Fee-paying patient	14,792

Financial costs associated to Wildlife Patients

We track a nominal fee billed to each wildlife patient that represents the minimum "hard costs" of treating that patient (*staff wages makes up most of the cost and equipment, food and medication make up the rest*).

This fee represents approximately 50% of the fee we would charge to a client with a pet bird, and approximately 25% of the fee we would charge to a client with a pet cat.

Fees logged to wildlife at this discounted rate from 2008-2023	= \$788,454
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What complimentary wildlife services, provided by my one clinic alone, in the past 15 years would be if we charged wildlife at the same price as paying clients	= \$1,576,908
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The discounted wildlife fees logged in the last 2 years	= \$250,012
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Stray Animals

We perform work for several rescue organisations, the main ones being:

- Maggie's Rescue
- Greyhound Rescue
- Paws and Recover

We do this charity work for approximately 45% of the normal cost of services.

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|---|-------------|
| • 2019-2021 – 223 rescue/stray animals discounted work paid by rescues
(actual fee-paying cost would be \$191,833) | = \$86,325 |
| • 2021-2023 – 475 rescue/stray animals discounted work paid by rescues
(actual fee-paying cost would be \$383,666) | = \$172,650 |

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COUNCILS & CATS

Below are highlights of the most common issues we have trouble with local council and stray cats.

The issues primarily occur due to lack of clarity in this area in the Companion Animal Act.

In my case at Summer Hill Village Vet our local council refuses to collect or allow surrender of stray cats. They claim that *"cats can roam"* therefore the council has no legal right or obligation to deal with cats. If a member of public calls them about a stray cat however, they advise them to take the cat to their local vet (that would be us) and then we are expected to deal with it.

The scenarios that myself and other colleagues most commonly see are:

- The cat is microchipped, and we contact the owner. (This is the best scenario but most uncommon).
- The cat is microchipped, but we cannot contact the owners – here is the first legal problem that there is no rule for – does the vet keep the cat until the owner calls us back or do we send the cat back with the finder?

If we keep the cat and the owner does NOT contact us, then we are stuck with the cat. It is at this point when we call the council (the legal "local authority") who advises that it is not their problem, that we have illegally seized a cat and it is our problem to "sort it out".

After learning from this mistake, we have at times advised the finder that we cannot keep the cat, they take the cat back and when the owner eventually contacts us, their cat is again "lost" and they get angry with us.

- The cat is microchipped, but the details are NOT up to date – a very common scenario.

The "local authority" has the power to keep a microchipped cat for 2 weeks while trying to locate the owner. At the end of this period if the owner is not found then the animal can be legally rehomed.

If a vet keeps a cat while trying to find the owner, it becomes ILLEGAL according to the Act after 3 days. If the vet cannot send the cat to the official pound and the owner is not located, the cat CANNOT BE REHOMED by them as the microchip is NOT able to be transferred legally to another person.

I am aware of one council that will "impound" a cat on paper and allow it to be rehomed if the owner is not found.

Our council (in fact most councils) WILL NOT transfer a microchip in this manner.

The OLG has advised me that a Statutory declaration by the Vet should suffice for a local council to transfer an animal's ownership details in this manner. Our local council REFUSES to follow this direction.

- A stray cat is predating on wildlife and brought into the vet – despite it being outlined in the Act as a valid reason to seize a cat, our local council will NOT act on this.

Our local council say that their own rangers must witness the predation (this is NOT specified in the act).

A person who LEGALLY seizes a cat in this manner cannot do anything but let the cat go again. If they bring them to the vet, we are obligated to send them to the pound. In our case the local council will not impound ANY cats and once again we are left with a cat in our “care” illegally.

- A stray dog (or cat) is presented to the vet by a good Samaritan and the animal is microchipped in another council area.

Most councils REFUSE TO IMPOUND these animals as once that happens, they are financially responsible for them being transported back to the correct council.

This is why NO 24 HOUR EMERGENCY VET will take in strays at night anymore.

- Most councils refuse to take responsibility for any animals with any sort of health issue, including non-life-threatening conditions such as bad skin, etc.

The council will advise us to contact the RSPCA. The RSPCA will advise us to contact the council. So on it goes.

It is not so much that vets get stuck with dealing with strays, it's the fact that we have no legal recourse to house and/or rehome them.

To have councils routinely advise members of public to bring animals to us and then imply that we have created the problem by “illegally impounding” these animals when we get stuck with them is criminal.

To have the horrendous blowback on our vets on social media and our online reviews when members of public are advised that vets cannot take in strays because of local councils shirking their responsibilities is also unfair and irresponsible.

I have tried to outline as many problem areas of the Act with relation to cats as I can (with highlighted sections for your perusal). I'm hoping that the long overdue reform to this Act can be taken up as soon as possible:

One issue is there is not a single paragraph in the Companion Animal Act that says, “councils MUST take cats”. It is implied but many choose to misinterpret the Act for their own benefit.

By definition, in the Act councils are “the local authority”.

The local authority is then given powers to enforce the Act. It doesn't say that they MUST enforce the Act in this document, just that they can and the rest of us cannot (*unless appointed officially by the relevant minister*).

The Office of Local Government (OLG) may have other documents where this is referenced but I am not aware of them.

I would argue that because the council is specified in the Act as the local authority by definition, they are obligated to enforce the act.

councils receive monies from registrations for both dogs and cats. It does not make sense that they can choose which aspects of the Act they wish to enforce...yes to dogs and no to cats? This decision to choose what parts of the Act are not enforced needs to be removed.

Companion Animal = dogs or cats

Local Authority = the council (see highlights in paragraph "Meaning of a local authority")

I've highlighted a few relevant excerpts from the Act in yellow that specifically refer to "local authority".

These are all specifically referring to the local council. If a council is abdicating responsibility, I would suggest that the State Government Minister is obliged to consider appointing another "authority" as outlined in the rules listed in "Meaning of a local authority".

<<It is implied by the very nature of having these options, that the option for having NOBODY acting responsibly as the "LOCAL AUTHORITY" with regards to cats, is not in fact an option!>>

I've also highlighted the areas in green where people are legally allowed to "seize" cats.

Technically members of public cannot pick up a cat if they think it is lost, only an "authorised officer of the council" can seize a "lost" cat if they are convinced the cat is not owned or being looked after. Most councils choose NOT to have their officers in a position to make this judgement, and there is nothing in the Act to state they are obliged to.

Common sense and regard for animal welfare are not specified.

Given the secretive and shy nature of cats I believe specific checklists of what constitutes a "stray" or "lost" cat need to be out in place.

When a member of public brings a 'lost cat' to the vet, the Act is NOT applicable (see highlighted pink text).
<<this is a "hole" in the law that puts cats at risk of welfare issues. At present the councils say that cats at risk of welfare issues are covered by the RSPCA, etc.>>

In reality as soon as a member of public elects to feed and water a stray or bring it to a vet they are no longer "starving" and the RSPCA will not take them.

Our local RSPCA refuses to take them unless a Member Of Public surrenders them in person. We recently had a case where a neighbour found 6 cats left in a house when the people moved out. They were microchipped so rescue could not take them. council and RSPCA would not take them. The real estate told the neighbours to call pest control.
<<Again, not a situation that the Act can fix unless it was tightened up >>

If a member of public seizes a cat under the Act (e.g. nuisance laws, in protected area or seen to be preying on wildlife) a member of public is directed in the Act to take it to one of 3 places (vets are considered an "approved premises" because we have access to the register).

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The Act specifically goes on to say that the animal **MUST** be transferred to the council pound if the owner is not found within 72 hours (green highlight).

The Act also says (in light **blue** highlight) that if that animal is "rescued" instead of being taken to the pound then that person is guilty of an offence.

This means that any vet who takes in an animal under the Act, who cannot then send it to the pound after 72 hours as directed will be guilty of an offence.

<<By choosing NOT to uphold its obligations under the Act, the council is subsequently FORCING veterinarians to break the law. How does this work?>>

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Highlighted relevant excerpts from the NSW Companion Animal Act

6 Meaning of “local authority”

(1) The *local authority* for a place is the council in the area of which the place is located.

(1A) The Minister may appoint a person to be the local authority for the purposes of this Act for land within the Western Division that is not within the area of a council under the *Local Government Act 1993*.

(1B) The Minister may revoke an appointment under subsection (1A) at any time or for any reason.

(1C) A person appointed under subsection (1A) (except a person who is an employee of a government sector agency within the meaning of the *Government Sector Employment Act 2013*) is entitled to be paid the remuneration (including travelling and subsistence allowances) that the Minister may from time to time determine in respect of the person.

(2) The regulations may provide that the functions of the local authority for a place are to be exercised for the purposes of this Act or specified provisions of this Act by a specified person or the holder of a specified office (instead of by the council provided for by subsection (1)). That person or the holder of that office is then the local authority for that place for the purposes of this Act or the relevant provisions of this Act.

Part 4 Responsibilities for control of cats

29 Cats must have form of identification

- (1) A cat must be identified by a form of identification that enables a local authority to ascertain the name of the cat and the address or telephone number of the owner of the cat.
- (2) The identification may take any of the following forms—
 - (a) a collar worn around the cat's neck with a tag or tags attached,
 - (b) a microchip,
 - (c) any other form of identification prescribed by the regulations.
- (3) The owner of the cat is guilty of an offence if this section is not complied with.
Maximum penalty—8 penalty units.
- (4) This section does not affect the operation of section 8.
- (5) This section does not apply to—
 - (a) a cat on property of which the owner of the cat is the occupier, or
 - (b) a cat being exhibited for show purposes or proceeding immediately to or from a place at which it will be, or has been, exhibited for show purposes.

30 Cats prohibited in some public places

- (1) Cats are prohibited in the following places—
 - (a) **Food preparation/consumption areas** (meaning any public place, or part of a public place, that is within 10 metres of any apparatus provided in that public place or part for the preparation of food for human consumption or for the consumption of food by humans).
 - (b) **Wildlife protection areas** (meaning any public place or any part of a public place set apart by the local authority for the protection of wildlife and in which the local authority ordered that cats are prohibited for the purposes of the protection of wildlife and in which, or near the boundaries of which, there are conspicuously exhibited by the local authority at reasonable intervals notices to the effect that cats are prohibited in or on that public place).
- (2) If a cat is in a place in which cats are prohibited under this section—
 - (a) the owner of the cat, or
 - (b) if the owner is not present at the time of the offence and another person who is of or above the age of 16 years is in charge of the cat at that time—that other person,is guilty of an offence.
Maximum penalty—8 penalty units.
- (3) Any person (including an authorised officer) may seize a cat that is in a place in which cats are prohibited under this section for the cat's own protection.
- (4) If the owner of the cat is present, an authorised officer (but no other person) may seize the cat (whether or not for the cat's own protection), but only if the owner fails to remove the cat from the place when the officer directs the owner to do so. A reference in this subsection to the owner of the cat includes a reference to the person who is for the time being in charge of the cat.
Note—
Removing the cat prevents the cat being impounded but it does not excuse the contravention and does not stop action being taken for the contravention.
- (5) A cat is not prohibited under this section in a place that is a food preparation/consumption area if the place is a public thoroughfare (such as a road, footpath or pathway).
- (6) A local authority is authorised to make the orders contemplated by this section.

31 Nuisance cats

- (1) For the purposes of this section, a cat is a nuisance if the cat—
 - (a) makes a noise that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises, or
 - (b) repeatedly damages anything outside the property on which it is ordinarily kept.
- (2) If an authorised officer of a council is satisfied that a cat is a nuisance, the officer may, after complying with section 31A, issue an order in the approved form to the owner of the cat requiring the owner to prevent the behaviour that is alleged to constitute the nuisance.
- (3) The order must specify the behaviour of the cat that is required to be prevented. The order can specify more than one kind of behaviour.
- (4) An order remains in force for 6 months after it is issued.
- (5) The owner of a cat must comply with an order issued to the owner under this section and must continue to comply with it while it is in force.
Maximum penalty—3 penalty units for a first offence or 8 penalty units for a second or subsequent offence.
- (6) A council whose authorised officer issues an order under this section must notify the Departmental Chief Executive within 7 days after the order is issued.
- (7) An order under this section is final and is not subject to any appeal or review.

31A Procedure for issuing nuisance cat order

- (1) Before an authorised officer of a council issues an order under section 31, the officer must give notice to the owner of the cat to which the proposed order relates of the officer's intention to issue the order.
- (2) The notice must set out—
 - (a) the requirements with which the owner will be required to comply if the order is issued, and
 - (b) the owner's right to object to the proposed order in writing to the authorised officer within 7 days after the date the notice is given.
- (3) The owner has 7 days after the date the notice is given in which to object to the proposed order.
- (4) If the owner does not object within that time, the authorised officer may proceed to issue the order after the 7 days have passed.
- (5) If the owner does object within that time, the authorised officer must consider the objection before deciding whether or not to issue the order.

32 Action to protect persons and animals against cats

- (1) Any person may lawfully seize a cat if that action is reasonable and necessary for the protection of any person or animal (other than vermin) from injury or death.
- (2) (Repealed)
- (3) If a cat that is not under the effective control of some competent person enters any inclosed lands within the meaning of the *Inclosed Lands Protection Act 1901* and approaches any animal being farmed on the land, the occupier of the land or any person authorised by the occupier can lawfully injure or destroy the cat if he or she reasonably believes that the cat will molest, attack or cause injury to any of those animals.
- (4) An authorised officer who finds a cat attacking or harassing an animal (other than vermin) within a wildlife protection area (as defined in section 30 (1) (b)) can lawfully injure or destroy the cat if there is no other reasonably practicable way of protecting the animal.
- (5) A person who takes action under the authority of this section that results in the injury to or death of a cat must—
 - (a) take reasonable steps to ensure that an injured cat receives any necessary treatment, and
 - (b) report the matter to an authorised officer (unless the person is an authorised officer) and comply with such reasonable directions as the authorised officer may give for the purpose of causing the cat to be returned to its owner or taken to a council pound, and
 - (c) take reasonable steps to inform the owner of the cat.
- (6) An authorised officer is not to give a direction under this section for the purpose of causing a cat to be taken to a council pound unless the authorised officer is satisfied that the owner of the cat cannot be identified.
- (7) Nothing in this section authorises a contravention of the *Prevention of Cruelty to Animals Act 1979*.
- (8) The authority conferred by this section to destroy a cat extends only to authorising the destruction of the cat in a manner that causes it to die quickly and without unnecessary suffering.

Part 7 Procedures for dealing with seized or surrendered animals

Note—

This Part generally applies in relation to companion animals that are seized under the authority of this Act or that otherwise end up at council pounds. The requirements and procedures of this Part are not intended to apply to lost or injured animals that are taken by members of the public to animal welfare organisations (such as the RSPCA) or to a vet merely so that they can be treated or reunited with their owners. The Part also does not apply to animals that are surrendered to animal welfare organisations (unless the organisation also operates as a council pound).

If companion animals (other than those seized under the authority of this Act) end up at a council pound (eg by being surrendered or abandoned), they may be dealt with by the pound operator under this Part.

62A Interpretation

(1) In this Part—

approved person means—

- (a) an approved animal welfare organisation, or
- (b) any person approved by the Departmental Chief Executive under section 83F(1) to have access to information contained in the Register for the purposes of identifying seized or lost animals.

approved premises means any premises (other than a council pound) operated by an approved person.

seized animal means an animal that is seized under the authority of this Act.

surrendered animal means a companion animal that—

- (a) is surrendered to a council pound, or
- (b) has come into the possession of a council pound otherwise than by being seized under the authority of this Act.

(2) A reference in this Part to a council is, in relation to a council pound referred to in paragraph (b) of the definition of that term in section 5, a reference to the pound operator.

62 Seized animals must be delivered to owner, council pound or approved premises

(1) A person who seizes an animal under the authority of this Act must cause the seized animal to be delivered as soon as possible—

- (a) to its owner, or
- (b) to a council pound, or
- (c) to any approved premises.

Maximum penalty—30 penalty units.

Note—

Animals may be seized under the following provisions of this Act—

- (a) section 13,
- (b) section 14,
- (c) section 18,
- (d) section 22,
- (e) section 30,
- (f) section 32,
- (g) section 36,
- (h) section 52,
- (i) section 57,
- (j) section 58B.

Animals may also be seized under sections 57D and 58G, however this Part does not apply to animals seized under those sections.

(2) In the case of an animal that has been seized by a person who is not an authorised officer, subsection (1) is complied with by the person if the person, as soon as possible after seizing the animal, makes an arrangement with an authorised officer for the animal to be delivered by the officer to its owner, a council pound or approved premises.

63 Owner of seized or surrendered animal to be notified

(1) When a seized animal is delivered to a council pound or approved premises, the person in charge of the pound or premises is to give notice of the seizure of the animal to the person who appears (from the best endeavours of the person in charge to establish who the owner is) to be the owner of the animal. Notice of seizure need not be given if those best endeavours fail to establish the name and address of the owner of the animal.

(1A) When a surrendered animal (other than an animal surrendered by its owner) comes into the possession of a council pound, the person in charge of the pound is to give notice of the possession of the animal to the person who appears (from the best endeavours of the person in charge to establish who the owner is) to be the owner of the animal. Notice of possession need not be given if those best endeavours fail to establish the name and address of the owner of the animal.

(2) Without limiting the requirement that the person in charge of a pound or approved premises use his or her best endeavours to establish who the owner of an animal is, the person must make the following inquiries—

(a) inquiries to determine whether the animal is registered or identified as required by this Act and, if so, a search of the Register to find the name and address of the owner of the animal,

(b) inquiries based on any form of identification worn by the animal,

(c) such other inquiries as the regulations may require be made.

(3) The notice required by this section is to be in writing and is to be given—

(a) by being served personally on the person to whom it is required to be given, or

(b) by sending it by post to the person to whom it is required to be given at that person's address, being the address shown in the Register as the address of the owner or at such other address as appears to the person who gives the notice to be the owner's address, or

(c) by leaving it with some other person for the person to whom it is required to be given at that person's address.

(4) The regulations may impose requirements on the form and contents of the notice required by this section and may provide for other ways in which the notice can be served.

63A Seized animals detained at approved premises

(1) If a seized animal that is detained at approved premises is not claimed after the period of 72 hours following the delivery of the animal to the approved premises, the person in charge of the premises must cause the animal to be delivered to a council pound.

(2) For the purposes of this section, an animal is *claimed* when a person who appears to the person in charge of the approved premises to be the owner of the animal or acting on the owner's behalf claims the animal.

64 Unclaimed seized or surrendered animal may be sold or destroyed

(1) If a seized animal (including an animal delivered to a council pound under section 63A) or a surrendered animal (other than an animal surrendered by its owner) has not been claimed, the council may sell or destroy the animal—

(a) if notice under section 63 (1) or (1A) has been given—after the period of 14 days following the giving of the notice, or

(b) if such a notice is not required to be given—after the animal has been held at the council pound for a period of 7 days.

(2) However, the council may, in accordance with any policy that has been adopted by the council in relation to the management of feral or infant companion animals, destroy the seized or surrendered animal concerned before the end of any such period referred to in subsection (1).

(2A) Any policy adopted by the council for the purposes of subsection (2) must comply with such guidelines as may be issued by the Departmental Chief Executive.

(3) An animal is *claimed* when—

(a) a person who appears to the person in charge of the pound to be the owner of the animal or acting on the owner's behalf claims the animal, and

(b) the fees for the release of the animal (being fees determined by the council under this Part) are paid to the council, and

(c) the charges for the animal's maintenance while it was detained by the council (being charges determined by the council under this Part) are paid to the council.

(3A) Despite any other provision of this section, if an offence under this Act in relation to a seized animal is in the course of being investigated (or proceedings in relation to any such offence have commenced but have not been determined)—

(a) the council may detain the animal at the council pound, and

(b) the animal may not be claimed,

until such time as those investigations are completed or those proceedings are finally determined.

(4) An unregistered animal that is required to be registered cannot be claimed until an application for registration of the animal has been properly made (and any registration fee that is payable has been paid). The regulations may create exceptions to this subsection.

(5) Before destroying a seized or surrendered animal as authorised by subsection (1), it is the duty of the council concerned to consider whether there is an alternative action to that of destroying the animal and (if practicable) to adopt any such alternative.

(6) This section does not authorise a council to sell a dangerous, menacing or restricted dog.

64A Animals surrendered by owners may be sold or destroyed

(1) A council may at any time sell or destroy a surrendered animal if the animal was surrendered by its owner to the council pound.

(2) Before destroying a surrendered animal as authorised by subsection (1), it is the duty of the council concerned to consider whether there is an alternative action to that of destroying the animal and (if practicable) to adopt any such alternative.

(3) This section does not authorise a council to sell a dangerous, menacing or restricted dog.

64B Rehoming seized or surrendered animals

- (1) A council must, before taking action under section 64 or 64A to destroy a seized or surrendered animal—
 - (a) give written notice to at least 2 rehoming organisations that the animal is available for rehoming, and
 - (b) take reasonable steps to advertise on a webpage or through a social media platform that the animal is available for rehoming.
- (2) The notice given under subsection (1)(a) must specify the period of time, not less than 7 days from the date the notice is given, during which the animal is available for rehoming.
- (3) If a rehoming organisation, whether or not the organisation was given written notice under subsection (1)(a), gives the council written notice that it is able to rehome an animal, the council must—
 - (a) not destroy the animal, and
 - (b) make arrangements for the collection of the animal.
- (4) Subsection (3) does not apply if the rehoming organisation fails to take custody of the animal within—
 - (a) 7 days of giving the written notice, or
 - (b) a longer period agreed in writing between the council and the organisation.
- (5) A council must keep the following records—
 - (a) for an animal rehomed under this section—a record identifying the animal,
 - (b) for an animal destroyed under section 64 or 64A—
 - (i) a record identifying the animal, and
 - (ii) the actions the council took under this section to rehome the animal.
- (6) The Departmental Chief Executive may issue guidelines about the giving of information regarding animals rehomed under this section or destroyed under section 64 or 64A to the Departmental Chief Executive or the public, or both.
- (7) A council must comply with the Departmental Chief Executive's guidelines
- (8) This section does not apply to an animal that, in the opinion of a veterinary practitioner, is so severely injured, so diseased or in such a physical condition that it is cruel to keep the animal alive.
- (9) In this section—

rehoming organisation does not include a council or another operator of a council pound.

65 Fees and charges payable when animal detained or held

- (1) A council can determine the following fees and charges for the purposes of this Part—
 - (a) release fees, being fees to be paid for the release of an animal detained or held under this Part, and
 - (b) maintenance charges, being charges to be paid for the maintenance of an animal while it is detained or held by the council under this Part.
- (2) Different fees and charges can be determined by a council in respect of different breeds, kinds or classes of animals.
- (3) The Minister can issue guidelines to councils from time to time with respect to the fixing of fees and charges under this section and councils are to comply with those guidelines.
- (4) The regulations may set maximum amounts for the fees and charges that can be determined by councils under this section.

66 Owner not entitled to compensation for sale of animal

(1) A council that sells an animal under this Part may transfer the proceeds of sale to such of its funds as it considers appropriate. The money then becomes the property of the council.

(2) A person who claims to be the owner of an animal sold by a council under this Part is not entitled to any compensation for the sale.

(3) If the proceeds of sale of an animal are less than the release fees and maintenance charges determined by the council under this Part (together with any expenses reasonably incurred by the council in selling the animal), the council is entitled to recover from the person who was the owner of the animal at the time it was seized or surrendered the whole or part of the difference between the proceeds of the sale and the amount of those fees, charges and expenses.

67 Recovery of fees and charges when animal destroyed

If a seized or surrendered animal is destroyed by the council under this Part, the council is entitled to recover the following amounts from a person who was the owner of the animal at the time it was seized or surrendered—

- (a) the release fees and maintenance charges determined by the council under this Part,
- (b) if the council so resolves, the whole or part of any expenses reasonably incurred by the council in destroying the animal.

67A Reporting on pound activities

The Departmental Chief Executive may require a council to report to the Departmental Chief Executive on any matter relating to the activities of a council pound operated by the council or the council's agent.

68 Offence of rescuing seized animal

(1) A person who rescues or attempts to rescue an animal seized under the authority of this Act or an animal lawfully detained after seizure under the authority of this Act is guilty of an offence.

Maximum penalty—5 penalty units.

(2) A person convicted of an offence under this section of rescuing an animal lawfully detained by a council is, in addition to any penalty imposed, liable to pay the charges for the maintenance of the animal while it was detained by the council (being charges determined by the council under this Part).

(3) If 2 or more persons are convicted in respect of the one offence under this section, any charges payable under this section are, if the court so orders, payable in full by one of those persons or payable by any or all of those persons in such proportions as the court orders.

69 Protection of council and council officers

(1) A person who destroys an animal under a power conferred by this Act is not liable in damages for any loss that the owner of the animal or any other person has sustained as a result of that action and nor is a council that authorised the person, unless it is established that the person or council did not act in good faith.

(2) When an animal is sold under a power conferred by this Act—

- (a) the buyer obtains the ownership of the animal freed and discharged from any right, interest, trust or obligation to which it was subject immediately before sale, and
- (b) the person who was the owner of the animal immediately before its sale ceases to have any claim in respect of the animal or any right of action in respect of the sale except as specifically provided by this Act.

(3) A person is not prevented from recovering damages from a council in respect of the sale of an animal if the person establishes that the council, or the person who effected the sale, did not act in good faith or acted without reasonable care.