

# Draft 2274 Wandering Livestock

## Governance Policy

### PURPOSE

- 1) The purpose of this Policy is to clearly outline the responsibilities of Livestock Owners and North Burnett Regional Council's obligations when dealing with wandering livestock, pursuant to the Act and Council's Local Law's.

### SCOPE

- 2) This policy applies only to Livestock that is found wandering on Council Controlled Land and/or private property without approval within the North Burnett Council Region.

### DEFINITIONS

Term	Definition
Act	Means <i>Stock Route Management Act 2002 (Qld)</i>
Council	Means North Burnett Regional Council
Council Controlled Land	Includes all roads within the North Burnett Region under the control of Council and all other land, facilities and other infrastructure owned, held in trust or otherwise controlled by Council, and includes part of a Council controlled area.
Livestock	Means cattle, horses, goats, sheep, pigs or any other animal used for agricultural purposes.
Livestock Owner	Means the owner of the livestock, or the owner's employee acting within the scope of employment who has immediate control or custody of the livestock.
Local Laws	Means <i>North Burnett Regional Council Local Law No. 1 (Administration) 2011 and Local Law No. 2 (Animal Management) 2011</i> , or any revised version thereof.
North Burnett Region	Includes all properties, roads and other land that fall within the defined boundary of the North Burnett Regional Council area.
Stock Route	Means a road or route ordinarily used for travelling stock or declared under a regulation to be a stock route.
Stock Route Network	Means the network of stock routes and reserves for travelling stock in the State.
Wandering Livestock	Has the same meaning as 'Wandering at Large' under the Local Law, which means the livestock is not under the effective control of someone and the livestock is in either: (a) a public place; or (b) a private place without the consent of the occupier.

### POLICY

#### OBJECTIVES

- 3) To outline the responsibilities of Livestock Owners to prevent their livestock from wandering onto Council Controlled Land, or private property without approval; and
- 4) To outline Council's obligations and limitations when dealing with Wandering Livestock.

## PRINCIPLES

- 5) Livestock Owners remain responsible and liable at all times for any damage or injury to property or person arising from Wandering Livestock on Council Controlled Land or private property.
- 6) It is the Livestock Owner's responsibility to ensure that if grazing stock on Council Controlled Land that the required permit is obtained under the Act and pursuant to Council's Stock Route Management framework, and that all conditions are complied with.
- 7) It is the Livestock Owner's responsibility to ensure, pursuant to a Local Law, that they maintain a proper enclosure to prevent livestock from Wandering at Large or escaping from the Livestock Owner's land.
- 8) Council has the challenging role of managing the costs of its services provided to the community in a way that supports the long-term financial sustainability of Council pursuant to the *Local Government Act 2009*.
- 9) It is acknowledged that Council's functions exercised as the local government authority are limited by both financial and human resources and as such, it does not have the available resources to seize and impound Wandering Livestock.
- 10) Council reserves all rights to take any enforcement action necessary to give effect to this Policy.

## POLICY STATEMENT

- 11) Council has a discretionary power to seize Wandering Livestock through the application of its Local Laws and, in some circumstances, the Act.
- 12) However, given the geographic location and size of the North Burnett Region, Council's availability of resources is limited, and it does not have the ability to seize and impound Wandering Livestock at a Council facility.
- 13) Council is not obliged to accept custody of Wandering Livestock taken under effective control by an occupier of private land or seizing and impounding Wandering Livestock found wandering at large.
- 14) Council may take enforcement action against the Livestock Owner in accordance with its powers under the Local Laws and/or the Act for any livestock found wandering to compel the Livestock Owners to ensure their livestock are contained within their property.
- 15) Council aims to mitigate the risk associated with incidents of Wandering Livestock on Council Land and private property pursuant to the permit process outlined in Council's Stock Route & Road Easement Management Policy and by imposing requirements on Livestock Owners to provide proper enclosures in accordance with Local Laws.
- 16) Council will consider risk mitigation measures on a case-by-case basis, and having regard to Council's financial and other resources, the broad range of its activities and any applicable standards for the exercise of its functions.
- 17) In considering what risk mitigation measures to implement, Council will also have regard to the level of training of its authorised officers in dealing with Wandering Livestock.

## ROLES AND RESPONSIBILITIES

- 18) Livestock Owners are responsible for their Livestock pursuant to Local Laws which includes (but is not limited to) ensuring:
  - (a) a proper enclosure is maintained to prevent Livestock from wandering or escaping from the Livestock Owner's land;
  - (b) the Livestock Owner's livestock are contained within their property at all times, either through regular fencing inspections and/or regular audits of livestock numbers; and
  - (c) compliance with the 'Minimum Standards for Keeping Animals' (where applicable).
- 19) Additionally, Livestock Owners are also responsible for ensuring their Livestock do not stray onto the Stock Route Network unless authorised under the Act.
- 20) On receipt of a complaint from a member of the public regarding Wandering Livestock, Council's authorised officer's response will be to:

- (a) determine whether the Livestock Owner can be identified from the details supplied by the customer;
  - (b) if the Livestock Owner can be identified, they will be contacted to immediately seize and return the livestock to their property;
  - (c) if the Livestock Owner cannot be identified or located through details supplied by the customer, the authorised officer will attend the location where the complaint was made to determine if they can identify the Livestock Owner;
  - (d) if the authorised officer can identify the Livestock Owner, they will contact the Livestock Owner to immediately seize and return their livestock to their property;
  - (e) if the Livestock Owner cannot be identified and the location of the Wandering Livestock presents an unacceptable risk of causing damage to property or person, the authorised officer will consider what risk mitigation measures, if any, are required to be implemented, to address the potential hazard.
  - (f) try to secure the Wandering Livestock by herding them into the nearest open paddock and secure them if possible; and
  - (g) where it is not possible to secure the Wandering Livestock, but the authorised officer reasonably believes the Wandering Livestock has the potential to create a hazard to road users, Council will consider what risk mitigation measures, if any, are required to be implemented.
- 21) In circumstances where Wandering Livestock are located on private property, the private property owner will be asked to contain the Wandering Livestock until such time as the Livestock Owner can seize and return the livestock to their property.

## APPLICABLE LEGISLATION AND REGULATION

- 22) Applicable legislation and regulation:
- a) *Local Government Act 2009 (Qld)*;
  - b) *Stock Route Management Act 2002 (Qld)*;
  - c) *North Burnett Regional Council Local Law No. 2 (Animal Management) 2011*;
  - d) *North Burnett Regional Council Subordinate Local Law No. 2 (Animal Management) 2011*; and
  - e) *Civil Liability Act 2003 (Qld)*.

## RELATED DOCUMENTS

- 23) Related documents are:
- a) Stock Route and Road Easement Management Policy; and
  - b) Stock Route Management Procedure.

## RESPONSIBLE OFFICER

General Manager Corporate and Community

## APPROVAL DATE

[To insert date]

## REVIEW DATE

[To insert date] (Standard four year term)

## REVISION HISTORY

Version	Meeting	Approval Date	History
1	General	[To insert date]	New