

Impounding of Unattended and Trespassing Stock and Abandoned Articles Policy

1. Introduction

Local Land Services manages a network of Travelling Stock Reserves across NSW.

Occasionally Local Land Services is faced with the unauthorised introduction of livestock and abandoning of articles onto Travelling Stock Reserves that are within its care and control.

Trespassing and/or abandoning of articles presents an unacceptable Biosecurity risk and community impact to Local Land Services and its customers. Local Land Services is therefore required to manage these unauthorised activities and has the ability to appoint its employees as Impounding Officers in accordance with Part 8, Local Land Services Act 2013.

Local Land Services employees appointed as Impounding Officers have limited powers contained to the intent and functions of the Local Land Services Act 2013. Impounding Officers within Local Government Associations, unlike Local Land Services Impounding Officers, are vested with the full powers as conferred by the Impounding Act 1993 and are therefore considered to be the local Authority for all other impounding matters

2. Purpose

This policy requires Local Land Services regions to appoint suitably skilled employees as Impounding Officers and outlines the circumstances where Impounding Officers can exercise conferred powers.

3. Policy

Local Land Services Impounding Officers are limited to exercising conferred powers within the intent of Part 8, Local Land Services Act 2013, (excerpt):

The [Impounding Act 1993](#) empowers persons appointed by [Local Land Services](#) (which is an impounding authority for the purposes of that Act) to impound and deal with animals (including pigs and deer) and articles in public places and places owned or under the control of [Local Land Services](#) if, in the case of animals, they are unattended or trespassing or, in the case of articles, they have been abandoned or left unattended.

Local Land Services Impounding Officers do not have the ability to exercise impounding powers for matters between occupiers of private land. Occupiers of private land are vested with certain powers by the Impounding Act 1993. Part 8, Local Land Services Act 2013, (excerpt):

It also enables occupiers of private land to impound and deal with animals trespassing on their land, provides for the release of impounded animals and articles that are claimed by their owners and, if they are disposed of by sale, provides for the disposal of the proceeds of sale.

Local Land Services is limited to the provision of advice to private land managers on how to manage trespassing and unattended stock or articles.

4. Legislative Requirements

Local Land Services delegates the appointment of Impounding Officers to the General Manager.

Local Land Services regions must appoint suitably skilled employees as Impounding Officers to manage unattended or trespassing animals and abandoned articles on Travelling Stock Reserves or other land under the care and control of Local Land Services or as defined by any other policy.

5. Safety

Handling livestock and confrontation with persons have been identified within the Local Land Services Work Health and Safety risk register.

All impounding activities and handling of livestock will be undertaken in accordance with any mitigating procedure adopted by Local Land Services for the safety of its staff.

6. Related documents

- Impounding Act 1993
- Local Land Services Act 2013

7. Responsibility for implementation, monitoring and continual improvement

The following are responsible for implementation, monitoring and continual improvement of this policy. A review to monitor the policy and improve if required will be carried out at least every 12 months. (Noting the broad application of this policy, a range of people across LLS have policy responsibility).

Name	Responsibility
Senior Executive Team	Policy oversight, implementation, monitoring and improvement

8. Approval and revision

Approved by resolution of the Senior Executive Team at Meeting # 26.

Version	Date issued	Notes	By
1.0	October 2014	First version	Daniel Shaw - Manager, Biosecurity and Emergency Services
2.0	October 2014	Amendment to responsibilities	Manager's Biosecurity and Emergency Services
3.0	November 2014	Amendment to final draft, legislative requirement	Manager's Biosecurity and Emergency Services
4.0	December 2014	Approved MBES Group, for consultation with MLS Group.	Manager's Biosecurity and Emergency Services
5.0	January 2015	Consultation with Manager Land Services Group	Facilitated by Daniel Shaw, Manager Biosecurity and Emergency Services
5.0	23 February 2015	Endorsed by Senior Executive Team at Meeting #26	Senior Exec Team

This policy will be reviewed by the policy manager by 30 February 2016

9. Further information

For further information about this policy please contact:

Daniel Shaw

Manager, Biosecurity and Emergency Services

Tel: (02) 4464 6000

Email: Daniel.shaw@lls.nsw.gov.au
