



Queensland

Animal Care and Protection (Code of Practice for Horses at Livestock Slaughter Facilities) Amendment Regulation 2023

Subordinate Legislation 2023 No. 181

made under the

Animal Care and Protection Act 2001

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1 Short title

This regulation may be cited as the *Animal Care and Protection (Code of Practice for Horses at Livestock Slaughter Facilities) Amendment Regulation 2023*.

2 Commencement

This regulation commences on 1 March 2024.

3 Regulation amended

This regulation amends the *Animal Care and Protection Regulation 2023*.

4 Amendment of s 3 (Codes made as codes of practice)

Section 3(1)—

insert—

- (i) the code called ‘Code of practice for horses at livestock slaughter facilities’ stated in schedule 8A.

5 Insertion of new sch 8A

After schedule 8—

insert—

Schedule 8A Code of practice for horses at livestock slaughter facilities

section 3(1)(i)

Part 1

Preliminary

1 Definitions for schedule

In this schedule—

animal welfare officer see section 2(1)(e).

emergency killing see section 11(3)(c).

holding area—

(a) means a paddock, pen or yard in a livestock slaughter facility for holding a horse; but

(b) does not include a lairage.

horse includes a donkey, a hybrid of a horse and a hybrid of a donkey.

lairage means a pen or yard in a livestock slaughter facility that is designated for holding a horse before the horse is slaughtered.

livestock slaughter facility see section 93S of the Act.

suitably qualified, to be appointed as an animal welfare officer, see section 3.

Part 2 **General responsibilities of owners of, and animal welfare officers at, livestock slaughter facilities**

2 Owner's responsibilities

- (1) The owner of a livestock slaughter facility must—
- (a) take reasonable measures to minimise the risks to the welfare of a horse at the facility, including minimising the time that a horse is held in a lairage; and

- (b) make available the equipment that is to be used at the facility for compliance with this code; and
 - (c) ensure a person working at the facility—
 - (i) has the knowledge, skills and experience to perform the person’s role; and
 - (ii) is aware of the person’s responsibilities under this code of practice; and
 - (d) ensure a person who works at the facility is available to perform an emergency killing of a horse at any time a horse is at the facility; and
 - (e) appoint a suitably qualified person (an ***animal welfare officer***) to be responsible for the welfare of the horses at the facility.
- (2) If the owner becomes aware of non-compliance with this code of practice, the owner must, as soon as practicable after becoming aware—
- (a) take appropriate corrective action to fix the cause of the non-compliance, including, if necessary to minimise future non-compliance, take action against the person responsible for the non-compliance; and
 - (b) report non-compliance that adversely affects the welfare of a horse to the department.

Examples of non-compliance that adversely affects the welfare of a horse—

- striking, punching, kicking or dragging the horse
- using a dog to move or injure the horse
- slaughtering the horse in an inhumane way

3 Who is *suitably qualified* to be appointed as animal welfare officer

- (1) A person is *suitably qualified* to be appointed as an animal welfare officer only if—
 - (a) the person has satisfactorily completed the VET course called Animal Welfare Officer Skill Set (AMPSS00001) or an equivalent VET course; or
 - (b) the person has the relevant knowledge, skills and experience to ensure the welfare of a horse at a livestock slaughter facility.
- (2) In this section—

VET course see the *National Vocational Education and Training Regulator Act 2011* (Cwlth), section 3.

4 Animal welfare officer's responsibilities

The animal welfare officer at a livestock slaughter facility must—

- (a) monitor the welfare of horses at the facility; and
- (b) report to the owner of the facility—
 - (i) any potential risks to the welfare of a horse; and
 - (ii) any non-compliance with this code of practice.

Part 3 Livestock slaughter facilities

5 Design, construction and maintenance of facilities and equipment

The owner of a livestock slaughter facility must,

to the extent reasonably practicable, ensure—

- (a) the facility is designed, constructed and maintained to—
 - (i) minimise the exposure of a horse to the sight, smell or sound of another horse being killed or slaughtered; and
 - (ii) provide sufficient access to drinking water to each horse at the facility; and
- (b) each area for slaughtering horses, fence, gate, holding area, lairage, lane, race and stunning box at the facility—
 - (i) is designed so that a horse can be handled quietly and efficiently; and
 - (ii) is constructed and maintained in a way that minimises the risk of injury to a horse; and
- (c) each fence, gate, lane and race is structurally sound; and
- (d) a ramp used for unloading a horse from a vehicle at the facility—
 - (i) has sufficient grip to prevent the horse from slipping or falling; and
 - (ii) has an angle from the horizontal of no more than 20 degrees.

6 Holding area and lairage

- (1) The owner of a livestock slaughter facility must ensure the facility has a holding area and lairage for horses, including a separate holding area for treating or performing an emergency killing of a horse that is severely distressed, sick, weak or injured.
- (2) The owner must also ensure each holding area and lairage—

- (a) has sufficient space for a horse to move freely, lie down, rest and rise without assistance from a person; and
- (b) has sufficient protection against adverse weather conditions for a horse.

7 Stunning box

If a stunning box is to be used at a livestock slaughter facility to restrain a horse for stunning, the owner must ensure the box—

- (a) has non-slip flooring; and
- (b) is well lit; and
- (c) has sufficient space for 1 horse but not for a horse to turn around; and
- (d) has solid sides to prevent a horse from looking out of the stunning box; and
- (e) is equipped to prevent a horse from lowering its head.

8 Area for slaughtering horses

The owner of a livestock slaughter facility must ensure an area for slaughtering a horse at the facility—

- (a) has non-slip flooring; and
- (b) is well lit; and
- (c) is designed, constructed and maintained to—
 - (i) prevent a horse from escaping the area; and
 - (ii) minimise any distractions for a horse in the area.

Part 4 Handling and management of horses generally

9 Handling of horses

- (1) A person working at a livestock slaughter facility must handle a horse in a way that minimises the risk of harm to the horse, including minimising the horse's distress and fear.
- (2) Without limiting subsection (1), a person must not—
 - (a) strike, punch, kick or drag a horse; or
 - (b) use a handling aid or head collar on a horse in a way that causes harm, distress or fear to the horse to a greater extent than is necessary to encourage the horse to move; or
 - (c) use a dog to assist in the control or movement of a horse.
- (3) In this section—

handling aid means a device, other than an electrical prod, used to encourage a horse to move.

Examples of types of handling aid—

- flapper, plastic or metallic rattle

Note—

See section 10 of this regulation under which an electrical prod is prescribed for horses for section 18(2)(e) of the Act.

10 Management of horses

- (1) As soon as practicable after a horse arrives at a livestock slaughter facility, a person working at the facility must assess the horse's health and

wellbeing.

- (2) A person handling a horse at the facility must—
 - (a) if the horse is to be slaughtered within 24 hours after arriving at the facility—
 - (i) move the horse to a lairage at the facility; and
 - (ii) ensure the horse has access to drinking water; or
 - (b) if the horse is not to be slaughtered within 24 hours after arriving at the facility—
 - (i) move the horse to a holding area at the facility; and
 - (ii) ensure the horse has access to drinking water and feed.

11 Severely distressed, sick, weak or injured horses

- (1) This section applies if a person working at a livestock slaughter facility assesses a horse to be severely distressed, sick, weak or injured at any time the horse is at the facility.
- (2) If the person considers it appropriate to separate the horse from the other horses, the person must, as soon as practicable, arrange for the horse to be held in a separate holding area to the other horses.
- (3) The person must also, as soon as practicable after deciding whether it is appropriate to separate the horse from the other horses, arrange for the horse to be managed by—
 - (a) providing appropriate treatment for the horse; or
 - (b) slaughtering the horse; or
 - (c) if there is an emergency such that the horse cannot be moved from an area without

causing further suffering—killing the horse in that area (an *emergency killing*).

Part 5 Emergency killing or slaughtering of horses at livestock slaughter facilities

Division 1 Emergency killing or slaughtering of horses

12 Emergency killing of horses

- (1) A person working at a livestock slaughter facility may perform an emergency killing of a horse at the facility only if the person has the knowledge, skills and experience to kill the horse humanely.
- (2) The person killing the horse must ensure the horse is killed humanely.
- (3) For subsection (2), a horse is killed humanely if the horse is killed in a way that—
 - (a) causes rapid unconsciousness and death of the horse immediately after unconsciousness happens; and
 - (b) does not include a blow to the head of the horse; and
 - (c) is otherwise humane.
- (4) If the person uses a firearm to kill the horse humanely, the person must use the firearm in the way mentioned in section 14.

Note—

See also section 17 for when a firearm is suitable for shooting a horse.

- (5) The person who performed the emergency killing must confirm the horse is dead by checking for—
 - (a) an absence of corneal reflex; and
 - (b) an absence of heartbeat; and
 - (c) an absence of breathing.

13 Humane slaughtering of horses

- (1) A person working at a livestock slaughter facility may slaughter a horse at the facility only if the person has the knowledge, skills and experience to slaughter the horse humanely.
- (2) The person slaughtering the horse must ensure the horse is slaughtered humanely.
- (3) For subsection (2), a horse is slaughtered humanely if—

- (a) before the horse is exsanguinated—
 - (i) the person uses a firearm to shoot the horse in the way mentioned in section 14; or

Note—

See also section 17 for when a firearm is suitable for shooting a horse.

- (ii) the person uses a penetrating captive bolt device to stun the horse in the way mentioned in section 15; and

Note—

See also section 18 for when a penetrating captive bolt device is suitable for stunning a horse.

- (b) the exsanguination starts within 2 minutes after the horse is shot or stunned; and
 - (c) the horse is exsanguinated in the way mentioned in section 16.
- (4) The person must, immediately after the horse is

shot or stunned, confirm the horse is unconscious by checking for—

- (a) an absence of corneal reflex; and
 - (b) an absence of eyelash reflex; and
 - (c) an absence of breathing.
- (5) The person or another person working at the facility must, immediately after the horse is exsanguinated, confirm the horse is dead by checking for—
- (a) an absence of corneal reflex; and
 - (b) an absence of heartbeat; and
 - (c) an absence of breathing.
- (6) The person or another person working at the facility must not—
- (a) hoist or exsanguinate the horse until the horse is confirmed to be unconscious; or
 - (b) dress the horse until the horse is confirmed to be dead.
- (7) In this section—
- dress*, a horse, means removing the horse’s head, hooves, hide and internal organs.

14 Using firearms to shoot horses

- (1) A person may shoot a horse with a firearm only if the person has the knowledge, skills and experience to carry out the shooting with the firearm.
- (2) A person who shoots a horse must shoot the horse—
 - (a) by firing the firearm—
 - (i) at the middle of the horse’s forehead; and

- (ii) at an angle that directs the ammunition towards the brain stem of the horse;
and
- (b) in accordance with the facility's procedures for shooting a horse.

15 Using penetrating captive bolt devices to stun horses

- (1) A person may stun a horse only if the person has the knowledge, skills and experience to carry out the stunning.
- (2) Before stunning a horse, a person must ensure—
 - (a) the horse is positioned and restrained to prevent the horse from lowering its head;
and
 - (b) at least 1 spare penetrating captive bolt device is readily available for the stunning.
- (3) A person who stuns a horse must stun the horse—
 - (a) by firing a penetrating captive bolt device—
 - (i) at the middle of the horse's forehead;
and
 - (ii) at an angle that directs the penetrating captive bolt towards the brain stem of the horse; and
 - (b) in accordance with the facility's procedures for stunning a horse.
- (4) If the horse is not unconscious after the first attempt at stunning the horse, the person must immediately make another attempt at stunning the horse.

16 Exsanguination of horses

- (1) A person may exsanguinate a horse only if the person has the knowledge, skills and experience

to carry out the exsanguination.

- (2) A person who exsanguinates a horse must exsanguinate the horse by—
 - (a) cutting the major blood vessels at the base of the horse's heart via the thoracic inlet; or
 - (b) cutting the carotid arteries in the horse's neck.

Division 2 Suitability of firearms or penetrating captive bolt devices

17 Suitability of firearm for shooting horses

- (1) A person working at a livestock slaughter facility may use a firearm to shoot a horse only if the firearm is suitable for shooting the horse.
- (2) A firearm is suitable for shooting a horse if—
 - (a) the firearm, and ammunition for the firearm, are appropriate for the size of the horse; and
 - (b) the firearm is cleaned, maintained and stored in accordance with the manufacturer's instructions.

18 Suitability of penetrating captive bolt device for stunning horses

- (1) A person may use a penetrating captive bolt device to stun a horse only if the device—
 - (a) is suitable for stunning a horse; and
 - (b) is tested and is in good working order.
- (2) A penetrating captive bolt device is suitable for stunning a horse if—

[s 5]

- (a) the device is appropriate for the size of the horse; and
 - (b) the device is cleaned, maintained and stored in accordance with the manufacturer's instructions.
- (3) The person must test the penetrating captive bolt device to ensure the device is in good working order on the day the horse is to be slaughtered but before the horse is moved to the area for slaughtering the horse.

Part 6 Risk management system, compliance assessment and record keeping

19 Establishing, implementing and maintaining risk management system

- (1) The owner of a livestock slaughter facility must establish, implement and maintain a risk management system to minimise any risk to the welfare of the horses at the facility.
- (2) The management system must include policies and procedures for the following matters—
 - (a) the operation and maintenance of the facility and equipment;
 - (b) the management of a horse during—
 - (i) a delay to the scheduled slaughter; or
 - (ii) a failure of equipment or power; or
 - (iii) a lack of availability of staff; or
 - (iv) adverse weather conditions; or
 - (v) the periods outside the normal operating hours of the facility;

- (c) the handling, emergency killing or slaughtering of a horse, including—
 - (i) unloading a horse from transportation and moving a horse between areas of the facility; and
 - (ii) holding a horse in a holding area or lairage; and
 - (iii) arranging for a severely distressed, sick, weak or injured horse to be treated, killed or slaughtered; and
 - (iv) if a firearm is intended to be used to shoot a horse for an emergency killing or slaughter—the use of the firearm to minimise the risk of injury to another horse; and
 - (v) stunning and exsanguinating a horse;
- (d) the management of, and response to, reports or observations that a horse’s welfare has been adversely affected, including in the following situations—
 - (i) the horse shows visible signs of severe injury;
 - (ii) the horse arrives at the facility in a condition that indicates the horse was not fit for the journey to the facility;
 - (iii) the horse was abused or inappropriately handled or cared for, or otherwise subjected to cruelty;
 - (iv) this code has not been complied with in relation to the horse’s welfare.

20 Compliance assessment and record keeping

The owner of a livestock slaughter facility must establish, implement and maintain policies and procedures for the following matters—

[s 5]

- (a) assessing compliance with this code of practice at the facility, including the effectiveness of any corrective action taken and the recording of that assessment;
- (b) recording and reporting of non-compliance with this code of practice that adversely affects the welfare of a horse at the facility, including any corrective action taken against a person;
- (c) recording of training and performance assessment of persons working at the facility.

ENDNOTES

- 1 Made by the Governor in Council on 7 December 2023.
- 2 Notified on the Queensland legislation website on 8 December 2023.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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