



Queensland

*Animal Care and Protection Act 2001*

# **Animal Care and Protection Regulation 2012**

**Current as at 31 January 2014**

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Queensland

# Animal Care and Protection Regulation 2012

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# Animal Care and Protection Regulation 2012

[as amended by all amendments that commenced on or before 31 January 2014]

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Animal Care and Protection Regulation 2012*.

## Part 2 Codes of practice

### 2 Provisions made as codes of practice

- (1) The provisions of each of the following are made as a code of practice—
  - (a) schedule 1;
  - (b) schedule 2;
  - (c) schedule 3.
- (2) A person must comply with the code of practice.

*Note—*

Under section 15(3) of the Act, it is an offence for a person not to comply with an applicable compulsory code requirement.

### 3 Documents made as codes of practice

- (1) The documents stated in schedule 4 are made as codes of practice.

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- (2) A person must comply with a code of practice mentioned in schedule 4, part 1.

*Note—*

Under section 15(3) of the Act, it is an offence for a person not to comply with an applicable compulsory code requirement.

- (3) A person may comply with a code of practice mentioned in schedule 4, part 2.

#### **4 Relationship between particular codes of practice**

- (1) Subsection (2) applies if there is an inconsistency between—
- (a) a provision in a code of practice in schedule 1 or schedule 2 or schedule 3 (each a *relevant compulsory code*); and
  - (b) a provision in a code of practice mentioned in schedule 4, part 2 that is similar to the relevant compulsory code.
- (2) The provision in the relevant compulsory code prevails to the extent of the inconsistency.

### **Part 3 Miscellaneous provisions**

#### **5 Requirement to keep particular records for sows**

- (1) The person in charge of a sow must, unless the person has a reasonable excuse, keep a written record in the approved form stating—
- (a) the date and time on each occasion the sow is placed in a farrowing crate during the sow's reproductive cycle; and
  - (b) the date and time on each occasion the sow is removed from a farrowing crate during the sow's reproductive cycle.

Maximum penalty—20 penalty units.

(2) In this section—

*farrowing crate* has the meaning given by schedule 2, section 1.

*sow* has the meaning given by schedule 2, section 1.

## **6 Prescribed species for meaning of animal—Act, s 11**

All species of the class Cephalopoda are prescribed for section 11(1)(d) of the Act.

*Examples of species of the class Cephalopoda—*

cuttlefish, nautilus, octopus, squid

## **7 Information for annual report—Act, s 87**

(1) The following information is prescribed for section 87(2)(a)(i) of the Act—

- (a) a description of the animals, including the species and class of the animals;
- (b) the number of animals used or allowed to be used;
- (c) details of the source, place of use, duration of use and method of disposal of the animals;
- (d) the scientific purpose for which the animals were used;
- (e) the justification for the use of the animals;
- (f) the impact of the use on the animals.

(2) The following information is prescribed for section 87(2)(a)(ii) of the Act—

- (a) details, including the source and date, of all complaints, enquiries and grievances received by the registered person about the use of animals for scientific purposes by the person;
- (b) details of any steps taken to investigate a complaint, enquiry or grievance mentioned in paragraph (a);

[s 8]

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- (c) details of the results of an investigation of a complaint, enquiry or grievance mentioned in paragraph (a), including details of any steps taken to remedy a matter arising out of the investigation.
- (3) The following information is prescribed for section 87(2)(b) of the Act—
- (a) the name of the animal ethics committee that approved the use of the animals for scientific purposes;
  - (b) details of the use approved by the animal ethics committee, including any requirements the committee made under the scientific use code in relation to the use;
  - (c) details of how the approved use is identified in the animal ethics committee's records.

## **8 Declared class of persons for authorised officers—Act, s 99**

The officers of the Royal Society for the Prevention of Cruelty to Animals Queensland Incorporated are an approved class of persons for section 99 of the Act.

## **9 Declared class of persons for inspectors—Act, s 114**

For section 114 of the Act, the following are declared to be an approved class of persons—

- (a) employees of an incorporated association, under the *Associations Incorporation Act 1981*, whose objects include animal welfare or the provision of facilities to care for animals;
- (b) employees of Safe Food, under the *Food Production (Safety) Act 2000*, who are an authorised officer appointed under section 83(1)(a) of that Act.

## **10 Prescribed entities**

Each of the following is prescribed for paragraph (b) of the definition of *prescribed entity* in the schedule to the Act—

- (a) a local government;
- (b) the Animal Welfare League of Queensland Inc.;
- (c) the department in which the *Nature Conservation Act 1992* is administered;
- (d) North Queensland Wildlife Care Inc.;
- (e) Wildcare Australia Inc. ABN 80 853 694 538;
- (f) Australia Zoo Wildlife Warriors Worldwide Ltd ABN 13 102 721 513;
- (g) Tolga Bat Rescue and Research Inc.

## 11 Fees

- (1) The fees payable under the Act are stated in schedule 5.
- (2) In schedule 5—

*corporation* has the same meaning as in the Corporations Act, section 57A.

*public authority* means—

- (a) a government entity under the *Public Service Act 2008*, section 24; or
- (b) an entity established under a law of the Commonwealth or a State for a public purpose, whether or not the public purpose is stated in the law.

## Part 4 Repeal

### 12 Repeal

The Animal Care and Protection Regulation 2002, SL No. 34 is repealed.

# Schedule 1      Code of practice about domestic fowl

section 2

## Part 1              Preliminary

### 1      Definitions for sch 1

In this schedule—

*broiler breeder* means a domestic fowl used to breed meat chickens.

*cup drinker* means a cup that—

- (a) is attached to a water line; and
- (b) has a lever or other device in it; and
- (c) is filled with water if pressure is applied to the lever or device.

*domestic fowl* means a member of the species *Gallus gallus domesticus*.

*drinker* means a cup drinker or a nipple drinker.

*feeder* means anything used to provide food to a domestic fowl, and includes a food trough.

*floor*—

- (a) of a cage or shed, means the surface of the bottom of the cage or shed between the vertical sections of the back and front walls and the vertical sections of the side walls of the cage or shed; and
- (b) for a shed, includes a part of the floor—
  - (i) on a different level than another part of the floor; or
  - (ii) made of, or covered by, mesh or slats.

***floor area***—

- (a) of a cage—see section 2(1) and (2); and
- (b) of a shed—see section 2(3) and (4).

***free range system*** means a system consisting of—

- (a) a shed in which domestic fowl are kept other than in a cage; and
- (b) an outdoor area that is accessible to the fowl.

***front***, of a cage, see section 4(3).

***install***, for a cage, means put the cage in position for keeping domestic fowl.

***layer pullet*** means a female domestic fowl less than 16 weeks of age.

***laying fowl*** means a female domestic fowl reasonably expected to be capable of laying eggs, but does not include a layer pullet.

***measurable part***, of the floor of a cage, means that part of the floor above which the height of the cage is at least 35cm.

***meat chicken*** means a domestic fowl produced only for human consumption, but does not include a broiler breeder.

***nipple drinker*** means a nipple that is attached to a water line.

***relevant finding***, for an inspection under section 17, means—

- (a) for an inspection of a domestic fowl or a cage in which a domestic fowl is kept—a finding that the fowl—
  - (i) is injured or sick; or
  - (ii) is trapped in, or has escaped from, a cage; or
  - (iii) is dead; or
- (b) for an inspection of a water trough—a finding that there is no or very little water in the water trough; or
- (c) for an inspection of a drinker or electronic or mechanical system—a finding that the drinker or system is not operating correctly; or

- (d) for an inspection of a feeder—a finding that—
  - (i) there is no or very little food in or on the feeder; or
  - (ii) the food in or on the feeder is contaminated; or
  - (iii) if the feeder is electronically or mechanically operated—the feeder is not operating correctly.

*shed* means a structure of any kind that has a roof and walls and is used to keep domestic fowl.

*trapped*, for a domestic fowl in a cage, means the fowl is unable to move freely within the cage.

## 2 Meaning of *floor area*

- (1) The *floor area* of a cage—
  - (a) for part 2, division 1—means the area of the measurable part of the floor of the cage; or
  - (b) for part 2, division 2—means the area of the floor of the cage.
- (2) For subsection (1), the floor area includes an area of the floor covered by an egg and waste baffle, nipple drinker or water trough.
- (3) The *floor area*, of a shed, means the area of the floor of the shed.
- (4) For subsection (3), the floor area includes an area of the floor covered by a drinker, feeder or nesting area.



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## Part 2                      Requirements for cages used to keep domestic fowl

### Division 1                Laying fowl

#### 3            General requirements for all cages used to keep laying fowl

- (1) A person must not keep a laying fowl in a cage unless the person ensures—
  - (a) the floor of the cage provides support for each forward pointing toe of each fowl kept in the cage; and
  - (b) the fowl can reasonably access a food trough the size of which allows a space of 10cm or more for each fowl kept in the cage; and
  - (c) the fowl can reasonably access—
    - (i) a water trough the size of which allows a space of 10cm or more for each fowl kept in the cage; or
    - (ii) 2 or more drinkers.
- (2) Also, if 2 or more cages are arranged (the *arrangement*) in vertical tiers, a person must not keep a laying fowl in a cage in the arrangement unless—
  - (a) the fowl—
    - (i) is visible to an extent that allows a person inspecting the fowl to make a general assessment about the fowl's health and wellbeing; and
    - (ii) can easily be removed from the cage; and
  - (b) if another fowl is kept in a cage on a higher tier of the arrangement—the fowl is protected from excreta from the fowl in the cage on the higher tier.

**4 Additional general requirements for cages installed on or after 1 January 1995**

- (1) A person must not keep a laying fowl in a cage installed on or after 1 January 1995 unless—
- (a) the height of the cage above the measurable part of the floor is—
    - (i) more than the height of the fowl; and
    - (ii) at least 40cm for at least 65% of the measurable part of the floor; and
  - (b) the opening of the door of the cage, when the door is opened fully, is—
    - (i) at least 19cm high measured vertically from its bottom to its top; and
    - (ii) free of obstruction by anything attached to the front of the cage; and

*Examples for subparagraph (ii)—*

    - a feeder, egg and waste baffle or cage bar
  - (c) the width of the door of the cage is—
    - (i) if the width of the cage is more than 50cm—at least 50cm; or
    - (ii) otherwise—the same as the width of the front of the cage.
- (2) Subsection (1)(b) does not apply to a cage installed on or after 1 July 2013.
- (3) In this section—
- front**, of a cage, means the side of the cage to which the door is attached.

**4A Door opening requirement for cages installed on or after 1 July 2013**

- (1) This section applies to a cage installed on or after 1 July 2013.

- 
- (2) A person must not keep a laying fowl in the cage unless the opening of the door of the cage, when the door is opened fully, is—
- (a) at least 22cm high measured vertically from its bottom to its top; and
  - (b) free of obstruction by anything attached to the front of the cage.

*Examples for paragraph (b)—*

a feeder, egg and waste baffle or cage bar

## **5 Floor area requirements for cages used to keep laying fowl—1 laying fowl**

- (1) This section applies if—
- (a) only 1 domestic fowl is kept in a cage; and
  - (b) the fowl is a laying fowl.
- (2) The person in charge of the fowl must ensure the floor area of the cage is no less than—
- (a) if the fowl weighs 4.5kg or less—1000cm<sup>2</sup>; or
  - (b) if the fowl weighs more than 4.5kg—an area worked out by allowing—
    - (i) 1m<sup>2</sup> for each 26kg of weight of the fowl; or
    - (ii) for a weight less than 26kg—a proportionate amount of the area mentioned in subparagraph (i).

## **6 Floor area requirements for cages used to keep laying fowl—2 laying fowl**

- (1) This section applies if—
- (a) only 2 domestic fowl are kept in a cage; and
  - (b) both fowl are laying fowls.
- (2) The person in charge of the fowl must ensure the floor area of the cage is no less than an area worked out by allowing—
- (a) 675cm<sup>2</sup> for each fowl weighing 4.5kg or less; and

- (b) the following for each fowl weighing more than 4.5kg—
  - (i) 1m<sup>2</sup> for each 40kg of weight of the fowl;
  - (ii) for a weight less than 40kg—a proportionate amount of the area mentioned in subparagraph (i).
- (3) For subsection (2), if both fowl weigh more than 4.5kg, the area may be worked out using the combined weight of the fowl.

## **7 Floor area requirements for cages used to keep laying fowl—3 or more laying fowl**

- (1) This section applies if—
  - (a) 3 or more domestic fowl are kept in a cage; and
  - (b) all the fowl are laying fowls.
- (2) The person in charge of the fowl must ensure the floor area of the cage is no less than an area worked out by allowing—
  - (a) the following for each fowl weighing less than 2.4kg—
    - (i) for a pre-2001 cage before the prescribed day for the cage—450cm<sup>2</sup>;
    - (ii) for another cage—550cm<sup>2</sup>; and
  - (b) 600cm<sup>2</sup> for each fowl weighing 2.4kg or more but no more than 4.5kg; and
  - (c) the following for each fowl weighing more than 4.5kg—
    - (i) 1m<sup>2</sup> for each 46kg of weight of the fowl;
    - (ii) for a weight less than 46kg—a proportionate amount of the area mentioned in subparagraph (i).
- (3) For subsection (2)(c), if 2 or more fowl weigh more than 4.5kg, the area may be worked out using the combined weight of all fowl weighing more than 4.5kg.
- (4) In this section—

***pre-2001 cage*** means a cage—

  - (a) purchased or leased before 1 January 2001; and

- (b) installed before 1 January 2003; and
  - (c) complying with the requirements stated in section 4.
- prescribed day*, for a pre-2001 cage, means the day that is 20 years after the day the cage was manufactured.

## **Division 2                    Laying pullet**

### **8            Floor area requirements for cages used to keep layer pullets**

- (1) This section applies if—
  - (a) only 1 domestic fowl is kept in a cage and the fowl is a layer pullet; or
  - (b) 2 or more domestic fowl are kept in a cage and all the fowl kept in the cage are layer pullets.
- (2) The person in charge of the pullet must ensure the floor area of the cage is no less than an area worked out by allowing—
  - (a) 1m<sup>2</sup> for each 40kg of weight of each pullet kept in the cage; or
  - (b) for a weight less than 40kg—a proportionate amount of the area mentioned in paragraph (a).
- (3) For subsection (2), if 2 or more pullets are kept in the cage, the area may be worked out using the combined weight of all the pullets kept in the cage.

## **Part 3                                    Requirements for sheds used to keep domestic fowl**

### **9            Application of pt 3**

This part applies if a domestic fowl is—

- (a) kept in a shed, including a shed that is part of a free range system; and
- (b) not kept in a cage.

## **10 General requirements for sheds**

A person must not keep a domestic fowl in a shed unless—

- (a) if the fowl is the only fowl kept in the shed—the shed contains a drinker and feeder that are reasonably accessible to the fowl; or
- (b) if the fowl is kept in the shed with 1 or more other fowl—
  - (i) the shed contains 1 or more feeders and 2 or more drinkers; and
  - (ii) the feeders and drinkers are reasonably and equally accessible to all the fowl kept in the shed.

## **11 Floor area requirements for sheds—particular domestic fowl**

- (1) A person must not keep a domestic fowl, other than a layer pullet or meat chicken, in a shed that has a floor area less than an area worked out by allowing—
  - (a) 1m<sup>2</sup> for each 30kg of weight of the fowl; or
  - (b) for a weight less than 30kg—a proportionate amount of the area mentioned in paragraph (a).
- (2) However, if the shed does not have a temperature control system, the person must not keep the fowl in the shed unless the floor area of the shed allows more than—
  - (a) 1m<sup>2</sup> for each 30kg of weight of the fowl; or
  - (b) for a weight less than 30kg—a proportionate amount of the area mentioned in paragraph (a).
- (3) For subsections (1) and (2), if 2 or more fowl are kept in the shed, the area may be worked out using the combined weight of all the fowl kept in the shed.

- (4) In this section—

*temperature control system*, for a shed, means a system, consisting of a cooling system and ventilation fans, that controls temperature to avoid extreme temperature variations in the shed.

## **12 Floor area requirements for sheds—meat chickens**

- (1) This section applies if—
- (a) only 1 domestic fowl is kept in a shed and the fowl is a meat chicken; or
  - (b) 2 or more domestic fowl are kept in a shed and all the fowl are meat chickens.
- (2) The person in charge of a meat chicken must ensure the floor area of the shed is no less than an area worked out by allowing—
- (a) for a tunnel ventilated shed that has an evaporative cooling system providing at least 1 air exchange every minute—
    - (i) 1m<sup>2</sup> for each 40kg of weight of the chicken; or
    - (ii) for a weight less than 40kg—a proportionate amount of the area mentioned in subparagraph (i); or
  - (b) for a tunnel ventilated shed other than a shed mentioned in paragraph (a), or a prescribed ventilated shed—
    - (i) for the period between 1 April and 30 September—
      - (A) 1m<sup>2</sup> for each 40kg of weight of the chicken; or
      - (B) for a weight less than 40kg—a proportionate amount of the area mentioned in sub-subparagraph (A); and
    - (ii) for the period between 1 October and 31 March—
      - (A) 1m<sup>2</sup> for each 36kg of weight of the chicken; or

- (B) for a weight less than 36kg—a proportionate amount of the area mentioned in sub-subparagraph (A); or
- (c) for another shed—
  - (i) 1m<sup>2</sup> for each 28kg of weight of the chicken; or
  - (ii) for a weight less than 28kg—a proportionate amount of the area mentioned in subparagraph (i).
- (3) For subsection (2), if 2 or more meat chickens are kept in a shed, the area may be worked out using the combined weight of all the chickens kept in the shed.
- (4) In this section—
  - prescribed ventilated shed* means a shed that—
    - (a) is fitted with a mechanical ventilation system; and
    - (b) is not a tunnel ventilated shed; and
    - (c) has a water based cooling system or stirring fans.
  - tunnel ventilated shed* means a shed that is tunnel ventilated or fitted with an extractive system.

### **13 Requirements for shed with more than 1 level**

- (1) This section applies if a domestic fowl is kept in a shed and there is more than 1 level inside the shed.
- (2) The person in charge of the fowl must ensure each of the following—
  - (a) each level inside the shed—
    - (i) is accessible to the fowl; and
    - (ii) has a height no less than 45cm;
  - (b) the fowl is fully visible on each level and can easily be removed at all times;
  - (c) a fowl on a lower level inside the shed is protected from excreta from a fowl on a higher level inside the shed.



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## **Part 4**                      **Requirements for outdoor area of free range system used to keep domestic fowl**

### **14**      **Requirements for outdoor area of free range system**

- (1) A person must not keep more than 10000 laying fowl in a hectare in the outdoor area of a free range system.
- (2) However, a person must not keep more than 1500 laying fowl in a hectare in the outdoor area of a free range system unless the person ensures—
  - (a) fowl are grazed by moving them from paddock to paddock in the area; and
  - (b) at least 60% of the unshaded part of the area has ground cover vegetation, unless adverse weather conditions prevent vegetation growth; and
  - (c) the area is managed to avoid unsuitable conditions for fowl; and

*Examples of unsuitable conditions for fowl—*

muddy ground or ground covered with excessive amounts of excreta

- (d) the area is free of—
  - (i) poisonous plants and organisms that cause or carry disease that could harm a fowl's health; and
  - (ii) chemicals that could harm a fowl's health; and
- (e) each fowl, when fully feathered, has ready access for at least 8 hours a day to the area, unless adverse weather conditions prevent the access; and
- (f) the openings in a free range system's shed through which fowl may access the area comply with the following requirements—
  - (i) each opening is at least 35cm high;
  - (ii) each opening is at least 40cm wide;



- 
- (b) the quantity of the food meets the fowl's physiological needs; and
  - (c) the food is not harmful to the fowl's health.
- (3) However, subsection (1)(b) does not apply if the fowl is—
- (a) a broiler breeder or layer pullet; and
  - (b) given access to food under a controlled feeding regime.
- (4) For subsection (2), in deciding the amount of nutrients and quantity of food that must be provided to the fowl in the shed of a free range system, regard must be had to the amount of nutrients and quantity of food available to the fowl in the outdoor area of the system.
- (5) In this section—
- controlled feeding regime* means a regime involving the management of the amount of food consumed by a fowl to control the weight of the fowl while still ensuring the amount of food consumed is sufficient to meet the fowl's physiological needs.

## 16 Access to water

- (1) The person in charge of a domestic fowl must ensure the fowl has access to water—
- (a) within 60 hours after the fowl is hatched; and
  - (b) at least once in each 24 hour period after the expiry of the 60-hour period mentioned in paragraph (a).
- (2) Also, the person must ensure—
- (a) the water is of a temperature and quality the fowl will drink; and
  - (b) the quality and quantity of the water meets the fowl's physiological needs; and
  - (c) the water is not harmful to the fowl's health.



- (ii) if there is food in or on the feeder—whether the food is contaminated; or
- (iii) if the feeder is electronically or mechanically operated—the operation of the feeder.

**19 Action after inspection—person not in charge of domestic fowl**

- (1) This section applies if—
  - (a) a person has carried out an inspection under section 17 in relation to a domestic fowl; and
  - (b) the person is not the person in charge of the fowl; and
  - (c) the person has made a relevant finding for the inspection.
- (2) The person must immediately notify the person in charge of the domestic fowl of the relevant finding.

**20 Action after inspection of fowl or cage—person in charge of domestic fowl**

- (1) This section applies if the person in charge of a domestic fowl—
  - (a) has carried out an inspection, under section 17, of the fowl or the cage in which the fowl is kept and has made a relevant finding for the inspection; or
  - (b) has been notified, under section 19, of a relevant finding for an inspection of the fowl or cage.
- (2) The person must ensure—
  - (a) if the fowl is injured or sick—the fowl is immediately treated or destroyed; or
  - (b) if the fowl is trapped in the cage—the fowl is immediately released and, if the fowl is injured, treated or destroyed; or
  - (c) if the fowl has escaped from the cage—the fowl is recaptured as soon as practicable and—

- (i) placed in a cage; or
- (ii) if the fowl is to be treated for an injury or other condition—placed in a place where the injury or condition can be treated; or
- (iii) destroyed; or
- (d) if the fowl is dead—the fowl is immediately removed, from the cage or shed in which it is kept, and disposed of.

**21 Action after inspection of water trough—person in charge of domestic fowl**

- (1) This section applies if the person in charge of a domestic fowl—
  - (a) has carried out an inspection, under section 17, of a water trough provided for the fowl and has made a relevant finding for the inspection; or
  - (b) has been notified, under section 19, of a relevant finding for an inspection of the water trough.
- (2) The person must ensure the fowl has or has had access to water as required under section 16.

**22 Action after inspection of drinker or system—person in charge of domestic fowl**

- (1) This section applies if the person in charge of a domestic fowl—
  - (a) has carried out an inspection, under section 17, of a drinker provided for the fowl, or an electronic or mechanical system for the shed in which the fowl is kept, and has made a relevant finding for the inspection; or
  - (b) has been notified, under section 19, of a relevant finding for an inspection of the drinker or system.
- (2) The person must ensure the following—

- (a) reasonable steps are taken to rectify the problem in the operation of the drinker or system;
- (b) if there is a problem in the operation of a drinker—the fowl has or has had access to water as required under section 16.

**23 Action after inspection of feeder—person in charge of domestic fowl**

- (1) This section applies if the person in charge of a domestic fowl—
  - (a) has carried out an inspection, under section 17, of a feeder provided for the fowl and has made a relevant finding for the inspection; or
  - (b) has been notified, under section 19, of a relevant finding for an inspection of the feeder.
- (2) The person must ensure—
  - (a) if there is no or very little food in or on the feeder—the fowl has or has had access to food as required under section 15; or
  - (b) if food in or on the feeder is contaminated—
    - (i) the contaminated food is replaced with food that is not contaminated; and
    - (ii) reasonable steps are taken to prevent future contamination of food provided by the feeder; or
  - (c) if the feeder is an electronically or mechanically operated feeder and there is a problem in the operation of the feeder—reasonable steps are taken to rectify the problem.

## Schedule 2 Code of practice about pigs

section 2

### Part 1 Preliminary

#### 1 Definitions for sch 2

In this schedule—

**additional litter** means a litter of piglets that a sow is required to foster in the sow's reproductive cycle after the piglets that were the sow's progenies in the cycle have been weaned.

*Example—*

a sow being required to foster the piglets of another sow that has died

**boar** means an uncastrated male pig over 9 months of age.

**breeding boar** means a boar being kept for the purpose of breeding pigs.

**breeding gilt** means a gilt being kept for the purpose of breeding pigs.

**breeding sow** means a sow being kept for the purpose of breeding pigs.

**creep area** means an area for keeping a sow's piglets in which the piglets are protected from crushing and overlying by the sow.

**direct supervision**, for carrying out a husbandry procedure on a pig, see section 4.

**essential equipment** means mechanical equipment that is required for providing food and drinking water to pigs and ensuring their other environmental needs are met.

*Examples of other environmental needs—*

- a stable and comfortable temperature
- adequate lighting and ventilation

**farrowing** means giving birth to piglets.



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**farrowing crate** means an enclosure—

- (a) designed and constructed for housing only 1 sow during and after farrowing; and
- (b) of a size that does not allow the sow to turn around freely; and
- (c) that has a creep area adjacent to it.

**farrowing pen** means a pen—

- (a) designed and constructed for housing only 1 sow and her piglets during and after farrowing; and
- (b) of a size that allows the sow and her piglets to turn around freely; and
- (c) that has a creep area in it.

**feeder** means a trough, hopper or similar equipment from which food may be accessed by a pig.

**floor area** see section 2.

**foster**, in the context of a sow fostering piglets, means the sow feeding piglets that are not her progenies.

**gilt** means a young female pig that is intended to be used for reproduction but has not had a first litter.

**husbandry procedure** means a procedure to which section 5, 6, 7, 8, 9 or 10 applies.

**medication instruction** means—

- (a) a prescription given by a veterinary surgeon; or
- (b) a written instruction for administering medicine that is—
  - (i) prepared by the manufacturer or supplier of the medicine; and
  - (ii) supplied with the medicine.

**pen** means an enclosure that is designed and constructed for housing pigs.

**pig** means a pig, other than a feral pig (*Sus scrofa*).

***piglet*** means a pig up to the time it is weaned from the sow.

***sow*** means—

- (a) an adult female pig that has had at least 1 litter; or
- (b) a gilt that has been confirmed pregnant.

***stall*** means an enclosure that is designed and constructed for housing only 1 pig.

***suitably qualified***, for carrying out a husbandry procedure on a pig, see section 3.

***surgical sterilisation procedure*** means a surgical procedure to render a pig sterile, including, for example, surgical castration.

***waterer***, for a pig, means a trough or similar equipment from which drinking water may be accessed by a pig.

***weaner*** means a pig, other than a breeding boar, breeding gilt or breeding sow, after it has been weaned from the sow, whose live weight, rounded to the nearest kilogram, is no more than 30kg.

## **2 Meaning of *floor area***

- (1) The ***floor area***, of a pen, a stall or a farrowing crate, means the area of the floor of the pen, stall or crate.
- (2) For subsection (1), the floor area of a pen, stall or farrowing crate includes an area of the floor covered by a feeder or waterer only if the feeder or waterer—
  - (a) does not impede the movement of a pig being kept in the pen, stall or crate; and
  - (b) is not reasonably likely to cause injury to a pig being kept in the pen, stall or crate.

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## Part 2 **Competency requirements about husbandry procedures**

### 3 **Who is *suitably qualified* to carry out a husbandry procedure**

- (1) A person is *suitably qualified* to carry out a husbandry procedure on a pig only if—
- (a) the person is a veterinary surgeon; or
  - (b) a registered training organisation has issued the person either of the following that is relevant to carrying out the procedure—
    - (i) a Certificate III in Agriculture (Pig Production) or an equivalent qualification;
    - (ii) a statement of attainment for achieving the units of competency required for the Rural Production Training Package for pig production or an equivalent statement of attainment.

- (2) In this section—

*qualification* see the *Vocational Education, Training and Employment Act 2000*, schedule 3.

*registered training organisation* see the *Vocational Education, Training and Employment Act 2000*, schedule 3.

*statement of attainment* see the *Vocational Education, Training and Employment Act 2000*, schedule 3.

### 4 **When a person is under *direct supervision* for a husbandry procedure**

A person (the *supervised person*) carries out a husbandry procedure on a pig under the direct supervision of another person (the *supervisor*) only if the supervisor—

- (a) instructs the supervised person about the procedure; and
- (b) is on the premises where the procedure is being carried out, while the procedure is being carried out; and

- (c) is available to give additional instruction to the supervised person about carrying out the procedure, if required, while the procedure is being carried out; and
- (d) evaluates, including personally checking on a regular basis, the carrying out of the procedure by the supervised person.

## 5 Prescribed non-invasive husbandry procedures

- (1) A person may carry out a prescribed non-invasive husbandry procedure on a pig only if the person—
  - (a) is competent to carry out the procedure; or
  - (b) carries out the procedure under the direct supervision of a person who is competent to carry out the procedure.
- (2) In this section—

*prescribed non-invasive husbandry procedure* means—

- (a) diagnosing whether or not a pig is pregnant by external ultrasonic examination; or
- (b) measuring a pig's back fat in a way that does not penetrate its skin; or
- (c) administering medicine to a pig in compliance with a medication instruction by—
  - (i) oral dosing; or
  - (ii) topical application to the skin; or
  - (iii) mixing the medicine with food.

## 6 Inspecting pigs

A person may carry out an inspection of a pig kept for a commercial purpose only if the person—

- (a) is suitably qualified to carry out the inspection; or
- (b) carries out the inspection under the direct supervision of a person who is suitably qualified to carry out the inspection.

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## 7 Invasive husbandry procedures

- (1) A person may carry out an invasive husbandry procedure on a pig only if the person—
- (a) is suitably qualified to carry out the procedure; or
  - (b) carries out the procedure under the direct supervision of a person who is suitably qualified to carry out the procedure.
- (2) In this section—

***invasive husbandry procedure***, for a pig, means a procedure relating to breeding, keeping, raising or caring for a pig that is invasive, but does not include a procedure to which section 5, 6, 8, 9 or 10 applies.

*Examples—*

- castrating a male pig younger than 3 weeks
- clipping a pig's needle teeth
- docking a pig's tail
- marking a pig for identification
- ringing a pig's nose
- trimming a pig's tusks

## 8 Administering vaccines and other medicines by injection

A person may administer a vaccine or other medicine to a pig by injection only if the person—

- (a) is suitably qualified to administer the vaccine or other medicine by injection; or
- (b) administers the vaccine or other medicine—
  - (i) under the direct supervision of a person who is suitably qualified to administer the vaccine or other medicine by injection; or
  - (ii) in compliance with a medication instruction.

*Note—*

The *Health (Drugs and Poisons) Regulation 1996* contains provisions regulating the administration and use of vaccines and particular medicines.

## **9 Surgical sterilisation of male pigs over 3 weeks of age**

A person may carry out a surgical sterilisation procedure on a male pig that is 3 weeks or older only if—

- (a) the person is a veterinary surgeon; or
- (b) the person—
  - (i) is undertaking a course of study, or a qualifying examination, in veterinary science approved by the Veterinary Surgeons Board of Queensland established under the *Veterinary Surgeons Act 1936*; and
  - (ii) carries out the procedure under the direct supervision of a veterinary surgeon.

## **10 Killing pigs**

- (1) A person may kill a pig only if the person—
  - (a) is suitably qualified to kill the pig; or
  - (b) is acting under the direct supervision of a person who is suitably qualified to kill the pig.
- (2) However, a person other than a person acting under subsection (1) may kill a pig if—
  - (a) it is necessary to kill the pig to prevent it from suffering; and
  - (b) it would be inhumane to delay killing the pig until a person could kill it under subsection (1).

*Note—*

For other requirements for the killing of pigs, see section 33.

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## **Part 3 Food and water requirements**

### **11 Access to food**

The person in charge of a pig must ensure—

- (a) the pig has access to food—
  - (i) if the pig is a weaner—twice daily; or
  - (ii) otherwise—daily; and
- (b) the food is adequate for keeping the pig in good health and meeting its physiological needs.

### **12 Access to water**

The person in charge of a pig must ensure—

- (a) the pig has access to drinking water at all times; and
- (b) the quality and quantity of the water meets the pig's physiological needs.

## **Part 4 Accommodation requirements**

### **13 Housing requirements for pigs**

- (1) This section applies whether or not a pig is ordinarily kept in single or group housing in a shed, shelter or other building or is allowed to range outside.
- (2) The person in charge of the pig must provide housing that is designed, constructed and maintained to protect the pig from adverse weather, injury, predators and other threats to the pig's welfare.
- (3) If the housing is fitted with an automatically controlled forced-ventilation system, the person must ensure there is an effective backup system that will allow the housing to be ventilated if there is a power failure.

*Examples of an automatically controlled forced-ventilation system—*

fans or shutters controlled by temperature sensors

- (4) If the housing is naturally ventilated using automatically operated equipment, the person must ensure—
- (a) the equipment is inspected at least twice daily; or
  - (b) there is an effective backup system that will allow the housing to be ventilated if there is a power failure.

**14 Floor area requirements for indoor pens used to keep breeding boars**

- (1) This section applies if—
- (a) only 1 pig is kept in an indoor pen; and
  - (b) the pig is a breeding boar.
- (2) The person in charge of the boar must ensure the floor area of the indoor pen is no less than 6m<sup>2</sup>.

**15 Floor area requirement for indoor pens used to keep breeding gilts whose live weight is greater than 100kg**

- (1) This section applies if—
- (a) 2 or more pigs are kept in an indoor pen, other than a farrowing pen; and
  - (b) all of the pigs are breeding gilts with a live weight greater than 100kg.
- (2) The person in charge of the gilts must ensure the floor area of the pen is no less than 1m<sup>2</sup> for each gilt.

**16 Floor area requirement for indoor pens used to keep breeding sows**

- (1) This section applies if—
- (a) 2 or more pigs are kept in an indoor pen; and
  - (b) all of the pigs are breeding sows.



- (2) The person in charge of the sows must ensure the floor area of the pen is no less than 1.4m<sup>2</sup> for each sow.

## 17 Floor area requirements for indoor pens used to keep weaners, growers or finishers

- (1) This section applies if—
- (a) only 1 pig is kept in an indoor pen and the pig is a weaner, grower or finisher; or
  - (b) 2 or more pigs are kept in an indoor pen and all the pigs are either weaners, growers or finishers.
- (2) The person in charge of the pig or pigs must ensure the floor area of the pen is no less than—
- (a) if only 1 pig is kept in the pen—the minimum floor area stated in the minimum floor area table for the live weight of the pig, rounded to the nearest kilogram; or
  - (b) if 2 or more pigs are kept in the pen—an area worked out using the following formula—

**F x N**

where—

*F* means the minimum floor area stated in the minimum floor area table for the live weight that is the average live weight of the pigs, rounded to the nearest kilogram.

*N* means the number of pigs.

*Example for paragraph (b)—*

The following pigs are kept in an indoor pen—

- a grower with a live weight of 32.3kg
- a grower with a live weight of 50kg
- a grower with a live weight of 57.5kg
- a finisher with a live weight of 65kg.

The average live weight of the pigs, rounded to the nearest kilogram, is 51kg. The floor area of the pen must be no less than 0.42m<sup>2</sup> (being the minimum floor area stated in the minimum floor area table for 51kg) x 4 (being the number of pigs), which is 1.68m<sup>2</sup>.

(3) In this section—

***average live weight***, of 2 or more pigs, means the average of the live weights of the pigs.

***finisher*** means a pig, other than a breeding boar, breeding gilt or breeding sow, whose live weight, rounded to the nearest kilogram, is more than 60kg.

***grower*** means a pig, other than a breeding boar, breeding gilt or breeding sow, whose live weight, rounded to the nearest kilogram, is more than 30kg but no more than 60kg.

***minimum floor area table*** means the following table—

Live weight (kg)	Minimum floor area (m <sup>2</sup> )
1	0.03
2	0.05
3	0.06
4	0.08
5	0.09
6	0.10
7	0.11
8	0.12
9	0.13
10	0.14
11	0.15
12	0.16
13	0.17
14	0.18
15	0.18
16	0.19
17	0.20
18	0.21
19	0.22
20	0.22
21	0.23
22	0.24
23	0.25
24	0.25
25	0.26

<b>Live weight (kg)</b>	<b>Minimum floor area (m<sup>2</sup>)</b>
26	0.27
27	0.27
28	0.28
29	0.29
30	0.29
31	0.30
32	0.31
33	0.31
34	0.31
35	0.32
36	0.33
37	0.34
38	0.34
39	0.35
40	0.36
41	0.36
42	0.37
43	0.37
44	0.38
45	0.38
46	0.39
47	0.40
48	0.40
49	0.41
50	0.41
51	0.42
52	0.42
53	0.43
54	0.43
55	0.44
56	0.45
57	0.45
58	0.46
59	0.46
60	0.47
61	0.47

Schedule 2

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<b>Live weight (kg)</b>	<b>Minimum floor area (m<sup>2</sup>)</b>
62	0.48
63	0.48
64	0.49
65	0.49
66	0.50
67	0.50
68	0.51
69	0.51
70	0.52
71	0.52
72	0.53
73	0.53
74	0.54
75	0.54
76	0.55
77	0.55
78	0.56
79	0.56
80	0.57
81	0.57
82	0.57
83	0.58
84	0.58
85	0.59
86	0.59
87	0.60
88	0.60
89	0.61
90	0.61
91	0.62
92	0.62
93	0.63
94	0.63
95	0.63
96	0.64
97	0.64

<b>Live weight (kg)</b>	<b>Minimum floor area (m<sup>2</sup>)</b>
98	0.65
99	0.65
100	0.66
101	0.66
102	0.67
103	0.67
104	0.67
105	0.68
106	0.68
107	0.69
108	0.69
109	0.70
110	0.70
111	0.70
112	0.71
113	0.71
114	0.72
115	0.72
116	0.72
117	0.73
118	0.74
119	0.74
120 or greater	0.74

**18 Floor area requirement for indoor farrowing pens used to keep breeding sows**

- (1) This section applies if—
  - (a) only 1 pig is kept in an indoor farrowing pen; and
  - (b) the pig is a breeding sow.
- (2) The person in charge of the sow must ensure the floor area of the farrowing pen is no less than 5.6m<sup>2</sup>.

**19 General requirements for stalls used to keep pigs**

- (1) This section applies if a pig is kept in a stall.

*Note—*

For measurement requirements for indoor stalls for particular pigs, see sections 20 and 21.

- (2) The person in charge of the pig must ensure—
- (a) the pig can stand, stretch and lie with its limbs extended in the stall without being obstructed by the stall, including, for example, by bars, railings and fittings; and
  - (b) the pig can stand in the stall without touching, at the same time, the opposite sides of the stall; and
  - (c) when the pig lies in the stall, its snout and hindquarters do not touch, at the same time, the opposite ends of the stall; and
  - (d) if the stall has bars fitted on the top, the pig's back does not touch the bars when the pig stands at rest or lowers its head; and
  - (e) the pig can easily access a feeder and waterer; and
  - (f) the placement of feeders or waterers does not—
    - (i) interfere with the pig's ability to stand, stretch, move or lie in the stall; or
    - (ii) injure the pig; and
  - (g) the stall is designed and constructed to minimise the risk of harm to the pig from a pig in an adjoining stall; and

*Example—*

ensuring the stall is fitted with a barrier

- (h) reasonable steps are taken to avoid injury to the pig because of contact with another pig in an adjoining stall; and

*Example—*

ensuring that 2 aggressive boars or a sow and an aggressive boar are not kept in adjoining stalls

- (i) faeces and urine do not accumulate in the stall so that the pig does not have an area clear of faeces and urine in which to lie.

(3) In this section—

*ends*, of a stall, means the shorter sides of the stall that, if a pig were standing in the stall, would ordinarily be parallel to the front and back of the pig.

*sides*, of a stall, means the longer sides of the stall that, if a pig were standing in the stall, would ordinarily be parallel to the sides of the pig.

## **20 Measurement requirements for indoor stalls used to keep breeding boars**

(1) This section applies if—

- (a) only 1 pig is kept in an indoor stall; and
- (b) the pig is a breeding boar.

*Note—*

For general requirements for stalls used to keep pigs, see section 19.

(2) The person in charge of the boar must ensure—

- (a) the length of the stall is no less than 2.4m; and
- (b) the width of the stall is no less than 0.7m.

## **21 Measurement requirements for indoor stalls used to keep sows**

(1) This section applies if—

- (a) only 1 pig is kept in an indoor stall; and
- (b) the pig is a sow.

*Note—*

For general requirements for stalls used to keep pigs, see section 19.

(2) The person in charge of the sow must ensure—

- (a) the length of the stall is no less than 2.2m; and
- (b) the width of the stall is no less than 0.6m.

**22 Releasing boars from stalls for mating or exercise**

If a boar is kept in a stall, the person in charge of the boar must ensure it is released from the stall no less than twice a week for mating or exercise.

**23 General requirements for farrowing crates used to keep sows**

(1) This section applies if—

- (a) only 1 pig is kept in a farrowing crate; and
- (b) the pig is a sow.

*Note—*

For measurement requirements for indoor farrowing crates used to keep sows, see section 24.

(2) The person in charge of the sow must ensure—

- (a) the crate is designed and constructed to minimise the risk of the sow lying on her piglets; and
- (b) the sow can give birth to piglets—
  - (i) without being obstructed by the crate; and
  - (ii) in a way that minimises the risk of the piglets being crushed, trapped or otherwise injured; and
- (c) the sow can suckle her piglets so that the piglets have reasonable access to both sides of her udder; and
- (d) the sow can access food and water without being obstructed by the crate.

(3) The person in charge of the sow must ensure the sow is not kept in the crate for more than a total of—

- (a) if the sow is required to foster an additional litter—12 weeks in the sow's reproductive cycle; or
- (b) otherwise—6 weeks in the sow's reproductive cycle.

*Note—*

For the requirement to keep particular records for sows, see section 5 of the regulation.



- (4) In this section—  
*sow* includes a breeding sow.

## **24 Measurement requirements for indoor farrowing crates used to keep sows**

- (1) This section applies if—
- (a) only 1 pig is kept in an indoor farrowing crate; and
  - (b) the pig is a sow.

*Note—*

For general requirements for farrowing crates used to keep sows, see section 23.

- (2) The person in charge of the sow must ensure—
- (a) the length of the crate is no less than 2m; and
  - (b) the width of the crate is no less than 0.5m; and
  - (c) the total of the floor area of the crate, and the area of the creep area adjacent to it, is no less than 3.2m<sup>2</sup>.
- (3) For subsection (2)(a), the length must be measured on the inside of the crate.
- (4) For subsection (2)(b), the width must be measured on the inside of the crate, at a level no higher than 450mm above the floor of the crate.

## **Part 5 Requirements for particular equipment and systems**

### **25 Inspection and maintenance of essential equipment**

The person in charge of a pig must ensure essential equipment used to keep the pig is inspected daily and kept in good working order.

## **26 Risk management system**

(1) The person in charge of a pig must establish, implement and maintain a risk management system that ensures the pig is adequately fed and watered and its other environmental needs are met if there is—

- (a) a malfunction of essential equipment; or
- (b) a delay in supplying food or water.

(2) In this section—

*risk management system* means a written procedure that—

- (a) identifies, monitors, mitigates and effectively manages risks to a pig's food supply, water supply and other environmental needs; and
- (b) includes a system for daily inspection of mechanical equipment essential for provision of a pig's food, water and other environmental needs.

*Examples of other environmental needs—*

- a stable and comfortable temperature
- adequate lighting and ventilation

## **Part 6 Other requirements**

### **27 Health inspections**

The person in charge of a pig must ensure the pig is inspected, at least once a day, to assess its health and wellbeing.

### **28 Health management**

- (1) The person in charge of a pig must establish, implement and maintain a herd health program for the pig.
- (2) Subject to subsection (3), if a pig is sick, weak or injured, the person in charge of the pig must ensure the pig is—

- 
- (a) isolated from other pigs; and
  - (b) given appropriate veterinary treatment.
- (3) If a pig is suffering from an incurable disease or injury or a painful deformity, the person in charge of the pig must ensure the pig is—
- (a) isolated from other pigs; and
  - (b) given appropriate veterinary treatment or killed.

*Note—*

For limitations and other requirements for the killing of pigs, see sections 10 and 33.

- (4) In this section—

***herd health program***, for a pig, means a written procedure that—

- (a) identifies potential risks to the pig of sickness or disease; and
- (b) provides for specific actions to prevent or minimise the risks.

## **29 Farrowing and weaning**

- (1) The person in charge of a piglet must ensure the piglet is checked within 24 hours of its birth to ensure it is feeding and receiving colostrum or an appropriate substitute.
- (2) If a sow dies and a piglet of the sow has not been weaned or is not receiving adequate nutrition, the person in charge of the piglet must ensure the piglet is—
  - (a) fostered by another sow; or
  - (b) weaned; or
  - (c) hand-reared; or
  - (d) killed.

*Note—*

For limitations and other requirements for the killing of pigs, see sections 10 and 33.

- (3) If a sow is required to foster an additional litter, the person in charge of the sow must ensure the sow is given appropriate additional care to ensure its good health and wellbeing.

*Example—*

ensuring the sow is exercised regularly, receives additional nutrition and is supervised more intensively than other sows

- (4) In this section—

***colostrum*** means milk with a high protein and antibody content that is secreted by a sow for the first few days after farrowing.

### **30 Sterilisation of male pigs**

- (1) A person may sterilise a male pig only by carrying out on the pig—

- (a) a surgical sterilisation procedure; or
- (b) an immunocastration procedure.

- (2) If the person is carrying out a surgical sterilisation procedure on a male pig 3 weeks or older, the person must administer anaesthetic to the pig for the procedure.

- (3) In this section—

***immunocastration procedure*** means administration of a vaccine that makes a pig temporarily or permanently sterile by preventing the release of, or otherwise affecting the action of, the pig's endogenous gonadotropins.

### **31 Restraining pigs**

- (1) The person in charge of a pig must ensure the pig is not restrained by tethering.

- (2) In this section—

***tethering***, a pig, means restraining the pig by attaching one end of a chain or wire to a collar around the pig's neck or a girth around the pig's body and the other end of the chain or wire to a part of a stall.

**32 Moving pigs**

The person in charge of a pig must not allow either of the following to be used to move the pig—

- (a) an electric prodding device;
- (b) a dog, unless—
  - (i) the dog is under the control of the person who has custody of the pig; and
  - (ii) if the dog has attacked, or acted in a way that has caused fear to, a person or another animal—the dog is muzzled.

**33 Killing pigs**

A person who kills a pig must ensure it is killed in a way that—

- (a) causes rapid unconsciousness and death immediately after unconsciousness happens; and
- (b) is otherwise humane.

## **Schedule 3            Code of practice for transport of livestock**

section 2

### **Part 1                    Preliminary**

#### **Division 1              Interpretation**

##### **1            Definitions for sch 3**

In this schedule—

*bobby calf* means a calf less than 30 days of age and not accompanied by its mother.

*class of livestock* means a group of livestock of the same species that share a common characteristic, including, for example, age, size or sex, or some other physiological characteristic, including, for example, pregnancy.

*container* includes a box, cage and crate.

*harm* includes stress and injury.

*journey* means any of the activities mentioned in section 2(c) to (g).

*journey time* see section 3.

*livestock* means alpacas, buffalo, camel, cattle, deer, emus, goats, horses, ostriches, pigs, poultry or sheep.

*livestock handling facility* means a facility used to assemble, hold, load or unload livestock for transportation.

*Examples—*

a yard, enclosure, paddock or ramp

*loading density*, for livestock being transported, means the amount of space for each animal in a container, pen or other enclosure, or vehicle in which the animal is being transported.

***maximum journey time***, for livestock being transported, means the total number of continuous hours for which the livestock may be transported, as stated in part 3 for the class of livestock.

***maximum time off water***, for livestock being transported, means the total number of continuous hours for which the livestock may be transported without reasonable access to water, as stated in part 3 for the class of livestock.

***minimum spell duration***, for livestock being transported, means the minimum period of time for which a spell is required to be given to the livestock, as stated in part 3 for the class of livestock.

***poultry*** means domestic fowl, ducks, geese, guinea fowl, partridges, pheasants, pigeons, quails or turkeys.

***reasonable access to water*** see section 4.

***spell***, for livestock being transported, means the period of time in which the livestock is—

- (a) removed from the vehicle or container in which it is being transported; and
- (b) provided with reasonable access to feed and water; and
- (c) provided with space to lie down; and
- (d) subjected to minimal or no handling.

***transporting***, livestock, see section 2.

## **2 Meaning of *transporting***

***Transporting*** livestock includes—

- (a) assembling or holding livestock before loading; and
- (b) selecting livestock for loading; and
- (c) loading livestock into containers before loading onto a vehicle; and
- (d) loading livestock onto a vehicle; and
- (e) holding livestock on a vehicle while stationary; and

- (f) carrying livestock on a vehicle; and
- (g) unloading livestock from a vehicle or container; and
- (h) assembling or holding livestock in a livestock handling facility during, or on completion of, a journey.

### **3 Meaning of *journey time***

The *journey time*, for livestock being transported, means—

- (a) for emus, ostriches or poultry being transported in containers loaded onto vehicles—the period of time starting when the loading of the birds into the containers starts and ending when all of the birds are unloaded from the containers—
  - (i) for a spell of at least the minimum spell duration for the birds; or
  - (ii) at their final destination; and
- (b) for a bobby calf—the period of time starting when the bobby calf is loaded onto the vehicle for transport and ending when the bobby calf is unloaded from the vehicle at its final destination; and
- (c) otherwise—the period of time starting when the loading of the livestock onto the vehicle for transport starts and ending when all of the livestock is unloaded from the vehicle—
  - (i) for a spell of at least the minimum spell duration for the livestock; or
  - (ii) at their final destination.

### **4 Meaning of *reasonable access to water***

Livestock has *reasonable access to water* if the livestock has a reasonable opportunity to drink water of a suitable quality and quantity sufficient to maintain hydration.



**5 Meaning of *reasonable access to feed***

Livestock has *reasonable access to feed* if the livestock has a reasonable opportunity to consume food of a suitable quality and quantity sufficient to maintain health and wellbeing.

**6 How to calculate length of spell and time off water**

- (1) For calculating the length of a spell for livestock being transported, the spell—
  - (a) starts when all of the livestock has been unloaded from the vehicle or container in which it is being transported; and
  - (b) ends when the livestock starts being reloaded onto the vehicle or into the container.
- (2) For calculating the maximum time off water for livestock being transported, the period of time off water—
  - (a) starts from the time the livestock last had reasonable access to water before starting the journey; and
  - (b) ends when the livestock—
    - (i) is given a spell for at least the minimum spell duration for the livestock under part 3; or
    - (ii) is given reasonable access to water at the final destination; or
    - (iii) is slaughtered.

**Division 2 Application of schedule****7 Schedule applies to livestock being transported**

This schedule applies to livestock being transported—

- (a) on a road-going vehicle within this State or through this State from another State; or
- (b) on a sea-going vessel within this State or through this State from another State if the livestock is—

- (i) in a road-going vehicle loaded onto the vessel; or
- (ii) in a container that is unloaded from a road-going vehicle onto the vessel and reloaded onto a road-going vehicle on completion of the voyage; or
- (c) on a train within this State.

## **Part 2**

# **General requirements for transporting all livestock**

### **8 Livestock must be fit for transport**

- (1) A person must not supply for transport livestock that is unfit to undertake an intended journey unless the livestock is to be transported in accordance with the advice of a veterinary surgeon.
- (2) A person must not load in a container or on a vehicle for transport livestock that is unfit to undertake an intended journey unless the livestock is to be transported in accordance with the advice of a veterinary surgeon.
- (3) If livestock is unfit to undertake an intended journey, the person who has custody of the livestock must, as soon as reasonably practicable, make arrangements for the care, treatment or humane killing of the livestock.
- (4) Without limiting subsections (1) and (2), livestock is unfit to undertake an intended journey if—
  - (a) the livestock is unable to walk independently by bearing weight on all legs; or
  - (b) for cattle—the cattle is known to be, or visually assessed to be, within 4 weeks of parturition and the estimated journey time or time off water is likely to be more than 4 hours; or
  - (c) for livestock other than cattle—the livestock is known to be, or visually assessed to be, within 2 weeks of

parturition and the estimated journey time or time off water is likely to be more than 4 hours; or

- (d) the livestock has given birth within 72 hours before starting the journey; or
- (e) the livestock is severely emaciated; or
- (f) the livestock is visibly dehydrated; or
- (g) the livestock shows visible signs of severe injury or distress; or
- (h) the livestock is suffering from a condition that is likely to result in an increase in pain or distress by undertaking the journey; or
- (i) the livestock is blind in both eyes.

## **9 Advice of estimated time of arrival**

- (1) This section applies to each of the following—
  - (a) the driver of a road-going vehicle transporting livestock;
  - (b) a stock attendant who has custody of livestock being transported by train.
- (2) The person must, before transporting the livestock, notify the person to whom the custody of the livestock is to be transferred at a destination of the estimated time of arrival of the livestock.
- (3) The person must also take reasonable steps to notify the person to whom the custody of the livestock is to be transferred at a destination of any change in the estimated time of arrival of the livestock.

## **10 Impact of extreme weather conditions**

- (1) A person who has custody of livestock being transported must take reasonable steps to minimise the risk of harm to the livestock from extreme weather conditions while being transported.
- (2) In this section—

*extreme weather conditions* means temperature or climatic conditions that individually or in combination are likely to predispose livestock to heat or cold stress.

## **11 Suitability of livestock handling facility**

A person who owns or operates a livestock handling facility being used to handle livestock must ensure the facility—

- (a) is suitable for the class of livestock being handled; and
- (b) has effective airflow that is appropriate for the class of livestock being handled; and
- (c) has a surface or flooring that minimises the risk of injury, from slipping or falling, to the livestock; and
- (d) is free from internal protrusions and objects that may cause injury to the livestock; and
- (e) has sufficient vertical clearance to minimise the risk of injury to the livestock.

## **12 Suitability of road-going vehicle**

The driver of a road-going vehicle transporting livestock must ensure the vehicle—

- (a) is suitable for the class of livestock being transported; and
- (b) has effective airflow that is appropriate for the class of livestock being transported; and
- (c) has a surface or flooring that minimises the risk of injury, from slipping or falling, to the livestock; and
- (d) is free from internal protrusions and objects that may cause injury to the livestock; and
- (e) has sufficient vertical clearance to minimise the risk of injury to the livestock.

## **13 Alignment of ramps**

- (1) This section applies to each of the following—

- 
- (a) the driver of a road-going vehicle transporting livestock;
  - (b) a stock attendant who has custody of livestock being transported by train.
- (2) The person must ensure the vehicle and any ramp used to load or unload the livestock are properly aligned and sufficiently close together to minimise the risk of injury to the livestock.

## **14 Handling livestock**

- (1) A person handling livestock being transported must handle the livestock in a way that minimises the risk of harm to the livestock.
- (2) Without limiting subsection (1), a person handling livestock being transported must not—
- (a) kick the livestock; or
  - (b) punch the livestock; or
  - (c) strike the livestock in an unreasonable way.
- (3) Without limiting subsection (1), a person handling livestock, other than poultry, being transported must not—
- (a) lift or carry the livestock by only the head, ears, horns, neck, tail, wool, hair or feathers; or
  - (b) lift or carry the livestock by 1 leg, unless the livestock is a sheep, goat or pig weighing less than 15 kilograms; or
  - (c) drag livestock that is unable to stand, unless it is necessary in the circumstances to allow safe handling, lifting, treatment or humane killing of the livestock; or
  - (d) lift the livestock by mechanical means, unless the livestock is well supported and secured.
- (4) Without limiting subsection (1), a person handling poultry being transported must not—
- (a) lift or carry the poultry by the head, neck, wing feathers or tail feathers, unless—
    - (i) the person also supports the poultry under its breast; or

- (ii) the person complies with subsection (5); or
- (b) tie together the legs of the poultry.
- (5) A person handling poultry being transported may—
  - (a) for a turkey—lift and carry the turkey by the tail feathers and neck together, or by 1 leg and 1 wing together; or
  - (b) for an adult goose, or a domestic fowl primarily kept for breeding purposes—lift and carry the goose or fowl by the base of both wings alone; or
  - (c) for a duck—lift and carry the duck by its neck alone or by the base of both wings alone; or
  - (d) for other poultry—lift and carry the poultry by 1 leg.

**15 Separation and loading density of livestock other than emus, ostriches or poultry**

- (1) This section applies to each of the following—
  - (a) the driver of a road-going vehicle transporting livestock other than emus, ostriches or poultry;
  - (b) a stock attendant who has custody of livestock, other than emus, ostriches or poultry, being transported by train.
- (2) The person must ensure—
  - (a) the livestock is separated by sufficient internal partitions or other barriers during transport to minimise the risk of harm to the livestock; and
  - (b) the loading density of the livestock in the vehicle (including each container, pen or other partition of the vehicle) minimises the risk of harm to the livestock.
- (3) For subsection (2)—
  - (a) the following matters must be considered in deciding whether the livestock is separated by sufficient internal partitions or other barriers—
    - (i) the species, class and size of the livestock;
    - (ii) the general health of the livestock;

- (iii) the level of aggression of the livestock;
- (iv) the nature of the intended journey; and
- (b) the following matters must be considered in deciding whether the loading density of the livestock minimises the risk of harm to the livestock—
  - (i) the species, class and size of the livestock;
  - (ii) the body condition of the livestock;
  - (iii) the length and density of the wool or hair of the livestock;
  - (iv) the horn status of the livestock;
  - (v) the weather conditions predicted for the intended journey;
  - (vi) the nature of the intended journey;
  - (vii) the design and capacity of the vehicle.

## **16 Loading and loading density of emus, ostriches and poultry**

- (1) This section applies to a person loading emus, ostriches or poultry into containers for loading onto a vehicle.
- (2) The person must ensure—
  - (a) the containers—
    - (i) are loaded onto, or unloaded from, the vehicle carefully and without being dropped or thrown; and
    - (ii) are placed on the vehicle in an upright position without excessive tilting; and
    - (iii) are attached securely to the vehicle; and
    - (iv) are suitable for the species or class of bird being transported; and
  - (b) the loading density of the birds in the containers minimises the risk of harm to the birds.

- (3) For subsection (2)(b), the following matters must be considered in deciding whether the loading density of the birds in the containers minimises the risk of harm to the birds—
- (a) the species, class and size of the birds;
  - (b) the body condition and density of feathers of the birds;
  - (c) the weather conditions predicted for the intended journey;
  - (d) the nature of the intended journey;
  - (e) the design and capacity of the vehicle on which the containers are to be transported.

## **17 Inspection duties**

- (1) This section applies to each of the following—
- (a) the driver of a road-going vehicle transporting livestock other than emus, ostriches or poultry;
  - (b) a stock attendant who has custody of livestock, other than emus, ostriches or poultry, being transported by train.
- (2) The person must—
- (a) inspect the vehicle immediately before departure following the loading of the livestock (whether at the start of, or during, a journey) to ensure any containers being used to transport the livestock, and the doors enclosing the livestock, are secured; and
  - (b) before unloading the livestock from the vehicle, inspect the livestock handling facility into which the livestock is to be unloaded to ensure there is free access and sufficient space for the livestock to be unloaded.
- (3) The person must carry out an inspection to assess the health and well-being of the livestock—
- (a) immediately before starting the journey; and
  - (b) for livestock being transported on a road-going vehicle (other than emus, ostriches or poultry loaded in



- 
- containers on the vehicle, or livestock being transported on a road-going vehicle on a sea-going vessel)—
- (i) at least once within the first hour of the journey; and
  - (ii) at least once every 3 hours of the journey after the first hour; and
  - (iii) before there is a change of driver; and
- (c) for livestock being transported by train—at each livestock checking point at which the train stops during the journey; and
- (d) at any time the livestock is unloaded from the vehicle (whether during or on completion of the journey).
- (4) If, during a journey, the person identifies an animal that is weak, ill, injured or otherwise distressed, the person must—
- (a) as soon as reasonably practicable, provide or seek the assistance for the animal that is reasonable in the circumstances; and
  - (b) on transferring the custody of the animal to another person—notify that person of the identity and condition of the animal.

## 18 Records

- (1) This section applies to each of the following—
- (a) the driver of a road-going vehicle transporting livestock;
  - (b) a stock attendant who has custody of livestock being transported by train.
- (2) The person must, before starting the journey, estimate the journey time for transporting the livestock.
- (3) If the person estimates the journey time to be more than 24 hours, the person must keep a record of—
- (a) the estimated journey time; and
  - (b) the date and time the livestock were loaded on the vehicle, or into the container, for the journey; and

- (c) the date and time the livestock last had reasonable access to water before starting the journey; and
  - (d) the date, and the time of the start and end, of any spell given to the livestock; and
  - (e) the date and time of any inspections under section 17(2) or (3) carried out by the person; and
  - (f) the details of any concern for the welfare of the livestock identified by the person, including the date and time each concern was identified, and the details of any action taken in response to the concern; and
  - (g) the details of another person who should be contacted in an emergency.
- (4) The person must give a copy of the records to any other person to whom the custody of the livestock is transferred during, or on completion of, the journey.

## **19 Use of prodders**

- (1) A person must not apply an electrical prod to any of the following livestock being transported—
- (a) an alpaca;
  - (b) a bobby calf;
  - (c) an emu or ostrich;
  - (d) a goat known or visually assessed to be pregnant;
  - (e) a horse;
  - (f) a pig weighing less than 60 kilograms;
  - (g) poultry.
- (2) A person may apply an electrical prod to other livestock being transported only in the following circumstances—
- (a) the livestock is at least 3 months of age;
  - (b) the prod is not applied to the face, udders, anus or genitals of the livestock;
  - (c) the livestock is able to move away from the prod;

- (d) the prod is applied as sparingly as possible and with restraint;
- (e) for a pig weighing at least 60 kilograms—the prod is applied as a last resort to protect the safety of a person handling the pig.

## **20 Use of dogs**

- (1) A person may use a dog to assist in the control or movement of livestock being transported only if—
  - (a) the dog is under effective control at all times; and
  - (b) for a dog that habitually bites livestock—the dog is wearing a muzzle.
- (2) Despite subsection (1)(b), a dog that habitually bites livestock may be used to assist in the control or movement of cattle, other than bobby calves, being transported, without the dog wearing a muzzle.
- (3) The driver of a vehicle transporting livestock may permit a dog to be transported in the same enclosure as the livestock only if the dog has bonded with and been used as a guardian of that livestock.

## **21 Arrangements for distressed livestock**

A person who, on completion of a journey, has custody of an animal that is weak, ill, injured or otherwise distressed, must, as soon as reasonably practicable, make arrangements for—

- (a) the separation of the animal for rest and recovery; or
- (b) the appropriate treatment of the animal; or
- (c) the humane killing and disposal of the animal.

## **22 Killing of livestock**

- (1) A person who during, or on completion of a journey, kills livestock, must—
  - (a) ensure the livestock is killed in a way that—

- (i) causes rapid unconsciousness and death immediately after unconsciousness happens; and
    - (ii) is otherwise humane; and
  - (b) ensure the livestock is killed in a way that does not include a blow to the head; and
  - (c) take reasonable steps to confirm the death of the livestock.
- (2) Despite subsection (1)(a)(i), a person may kill deer, goats or sheep by bleeding out if the person can not reasonably obtain a firearm or captive bolt.
- (3) Despite subsection (1)(b), a person may kill prescribed young by blunt trauma.
- (4) In this section—

***bleeding out*** means the loss of blood caused by cutting the major blood vessels, usually in the neck or at the base of the heart via the thoracic inlet.

***blunt trauma*** means a single blow to the head that causes immediate loss of consciousness.

***prescribed young*** means—

- (a) a piglet weighing less than 15 kilograms; or
- (b) an alpaca, camel, cattle, deer, goat or sheep less than 24 hours of age.

## **Part 3    Specific requirements for transporting certain livestock**

### **23                          Maximum journey time**

- (1) This section applies to each of the following—
- (a) the driver of a road-going vehicle transporting livestock;

- (b) a stock attendant who has custody of livestock being transported by train.
- (2) The person must ensure the journey time for the livestock is not more than the maximum journey time for the livestock.

## **24 Minimum spell duration**

- (1) This section applies to each of the following—
- (a) the driver of a road-going vehicle transporting livestock;
  - (b) a stock attendant who has custody of livestock being transported by train.
- (2) The person must, before the maximum time off water for the livestock is reached, ensure the livestock is given a spell for at least the minimum spell duration for the livestock.
- (3) However, if the minimum spell duration for the livestock is more than 24 hours, the minimum spell duration may be reduced to 24 hours if—
- (a) the maximum time off water for the livestock has not yet been reached; and
  - (b) the actual time for which the livestock has been off water is less than 24 hours.
- (4) If the custody of livestock being transported is transferred to a person at a destination and the person is unable to ascertain when the livestock last had reasonable access to water—
- (a) the maximum time off water for the livestock is taken to have been reached; and
  - (b) the person must, as soon as reasonably practicable, spell the livestock for the minimum spell duration for the livestock.

## **25 Alpacas**

- (1) When transporting alpacas—
- (a) the maximum journey time for the class of alpaca mentioned in column 1 of the following table, is the

## Schedule 3

period of time mentioned in column 2 of the table shown opposite that class; and

- (b) the maximum time off water for the class of alpaca mentioned in column 1 of the following table, is the period of time mentioned in column 3 of the table shown opposite that class; and
- (c) the minimum spell duration for the class of alpaca mentioned in column 1 of the following table, is the period of time mentioned in column 4 of the table shown opposite that class.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Class of alpaca</b>	<b>Maximum journey time (hours)</b>	<b>Maximum time off water (hours)</b>	<b>Minimum spell duration (hours)</b>
Alpacas known or visually assessed to be less than 33 weeks pregnant	8	8	8
Alpacas known or visually assessed to be between 33 and 43 weeks pregnant (inclusive)	4	4	4
Alpacas known or visually assessed to be more than 43 weeks pregnant	4	4	24
Lactating alpacas travelling with dependent young less than 6 months of age	4	4	4
Alpacas less than 6 months of age	4	4	4

Column 1	Column 2	Column 3	Column 4
Class of alpaca	Maximum journey time (hours)	Maximum time off water (hours)	Minimum spell duration (hours)
Alpacas between 6 and 12 months of age (inclusive)	8	8	8
Any other alpaca	24	24	24

- (2) Despite subsection (1), the maximum journey time for an alpaca, other than an alpaca known or visually assessed to be more than 43 weeks pregnant, is 72 hours if—
- (a) the alpaca is given reasonable access to water and feed at all times the alpaca is loaded on the vehicle in which it is being transported; and
  - (b) the alpaca is to be given a spell of at least 24 hours before starting another journey.
- (3) The driver of a road-going vehicle transporting an alpaca must ensure—
- (a) the alpaca has sufficient space in the vehicle to sit down or lie on its sternum; and
  - (b) if the alpaca is less than 12 months of age or less than 10 days off shears—the vehicle has an enclosed front or has sufficient cover to protect the alpaca from heat or cold stress or sunburn.

## 26 Buffalo

- (1) When transporting buffalo—
- (a) the maximum journey time for the class of buffalo mentioned in column 1 of the following table, is the period of time mentioned in column 2 of the table shown opposite that class; and
  - (b) the maximum time off water for the class of buffalo mentioned in column 1 of the following table, is the

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period of time stated in column 3 of the table shown opposite that class; and

- (c) the minimum spell duration for the class of buffalo mentioned in column 1 of the following table, is the period of time stated in column 4 of the table shown opposite that class.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Class of buffalo</b>	<b>Maximum journey time (hours)</b>	<b>Maximum time off water (hours)</b>	<b>Minimum spell duration (hours)</b>
Buffalo known or visually assessed to be between 28 and 43 weeks pregnant (inclusive)	24	24	12
Buffalo known or visually assessed to be more than 43 weeks pregnant	4	4	24
Lactating buffalo travelling with dependent young	24	24	12
Buffalo less than 6 months of age	24	24	12
Any other buffalo	36	36	24

- (2) If a buffalo suffers heat stress during a journey, the person who has custody of the buffalo must, as soon as reasonably practicable, apply a water spray to cool the buffalo.

## 27 Camels

- (1) When transporting camels—
- (a) the maximum journey time for the class of camel mentioned in column 1 of the following table, is the



period of time mentioned in column 2 of the table shown opposite that class; and

- (b) the maximum time off water for the class of camel mentioned in column 1 of the following table, is the period of time stated in column 3 of the table shown opposite that class; and
- (c) the minimum spell duration for the class of camel mentioned in column 1 of the following table, is the period of time stated in column 4 of the table shown opposite that class.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Class of camel</b>	<b>Maximum journey time (hours)</b>	<b>Maximum time off water (hours)</b>	<b>Minimum spell duration (hours)</b>
Camels known or visually assessed to be between 36 and 53 weeks pregnant (inclusive)	24	24	12
Camels known or visually assessed to be more than 53 weeks pregnant	4	4	36
Lactating camels travelling with dependent young	24	24	12
Camels less than 6 months of age	24	24	12
Any other camel	48	48	36

- (2) Despite subsection (1), the maximum journey time for a camel, other than a camel known or visually assessed to be more than 53 weeks pregnant, is 72 hours if—

- (a) the camel is given reasonable access to water and feed at least once every 24 hours of the journey; and
  - (b) the camel is to be given a spell of at least 24 hours before starting another journey.
- (3) The driver of a road-going vehicle transporting a camel must ensure—
- (a) when standing at rest in the vehicle, the camel has at least 100 millimetres clearance between the top of its hump and the surface immediately above the camel; and
  - (b) the camel has sufficient space in the vehicle to lie down on its sternum.
- (4) The person who has custody of a camel being transported that is in rut must ensure the camel is segregated from all other animals while being transported.

## **28 Cattle other than bobby calves**

When transporting cattle, other than bobby calves—

- (a) the maximum journey time for the class of cattle mentioned in column 1 of the following table, is the period of time mentioned in column 2 of the table shown opposite that class; and
- (b) the maximum time off water for the class of cattle mentioned in column 1 of the following table, is the period of time stated in column 3 of the table shown opposite that class; and
- (c) the minimum spell duration for the class of cattle mentioned in column 1 of the following table, is the

period of time stated in column 4 of the table shown opposite that class.

Column 1	Column 2	Column 3	Column 4
Class of cattle	Maximum journey time (hours)	Maximum time off water (hours)	Minimum spell duration (hours)
Cattle known, or visually assessed to be between 24 and 37 weeks pregnant (inclusive)	24	24	12
Cattle known or visually assessed to be more than 37 weeks pregnant	4	4	24
Cattle more than 30 days of age but less than 6 months of age	24	24	12
Lactating cattle travelling with dependent young	24	24	12
Any other cattle	48	48	36

## 29 Bobby calves

- (1) A person must not transport a bobby calf that is less than 5 days of age unless the journey time is no more than 6 hours and the calf—
  - (a) has been fed a liquid feed within 6 hours before it is loaded on the vehicle for transporting; and
  - (b) is being taken directly to a calf rearing facility; and
  - (c) is provided with thick bedding on the vehicle during the journey; and

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- (d) has sufficient space in the vehicle to lie down on its sternum.
- (2) For transporting a bobby calf that is more than 5 days but less than 30 days of age—
  - (a) a person must not supply the calf for transport unless—
    - (i) it has been fed a liquid feed within 6 hours before it is loaded on the vehicle for transport; and
    - (ii) it is alert and able to rise from a lying position; and
    - (iii) the journey time is reasonably expected to be 12 hours or less; and
  - (b) the driver of a road-going vehicle must not transport the calf unless—
    - (i) it has sufficient space in the vehicle to lie down on its sternum; and
    - (ii) it is alert and able to rise from a lying position; and
    - (iii) the journey time is reasonably expected to be 12 hours or less; and
  - (c) for a calf being transported to an abattoir—the driver of a road-going vehicle must ensure the calf is delivered to the abattoir in 12 hours or less from the time the calf was loaded on the vehicle.
- (3) The driver of a road-going vehicle transporting a bobby calf must take reasonable measures to ensure the calf is protected from heat or cold stress during the journey.
- (4) A person must not transport a premature bobby calf, including an induced calf, unless the calf is as fit for the journey as a full term calf of an equivalent age.
- (5) In this section—

*liquid feed* means milk or milk replacer.

### 30 Deer

- (1) When transporting deer—

- (a) the maximum journey time for the class of deer mentioned in column 1 of the following table, is the period of time mentioned in column 2 of the table shown opposite that class; and
- (b) the maximum time off water for the class of deer mentioned in column 1 of the following table, is the period of time stated in column 3 of the table shown opposite that class; and
- (c) the minimum spell duration for the class of deer mentioned in column 1 of the following table, is the period of time stated in column 4 of the table shown opposite that class.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Class of deer</b>	<b>Maximum journey time (hours)</b>	<b>Maximum time off water (hours)</b>	<b>Minimum spell duration (hours)</b>
Deer known or visually assessed to be between 20 and 30 weeks pregnant (inclusive)	24	24	12
Deer known or visually assessed to be more than 30 weeks pregnant	4	4	24
Lactating deer travelling with dependent young	4	24	24
Weaned deer less than 6 months of age	28	28	12
Any other deer	48	48	36

- (2) The driver of a road-going vehicle transporting deer must not transport a deer—
- (a) within 7 days after the deer has undergone velvet antler removal; or

## Schedule 3

- (b) that has antlers in velvet that are 4 centimetres or more in length; or
- (c) that has hard antlers that are 4 centimetres or more in length unless—
  - (i) it is segregated from other deer; and
  - (ii) there is sufficient clearance between the antlers and the surfaces of the vehicle to minimise the risk of injury to the deer and its antlers.

**31 Emus and ostriches**

- (1) When transporting emus or ostriches—
- (a) the maximum journey time for the class of emu or ostrich mentioned in column 1 of the following table, is the period of time mentioned in column 2 of the table shown opposite that class; and
  - (b) the maximum time off water for the class of emu or ostrich mentioned in column 1 of the following table, is the period of time stated in column 3 of the table shown opposite that class; and
  - (c) the minimum spell duration for the class of emu or ostrich mentioned in column 1 of the following table, is the period of time stated in column 4 of the table shown opposite that class.

Column 1	Column 2	Column 3	Column 4
Class of emu or ostrich	Maximum journey time (hours)	Maximum time off water (hours)	Minimum spell duration (hours)
Emus or ostriches between 5 and 90 days of age (inclusive)	24	24	12
Emus or ostriches more than 90 days of age	36	36	24

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- (2) A person who has custody of an emu or ostrich being transported must ensure, within 24 hours before starting a journey, the bird is provided with adequate food containing sufficient nutrients to ensure its good health and vitality.
  - (3) The driver of a road-going vehicle transporting an emu or ostrich must ensure any bird between 5 and 90 days of age is given reasonable access to feed at least once every 12 hours during the journey.
  - (4) The driver of a road-going vehicle transporting an emu or ostrich in a container must ensure any bird between 5 and 90 days of age is given reasonable access to water and feed at least once every 12 hours, and provided with shelter, during the journey.
  - (5) The driver of a road-going vehicle transporting an emu or ostrich less than 5 days of age must take reasonable measures to minimise the risk of harm to the bird during the journey from chilling or overheating.
  - (6) A person who has custody of an emu or ostrich less than 5 days of age must ensure that once the bird is removed from an incubator to be transported, the bird is returned for at least 24 hours to a suitable brooding environment that provides the bird with adequate feed, water and warmth—
    - (a) for a bird transported in a container in which the bird does not have reasonable access to water—within 60 hours; or
    - (b) otherwise—within 72 hours.

## **32 Goats**

When transporting goats—

- (a) the maximum journey time for the class of goat mentioned in column 1 of the following table, is the period of time mentioned in column 2 of the table shown opposite that class; and
- (b) the maximum time off water for the class of goat mentioned in column 1 of the following table, is the

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period of time stated in column 3 of the table shown opposite that class; and

- (c) the minimum spell duration for the class of goat mentioned in column 1 of the following table, is the period of time stated in column 4 of the table shown opposite that class.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Class of goat</b>	<b>Maximum journey time (hours)</b>	<b>Maximum time off water (hours)</b>	<b>Minimum spell duration (hours)</b>
Goats known or visually assessed to be between 14 and 19 weeks pregnant (inclusive)	24	24	12
Goats known or visually assessed to be more than 19 weeks pregnant	4	4	12
Lactating goats travelling with dependent young	28	28	12
Goats less than 6 months of age	28	28	12
Any other goat	48	48	36

### 33 Horses

- (1) When transporting horses—
- (a) the maximum journey time for the class of horse mentioned in column 1 of the following table, is the period of time mentioned in column 2 of the table shown opposite that class; and



- (b) the maximum time off water for the class of horse mentioned in column 1 of the following table, is the period of time stated in column 3 of the table shown opposite that class; and
- (c) the minimum spell duration for the class of horse mentioned in column 1 of the following table, is the period of time stated in column 4 of the table shown opposite that class.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Class of horse</b>	<b>Maximum journey time (hours)</b>	<b>Maximum time off water (hours)</b>	<b>Minimum spell duration (hours)</b>
Horses known or visually assessed to be between 30 and 43 weeks pregnant (inclusive)	12g82	12	12
Horses known or visually assessed to be more than 43 weeks pregnant	4	4	24
Lactating horses travelling with dependent young	12	12	12
Horses less than 6 months of age	12	12	12
Any other horse	24	24	12

- (2) Despite subsection (1), the maximum journey time for a horse, other than a horse known or visually assessed to be more than 43 weeks pregnant, is 36 hours if—
- (a) the horse is given reasonable access to water and feed at least once every 5 hours of the journey; and
- (b) the horse is transported in a vehicle that—

- (i) protects the horse from the natural elements; and
  - (ii) has sufficient space for the horse to stand at rest with its head raised; and
  - (iii) has sufficient drainage to remove urine; and
- (c) the horse is to be given a spell of at least 24 hours before starting another journey.
- (3) The driver of a road-going vehicle transporting a lactating horse with a dependent foal less than 6 months of age must, if the journey time is reasonably expected to be more than 5 hours, provide sufficient space in the vehicle for the foal to suckle from its mother and to lie down.
- (4) The driver of a road-going vehicle transporting a horse must ensure—
  - (a) for a vehicle with separate stalls or other partitions—that each stall or partition is accessible so as to allow feeding, watering and visual inspection of the horse; and
  - (b) for a vehicle that is fully enclosed with a controlled environment—that there is sufficient airflow, with at least 12 air changes every hour; and
  - (c) for a vehicle other than a horse float—that the vehicle has a vertical clearance of at least 2.2 metres; and
  - (d) if the horse is a stallion—that it is segregated from other horses on the vehicle.

## **34 Pigs**

- (1) When transporting pigs—
  - (a) the maximum journey time for the class of pig mentioned in column 1 of the following table, is the period of time mentioned in column 2 of the table shown opposite that class; and
  - (b) the maximum time off water for the class of pig mentioned in column 1 of the following table, is the

period of time stated in column 3 of the table shown opposite that class; and

- (c) the minimum spell duration for the class of pig mentioned in column 1 of the following table, is the period of time stated in column 4 of the table shown opposite that class.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Class of pig</b>	<b>Maximum journey time (hours)</b>	<b>Maximum time off water (hours)</b>	<b>Minimum spell duration (hours)</b>
Pigs known or visually assessed to be more than 14 weeks pregnant	4	4	24
Lactating pigs travelling with dependent young	12	12	12
Weaned pigs weighing less than 30 kilograms	12	12	12
Any other pig	24	24	12

- (2) Despite subsection (1), the maximum journey time for a pig, other than a pig known or visually assessed to be more than 14 weeks pregnant, is 72 hours if—
- (a) the pig is given reasonable access to water and feed at least once every 24 hours of the journey; and
  - (b) there is sufficient space in the vehicle for the pig to lie down; and
  - (c) the pig is to be given a spell of at least 24 hours before starting another journey.

### **35 Poultry**

- (1) When transporting poultry—

## Schedule 3

- (a) the maximum journey time for the class of poultry mentioned in column 1 of the following table, is the period of time mentioned in column 2 of the table shown opposite that class; and
- (b) the maximum time off water for the class of poultry mentioned in column 1 of the following table, is the period of time stated in column 3 of the table shown opposite that class; and
- (c) the minimum spell duration for the class of poultry mentioned in column 1 of the following table, is the period of time stated in column 4 of the table shown opposite that class.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Class of poultry</b>	<b>Maximum journey time (hours)</b>	<b>Maximum time off water (hours)</b>	<b>Minimum spell duration (hours)</b>
Chicks	72	72	72
Poultry other than chicks	24	24	24

- (2) Despite subsection (1), for a chick, the maximum time off water and the minimum spell duration is 84 hours if the chick is given reasonable access to water at all times the chick is loaded on the vehicle in which it is being transported.
- (3) A person who has custody of poultry more than 5 days of age must ensure, within 12 hours before starting a journey, the poultry is provided with adequate food containing sufficient nutrients to ensure the bird's good health and vitality.
- (4) The driver of a road-going vehicle transporting poultry less than 5 days of age must take reasonable measures to minimise the risk of harm to the bird during the journey from chilling or overheating.
- (5) A person who has custody of poultry less than 5 days of age must ensure that once the bird is removed from an incubator to be transported, the bird is returned for at least 24 hours to a

suitable brooding environment that provides the bird with adequate feed, water and warmth—

- (a) for a bird transported in a container in which the bird does not have reasonable access to water—within 60 hours; or
  - (b) otherwise—within 72 hours.
- (6) In this section—

*chick* means poultry less than 72 hours of age.

### 36 Sheep

When transporting sheep—

- (a) the maximum journey time for the class of sheep mentioned in column 1 of the following table, is the period of time mentioned in column 2 of the table shown opposite that class; and
- (b) the maximum time off water for the class of sheep mentioned in column 1 of the following table, is the period of time stated in column 3 of the table shown opposite that class; and
- (c) the minimum spell duration for the class of sheep mentioned in column 1 of the following table, is the period of time stated in column 4 of the table shown opposite that class.

Column 1	Column 2	Column 3	Column 4
Class of sheep	Maximum journey time (hours)	Maximum time off water (hours)	Minimum spell duration (hours)
Sheep known or visually assessed to be between 14 and 19 weeks pregnant (inclusive)	24	24	12

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Class of sheep</b>	<b>Maximum journey time (hours)</b>	<b>Maximum time off water (hours)</b>	<b>Minimum spell duration (hours)</b>
Sheep known or visually assessed to be more than 19 weeks pregnant	4	4	24
Lactating sheep travelling with dependent young	28	28	12
Sheep less than 4 months of age	28	28	12
Any other sheep	48	48	36

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## **Schedule 4      Documents made as codes of practice**

section 3

### **Part 1                      Compulsory codes of practice**

- 1 'Queensland code of practice for the welfare of animals in circuses', published by the department, 2003.

### **Part 2                      Voluntary codes of practice**

- 1 'Australian code of practice for the welfare of cattle in beef feedlots', in section 2.2, appendix 2.2A of the 'National guidelines for beef cattle feedlots in Australia', 2nd edition, prepared for the Standing Committee on Agriculture and Resource Management, published by CSIRO, 1997, SCARM Report No. 47.
- 2 'Australian model code of practice for the welfare of animals—Cattle', 2nd edition, prepared for the Primary Industries Standing Committee, published by CSIRO, 2004, PISC Report No. 85.
- 3 'Model code of practice for the welfare of animals—Animals at saleyards', prepared for the Standing Committee on Agriculture, Animal Health Committee, published by CSIRO, 1991, SCA Technical Report Series No. 31.
- 4 'Model code of practice for the welfare of animals—Domestic poultry', 4th edition, prepared for the Primary Industries Standing Committee, published by CSIRO, 2002, SCARM Report No. 83.
- 5 'Model code of practice for the welfare of animals—Farmed buffalo', prepared for the Standing Committee on Agriculture

- and Resource Management, Animal Health Committee, published by CSIRO, 1995, SCARM Report Series No. 52.
- 6 'Model code of practice for the welfare of animals—Feral livestock animals: Destruction or capture handling and marketing', prepared for the Standing Committee on Agriculture, Animal Health Committee, published by CSIRO, 1991, SCA Technical Report Series No. 34.
  - 7 'Model code of practice for the welfare of animals—Husbandry of captive-bred emus', 2nd edition, prepared for the Primary Industries Standing Committee, published by CSIRO, 2006, PISC Report No. 90.
  - 8 'Model code of practice for the welfare of animals—Intensive husbandry of rabbits', prepared for the Standing Committee on Agriculture, Animal Health Committee, published by CSIRO, 1991, SCA Technical Report Series No. 33.
  - 9 'Model code of practice for the welfare of animals—Livestock at slaughtering establishments', prepared for the Standing Committee on Agriculture and Resource Management, published by CSIRO, 2001, SCARM Report No. 79.
  - 10 'Model code of practice for the welfare of animals—Pigs', 3rd edition, prepared for the Primary Industries Standing Committee, published by CSIRO, 2008, PISC Report No. 92.
  - 11 'Model code of practice for the welfare of animals—The camel (*Camelus dromedarius*)', 2nd edition, prepared for the Primary Industries Standing Committee, published by CSIRO, 2006, PISC Report No. 86.
  - 12 'Model code of practice for the welfare of animals—The farming of deer', prepared for the Standing Committee on Agriculture, Animal Health Committee, published by CSIRO, 1991, SCA Technical Report Series No. 30.
  - 13 'Model code of practice for the welfare of animals—Farming of ostriches', prepared for the Primary Industries Standing Committee, published by CSIRO, 2003, SCARM Report No. 84.
  - 14 'Model code of practice for the welfare of animals—The goat', prepared for the Standing Committee on Agriculture,



Animal Health Committee, published by CSIRO, 1991, SCA Technical Report Series No. 32.

- 15 'Model code of practice for the welfare of animals—The sheep', 2nd edition, prepared for the Primary Industries Standing Committee, published by CSIRO, 2006, PISC Report No. 89.
- 16 'Queensland code of practice for the welfare of animals in film production under the *Animal Care and Protection Act 2001*', published by the department, 2006.

## Schedule 5 Fees

section 11

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1	Application for registration (Act, s 52(2)(d))—	
	(a) of an individual . . . . .	683.40
	(b) of all State schools, if the application is made by the State on behalf of the schools . . . . .	333.30
	(c) of a corporation or corporation sole that carries on, or is the governing body of, a primary or secondary school . . . . .	333.30
	(d) of another corporation or a public authority, if the corporation or authority has—	
	(i) fewer than 10 employees . . . . .	683.40
	(ii) 10 to 50 employees . . . . .	1 025.85
	(iii) more than 50 employees . . . . .	1 367.05
2	Copy of the register or a part of the register (Act, s 62(c)) . . . . .	40.90
3	Application for replacement registration certificate (Act, s 88(2)) . . . . .	68.20
4	Application for approval to conduct a test or use an animal in a way mentioned in the Act, section 92 (Act, s 93(2)). . . . .	683.40

# Endnotes

## 1 Index to endnotes

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## 2 Date to which amendments incorporated

This is the reprint date mentioned in the *Reprints Act 1992*, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 31 January 2014. Future amendments of the *Animal Care and Protection Regulation 2012* may be made in accordance with this reprint under the *Reprints Act 1992*, section 49.

## 3 Key

### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised version
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 4 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3237 0466 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments included	Effective	Notes
1	none	24 August 2012	

Current as at	Amendments included	Notes
1 March 2013	2013 SL No. 23	
21 June 2013	2013 SL No. 103	
1 July 2013	2013 SL No. 102	
31 January 2014	2013 SL No. 298	

## 5 List of legislation

### *Regulatory impact statements*

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### *Explanatory notes*

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

### **Animal Care and Protection Regulation 2012 SL No. 141**

made by the Governor in Council on 23 August 2012

notfd gaz 24 August 2012 pp 1065–6

commenced on date of notification

[exp 1 September 2022](#) (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

**Animal Care and Protection Amendment Regulation (No. 1) 2013 SL No. 23**

notfd gaz 1 March 2013 pp 331–2  
commenced on date of notification

**Agriculture and Fisheries Legislation Amendment Regulation (No. 1) 2013 SL No. 102 pts 1, 3**

notfd gaz 21 June 2013 pp 503–7  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2013 (see s 2)

**Animal Care and Protection Amendment Regulation (No. 2) 2013 SL No. 103**

notfd gaz 21 June 2013 pp 503–7  
commenced on date of notification

**Animal Care and Protection Amendment Regulation (No. 3) 2013 SL No. 298**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 20 December 2013  
ss 1–2 commenced on date of notification  
s 4(1) (to the extent it amds s 2(2)) commenced 31 January 2014 (see s 2) (amdt could not be given effect)  
remaining provisions commenced 31 January 2014 (see s 2)

## 6 List of annotations

**Provisions made as codes of practice**

s 2 amd 2013 SL No. 298 s 4; (2) amd 2013 SL No. 298 s 4(1) (amdt could not be given effect)

**Documents made as codes of practice**

s 3 amd 2013 SL No. 298 s 5

**Relationship between particular codes of practice**

s 4 amd 2013 SL No. 298 s 6

**Declared class of persons for inspectors—Act, s 114**

s 9 sub 2013 SL No. 23 s 3

**Fees**

s 11 amd 2013 SL No. 298 s 7

**SCHEDULE 1—CODE OF PRACTICE ABOUT DOMESTIC FOWL****Definitions for sch 1**

s 1 def *front* ins 2013 SL No. 103 s 3(1)

**Additional general requirements for cages installed on or after 1 January 1995**

s 4 amd 2013 SL No. 103 s 3(2)–(4)

**Door opening requirement for cages installed on or after 1 July 2013**

s 4A ins 2013 SL No. 103 s 3(5)

**Requirements for outdoor area of free range system**

s 14 sub 2013 SL No. 103 s 3(6)

**SCHEDULE 3—CODE OF PRACTICE FOR TRANSPORT OF LIVESTOCK**

ins 2013 SL No. 298 s 10

**SCHEDULE 4—DOCUMENTS MADE AS CODES OF PRACTICE**

(prev sch 3) amd 2013 SL No. 298 s 8

renum 2013 SL No. 298 s 9

**SCHEDULE 5—FEES**

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