



Queensland

Animal Care and Protection Amendment Act 2022

Act No. 35 of 2022

An Act to amend the Animal Care and Protection Act 2001, the Animal Care and Protection Regulation 2012, the Disability Services Act 2006, the Racing Integrity Act 2016, the Veterinary Surgeons Act 1936 and the Veterinary Surgeons Regulation 2016 for particular purposes

[Assented to 12 December 2022]



Queensland

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The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Animal Care and Protection Amendment Act 2022*.

Part 2 Amendment of Animal Care and Protection Act 2001

2 Act amended

This part amends the *Animal Care and Protection Act 2001*.

3 Amendment of s 11 (What is an *animal*)

Section 11(1)(d)—

omit, insert—

- (d) a live invertebrate creature of a species, or a stage of the life cycle of a species, from the class Cephalopoda;

Examples—

cuttlefish, nautilus, octopi, squid

- (e) a live invertebrate creature of a species, or a stage of the life cycle of a species, from the class Malacostraca prescribed by regulation for this paragraph.

Examples—

crabs, crayfish, lobsters, prawns

[s 4]

4 Amendment of s 13 (Making codes of practice)

Section 13(1), after ‘welfare’—

insert—

that are based on good practice and scientific knowledge

5 Amendment of s 17 (Breach of duty of care prohibited)

Section 17(2), penalty—

omit, insert—

Maximum penalty—

- (a) if the breach causes death, serious deformity, serious disability or prolonged suffering of an animal—2,000 penalty units or 3 years imprisonment; or
- (b) otherwise—300 penalty units or 1 year’s imprisonment.

6 Amendment of s 19 (Unreasonable abandonment or release)

Section 19—

insert—

- (3) For subsection (1), an animal may be abandoned by a person in charge of the animal regardless of whether the animal is provided with food or water by a person who is not in charge of the animal.

Example—

a person providing food and water to a dog that has been abandoned near the person’s premises

7 Amendment of s 20 (Meaning of *prohibited event*)

- (1) Section 20(1)(d), ‘at by,’—

omit, insert—

at, by

(2) Section 20(2)—

omit.

8 Amendment of ch 3, pt 4, hdg (Regulated surgical procedures)

Chapter 3, part 4 heading, ‘**surgical**’—

omit.

9 Replacement of s 24 (Docking dog’s tail)

Section 24—

omit, insert—

24 Docking dog’s tail

- (1) A person, other than a veterinary surgeon, must not dock a dog’s tail.

Maximum penalty—100 penalty units.

- (2) A veterinary surgeon must not dock a dog’s tail unless the surgeon reasonably considers the docking is in the interests of the dog’s welfare.

Maximum penalty—100 penalty units.

10 Insertion of new ss 27A and 27B

After section 27—

insert—

27A Spaying cattle

- (1) A person, other than a veterinary surgeon or an accredited person, must not spay cattle using the Willis dropped-ovary technique.

Maximum penalty—300 penalty units or 1 year’s

[s 10]

imprisonment.

- (2) A person must not use vaginal spreaders to spay cattle that have not given birth.

Maximum penalty—300 penalty units or 1 year’s imprisonment.

- (3) In this section—

accredited person means a person accredited to perform the Willis dropped-ovary technique to spay cattle under an approved cattle procedures accreditation scheme.

prescribed instrument, for the Willis dropped-ovary technique, means an instrument made of stainless steel that has a flattened spearhead with a slit that—

- (a) is in the forward end of the spearhead; and
- (b) has a sharp edge at the end of the slit; and
- (c) joins an oval hole at the other end of the slit.

Willis dropped-ovary technique means a technique for spaying cattle that involves dropping ovaries into the abdominal cavity by using a prescribed instrument to—

- (a) enter the abdominal cavity by piercing the wall of the vagina with the instrument’s spearhead; and
- (b) place each ovary, by rectal manipulation, in the oval hole in the instrument’s spearhead; and
- (c) sever the ovaries with the sharp edge of the slit in the instrument’s spearhead by retracting the instrument.

27B Testing for pregnancy in cattle

- (1) A person, other than a veterinary surgeon or an

accredited person, must not use rectal palpation or transrectal ultrasound to test for pregnancy in cattle unless the person performs the test without fee or reward.

Maximum penalty—300 penalty units or 1 year’s imprisonment.

(2) In this section—

accredited person means a person accredited to use rectal palpation or transrectal ultrasound to test for pregnancy in cattle under an approved cattle procedures accreditation scheme.

11 Amendment of ch 3, pt 4, div 3, hdg (Restriction on supplying animals that have undergone a regulated surgical procedure)

Chapter 3, part 4, division 3 heading ‘**surgical**’—
omit.

12 Replacement of ss 28 and 29

Sections 28 and 29—
omit, insert—

28 Restriction on supplying debarked dog

(1) A person (a *supplier*) must not supply another person a dog that the supplier knows has had a debarking operation performed on it unless the supplier gives the other person a signed veterinary surgeon’s certificate stating that the operation was performed in accordance with section 25(2).

Maximum penalty—150 penalty units or 1 year’s imprisonment.

(2) However, subsection (1) does not apply if—

(a) the dog was abandoned; and

[s 12]

- (b) the supplier is surrendering the dog to a pound or animal shelter.
- (3) Subsection (4) applies if—
 - (a) a pound or animal shelter takes possession of a dog that has had a debarking procedure performed on it before the pound or animal shelter took possession of the dog; and
 - (b) the pound or animal shelter is not given a veterinary surgeon's certificate for the dog as stated in subsection (1).
- (4) The pound or animal shelter must not supply a person with the dog unless the pound or animal shelter gives the person a certificate stating that the dog had the debarking procedure performed on it before the pound or animal shelter took possession of the dog.

Maximum penalty—150 penalty units or 1 year's imprisonment.

- (5) Subsection (6) applies to a person who is supplied a dog—
 - (a) by a person in accordance with subsection (1); or
 - (b) by a pound or animal shelter in accordance with subsection (4).
- (6) The person (an *on-supplier*) must not on-supply the dog to another person unless the on-supplier gives the other person—
 - (a) the signed veterinary surgeon's certificate given for the dog under subsection (1); or
 - (b) the certificate given for the dog under subsection (4).

Maximum penalty—150 penalty units or 1 year's imprisonment.

29 Other restrictions

- (1) A person (a *supplier*) must not supply another person with an animal that the supplier knows has had a regulated procedure performed on it unless the supplier has given the other person a signed veterinary surgeon's certificate stating that the operation was performed in the interests of the animal's welfare.

Maximum penalty—150 penalty units or 1 year's imprisonment.

- (2) However, subsection (1) does not apply if—
 - (a) the animal was abandoned; and
 - (b) the supplier is surrendering the animal to a pound or animal shelter.
- (3) Subsection (4) applies if—
 - (a) a pound or animal shelter takes possession of an animal that has had a regulated procedure performed on it; and
 - (b) the pound or animal shelter is not given a veterinary surgeon's certificate for the animal in accordance with subsection (1).
- (4) The pound or animal shelter must not supply someone else the animal unless the pound or animal shelter gives the person a certificate stating that the animal had the regulated procedure performed on it before the pound or animal shelter took possession of it.

Maximum penalty—150 penalty units or 1 year's imprisonment.

- (5) Subsection (6) applies to a person who is supplied an animal—
 - (a) by a person in accordance with subsection (1); or

[s 12]

- (b) by a pound or animal shelter in accordance with subsection (4).
- (6) The person (an *on-supplier*) must not on-supply the animal to another person unless the on-supplier gives the other person—
 - (a) the signed veterinary surgeon’s certificate given for the animal under subsection (1); or
 - (b) the certificate given for the animal under subsection (4).

Maximum penalty—150 penalty units or 1 year’s imprisonment.

- (7) In this section—

regulated procedure means—

 - (a) cropping a dog’s ear;
 - (b) removing a cat’s claw;
 - (c) docking the tail of a dog, horse or cow.

29A Restriction for person supplied animal that has undergone regulated procedure

- (1) This section applies if a person is supplied 1 of the following animals (each a *supplied animal*)—
 - (a) a dog under section 28;
 - (b) an animal under section 29.
- (2) The person must keep the certificate given for the supplied animal while the person remains in charge of the animal.

Maximum penalty—150 penalty units or 1 year’s imprisonment.

- (3) The person must, if required by an inspector, make the certificate given for the supplied animal available for inspection by the inspector.

Maximum penalty—150 penalty units or 1 year’s

imprisonment.

(4) In this section—

certificate, for a supplied animal, means—

- (a) a signed veterinary surgeon's certificate given for the animal as stated in section 28(1) or 29(1); or
- (b) a certificate given for the animal as stated in section 28(4) or 29(4).

13 Replacement of s 33 (Obligation to exercise closely confined dogs)

Section 33—

omit, insert—

33 Transporting dogs

(1) A driver must not transport a dog inside a vehicle if any part of the dog, other than its head, is able to protrude from the vehicle.

Maximum penalty—60 penalty units.

(2) A driver must not transport a dog on the tray of a vehicle or on a trailer unless the dog is secured in such a way as to prevent it from—

- (a) falling off, or out of, the tray or trailer; or
- (b) moving off the tray or trailer; or
- (c) being injured by the movement of the vehicle or trailer.

Maximum penalty—60 penalty units.

(3) However, subsection (2) does not apply if—

- (a) the dog is being transported on the tray of a vehicle or on a trailer; and
- (b) the purpose of transporting the dog is to assist in the movement of livestock.

[s 14]

14 Insertion of new ch 3, pt 5, divs 5 to 7

After section 37—

insert—

Division 5 Possession or use of prohibited devices

37A Possession or use of prohibited devices

(1) A person must not possess any of the following devices (each a *prohibited device*) unless the person has a reasonable excuse—

- (a) a prong collar;
- (b) another restraint device prescribed by regulation.

Maximum penalty—30 penalty units.

(2) A person must not use a prohibited device on an animal unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

(3) In this section—

prong collar means a collar that—

- (a) is designed for use on a dog; and
- (b) consists of a series of links or segments with prongs, teeth or blunted open ends turned towards the skin of a dog so that, when the collar is tightened, the collar pinches the skin around the dog's neck.

restraint device means a device fitted to an animal for the purpose of restraining it.

Examples—

collars, leads, harnesses, muzzles, halters

Division 6 Possession or use of prohibited nets

37B Possession or use of prohibited nets

- (1) A person must not possess a net prescribed by a regulation (a *prohibited net*) unless the person has a reasonable excuse.

Maximum penalty—30 penalty units.

- (2) A person must not use a prohibited net unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

Division 7 Firing or blistering

37C Firing or blistering on horses and dogs

A person must not apply extreme heat or cold, or acid or another caustic chemical, to the leg of a horse or dog with the intention of causing tissue damage or developing scar tissue around the ligaments or tendons of the animal's leg.

Maximum penalty—300 penalty units or 1 year's imprisonment.

15 Insertion of new s 41B

After section 41A—

insert—

41B Euthanasing sick or injured animals by veterinary surgeons

- (1) This section applies for an offence if the act that constitutes the offence—
- (a) involves the killing of an animal; and

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- (b) is done by a veterinary surgeon.
- (2) In a proceeding for the offence, it is a defence for a veterinary surgeon to prove—
 - (a) that the act was done in the belief that the animal was so diseased or severely injured, or in such poor physical or psychological condition, that it would have been cruel to keep it alive; and
 - (b) that the act was done in a humane way; and
 - (c) that the veterinary surgeon took reasonable steps to identify and contact the person in charge of the animal before doing the act.
- (3) Without limiting subsection (2)(c), reasonable steps include—
 - (a) scanning the animal for a microchip; and
 - (b) searching any relevant registers; and
 - (c) searching the animal for any other form of identification, including, for example, collars or tags.

16 Amendment of s 42 (Feral or pest animals)

Section 42(1)(b)—

omit, insert—

- (b) the act does not involve the use of—
 - (i) a prohibited trap or spur; or
 - (ii) a poison that includes the ingredients carbon disulfide and phosphorus.

Example—

CSSP Pig Poison

17 Amendment of s 47 (Supplying animal)

Section 47(a), note, ‘surgical’—
omit.

18 Amendment of s 48 (When an animal is used for *scientific purposes*)

Section 48(1)—
omit, insert—

- (1) An animal is used for *scientific purposes* if it is used in an activity performed to acquire, demonstrate or develop knowledge or a technique in any field of science.

Examples of an activity—

- diagnosis
- environmental studies
- field trials
- producing biological products
- product testing
- research, including for example, creating or breeding a new line of animal
- teaching

19 Replacement of s 58 (Term of registration)

Section 58—
omit, insert—

58 Term of registration

- (1) Registration is for the term stated on the registration certificate.
- (2) The stated term must not be longer than 4 years.
- (3) A replacement registration certificate given under section 79 or 88 does not extend or otherwise affect the term.

[s 20]

20 Amendment of s 62 (Inspection of register)

Section 62(a)—

omit, insert—

- (a) keep the register open for inspection, free of charge, by members of the public during office hours on business days at the department's head office; and

Note—

At the commencement of this section, the department's head office was at 41 George Street, Brisbane.

21 Insertion of new s 87A

After section 87—

insert—

87A Notification of change in circumstances

- (1) This section applies to a registered person if—
 - (a) a disqualifying event happens in relation to the person; or
 - (b) a material particular in the information given for the person's application for registration changes.
- (2) The person must give notice of the event or change to the chief executive within 7 business days after the event or change happens.

Maximum penalty—50 penalty units.

22 Insertion of new chs 4A and 4B

After chapter 4—

insert—

Chapter 4A Approved cattle procedures accreditation schemes

Division 1 Preliminary

93A Definitions for chapter

In this chapter—

approval, for a cattle procedures accreditation scheme, means the chief executive's approval of the scheme under section 93G.

approved cattle procedures accreditation scheme means a cattle procedures accreditation scheme approved by the chief executive under division 2.

cattle procedures accreditation scheme see section 93B.

owner, of an approved cattle procedures accreditation scheme, means the person who has the right to manage and administer the scheme.

prescribed procedure means—

- (a) spaying cattle using the Willis dropped-ovary technique; or
- (b) testing for pregnancy in cattle using—
 - (i) rectal palpation; or
 - (ii) transrectal ultrasound.

93B What is a *cattle procedures accreditation scheme*

A *cattle procedures accreditation scheme* is a

[s 22]

scheme that provides for the following functions—

- (a) accrediting persons to perform a prescribed procedure on cattle in accordance with the scheme, including—
 - (i) setting the competency requirements for accreditation; and
 - (ii) granting an accreditation; and
 - (iii) setting the form of an accreditation; and
 - (iv) setting the terms and conditions of accreditation, including provisional accreditation; and
 - (v) auditing an accredited person's activities under an accreditation; and
 - (vi) responding to an accredited person's noncompliance with the accreditation, including by suspending or cancelling the accreditation;
- (b) reviewing decisions made, and resolving disputes, under the scheme;
- (c) assessing and investigating complaints about the conduct of accredited persons;
- (d) developing operational procedures to apply under the scheme;
- (e) recording and disclosing information about a person's accreditation.

93C Purpose of cattle procedures accreditation scheme

The purpose of the cattle procedures accreditation scheme is to allow persons to gain accreditation to perform prescribed procedures on cattle under this Act.

Division 2 Approval of cattle procedures accreditation schemes

93D Applying for approval

- (1) The owner of a cattle procedures accreditation scheme may apply to the chief executive for approval of the scheme.
- (2) The application must be—
 - (a) made in the approved form; and
 - (b) accompanied by a document that sets out the arrangements for each of the functions of the cattle procedures accreditation scheme mentioned in section 93B.

93E Criteria for approval

The chief executive may approve a cattle procedures accreditation scheme if satisfied the scheme provides for each of the functions mentioned in section 93B.

93F Request for further information

- (1) The chief executive may, by written notice given to the applicant, request the applicant to give the chief executive further information the chief executive reasonably requires to decide the application to approve a cattle procedures accreditation scheme.
- (2) The written notice must state—
 - (a) the information requested; and
 - (b) the day, not earlier than 28 days after the notice is given to the applicant, by which the

[s 22]

further information is required to be given to the chief executive; and

- (c) that the chief executive may cancel the application if the applicant does not comply with the notice.
- (3) The applicant must give the information to the chief executive in writing unless the notice states a different way in which to give the information.
- (4) If the applicant does not comply with the notice, the chief executive may give the applicant a written notice cancelling the application.
- (5) The cancellation of the application under subsection (4) takes effect on the day the notice cancelling the application is given to the applicant.

93G Deciding application

- (1) For each application for approval, the chief executive must decide to—
 - (a) approve the application; or
 - (b) refuse to approve the application; or
 - (c) approve the application subject to conditions.
- (2) If the chief executive approves the application, the chief executive must give the applicant notice of the decision.
- (3) If the chief executive refuses to approve the application, or approves the application subject to conditions, the chief executive must give the applicant an information notice about the decision as soon as practicable after making the decision.

Division 3 Amendment of approval

93H Applying for amendment of approval

- (1) The holder of an approved cattle procedures accreditation scheme may apply to the chief executive to amend the approval.
- (2) The application must be—
 - (a) made in the approved form; and
 - (b) supported by sufficient information to enable the chief executive to decide the application.

93I Request for further information

- (1) The chief executive may, by written notice given to the applicant, request the applicant to give the chief executive further information the chief executive reasonably requires to decide the application.
- (2) The written notice must state—
 - (a) the information requested; and
 - (b) the time, not earlier than 28 days after the notice is given to the applicant, by which the further information is required to be given to the chief executive; and
 - (c) that the chief executive may cancel the application if the applicant does not comply with the notice.
- (3) The applicant must give the information to the chief executive in writing unless the notice states a different way in which to give the information.
- (4) If the applicant does not comply with the notice, the chief executive may give the applicant a written notice cancelling the application.
- (5) The cancellation of the application under subsection (4) takes effect on the day the notice cancelling the application for the amendment is

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given to the applicant.

93J Deciding amendment application

- (1) For each application for amendment of an approved cattle procedures accreditation scheme, the chief executive must decide to—
 - (a) approve the application; or
 - (b) refuse to approve the application; or
 - (c) if the applicant agrees in writing to another amendment—approve the agreed amendment.
- (2) If the chief executive approves the application, the chief executive must give the applicant notice of the decision.
- (3) If the chief executive refuses to approve the application, the chief executive must give the applicant an information notice about the decision as soon as practicable after making the decision.

93K Amendment of approval by chief executive

- (1) The chief executive may decide to amend an approved cattle procedures accreditation scheme at any time without an application from the holder of the approval.
- (2) Without limiting subsection (1), an amendment of an approved cattle procedures accreditation scheme may impose, vary or remove a condition of the approval.
- (3) If the chief executive amends an approved cattle procedures accreditation scheme, the chief executive must give the holder of the approval an information notice about the decision as soon as practicable after making the decision.

Division 4 Cancellation or suspension of approval

93L Purpose of division

The purpose of this division is to provide the process for suspending or cancelling an approved cattle procedures accreditation scheme.

93M Grounds for suspending or cancelling approval

Each of the following is a ground for suspending or cancelling an approved cattle procedures accreditation scheme—

- (a) the approval was granted because of materially false or misleading information;
- (b) the holder of the approval failed to comply with a condition of the approval.

93N Notice of proposed action

- (1) This section applies if the chief executive believes a ground exists to suspend or cancel an approved cattle procedures accreditation scheme.
- (2) The chief executive must give the holder of the approval a notice stating each of the following—
 - (a) the action (the *proposed action*) the chief executive proposes to take under this division;
 - (b) the grounds for the proposed action;
 - (c) the facts and circumstances that are the basis for the grounds;

[s 22]

- (d) if the proposed action is to suspend the approval—the proposed suspension period of not longer than 2 years;
 - (e) that the holder may make, within a stated period, written representations to show why the proposed action should not be taken.
- (3) The stated period must not end less than 28 days after the holder is given the notice.

93O Considering representations

- (1) The chief executive must consider all written representations made under section 93N.
- (2) After considering the written representations, the chief executive may decide to take no further action.
- (3) If the chief executive decides not to take any further action, the chief executive must give the holder of the approval notice of the decision as soon as possible after making the decision.

93P Decision on proposed action

If, after considering all written representations made under section 93N, the chief executive believes a ground exists to take the proposed action, the chief executive may decide to—

- (a) if the proposed action was to suspend the approval—suspend the approval for a period not longer than the suspension period stated in the notice given to the holder of the approval under section 93N; or
- (b) if the proposed action was to cancel the approval—
 - (i) cancel the approval; or

- (ii) suspend the approval for a term of not longer than 2 years.

93Q Notice and effect of decision

- (1) After making a decision about the approved cattle procedures accreditation scheme under section 93P, the chief executive must give the holder of the approval an information notice about the decision as soon as practicable after making the decision.
- (2) The decision takes effect on the later of the following days—
 - (a) the day the information notice is given to the holder;
 - (b) a later day stated in the information notice.

Division 5 Register

93R Register

- (1) The chief executive must keep a register of approved cattle procedures accreditation schemes.
- (2) The register must contain the following particulars for each approved cattle procedures accreditation scheme—
 - (a) the name of the scheme;
 - (b) the day the scheme was approved;
 - (c) the status of the scheme;
 - (d) the name and contact details of the owner of the scheme.
- (3) The chief executive must publish the register on the department's website.

Chapter 4B Obligations relating to livestock slaughter facilities

Part 1 Preliminary

93S Definitions for chapter

In this chapter—

livestock includes alpacas, buffalo, camels, deer, emus, goats, ostriches, pigs or poultry.

livestock slaughter facility means a facility used to slaughter—

- (a) horses; or
- (b) other livestock of a kind or class prescribed by regulation.

Part 2 Closed-circuit television equipment for livestock slaughter facilities

93T Closed-circuit television equipment

- (1) The owner of a livestock slaughter facility must install, maintain and operate closed-circuit television equipment at the facility that records movement at the facility as required by subsection (2).

Maximum penalty—300 penalty units.

- (2) The closed-circuit television equipment must clearly record the movement of livestock at each

of the following locations at the livestock slaughter facility (each a *monitoring point*)—

- (a) an entrance to the facility;
- (b) an area used to unload livestock;
- (c) an area used to hold livestock;
- (d) an area at which livestock is handled before slaughter;
- (e) an area used to slaughter livestock, including, the areas used to restrain, exsanguinate or stun livestock.

93U Requirements for closed-circuit television equipment

The owner of a livestock slaughter facility must—

- (a) ensure that closed-circuit television equipment at the facility—
 - (i) meets the minimum requirements for the equipment prescribed by regulation; and
 - (ii) complies with all requirements about maintaining the equipment prescribed by regulation; and
 - (iii) is recording at all times when livestock is at the facility; and
- (b) store each recording made by closed-circuit television equipment at the facility in a secure place in compliance with all requirements about storage prescribed by regulation.

Maximum penalty—300 penalty units.

93V Signs to be displayed at livestock slaughter facilities

The owner of a livestock slaughter facility must display signage at the facility in a way that is likely to make any person at the facility aware that closed-circuit television equipment is installed at the facility.

Maximum penalty—30 penalty units.

93W Inspecting recordings

- (1) The owner of a livestock slaughter facility must keep each recording made by closed-circuit television equipment at the facility available for inspection by an inspector until the recording may be erased or destroyed under subsection (2) or (3).

Maximum penalty—300 penalty units.

- (2) The owner may only erase or destroy a recording 30 days after the recording is made.
- (3) However, an inspector may, within 30 days after the recording is made, require that the owner not erase or destroy the recording earlier than 1 year and 30 days after it is made.
- (4) A requirement made of the owner under subsection (3) must be made by written notice given to the owner.

93X Operating closed-circuit television equipment

The owner of a livestock slaughter facility must not allow closed-circuit television equipment at the facility to be operated by any person other than—

- (a) the owner; or
- (b) another person approved by the owner.

Maximum penalty—300 penalty units.

93Y Use of recordings

A recording made by closed-circuit television equipment at a livestock slaughter facility may only be used by an inspector for the purpose of investigating or prosecuting an animal welfare offence, including using the recording as evidence of the offence.

Maximum penalty—300 penalty units.

Part 3 Requirement to notify chief executive

93Z Owner of livestock slaughter facility must notify chief executive of particular matters

- (1) The owner of a livestock slaughter facility must give the chief executive notice, in the approved form, of the arrival of any horse at the facility no later than 2 business days before the horse arrives at the facility.

Maximum penalty—300 penalty units.

- (2) However, if the owner is made aware of the arrival of a horse at the facility later than 2 business days before the horse arrives, the notice must be given to the chief executive as soon as possible after the owner becomes aware of the arrival.

23 Amendment of s 117 (When inspector ceases to hold office)

Section 117(1)—

insert—

[s 24]

- (d) the inspector's appointment is cancelled under section 118D.

24 Insertion of new ch 6, pt 1, div 1A

After section 118—

insert—

Division 1A Cancellation or suspension of appointment

118A Grounds for suspending or cancelling appointment

Each of the following is a ground for suspending or cancelling an inspector's appointment—

- (a) the chief executive reasonably believes that the inspector is no longer suitable for appointment as an inspector under section 114;
- (b) the inspector failed to comply with a condition of the appointment.

118B Notice of proposed action

- (1) This section applies if the chief executive believes a ground exists for suspending or cancelling an inspectors appointment.
- (2) The chief executive must give the inspector a notice stating each of the following—
 - (a) the action (the *proposed action*) the chief executive proposes to take under this division;
 - (b) the grounds for the proposed action;

- (c) the facts and circumstances that are the basis for the grounds;
 - (d) if the proposed action is to suspend the appointment—the proposed suspension period of not longer than 2 years;
 - (e) that the inspector may, within a stated period, make written representations to show why the proposed action should not be taken.
- (3) The stated period must not end earlier than 28 days after the inspector is given the notice.

118C Considering representations

- (1) The chief executive must consider all written representations made under section 118B.
- (2) After considering the written representations, the chief executive may decide to take no further action.
- (3) If the chief executive decides not to take any further action, the chief executive must give the inspector notice of the decision as soon as possible after making the decision.

118D Decision on proposed action

If, after considering all written representations made under section 118B, the chief executive believes a ground exists to take the proposed action, the chief executive may decide to—

- (a) if the proposed action was to suspend the appointment—suspend the appointment for a period not longer than the suspension period stated in the notice given to the inspector under section 118B; or

[s 25]

- (b) if the proposed action was to cancel the appointment—
 - (i) cancel the appointment; or
 - (ii) suspend the appointment for a term of not longer than 2 years.

118E Notice and effect of proposed action decision

- (1) After making a decision about an inspector's appointment under section 118D, the chief executive must give the inspector an information notice about the decision as soon as practicable after making the decision.
- (2) The decision takes effect on the later of the following days—
 - (a) the day the information notice is given to the inspector;
 - (b) a later day stated in the information notice.

25 Amendment of s 121 (Return of identity card)

Section 121—

insert—

- (2) If an inspector's appointment is suspended under section 118D, the inspector must return the inspector's identity card to the chief executive within 14 days after being given notice of the decision to suspend.

Maximum penalty—20 penalty units.

26 Insertion of new ch 6, pt 1, div 3

After section 121—

insert—

Division 3 Training and reporting obligations

121A Training

An inspector must satisfactorily complete the training prescribed by regulation within the period required by regulation.

Maximum penalty—20 penalty units.

121B Conflicts of interest

An inspector must give notice to the chief executive of all interests, pecuniary or otherwise, that the inspector has, or acquires, and that conflict, or could conflict, with the proper performance of the inspector's functions.

Maximum penalty—20 penalty units.

27 Amendment of s 122 (Power of entry)

(1) Section 122(1)—

insert—

- (i) the place is a livestock slaughter facility and the entry is made when a horse is present at the facility and during normal business hours.

(2) Section 122—

insert—

- (3) For subsection (1)(h), an animal may be abandoned by a person in charge of the animal regardless of whether the animal is provided with food or water by a person who is not in charge of the animal.

[s 28]

Example—

a person providing food and water to a dog that has been abandoned near the person's premises

28 Amendment of s 123 (Limited entry power to provide relief to animal)

(1) Section 123(1)(a)(i)—

omit, insert—

- (i) an animal at a place, other than a vehicle—
 - (A) is suffering from lack of food or water; or
 - (B) is entangled; or
 - (C) is exposed to extreme weather conditions; or
 - (D) is at risk of being injured or killed by another animal acting aggressively towards it (an ***aggressive animal***); and

(2) Section 123(2)—

omit, insert—

- (2) The inspector may enter and stay at the place while it is reasonably necessary to—
 - (a) provide food or water to the animal; or
 - (b) disentangle the animal; or
 - (c) move the animal to an area within the place that protects the animal from the extreme weather conditions or the aggressive animal.

(3) Section 123—

insert—

- (5) In this section—

cold stress, for an animal, means exposure to temperatures, in the immediate environment, below which the animal can not maintain normal

body temperature without needing to use energy beyond normal basal metabolic rate.

extreme weather conditions means temperature or climatic conditions that are likely to predispose an animal to heat or cold stress.

heat stress, for an animal, means exposure to temperatures, in the immediate environment, above which the animal can not maintain normal body temperature without needing to use energy beyond normal basal metabolic rate.

29 Amendment of s 158 (Application of div 5)

Section 158(1)—

insert—

- (c) a person has not complied with a compulsory code requirement.

30 Amendment of s 159 (Power to give animal welfare direction)

(1) Section 159(1)—

omit, insert—

- (1) The inspector may give a written direction (an ***animal welfare direction***) requiring stated action about—
 - (a) the animal or its environment; or
 - (b) if section 158(1)(c) applies—the non-compliance with the compulsory code requirement.

(2) Section 159(2)—

insert—

- (d) another person to whom a relevant compulsory code requirement applies.

[s 31]

31 Amendment of s 160 (Requirements for giving animal welfare direction)

Section 160(1)(b)—

insert—

- (iii) if the direction is given because the inspector reasonably believes a person has not complied with a compulsory code requirement—the particulars of the non-compliance; and

32 Insertion of new ch 6A

After section 173—

insert—

Chapter 6A Recognising offences under interstate laws

Part 1 Preliminary

173A Definitions for chapter

In this chapter—

interstate law means a law of another State, or the Commonwealth, that corresponds to the provisions of this Act.

interstate prohibition decision means an order or another decision that—

- (a) is made under an interstate law; and
- (b) has the effect of—
 - (i) ordering the disposal or forfeiture of a thing or an animal; or

- (ii) prohibiting a person from possessing, purchasing or otherwise acquiring an animal.

Part 2 Directions

173B Power to give directions

- (1) This section applies if a person is the subject of an interstate prohibition decision.
- (2) The chief executive may—
 - (a) direct the forfeiture of an animal that is the subject of the interstate prohibition decision; or
 - (b) direct that the person not possess, purchase or otherwise acquire—
 - (i) a particular animal; or
 - (ii) a stated type of animal; or
 - (c) direct that the person not possess, purchase or otherwise acquire any animal, or a stated type of animal, for trade or commerce or another stated purpose.
- (3) A direction made under subsection (2) must—
 - (a) be made in writing; and
 - (b) be given to the person subject to the direction; and
 - (c) for a direction made under subsection (2)(b) or (c)—state the period for which the direction applies.

173C Criteria for making direction

- (1) The chief executive may make a direction under

[s 32]

section 173B(2) only if satisfied it is just to make the direction in all the circumstances.

- (2) In considering whether to make the direction, the chief executive must consider each of the following—
 - (a) the interstate prohibition decision;
 - (b) the nature of the act or omission that is the subject of the interstate prohibition decision;
 - (c) the effect of the act or omission on any animal;
 - (d) the welfare of an animal that is the subject of the act or omission;
 - (e) the welfare of any other animal owned by the person;
 - (f) the person's compliance or otherwise with the interstate law or the interstate prohibition decision;
 - (g) the likelihood of the person committing an animal welfare offence.
- (3) Subsection (2) does not limit the matters the chief executive may consider.

173D Compliance with direction

- (1) A person subject to a direction made under section 173B(2) must comply with the direction unless the person has a reasonable excuse.

Maximum penalty—300 penalty units or 1 year's imprisonment.
- (2) However, if the person applies for the revocation of the direction under section 173E, subsection (1) does not apply while the application is being considered.

Part 3 Amendment or revocation of directions

173E Applying for amendment or revocation of a direction

- (1) A person subject to a direction under section 173B(2) may apply to the chief executive to amend or revoke the direction.
- (2) The application must be—
 - (a) made in the approved form; and
 - (b) supported by sufficient information to enable the chief executive to decide the application.

173F Deciding application

- (1) The chief executive must consider an application to amend or revoke a direction and decide to—
 - (a) approve the application; or
 - (b) refuse to approve the application; or
 - (c) if the applicant agrees in writing to another amendment—approve the agreed amendment.
- (2) The chief executive may only approve an application under subsection (1) if satisfied—
 - (a) there has been a substantial change in the person's circumstances after the direction was made; or
 - (b) in all the circumstances, it is reasonable to amend or revoke the direction.
- (3) However, the chief executive must approve an application to revoke a direction if the interstate prohibition decision to which the direction relates

[s 33]

is reversed, cancelled or otherwise ends.

- (4) If the chief executive approves the application, the chief executive must give the applicant notice of the decision.
- (5) If the chief executive refuses to approve the application, the chief executive must give the applicant an information notice about the decision as soon as practicable after making the decision.

33 Amendment of s 178 (Offences under Act are summary)

Section 178—

insert—

- (3) A prosecution may only be started by a person authorised by the chief executive to bring the prosecution.

34 Insertion of new s 215AA

After section 215A—

insert—

215AA Protection from liability for euthanasing sick or injured animals

- (1) This section applies if a veterinary surgeon euthanased an animal under section 41B.
- (2) The veterinary surgeon is not liable, civilly, criminally or under an administrative process for euthanasing the animal.

35 Insertion of new s 215DA

After section 215D—

insert—

215DA Disclosure requirement

- (1) This section applies if—
 - (a) an inspector is investigating an alleged animal welfare offence; and
 - (b) the inspector is an employee or agent of the RSPCA.
- (2) The chief executive may, by written notice, require the RSPCA to give the chief executive copies of, or access to, all documents and information relating to the investigation that are held by the RSPCA.
- (3) The RSPCA must provide the information by the day stated in the notice.
- (4) The stated day must not be less than 14 days after the notice is given to the RSPCA.
- (5) In this section—

RSPCA means the Royal Society for the Prevention of Cruelty to Animals (Queensland) Limited.

36 Amendment of sch (Dictionary)

- (1) Schedule, definitions *owner* and *register*—

omit.
- (2) Schedule—

insert—

animal shelter means a premises maintained for the purpose of providing shelter to, or finding a home for, stray, abandoned or unwanted animals.

approval, for a cattle procedures accreditation scheme, for chapter 4A, see section 93A.

approved cattle procedures accreditation scheme see section 93A.

[s 36]

cattle procedures accreditation scheme, for chapter 4A, see section 93B.

interstate law see section 173A.

interstate prohibition decision see section 173A.

livestock, for chapter 4B, see section 93S.

livestock slaughter facility, for chapter 4B, see section 93S.

owner—

- (a) for a thing that has been seized under this Act, includes a person who would be entitled to possession of the thing had it not been seized; and
- (b) for a cattle procedures accreditation scheme, for chapter 4A, see section 93A.

pound means a premises maintained for the purpose of impounding animals.

prescribed procedure for chapter 4A, see section 93A.

register, when used as a noun, means—

- (a) the register of scientific users kept under section 60; or
- (b) the register of approved cattle procedures accreditation schemes kept under section 93R.

regulated procedure see section 29(6).

- (3) Schedule, definition *original decision*—

insert—

- (k) refuse an application under section 93G(1)(b) or 93J(1)(b);
- (l) grant an application on conditions under section 93G(1)(c);
- (m) amend an approval under section 93K(1);
- (n) cancel or suspend an approval under section 93P;
- (o) cancel or suspend an inspector's appointment under section 118D;

- (p) make a direction under section 173B(2);
- (q) refuse an application to amend or revoke a direction under section 173F(1)(b).

Part 3

Amendment of Animal Care and Protection Regulation 2012

37 Regulation amended

This part amends the *Animal Care and Protection Regulation 2012*.

38 Insertion of new pt 2A

After part 2—

insert—

Part 2A

Closed-circuit television equipment for livestock slaughter facilities

4A Minimum requirements for closed-circuit television equipment—Act, s 93U

- (1) For section 93U(a)(i) of the Act, the minimum requirements for closed-circuit television equipment are—
 - (a) each recording made by the equipment must, when viewed, display the time and date of the recording; and
 - (b) the equipment must produce images of a quality that allow for the identification of individuals or animals at the facility; and

[s 38]

- (c) the equipment must record the whole of the area of a monitoring point; and
 - (d) the equipment, or a device (a *related device*) used for storing recordings made by the equipment, must be able to store each recording made by the equipment for at least 1 year and 30 days; and
 - (e) the equipment and any related device must be able to produce a digital copy of each recording stored on the equipment or device.
- (2) In this section—
- monitoring point*, for a livestock slaughter facility, see section 93T(2) of the Act.

4B Requirements for maintaining closed-circuit television equipment—Act, s 93U

- (1) For section 93U(a)(ii) of the Act, closed-circuit television equipment at a livestock slaughter facility must be inspected each day livestock is at the facility to ensure it is operating effectively.
- (2) If the closed-circuit television equipment at a livestock slaughter facility is not operating effectively or is otherwise malfunctioning, the owner of the facility must—
 - (a) give a notice to the chief executive in the approved form about the malfunction; and
 - (b) make arrangements to repair the equipment no later than 48 hours after the malfunction is identified.
- (3) The closed-circuit television equipment at a livestock slaughter facility must be inspected and certified by an appropriately qualified person at least once each year.

4C Inspecting closed-circuit television equipment

- (1) This section applies if closed-circuit television equipment at a livestock slaughter facility is inspected under section 4B(3).
- (2) The following details about the inspection must be recorded—
 - (a) the date and time the equipment was inspected;
 - (b) the name of the person who inspected the equipment;
 - (c) whether the equipment was operating effectively.
- (3) The records must—
 - (a) be stored in a secure place at the livestock slaughter facility; and
 - (b) be accessible only by the owner of the livestock slaughter facility or a person authorised by the owner.

4D Certifying closed-circuit television equipment

- (1) This section applies if closed-circuit television equipment at a livestock slaughter facility is certified under section 4B(3).
- (2) The certificate must state whether the closed-circuit television equipment and any related device are in good working order and specifically whether—
 - (a) the equipment is able to record images clearly; and
 - (b) the equipment or related device is able to store each recording made by the equipment for at least 1 year and 30 days; and

[s 39]

- (c) the equipment and related device are able to produce a digital copy of each recording stored on the equipment or device.
- (3) The certificate must—
 - (a) be stored in a secure place at the livestock slaughter facility; and
 - (b) be accessible only by the owner of the livestock slaughter facility or a person authorised by the owner.
- (4) In this section—
related device see section 4A(1)(d).

39 Omission of s 6 (Prescribed species for meaning of animal—Act, s 11)

Section 6—
omit.

40 Amendment of sch 2B (Code of practice about cattle)

Schedule 2B, section 17—
omit.

Part 4 Amendment of Disability Services Act 2006

41 Act amended

This part amends the *Disability Services Act 2006*.

42 Amendment of s 48 (When person is *engaged* to carry out State disability work)

Section 48(1)(c), ‘222(a)’—

omit, insert—

222

43 Amendment of sch 2 (Current serious offences)

Schedule 2, item 1—

insert—

- | | | |
|-------|-----------------------------------|---|
| 17(2) | Breach of duty of care prohibited | if the breach causes death, serious deformity, serious disability or prolonged suffering of an animal |
|-------|-----------------------------------|---|

Part 5 Amendment of Racing Integrity Act 2016

44 Act amended

This part amends the *Racing Integrity Act 2016*.

45 Amendment of s 3 (Main purposes of Act and their achievement)

Section 3(1)(c), before ‘involved’—

insert—

that are or have been

46 Amendment of s 10 (Functions)

(1) Section 10(1)—

insert—

(ia) to safeguard the welfare of any animal that—

[s 47]

- (i) used to be involved in racing in Queensland or another jurisdiction; and
 - (ii) is in the possession of a person licensed under the thoroughbred or harness codes of racing;
- (2) Section 10(1)(ia) to (s)—
renumber as section 10(1)(j) to (t).
- (3) Section 10(1)(q) and (r), ‘(a) to (o)’—
omit, insert—
(a) to (p)

47 Amendment of s 63 (Purposes of licensing schemes)

Section 63—

insert—

- (d) the responsible breeding of horses for racing.

48 Insertion of new ch 5A

After section 210—

insert—

Chapter 5A Reporting and recording requirements for livestock slaughter facilities

210A Reporting requirement for supplier of horses to livestock slaughter facilities

A person (a *supplier*) who supplies a horse to a

livestock slaughter facility must give the following information about the supply to the owner of the facility—

- (a) if the horse has a brand—a photograph or drawing of the brand;
- (b) the horse’s microchip number;
- (c) the supplier’s contact details;
- (d) the day the supplier took possession of the horse;
- (e) the contact details of the person who transported the horse to the facility.

Maximum penalty—200 penalty units.

210B Records to be kept by owner of livestock slaughter facility

- (1) The owner of a livestock slaughter facility must, unless the owner has a reasonable excuse, keep a record of the following information about each horse that arrives at the facility—
 - (a) the day the horse arrives;
 - (b) the horse’s microchip number;
 - (c) the information provided to the owner in relation to the supply of the horse under section 210A;
 - (d) other information prescribed by regulation.

Maximum penalty—200 penalty units.

- (2) The owner must keep the information recorded under subsection (1) about each horse for at least 2 years after the day on which the horse arrives at the facility.

Maximum penalty—200 penalty units.

210C Reporting obligation of owner of livestock slaughter facility

- (1) The owner of a livestock slaughter facility must—
 - (a) for each month that a horse arrives at the facility, prepare a report that includes the following information—
 - (i) the number of horses that arrived at the facility during that month;
 - (ii) other information prescribed by regulation; and
 - (b) give the commission a copy of the report no later than 5 days after the end of the month to which the report relates.

Maximum penalty—300 penalty units.

- (2) For subsection (1)(a), the report must be prepared in the approved form.

Part 6 Amendment of Veterinary Surgeons Act 1936

49 Act amended

This part amends the *Veterinary Surgeons Act 1936*.

50 Amendment of s 2A (Meaning of *veterinary science*)

Section 2A(3)—

omit, insert—

- (3) However, ***veterinary science*** does not include—
 - (a) an act done for animal husbandry or animal dentistry prescribed by regulation not to be veterinary science; or

- (b) using an animal, or allowing an animal to be used, for a scientific purpose in accordance with the *Animal Care and Protection Act 2001*, section 91.
- (4) In this section—
scientific purpose means a scientific purpose within the meaning of the *Animal Care and Protection Act 2001*, section 48.

Part 7 Amendment of Veterinary Surgeons Regulation 2016

51 Regulation amended

This part amends the *Veterinary Surgeons Regulation 2016*.

52 Amendment of s 3 (Particular acts are not veterinary science—Act, s 2A)

- (1) Section 3(1)—

insert—

- (i) pregnancy testing of cattle using rectal palpation or transrectal ultrasound by a person accredited to use rectal palpation or transrectal ultrasound to test for pregnancy in cattle under an approved cattle procedures accreditation scheme.

- (2) Section 3(2)—

insert—

approved cattle procedures accreditation scheme
see the *Animal Care and Protection Act 2001*, section 93A.