



Queensland

Animal Care and Protection (Codes of Practice) Amendment Regulation 2021

Subordinate Legislation 2021 No. 57

made under the

Animal Care and Protection Act 2001

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1 Short title

This regulation may be cited as the *Animal Care and Protection (Codes of Practice) Amendment Regulation 2021*.

2 Commencement

- (1) This regulation, other than section 8, commences on 1 July 2021.
- (2) Section 8 commences on 1 January 2022.

3 Regulation amended

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

4 Amendment of s 2 (Provisions made as codes of practice)

Section 2(1)(c) and (d)—

omit, insert—

- (c) schedule 2A;
- (d) schedule 2B;
- (e) schedule 3;
- (f) schedule 3AA;
- (g) schedule 3A.

5 Amendment of s 4 (Relationship between particular codes of practice)

Section 4(1)(a), ‘schedule 1, 2, 3 or 3A’—

omit, insert—

schedule 1, 2, 2A, 2B, 3, 3AA or 3A

[s 6]

6 Amendment of sch 2 (Code of practice about pigs)

Schedule 2, section 32(a), ‘electric prodding device’—

omit, insert—

electrical prod

7 Insertion of new schs 2A and 2B

After schedule 2—

insert—

Schedule 2A Code of practice about sheep

section 2

Part 1 Preliminary

1 Definitions for schedule

In this schedule—

intensive production system, for sheep—

- (a) means a system in which sheep are kept in a yard or other enclosure and are completely dependent on a supply of food and water provided by hand or a mechanical method; but
- (b) does not include the keeping of sheep on a short term basis—
 - (i) for the purpose of weaning, dipping or another husbandry procedure; or
 - (ii) for the purposes of feeding during a drought or other emergency; or
 - (iii) at a saleyard or abattoir.

sheep means the animal *ovis aries* and a member of the genus *Ovis*.

2 Application of schedule

- (1) This schedule applies to—
 - (a) the care and handling of sheep; and
 - (b) the use of electric devices on sheep.
- (2) However, this schedule does not apply to transporting sheep.

Note—

See schedule 3 for the code of practice applying to transporting sheep.

Part 2 General requirements for care and handling of sheep

3 Impact of extreme weather conditions

- (1) A person in charge of sheep must take reasonable steps to minimise the risk of harm to the sheep from extreme weather conditions.
- (2) In this section—

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

4 Fire or flood

A person in charge of sheep must take reasonable steps to minimise the risk of harm to the sheep from fire or flood.

5 Health inspections

- (1) To the extent it is reasonable in the circumstances, a person in charge of sheep must ensure the sheep are inspected to assess the welfare of the sheep.
- (2) The inspections must be carried out at regular intervals having regard to the following matters—
 - (a) the stocking density of the sheep;
 - (b) the availability of suitable food;
 - (c) the reliability of water supply;
 - (d) the age of the sheep;
 - (e) whether any of the sheep are pregnant;
 - (f) the climatic conditions to which the sheep are exposed;
 - (g) any known health risks to the sheep.

Example for paragraph (g)—

flystrike

6 Treatment of sick, injured or diseased sheep at first reasonable opportunity

A person in charge of sheep that are sick, diseased or injured must, at the first reasonable opportunity, provide appropriate treatment for the sheep or humanely kill the sheep.

7 Construction, maintenance and operation of facilities and equipment to ensure welfare of sheep

- (1) A person in charge of sheep must not use livestock facilities or equipment to contain or handle the sheep if the facilities or equipment are likely to cause harm to the sheep.
- (2) In this section—

livestock facilities or equipment includes the

following—

- (a) fences;
- (b) yards;
- (c) sheds;
- (d) food or water troughs;
- (e) ramps;
- (f) dips;
- (g) lamb-marking cradles;
- (h) facilities or equipment used to assemble, hold, load or unload sheep for transportation.

8 Handling sheep

- (1) A person handling sheep must handle the sheep in a way that minimises the risk of harm to the sheep.
- (2) Without limiting subsection (1), a person handling sheep must not do any of the following actions—
 - (a) strike, punch or kick the sheep;
 - (b) drag the sheep by 1 leg, unless it is necessary in the circumstances to allow safe handling, lifting, treatment or humane killing of the sheep;
 - (c) drag the sheep by the ears or tail;
 - (d) throw or drop the sheep, unless dropping the sheep from a height of less than 1.5m to land and stand on their feet;
 - (e) lift or carry the sheep by the head, ears, horns, neck, tail or wool, unless necessary to do so because of an emergency;
 - (f) drag the sheep by mechanical means unless—

[s 7]

- (i) dragging the sheep is necessary because of an emergency; and
- (ii) the sheep is dragged the minimum necessary distance to allow safe handling, lifting, treatment or humane killing of the sheep.

9 Shearing sheep

A person in charge of sheep must ensure the sheep are sheared at least once every 2 years unless the sheep's wool is self-shedding.

10 Use of prodders

A person may apply an electrical prod to a sheep only if—

- (a) the sheep is at least 3 months of age; and
- (b) the prod is not applied to the face, udders, anus or genitals of the sheep; and
- (c) the sheep is able to move away from the prod; and
- (d) the prod is applied as sparingly as possible and with restraint.

11 Use of dogs

A person may use a dog to assist in the control or movement of sheep 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.

12 Grinding or trimming of teeth

A person must not trim or grind the teeth of sheep.

13 Pizzle dropping

- (1) A person must not perform pizzle dropping on sheep.
- (2) In this section—

pizzle dropping means the surgical procedure performed on sheep in which the skin between the prepuce and the abdomen is severed to allow the prepuce to hang below the wool on the abdomen.

14 Tethering sheep

- (1) A person in charge of sheep may tether the sheep only if—
 - (a) the sheep are given a reasonable opportunity to exercise at least once each day; and
 - (b) the sheep have sufficient space to stand up, lie down and move around for grazing.
- (2) The exercise mentioned in subsection (1)(a) must include being released from the tether or walked on a lead.
- (3) A person in charge of sheep must not tether the sheep at night unless the sheep are being exhibited at an agricultural show, field day or similar event.
- (4) In this section—

tethering, of sheep, means securing the sheep to an anchor point to confine it to a particular area.

15 Tail docking, castration and sterilisation

- (1) A person may perform castration or tailing on sheep that are less than 6 months of age only if the castration or tailing is done in a way that avoids unnecessary pain or suffering for the sheep.
- (2) A person may perform castration or tailing on sheep that are 6 months of age or older only if—

[s 7]

- (a) the castration or tailing is done in a way that avoids unnecessary pain or suffering for the sheep; and
 - (b) the sheep is provided with appropriate treatment to control haemorrhaging following the castration or tailing; and
 - (c) suitable pain relief is administered to the sheep.
- (3) A person must not perform tailing of sheep unless a tail stump with at least 1 palpable free joint is left on the sheep.
- (4) A person may use the cryptorchid method on a ram that is 6 months of age or older only if—
- (a) the ram is provided with appropriate treatment to control haemorrhaging following the use of the cryptorchid method; and
 - (b) suitable pain relief is administered to the ram.
- (5) In this section—
- cryptorchid method*** means the sterilization of a ram by a method in which the scrotum is shortened by the application of a rubber ring.

16 Mulesing

- (1) A person may perform mulesing on sheep only if the sheep are more than 24 hours old but not more than 12 months of age.
- (2) A person performing mulesing on sheep must ensure—
 - (a) the mulesing is done in a way that avoids unnecessary pain or suffering for the sheep; and

- (b) if the sheep is more than 6 months of age—suitable pain relief is administered to the sheep.
- (3) A person performing mulesing on sheep must not remove any skin from the sheep that is not wool-bearing.
- (4) A person must not perform mulesing on a sheep showing signs of disease, weakness, illness or injury.

Part 3 Breeding management

17 Artificial breeding procedures

A person performing artificial breeding procedures on sheep must ensure the procedure minimises the risk of harm to the sheep.

18 Surgical embryo transfer and laparoscopic insemination

A person must not perform the surgical transfer of an embryo or laparoscopic insemination on sheep unless—

- (a) the person is a veterinary surgeon; or
- (b) the person is under the direct supervision of a veterinary surgeon in the circumstances mentioned in the *Veterinary Surgeons Act 1936*, section 25N(2).

Part 4 Intensive sheep production systems

19 Access to food and water on daily basis

A person in charge of sheep kept in an intensive

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production system must ensure that food and water is provided to the sheep on a daily basis.

20 Health inspections

Without limiting section 5, a person in charge of sheep kept in an intensive production system must ensure the sheep are inspected at least once a day to assess the welfare of the sheep.

21 Providing for sheep that have not adapted to intensive production

A person in charge of sheep kept in an intensive production system must take reasonable steps to provide for the needs of the sheep that have not adapted to an intensive production system.

Example of a reasonable step—

changing a sheep's diet

22 Accumulation of waste

A person in charge of sheep kept in an intensive production system must not allow faeces and urine to accumulate to the extent the accumulation presents a risk to the welfare of the sheep.

23 Effective ventilation

A person in charge of sheep kept in an intensive production system in indoor housing must ensure there is adequate ventilation so that a lack of ventilation does not present a risk to the welfare of the sheep.

24 Sufficient space

A person in charge of sheep kept in an intensive production system must ensure each of the sheep has sufficient space to lie down on its sternum.

25 Single pens

A person in charge of sheep kept in an intensive production system must ensure that individual sheep are not kept isolated in a single pen on a permanent basis.

Part 5 Humane killing

26 Killing sheep

- (1) A person in charge of a sheep suffering from severe distress, disease or injury that can not reasonably be treated must ensure the sheep is killed at the first reasonable opportunity.
- (2) A person who kills a sheep must ensure the sheep is killed in a way that—
 - (a) causes rapid unconsciousness and death immediately after unconsciousness happens; and
 - (b) does not include a blow to the head; and
 - (c) is otherwise humane.
- (3) However, if there is no firearm, captive bolt or lethal injection reasonably available, a person may kill a sheep by—
 - (a) bleeding out the sheep; or
 - (b) a single blow to the head of the sheep if—
 - (i) the sheep is less than 10kg; and
 - (ii) the blow causes immediate loss of consciousness and death without regaining consciousness.
- (4) A person who kills a sheep must have the relevant knowledge, experience and skill to kill the sheep humanely, or be under the direct supervision of a person who has that knowledge, experience and

[s 7]

skill, unless—

- (a) the sheep needs to be killed to prevent undue suffering to the sheep; and
 - (b) for a person requiring supervision—there would be an unreasonable delay until the supervision could be provided.
- (5) A person is under *direct supervision* of another person (the *supervisor*) for a procedure if the supervisor—
- (a) instructs the person about the procedure; and
 - (b) is on the premises where the procedure is carried out, while the procedure is carried out; and
 - (c) is available to give additional instruction to the person about carrying out the procedure while the procedure is carried out; and
 - (d) evaluates the carrying out of the procedure by the person, including regularly personally checking on the person.
- (6) A person who kills a sheep must take reasonable steps to confirm the death of the sheep immediately after believing the sheep has been killed.
- (7) In this section—
- bleeding out*, of a sheep, means the loss of blood caused by cutting the major blood vessel of the sheep, usually in the neck or at the base of the heart via the thoracic inlet.

Schedule 2B Code of practice about cattle

section 2

Part 1 Preliminary

1 Definitions for schedule

In this schedule—

beef feedlot—

- (a) means a confined yard with watering and feeding facilities where cattle are completely hand fed or mechanically fed; but
- (b) does not include a saleyard or slaughter facilities.

cattle means a member of the genus *Bos*.

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

2 Application of schedule

- (1) This schedule applies to the care and handling of cattle.
- (2) However, this schedule does not apply to transporting cattle.

Note—

See schedule 3 for the code of practice applying to transporting cattle.

Part 2 General requirements for care and handling of cattle

3 Impact of extreme weather conditions

(1) A person in charge of cattle must take reasonable steps to minimise the risk of harm to the cattle from extreme weather conditions.

(2) In this section—

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

4 Heat stress

A person in charge of cattle must take reasonable steps to minimise the risk of harm to the cattle from heat stress.

5 Fire or flood

A person in charge of cattle must take reasonable steps to minimise the risk of harm to the cattle from fire or flood.

6 Health inspections

(1) To the extent it is reasonable in the circumstances, a person in charge of cattle must ensure the cattle are inspected to assess the welfare of the cattle.

(2) The inspections must be carried out at regular intervals having regard to the following matters—

- (a) the stocking density of the cattle;
- (b) the availability of suitable food;
- (c) the reliability of water supply;
- (d) the age of the cattle;
- (e) whether any of the cattle are pregnant;
- (f) the climatic conditions to which the cattle are exposed;

(g) any known health risks to the cattle.

Example for paragraph (g)—

ticks

7 Treatment of sick, injured or diseased cattle at first reasonable opportunity

A person in charge of cattle that are sick, diseased or injured must, at the first reasonable opportunity, provide appropriate treatment for the cattle or humanely kill the cattle.

8 Construction, maintenance and operation of facilities and equipment to ensure welfare of cattle

(1) A person in charge of cattle must not use livestock facilities or equipment to contain or handle the cattle, if the facilities or equipment are reasonably likely to cause injury to the cattle.

(2) In this section—

livestock facilities or equipment includes the following—

- (a) fences;
- (b) yards;
- (c) sheds;
- (d) food or water troughs;
- (e) ramps;
- (f) dips;
- (g) branding cradles;
- (h) crushes and head bales;
- (i) facilities or equipment used to assemble, hold, load or unload cattle for transportation.

9 Handling cattle

- (1) A person handling cattle must handle the cattle in a way that minimises the risk of harm to the cattle.
- (2) Without limiting subsection (1), a person handling cattle must not do any of the following actions—
 - (a) strike, punch or kick the cattle;
 - (b) drag any cattle that are not standing, unless it is necessary in the circumstances to allow safe handling, lifting, treatment or humane killing of the cattle;
 - (c) drag the cattle by the ears or tail;
 - (d) drop the cattle, other than in a way that lets the cattle land and stand on their feet;
 - (e) lift or carry the cattle by the head, ears, horns, neck or tail, unless necessary to do so because of an emergency;
 - (f) deliberately dislocate or break the tail of the cattle;
 - (g) use metal pellets to wound the cattle as an aid for mustering.

10 Use of electro-immobilisation

- (1) A person may use electro-immobilisation to restrain cattle only if—
 - (a) the cattle are older than 6 months of age; and
 - (b) done in a way that minimises the risk of harm to the cattle; and
 - (c) there is no alternative method that would adequately restrain the cattle for the procedure being performed.
- (2) A person must not use electro-immobilisation on cattle for pain relief.

(3) In this section—

electro-immobilisation means the use of pulsed, low-frequency electrical current producing tetanic contractions of skeletal muscles.

11 Use of prodders

A person may apply an electrical prod to cattle only if—

- (a) the cattle is at least 3 months of age; and
- (b) the prod is not applied to the face, udders, anus or genitals of the cattle; and
- (c) the cattle is able to move away from the prod; and
- (d) the prod is applied as sparingly as possible and with restraint.

12 Use of dogs

(1) A person may use a dog to assist in the control or movement of cattle only if—

- (a) the dog is under effective control at all times; and
- (b) for controlling or moving a bobby calf—the dog is wearing a muzzle.

(2) In this section—

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

13 Tethering cattle

(1) A person in charge of cattle may tether the cattle only if—

- (a) the cattle are given a reasonable opportunity to exercise at least once each day; and

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- (b) the cattle has sufficient space to stand up, lie down and move around for grazing.
- (2) The exercise mentioned in subsection (1)(a) must include being released from the tether or walked on a lead.
- (3) A person in charge of cattle must not tether the cattle at night unless the cattle are being exhibited at an agricultural show, field day or similar event.
- (4) In this section—
tethering, of cattle, means securing the cattle to an anchor point to confine the cattle to a particular area.

14 Castration

- (1) A person may castrate cattle only if—
 - (a) the castration is done in a way that avoids unnecessary pain or suffering for the cattle; and
 - (b) appropriate tools and methods are used to castrate the cattle; and
 - (c) suitable pain relief is administered to the cattle.
- (2) However, subsection (1)(c) does not apply if—
 - (a) the cattle is less than 6 months of age; or
 - (b) the cattle is less than 12 months of age and the castration happens at its first yarding.

15 Dehorning

- (1) A person may dehorn cattle only if—
 - (a) the dehorning is done in a way that avoids unnecessary pain or suffering for the cattle; and

-
- (b) appropriate tools and methods are used to dehorn the cattle; and
 - (c) suitable pain relief is administered to the cattle.
- (2) However, subsection (1)(c) does not apply if—
- (a) the cattle is less than 6 months of age; or
 - (b) the cattle is less than 12 months of age and the dehorning happens at its first yarding.

16 Disbudding

- (1) A person may disbud cattle only if the person complies with this section.
- (2) A person disbudding cattle must ensure—
- (a) the disbudding is done in a way that minimises the risk of harm to the cattle; and
 - (b) appropriate tools and methods are used to disbud the cattle.
- (3) A person may use caustic chemicals for disbudding a calf only if—
- (a) the calf is less than 14 days of age; and
 - (b) the calf is not wet; and
 - (c) the calf is segregated from its mother for 4 hours after treatment; and
 - (d) the calf can be kept dry for 12 hours after the treatment.
- (4) In this section—

disbudding, of cattle, means the removing of an area of skin from the head of cattle, including the horn bud in a young calf prior to solid attachment of the horn bud to the skull.

Part 3 Breeding management

18 Artificial breeding procedures

- (1) A person may perform artificial insemination of a cow only if the person—
 - (a) is a veterinarian; or
 - (b) has the relevant knowledge, skills and experience; or
 - (c) is under the direct supervision of another person who has the relevant knowledge, skills and experience.
- (2) A person performing artificial breeding procedures on cattle must—
 - (a) ensure the risk of harm to the cattle is minimised; and
 - (b) take reasonable actions to minimise pain, distress or injury to the cattle.
- (3) A person is under *direct supervision* of another person (the *supervisor*) if the supervisor—
 - (a) instructs the person about the procedure; and
 - (b) is on the premises where the procedure is carried out, while the procedure is carried out; and
 - (c) is available to give additional instruction to the person about carrying out the procedure while the procedure is carried out; and
 - (d) evaluates the carrying out of the procedure by the person, including regularly personally checking on the person.

19 Calving induction

- (1) A person may perform calving induction only if the person is a veterinarian.
- (2) A person may administer a treatment to perform calving induction only if—

- (a) the treatment is prescribed by a veterinarian;
and
- (b) the person administers the treatment in compliance with all relevant directions of the prescribing veterinarian.

20 Calf rearing

- (1) A person in charge of a calf must ensure—
 - (a) the calf is inspected at least daily to assess the welfare of the calf; and
 - (b) the calf is given reasonable access to food and water; and
 - (c) the calf is provided with food containing sufficient nutrients, including iron, to prevent anaemia and otherwise to ensure the good welfare of the calf; and
 - (d) if the calf is housed in a pen—
 - (i) the calf can stand, turn around, lie down and fully stretch its limbs without obstruction caused by the pen; and
 - (ii) that faeces and urine do not accumulate in the pen to the extent the accumulation presents a risk to the welfare of the calf.
- (2) For subsection (1)(b)—
 - (a) a calf is given reasonable access to food if the calf has a reasonable opportunity to consume food of a suitable quality and quantity sufficient to maintain the health and wellbeing of the calf; and
 - (b) a calf is given reasonable access to water if the calf has a reasonable opportunity to drink water of a suitable quality and quantity sufficient to maintain hydration.

21 Induced calves

- (1) A person in charge of an induced calf must ensure the calf receives adequate colostrum or colostrum substitute, or is humanely killed, before the calf is 12 hours old.
- (2) In this section—
colostrum means milk, rich in protein and antibodies, that is produced by a cow within the first few days after calving.

Part 4 Dairy management

22 Health inspections

Without limiting section 6, a person in charge of a lactating dairy cow must ensure the cow is inspected at least once a day to assess the welfare of the cow.

23 Feed pads

A person in charge of a dairy cow that is kept on a feed pad must ensure the cow has access to a well-drained area for resting.

Part 5 Beef feedlots

24 Floor area

- (1) A person in charge of cattle kept in a beef feedlot must ensure a minimum floor area of 9m² for each standard cattle unit in the feedlot.
- (2) In this section—
standard cattle unit means the equivalent of a cow or bull with a live body weight of 600kg.

25 Records

(1) The owner or operator of a beef feedlot must ensure records are kept of the diet composition, and quantities fed, to each group of cattle, for the duration of the feeding period for the group of cattle.

(2) In this section—

feeding period, for a group of cattle, means the period starting when the cattle are placed in a beef feedlot and ending when the cattle are removed from the feedlot.

26 Health inspections

Without limiting section 6, the owner or operator of a beef feedlot must ensure the cattle at the feedlot are inspected daily to assess the welfare of the cattle.

27 Inspection of yards

The owner or operator of a beef feedlot must ensure the yards of the feedlot are inspected and maintained to prevent prolonged wet areas and excessive build-up of waste.

28 Heat stress

The owner or operator of a beef feedlot must—

- (a) complete an annual risk assessment about the risk of heat stress at the feedlot; and
- (b) establish, implement and maintain a risk management system to manage ongoing risk of heat stress.

29 Contingency plans

(1) The owner or operator of a beef feedlot must have

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a written contingency plan about—

- (a) appropriately responding to a failure of food or water supply; and
 - (b) implementing appropriate actions, in response to the failure, to ensure the welfare of cattle at the feedlot.
- (2) The owner or operator of a beef feedlot must also have a written contingency plan about responding appropriately to—
- (a) temperature, or other climatic conditions, that are likely to pose a significant risk of harm to the cattle at the feedlot; or
 - (b) an outbreak of a disease in the feedlot that is likely to pose a significant risk of harm to the cattle at the feedlot.

Part 6 Humane killing

30 Killing cattle

- (1) A person in charge of cattle suffering from severe distress, disease or injury that can not reasonably be treated must ensure the cattle is killed at the first reasonable opportunity.
- (2) A person who kills cattle must ensure the cattle is killed in a way that—
 - (a) causes rapid unconsciousness and death immediately after unconsciousness happens; and
 - (b) if the cattle is older than 24 hours—does not include a blow to the head; and
 - (c) is otherwise humane.
- (3) A person who kills cattle must take reasonable steps to confirm the death of the cattle immediately after believing the cattle has been

killed.

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

Schedule 2B, part 2—

insert—

17 Spaying

- (1) A person may spay a cow only if—
 - (a) the person is a veterinarian; or
 - (b) the person—
 - (i) has successfully completed the unit of competency known as AHCLSK335—Conduct dropped ovary technique procedures for spaying cattle; and
 - (ii) uses the Willis dropped-ovary technique.
- (2) A person must not use vaginal spreaders to spay a cow that has not given birth to a calf.
- (3) In this section—

Willis dropped-ovary technique see the *Veterinary Surgeons Regulation 2016*, section 3(2).

9 Amendment of sch 3 (Code of practice for transport of livestock)

- (1) Schedule 3, section 1, definition *livestock handling facility*, ‘for transportation’—

omit.

- (2) Schedule 3, section 1—

insert—

depot means a facility used to assemble, hold, load or unload livestock before transportation or for resting the livestock during transportation.

[s 9]

saleyard means a facility with delivery, holding and selling facilities used for the purpose of transferring livestock because of a change in ownership.

(3) Schedule 3, section 3—

insert—

- (2) The journey time for livestock being transported is not interrupted or paused because the livestock are temporarily unloaded at a depot or saleyard unless—
- (a) the livestock is given a spell of at least the minimum spell duration for the livestock at the depot or saleyard; or
 - (b) the depot or saleyard is the final destination for the livestock.

(4) Schedule 3, section 7—

insert—

Note—

See, however, schedule 3AA in relation to the care and handling of livestock at depots and saleyards generally.

(5) Schedule 3, section 9(1), after ‘following’—

insert—

persons

(6) Schedule 3, section 9(2)—

omit, insert—

- (2) Before transporting the livestock, the driver or stock attendant must notify the person to whom the custody of the livestock is to be transferred at a destination of the following information—
- (a) the estimated time of arrival at the destination;
 - (b) the period the livestock have been in transit;

-
- (c) the time when the livestock last had access to food and water;
- (d) the last time the livestock had a spell while being transported.
- (7) Schedule 3, section 9(3), ‘The person’—
omit, insert—
The driver or stock attendant
- (8) Schedule 3, section 10(2), definition *extreme weather conditions*, ‘or in combination’—
omit, insert—
, or in combination,
- (9) Schedule 3, section 19(1)(e)—
omit.
- (10) Schedule 3, section 19(1)(f) and (g)—
renumber as section 19(1)(e) and (f).
- (11) Schedule 3, section 23(1), after ‘following’—
insert—
persons
- (12) Schedule 3, section 23(1)—
insert—
(c) the operator of a depot or saleyard who has temporary custody of livestock being transported.
- (13) Schedule 3, section 24(1), after ‘following’—
insert—
persons
- (14) Schedule 3, section 24(1)—
insert—

[s 10]

(c) the operator of a depot or saleyard who has temporary custody of livestock being transported.

(15) Schedule 3, section 24—

insert—

(5) In this section—

destination includes a depot or saleyard.

10 Insertion of new sch 3AA

After schedule 3—

insert—

Schedule 3AA Code of practice for livestock at depots and saleyards

section 2

Part 1 Preliminary

1 Definitions for schedule

In this schedule—

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

cattle means a member of the genus *Bos*.

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.

depot means a facility used to assemble, hold, load or unload livestock for resting the livestock

during transportation.

livestock means cattle, goats, horses, pigs or sheep.

pen means an enclosed section of a saleyard for confining livestock individually or in small groups.

reasonable access to food, for livestock, means the livestock has a reasonable opportunity to consume food of a suitable quality and quantity sufficient to maintain health and wellbeing.

reasonable access to water, for livestock, means the livestock has a reasonable opportunity to drink water of a suitable quality and quantity sufficient to maintain hydration.

saleyard means a facility used to assemble, hold, load or unload livestock for the purpose of selling the livestock.

2 Application of schedule

This schedule applies to—

- (a) the care and handling of livestock while at depots and saleyards; and
- (b) the use of electric devices on livestock at depots and saleyards.

Part 2 General requirements for depots and saleyards

3 Construction, maintenance and operation of depot or saleyard

The operator of a depot or saleyard must provide suitable conditions for the livestock at the depot

or saleyard, including by—

- (a) having surfaces and flooring that minimise the risk of injury to the livestock from slipping or falling; and
- (b) being free from protruding objects that may cause injury to the livestock; and
- (c) having sufficient vertical clearance to minimise the risk of injury to the livestock; and
- (d) having appropriate unloading and loading facilities for the livestock.

4 Inspection of depot or saleyard

- (1) The owner or operator of a depot or saleyard must ensure the depot or saleyard is inspected to check the following matters—
 - (a) that surfaces and flooring are being maintained to minimise the risk of injury to livestock from slipping or falling;
 - (b) that pens are draining freely;
 - (c) whether any boggy areas need to be filled with gravel or woodchips.
- (2) The inspections must be carried out—
 - (a) 24 hours before the arrival of livestock at the depot or saleyard; and
 - (b) at least once every 24 hours after the arrival of livestock at the depot or saleyard.

5 Housing for pigs

- (1) This section applies to a depot or saleyard while pigs are held at the depot or saleyard.
- (2) The owner or operator of the depot or saleyard must ensure—

- (a) the pigs are held under a roofed area at all times; and
- (b) the pens that are used to hold the pigs prevent a pig from fighting with another pig in an adjoining pen; and
- (c) water spray facilities and equipment for cooling the pigs are provided and working properly.

6 Housing for bobby calves

- (1) This section applies to a depot or saleyard while dairy-bred bobby calves are held at the depot or saleyard.
- (2) The owner or operator of the depot or saleyard must ensure the bobby calves are held under a roofed area at all times.

Part 3 Food and water requirements

7 Access to water on arrival

- (1) The operator of a depot or saleyard must ensure that livestock, other than horses, are given reasonable access to water within whichever of the following periods ends first—
 - (a) the first 12 hours after arriving at the depot or saleyard;
 - (b) before the end of the maximum time off water for the class of livestock as provided for in schedule 3, part 3.
- (2) The operator of a depot or saleyard must ensure that horses are given reasonable access to water within the first 12 hours after arriving at the depot or saleyard.

8 Time off water

- (1) The operator of a depot or saleyard must manage time off water for livestock to minimise the risk to the welfare of the livestock.
- (2) In managing time off water for livestock to minimise the risk to the welfare of the livestock, the operator must consider—
 - (a) the increased risk, to the welfare of the livestock, from longer journeys close to the permitted maximum time off water; and
 - (b) whether the livestock are fit for the intended journey; and
 - (c) the predicted and actual climatic conditions, particularly heat or cold; and
 - (d) the health of the livestock, particularly if weak, pregnant, recently having given birth, lactating or immature; and
 - (e) the nature of the intended journey.
- (3) The operator of a depot or saleyard must provide livestock with a spell if—
 - (a) the livestock are to start or continue a journey; and
 - (b) the maximum time off water is reached for the class of livestock.
- (4) For subsection (3)(b), the maximum time off water, for livestock at a depot or saleyard, is the same as the maximum time off water, for the livestock being transported, under schedule 3, part 3.
- (5) In this section—

spell means a period in which the livestock are—

 - (a) free from the vehicle or container in which the livestock are to be transported; and

- (b) given reasonable access to food and water; and
- (c) provided with space to lie down; and
- (d) subjected to minimal or no handling.

9 Access to food and water for pigs

- (1) An operator of a depot or saleyard must ensure that pigs are given reasonable access to food if held at the depot or saleyard for 24 hours or more.
- (2) An operator of a depot or saleyard must ensure that pigs held in a pen have access to water at all times.

10 Access to food for cattle, sheep, goats and horses

- (1) The operator of a depot or saleyard must ensure that all cattle, sheep or goats delivered to the depot or saleyard are given reasonable access to food within the first 48 hours after delivery.
- (2) The operator of a depot or saleyard must ensure that a horse held in the depot or saleyard for 12 hours or more is provided with reasonable access to food.

Part 4 Handling and husbandry

11 Livestock must be fit for sale

- (1) A person must not, at a saleyard, supply for sale livestock that are not fit for sale.
- (2) Without limiting subsection (1), livestock is not fit for sale if—

[s 10]

- (a) the livestock is unable to walk independently by bearing weight on all legs; or
- (b) the livestock is severely emaciated; or
- (c) the livestock is visibly dehydrated; or
- (d) the livestock shows visible signs of severe injury or distress; or
- (e) the livestock is suffering from a condition that is likely to result in an increase in pain or distress during transport; or
- (f) the livestock is blind in both eyes.

12 Bobby calves

- (1) A person in charge of a bobby calf at a depot or saleyard must ensure that the calf is delivered to the meat processors within 18 hours after the calf last had food.
- (2) A person must not supply a bobby calf to a saleyard for a sale, unless the calf is—
 - (a) at least 5 days of age; and
 - (b) in good health; and
 - (c) alert; and
 - (d) able to rise from a lying position.
- (3) The operator of a saleyard must not sell a bobby calf unless the calf is—
 - (a) at least 5 days of age; and
 - (b) in good health; and
 - (c) alert; and
 - (d) able to rise from a lying position.

13 Separation of distressed animals

The operator of a depot or saleyard must, if reasonably practicable, separate any weak, ill, injured or otherwise distressed livestock for—

- (a) assessment, rest and recovery; or
- (b) appropriate treatment; or
- (c) humane killing.

14 Handling livestock

- (1) A person handling livestock at a depot or saleyard must handle the livestock in a way that minimises the risk of harm to the livestock, including minimising unnecessary fear and distress.
- (2) Without limiting subsection (1), a person handling livestock at a depot or saleyard must not—
 - (a) kick, punch or throw the livestock; or
 - (b) strike the livestock in an unreasonable way; or
 - (c) lift, carry or drag the livestock by the head, ears, horns, neck, tail, wool or hair; or
 - (d) lift or carry the livestock by 1 leg, unless the livestock is a sheep, goat or pig weighing less than 15kg; or
 - (e) 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
 - (f) lift the livestock by mechanical means, unless the livestock is well supported and secured; or
 - (g) drop the livestock, unless doing so from a height which allows the animal to safely land standing on its feet.

15 Use of prodders

- (1) A person may apply an electrical prod to livestock at a depot or saleyard only if—
 - (a) the livestock is at least 3 months of age; and
 - (b) the prod is not applied to the face, udders, anus or genitals of the livestock; and
 - (c) the livestock is able to move away from the prod; and
 - (d) the prod is applied as sparingly as possible and with restraint; and
 - (e) if the livestock is a pig—
 - (i) the pig is at least 60kg; and
 - (ii) the prod is applied as a last resort to protect the safety of a person.
- (2) However, a person must not apply an electrical prod to either of the following livestock at a depot or saleyard—
 - (a) a bobby calf;
 - (b) a goat known, or visually assessed, to be pregnant.

Note—

The use of an electrical prod on a horse is taken to be an act of cruelty prohibited under section 18 of the Act.

16 Use of dogs

- (1) A person may use a dog to assist in the control or movement of livestock at a depot or saleyard only if—
 - (a) the dog is under effective control at all times; and
 - (b) the dog is wearing a muzzle.
- (2) However, a person must not use a dog to assist in the control or movement of any of the following

livestock at a depot or saleyard—

- (a) a bobby calf;
- (b) a pig;
- (c) an animal that is unable to stand.

17 Health inspections

The operator of a depot or saleyard must ensure that livestock at the depot or saleyard are inspected to assess the welfare of the livestock at least once every 24 hours after delivery to the depot or saleyard.

18 Impact of extreme weather conditions

- (1) The operator of a depot or saleyard must take reasonable steps to minimise the risk of harm to livestock at the depot or saleyard from extreme weather conditions.

- (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.

19 Fire or flood

The operator of a depot or saleyard must take reasonable steps to minimise the risk of harm to livestock at the depot or saleyard from fire or flood.

20 Births

- (1) This section applies to the operator of a depot or saleyard if any livestock is born—
 - (a) at the depot or saleyard; or

[s 10]

- (b) during a journey to the depot or saleyard.
- (2) The operator of the depot or saleyard must make arrangements to ensure—
 - (a) appropriate shelter is provided for the animal and its mother; and
 - (b) if necessary—the separation of the animal and its mother for rest and recovery; and
 - (c) appropriate treatment is provided to the animal and its mother; and
 - (d) reasonable access to food and water is given to the animal and its mother; and
 - (e) if necessary—the humane killing and disposal of the animal or its mother.

Part 5 Drafting and penning

21 Holding livestock in pens

- (1) The operator of a saleyard must ensure that—
 - (a) the penning density of livestock in a pen minimises the risk of harm to the livestock; and
 - (b) livestock held in a pen, other than a selling pen, have sufficient space to move freely and lie down to rest; and
 - (c) livestock held in a selling pen must have sufficient space to allow the livestock—
 - (i) to stand; and
 - (ii) to rise unassisted if fallen down; and
 - (iii) to be inspected.
- (2) In deciding whether the penning density of livestock in a pen minimises the risk of harm to the livestock, the operator must have regard to the

following matters—

- (a) the species and physiological characteristics of the livestock;
 - (b) the body condition of the livestock;
 - (c) the length and density of the wool or hair of the livestock;
 - (d) the horn status of the livestock;
 - (e) the weather conditions affecting the pen;
 - (f) the design and capacity of the pen;
 - (g) the time spent in the pen.
- (3) In this section—

penning density, of livestock in a pen, means the amount of space provided for the livestock in the pen.

selling pen means a pen for confining livestock for sale.

22 Segregation of livestock

- (1) The operator of a depot or saleyard must ensure the livestock are sufficiently segregated to minimise the risk of harm to the livestock.
- (2) In deciding whether livestock are sufficiently segregated to minimise the risk of harm, the operator must have regard to the following matters—
 - (a) the species and physiological characteristics of the livestock;
 - (b) the general health of the livestock;
 - (c) the level of aggression of the livestock.

Part 6 Humane killing

23 Killing livestock

- (1) The operator of a depot or saleyard must ensure livestock at the depot or saleyard, suffering from severe distress, disease or injury that can not reasonably be treated, are killed at the first reasonable opportunity.
- (2) The operator of a depot or saleyard must keep a written plan and procedure to ensure the humane killing of livestock at the depot or saleyard.
- (3) The operator of a depot or saleyard must ensure a person is available to humanely kill livestock during the operating hours of the depot or saleyard.
- (4) A person who kills livestock at a depot or saleyard must ensure the livestock is killed in a way that—
 - (a) causes rapid unconsciousness and death immediately after unconsciousness happens; and
 - (b) does not include a blow to the head; and
 - (c) is otherwise humane.
- (5) A person who kills livestock at a depot or saleyard must have the relevant knowledge, experience and skill to kill the livestock humanely, or be under the direct supervision of person who has that knowledge, experience and skill, unless—
 - (a) the livestock needs to be killed to prevent undue suffering to the livestock; and
 - (b) for a person requiring supervision—there would be an unreasonable delay until the supervision could be provided.
- (6) A person who kills livestock at a depot or saleyard must take reasonable steps to confirm death of the livestock immediately after believing the livestock has been killed.

11 Amendment of sch 3A (Code of practice for breeding of dogs)

Schedule 3A, authorising provision, ‘section 2(1)(d)’—

omit, insert—

section 2

12 Amendment of sch 4 (Documents made as codes of practice)

Schedule 4, items 1, 2, 3 and 15—

omit.

Endnotes

ENDNOTES

- 1 Made by the Governor in Council on 10 June 2021.
- 2 Notified on the Queensland legislation website on 11 June 2021.
- 3 The administering agency is the Department of Agriculture and Fisheries.

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