

Queensland



ANIMALS PROTECTION ACT 1925

**Reprinted as in force on 1 March 2002
(includes amendments up to Act No. 5 of 2000)**

This is the reprint current on the repeal date

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Information about this reprint

This Act is reprinted as at 1 March 2002.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

See endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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ANIMALS PROTECTION ACT 1925

[as amended by all amendments that commenced on or before 1 March 2002]

An Act for the more effectual prevention of cruelty to animals

1 Short title

This Act may be cited as the *Animals Protection Act 1925*.

3 Interpretation

In this Act—

“**animal**” means any animal or bird of whatsoever species whether in a natural or domestic state, and includes any domestic or captive animal.

“**captive animal**” means any animal or bird (not being a domestic animal) of whatsoever kind or species, and whether a quadruped or not, including any fish or reptile, which is in captivity or confinement, whether permanent or temporary, or which is chained or tethered or which is subjected to any appliance or contrivance for the purpose of hindering or preventing its escape from captivity or confinement, whether permanent or temporary, or which is pinioned or which is or appears to be maimed.

“**court**” means any Magistrates Court.

“**cruelty**” means unreasonable, unnecessary or unjustifiable ill-treatment.

“**dog**” includes any bitch or puppy.

“**domestic animal**” means any animal or bird (of whatsoever kind or species and whether a quadruped or not) which is tame or which has been or is being sufficiently tamed to serve some purpose for the use of people, or which, although it neither has been nor is being nor is intended to be so tamed, is or has become in fact wholly or partly tame.

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“horse” includes any mare, gelding, pony, foal, colt, filly, stallion, ass, mule or hinny.

“ill-treat” includes ill-treat, wound, mutilate, overdrive, override, overwork, abuse, worry, torment, torture and cause any animal unnecessary pain or suffering; also overload or drive when overloaded, and overcrowd, and unreasonably beat or kick.

“officer” means—

- (a) the following paid employees of the Royal Queensland Society for the Prevention of Cruelty to Animals Queensland—
 - (i) the secretary;
 - (ii) the chief inspector;
 - (iii) an inspector; or
- (b) a police officer;¹ or
- (c) a person appointed as an officer by the Governor in Council.

“owner”, used with reference to any animal, includes any person for the time being having or being entitled to the possession or custody or control or charge of the animal.

“pound”, used in relation to the impounding or confining of animals, includes a place of any kind in which animals are confined under the impounding laws of Queensland.

“scientific experiment” means any experiment, procedure, test or study that is conducted on an animal in the course of which—

- (a) an animal is subjected to—
 - (i) surgical, medical, psychological, biological, chemical or physical treatment; or
 - (ii) abnormal conditions of heat, cold, light, dark, confinement, noise, isolation or overcrowding to which an animal of that species or kind is not accustomed; or
 - (iii) abnormal dietary conditions; or
 - (iv) electric shock or radiation treatment; or

¹ A proposed appointment must have the approval of the commissioner of the police service under the *Police Powers and Responsibilities Act 2000*, section 12.

- (b) any material or substance is extracted or derived from the body of the animal;

and that is for the purpose of acquiring, developing or demonstrating knowledge or techniques in any field of science, but does not include any experiment, procedure, test or study that is conducted in the course of—

- (c) the administration of veterinary treatment to an animal for the purpose of protecting the welfare of the animal; or
- (d) the conduct of normal animal husbandry operations.

4 Offences of cruelty

(1) It shall be an offence against this Act for any person to—

- (a) ill-treat or cause or procure or encourage to be ill-treated or be a party to ill-treating any animal; or
- (b) being the owner of any animal—fail to provide that animal with sufficient suitable food or drink or, except where that animal is running at large or on a journey, shelter; or
- (ba) being the owner of any animal—fail to provide treatment for injury, disease or illness with which that animal may at any time be afflicted; or
- (c) encourage, aid, cause, procure, or assist at the fighting or baiting of any animal, or keep, use, manage, or act or assist in the management of any place for the purpose or partly for the purpose, of fighting or baiting any animal, or permit or suffer any place to be so kept, managed, or used, or receive, or cause or procure any person to receive, money for the admission of any person to such place; or
- (d) convey, carry, or pack, or cause to be conveyed, carried, or packed, any animal in such manner or position as to subject such animal to unnecessary pain or suffering; or in a case or crate that is not higher and longer than such animal; or
- (da) confine (otherwise than for the purpose of conveying, carrying or packing) any animal in such manner or position as to subject such animal to unnecessary pain or suffering; or
- (e) ride, drive, use, convey, or carry any animal which is unfit for such use or treatment; or

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- (f) being the owner of any dog habitually tied up or kept in close confinement—fail during every period of 24 hours either for a continuous period of at least 2 hours or for 2 separate periods of at least 1 hour each to exercise or to cause to be exercised that dog; or
- (g) convey, carry, or pack, or cause to be conveyed, carried, or packed, any live poultry in a case, crate, coop, or other receptacle together with other poultry which is of different species; or
- (h) except for medicinal or curative purposes administer any poison, drug, medicine, local anaesthetic, or noxious substance to any animal entered or about to be entered in any race or upon any racecourse, or upon any ground used for the coursing of dogs, or expose any poison, drug, medicine, or noxious substance with the intention that the same shall be taken, swallowed, injected, or inhaled in order to impede or affect the safety, endurance, speed, sense, health, or physical condition of any animal, or use or apply any galvanic or electric battery or other similar appliance upon or to any animal during its training for or before or after being entered for any race or upon any racecourse; or
- (i) promote or take part in any shooting match (including, but without limiting the meaning of the term, any shooting competition or contest) wherein any animals are released from captivity for the purpose of shooting; or
- (j) except as provided in section 7, dock the tail of any horse, crop the ears of any dog or operate on any dog to prevent it from barking; or
- (k) promote or take part in the coursing with a dog or dogs of any animal kept or released for the purpose of being coursed, or keep or have in the person's custody, possession, care or control at any place used for the training or racing of greyhounds any animal for the purpose of using it in connection with such training or racing, or keep or have in custody, possession, care or control at any other place any animal for the purpose of the training or racing of greyhounds; or
- (l) abandon any domestic or captive animal; or
- (m) keep for an unreasonable time any animal chained or tethered upon an unreasonably short or unreasonably heavy chain or cord; or

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- (n) keep, sell or attempt to sell, except for the express purpose of being promptly slaughtered, or expose for sale any animal which is in such a condition that it is cruel to keep it alive or, having acquired such an animal, fail to have it promptly destroyed.

(1A) Any person guilty of an offence against this section shall be guilty of cruelty and shall be liable to a penalty not exceeding 20 penalty units and not less than 1 penalty unit or to be imprisoned for any period not exceeding 6 months and for every day on which an offence under paragraph (c) is continued, to an additional penalty not exceeding 1 penalty unit.

(2) The acts specified in this section shall be deemed to be mentioned by way of example only, and shall not be construed to restrict in any way the generality of any prohibition herein contained or to limit the same to cases resembling all or any of the cases specially mentioned.

(2A) A person shall not be guilty of the offence defined in subsection (1)(ba) if the injury, disease or illness for which he or she has failed to provide treatment is such that it is likely to be healed or cured without treatment.

(2B) An animal that is afflicted with injury, disease or illness such that, in the opinion of the owner thereof—

- (a) it will cause or contribute to the death of the animal in circumstances of suffering; and
- (b) there is no other reasonable means of healing or curing such injury, disease or illness or of avoiding its consequences;

may be killed humanely as an alternative to providing treatment.

(3) Notwithstanding anything hereinbefore contained, every dog which on any public road, street, or place in any manner causing danger or injury to any person, rushes at or barks at any person or at any animal, vehicle, bicycle, or tricycle, upon or in which any person is riding, may be then and there killed or attempted to be killed by such person, or by any other person then present, without liability to any action or other proceeding whatsoever by any person whomsoever for or by reason of such killing or attempted killing.

(3A) However, in killing the dog or attempting to do so, the person concerned shall act in an expeditious manner and take all reasonable steps to prevent the unnecessary suffering of the dog.

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(4) The owner or occupier of any enclosed field, paddock, yard, or other place in which any cattle, sheep, horses, swine, or poultry is or are confined may take proceedings under this Act in a court for the destruction of any dog which has worried, killed, or injured any such cattle, sheep, horses, swine, or poultry.

(4A) If the life or limbs of any person using any place open to or used by the public (including any public road) have been endangered by reason of any dog rushing at or attacking that person or any animal, vehicle, motor cycle, or velocipede upon or in which the person is riding, then proceedings may be taken under this Act in a court for the destruction of the dog.

(4B) Upon the hearing of the complaint, if the court is satisfied that any cattle, sheep, horses, swine, or poultry confined as aforesaid has or have been worried, killed, or injured by the dog or, as the case may be, that the life or limbs of the person aforesaid have been endangered as aforesaid by the dog, and that an order should be made, the court may order that the dog shall be destroyed.

(4C) Any officer may, on payment of reasonable expenses by the owner or occupier or person laying the complaint for so doing, execute the order of the court and destroy or cause to be destroyed the dog to which the order relates and the officer may enter upon any land or premises upon which the officer has reasonable cause to believe that the dog may be found and there destroy the dog or from there convey or cause it to be conveyed to some other place for the purpose of destroying it.

(5) In subsection (1)(f)—
“**exercise**” includes release.

5 Homing pigeons

(1) No person shall intentionally or negligently shoot, kill, disable, ensnare, trap, or otherwise injure or (not being the owner) confine or cause to be confined any homing pigeon, knowing or having reasonable cause to believe that the pigeon is a homing pigeon.

(2) No person shall enter upon any enclosed land or premises for the purpose of unlawfully killing, wounding, disabling, ensnaring, catching, taking, or in anywise injuring or destroying any homing pigeon of which the person is not the owner.

(3) No person shall, without due authority in that behalf (the proof whereof shall lie upon the person), remove or tamper with any metal or rubber ring affixed or attached to either or both legs of a homing pigeon.

(4) If any person—

- (a) offending against this section does not, when thereunto required, give the person's name and address, or gives a false name and address, to any person; or
- (b) without reasonable excuse does not on request being made and production of reasonable evidence of ownership, deliver up to the owner any homing pigeon;

the person shall be guilty of an offence against this Act.

(5) For the purposes of this section—

“homing pigeon” includes all pigeons used as bearers of messages or as racing pigeons, and which have affixed or attached to either or both legs a rubber or metal ring.

6 Compensation for injury caused to animal, person, or property

(1) If any person, by cruelty within the meaning of this Act to any animal, does or causes to be done any damage or injury to the animal or any person or property, the person shall upon conviction under this Act be liable, upon the application of the person aggrieved, to be ordered to pay, as compensation to the person who sustains damage or injury as aforesaid, such sum not exceeding 20 penalty units as the court before which the person is convicted may consider reasonable.

(2) However, this section shall not—

- (a) prevent the taking of any other legal proceedings in respect of any such damage or injury, so that a person be not twice proceeded against in respect of the same claim; nor
- (b) affect the liability of any person to be proceeded against and punished under this Act for an offence under this Act.

7 Exemptions

(1) Except in any case of ill-treatment, nothing in this Act shall render unlawful—

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- (a) the slaughtering of any animal in any manner which may be necessary to comply with the requirements of the Jewish or other religion; or
- (b) acknowledged husbandry practices including the dehorning of cattle, the castration, spaying, earmarking or branding of any animal, lamb-marking, the mulesing, shearing or crutching of any sheep, or the shoeing of any horse where, in any case, the operation is performed with a minimum of suffering to the animal concerned; or
- (c) the extermination of rabbits, marsupials (not being protected under any law), dingoes, wild or stray dogs or cats, foxes, wild cattle, wild horses, wild pigs, other domestic animals living in a wild state or reptiles; or
- (d) the extermination or destruction of any animal under the authority of any Act, regulation, or local law in force for the time being; or
- (e) the hunting, snaring, trapping, shooting, or killing otherwise, or capturing of any animal not in a domestic state and not being protected under any law; or
- (f) a scientific experiment conducted in accordance with the regulations; or
- (g) any operation of the nature of an inoculation or of a feeding experiment; or
- (h) the commission or omission of any act in the course of the destruction or the preparation for destruction of any animal as food for people, provided that such destruction or such preparation is carried out without the infliction of unnecessary suffering; or
- (i) the destruction of stray dogs or cats in lethal chambers, or by other methods with a minimum of suffering; or
- (j) any operation of the nature specified in section 4(1)(j) or any other operation performed in accordance with normal veterinary practice for the treatment of disease of or injury to an animal by a veterinary surgeon registered under the *Veterinary Surgeons Act 1936*.

8 Power to prohibit use of animal unfit for work

(1) If any officer is of the opinion that any animal is unfit to be used in work or labour, or in work or labour of any particular kind, the officer may, by signed notice delivered to any person apparently in charge of such animal, direct that such animal is not to be used in work or labour or in work or labour of the kind specified in such notice, for any time therein not exceeding 21 days.

(2) If any court is of a like opinion, the court may cause to be served on the owner or the person in charge of the animal a like notice.

(3) At the expiration of the period mentioned in any notice so delivered or served, the officer or the court, as the case may be, may in like manner serve or deliver a further notice directing that such animal is not to be used for a further period not exceeding 21 days.

(4) Any person who considers that he or she is injured or aggrieved by such notice may make application to a court to have the notice annulled or varied, and thereupon the court may summon the officer to show cause to the contrary.

(4A) No costs shall be given against an officer in any such proceeding unless the court is of opinion that the officer acted without reasonable cause.

(5) Any person who contravenes the provisions of any notice issued in accordance with this section and delivered to the person or brought to his or her knowledge shall be guilty of cruelty, and shall be liable to be punished accordingly.

(6) The provisions of this section are in addition to and shall not be construed as being in derogation of any other provision of this Act.

9 Officer may enter and inspect

(1) Any officer may enter into any place whatsoever for the purpose of inspecting any animal therein and the accommodation for such animals or for the purpose of ascertaining whether any of the provisions of this Act have been or are being contravened.

(2) Any person hindering such officer from so doing shall be guilty of an offence against this Act, and be liable to a penalty, not exceeding 4 penalty units.

11 Power to seize animals etc.

(1) Any officer may take possession of, detain, and if the officer thinks fit, remove to some place of safety or safe custody any animal in respect of which this Act has been or is being contravened, or in respect of which the officer reasonably believes this Act has been or is being contravened, and if at the time when taken possession of, any vehicle is drawn by that animal, that vehicle, and if at that time any harness (including any saddle) is attached to that animal and, where possessed, any vehicle, that harness, and anything whatsoever which the officer believes will afford evidence as to the commission of any such contravention, or any of these things.

(2) Any animal or things taken possession of under this section may be detained until proceedings for the offence in respect of which the animal or things were taken possession of, or for any offence in which the animal or things are or can properly be adduced in evidence, are finally determined, including any appeal in the matter of those proceedings, or for any shorter period.

(3) In any such case where the owner of any such animal is convicted of an offence against this Act the court may, in addition to imposing any penalty or punishment for that offence, order the offender to pay a reasonable sum for defraying the cost of keeping the animal whilst so detained or otherwise incurred in connection with such detention.

(4) Any animal taken possession of under this section and in relation to which any offence against this Act has been committed shall be forfeited to Her Majesty in right of this State if the court convicting the offender so orders (authority to make such order being hereby given).

(4A) However, the Minister may at any time, in the Minister's absolute discretion, order that any animal or things lawfully detained under this section shall be forfeited to Her Majesty in right of this State notwithstanding that no person is proceeded against for or is convicted of an offence against this Act in relation thereto, and thereupon such forfeiture shall take effect.

(5) All animals and things forfeited to Her Majesty under this Act shall be dealt with or disposed of as the Minister may direct.

(5A) Any such forfeiture, dealing with or disposal shall not confer upon any person any right to compensation.

(6) Where, pursuant to subsection (1), an animal has been taken possession of, detained or removed to some place of safety or safe custody, a person shall not—

- (a) interfere with the animal; or
- (b) enter or be on or within the place of safety or safe custody; or
- (c) move or remove the animal from the place of safety or safe custody; or
- (d) attempt to do any of the things referred to in paragraph (a), (b) or (c); or
- (e) have that animal in the person's possession or under the person's control;

unless the person is an officer or a person authorised in that behalf by an officer.

Maximum penalty—20 penalty units or 6 months imprisonment.

(7) In this section—

“**officer**” does not include police officer.

13 Destruction of certain animals in certain cases

(1) Any animal found abandoned, or diseased, or injured, or disabled to such an extent that its existence involves continued suffering, may be killed by or upon the authority of a justice or veterinary practitioner, or officer, or an officer of the local government having jurisdiction within the area where the animal is found, whether such animal has been the subject matter of a prosecution or not.

(1A) However, in a case where any animal is found diseased, or injured, or disabled as aforesaid and the authority of a veterinary practitioner has not been obtained, notice of the proposed killing shall wherever reasonably practicable be given to the owner of the animal and, whenever such notice has been given (but excepting the case of any horse found with any of its legs broken) such killing shall not take place until after the lapse of 24 hours after the receipt of such notice by the owner and not then if within that time the owner places at his or her own cost the animal under the care or treatment of a veterinary practitioner who is of the opinion that the animal may recover.

(1B) Notice of the fact of such killing shall in every case be given to such local government, and such local government may recover any cost incurred by it, in the destruction and disposal of the carcass, from the owner of any such animal, by complaint before any 2 justices.

(1C) No compensation shall be recoverable against any person in respect of the killing of an animal under this section.

(2) Where any injured or disabled animal is found in any place (including any public road) open to or used by the public, whether as of right or otherwise, or in any place wherein its remaining would cause cruelty to that animal, then it shall be the duty of the owner thereof, unless the animal can not without cruelty be removed, to forthwith cause to be removed that animal from that place with as little suffering to it as possible, and if the owner fails to do so, or if there is no owner or if the owner is absent, an officer may, without the consent of the owner, cause the animal forthwith to be so removed from that place.

(3) Any expense which may be reasonably incurred by an officer in carrying out the provisions of this section, and whether the animal is killed under this section or not, may be recovered from the owner summarily as a civil debt.

14 Killing of animals

If it is made to appear to any justice by personal inspection, or by the testimony of a reliable witness, that any animal impounded in any pound or found elsewhere is in such a weak, disabled, or diseased state that it ought to be killed, it shall be lawful for the justice, by signed notice to order that the said animal shall be forthwith killed; and such order shall be sufficient authority to the poundkeeper or owner of such animal or any other person authorised by the said justice to kill the same, and no compensation whatever shall be recoverable in respect of such killing.

15 Power to private persons to provide food for animals in confinement

(1) If any animal is at any time impounded or confined in any yard, pen, cage, hutch, pound, or receptacle of the like nature, or deprived of its liberty, and continues impounded, confined, or restrained without fit and sufficient food and water for more than 24 consecutive hours, or in the case of ruminants for more than 18 hours, it shall be lawful for any person whomsoever to enter into and upon any yard or premises or any pound or other receptacle of the like nature in which any such animal is so confined, and to supply such animal with fit and sufficient food and water during so long a time as it remains and continues so impounded, confined, or restrained, without being liable to any action of trespass or other

proceeding by any person whomsoever for or by reason of such entry for the purposes aforesaid.

(2) The reasonable cost of such food and water shall be paid by the owner or person having the custody of such animal to the person who has supplied the same, and such cost may be recovered by complaint before the court.

15A Power to demand name and address

Any officer who—

- (a) finds any person committing or who reasonably suspects any person of having committed an offence against this Act; or
- (b) is making investigations with a view to establishing whether or not an offence against this Act has been committed by any person;

may require that person to state his or her name and address or name or address and, if the officer has reasonable ground to suppose that the name or address stated is false, may require evidence of the correctness thereof.

16 Obstructing officers

Any person who—

- (a) unlawfully obstructs, hinders, molests, or assaults any officer who is authorised to exercise any power or authority under or by virtue of this Act; or
- (b) when required under this Act—
 - (i) to state the person's name and address or name or address, fails to state his or her name and address or, as the case may be, name or address, or states a false name and address or, as the case may be, a false name or address; or
 - (ii) to give evidence of the correctness of the person's name and address or name or address, fails to give that evidence or gives false evidence with respect to his or her name and address or, as the case may be, name or address;

shall be guilty of an offence against this Act.

17 Parties to offences

(1) Every person shall be deemed to be guilty of an offence under this Act who—

- (a) actually commits such offence; or
- (b) aids or abets any person in the commission thereof; or
- (c) directly or indirectly causes or counsels or procures any person to commit such offence; or
- (d) knowingly permits such offence to be committed in any place in the person's possession, or under his or her control; or
- (e) is the owner or a person having possession or custody or control of any animal in respect of which such offence has been committed, unless the person proves that he or she had taken all reasonable precautions against the commission of an offence under this Act and that the person had at the time no reason to suspect that any such offence was being or would be committed.

(2) For the purposes of this Act, an owner or person having possession or custody or control of any animal shall be deemed to have permitted cruelty if he or she has failed to exercise reasonable care and supervision in respect of the protection of the animal therefrom, or failed to take reasonable steps to prevent the unnecessary suffering of the animal.

(3) Whenever any person, who is an employee charged with any offence under this Act, proves to the satisfaction of the court that the acts constituting the offence were done or permitted by him or her in the course of his or her employment as such employee and that prior to the commission of the offence the employee called his or her employer's attention to the unfitness of the animal for the use or treatment constituting the offence, the court may discharge the defendant or adjourn the hearing, and issue a summons against the employer for a like offence.

(4) In the event of the employer being found guilty, the court may order the employer to pay the costs incurred in prosecuting both himself or herself and the employee.

18 Employers and owners to produce animals and drivers when required

(1) Where proceedings are instituted under this Act, it shall be lawful for the court to issue a summons directed to the owner of the animal requiring the owner to produce, either at or at any time before the hearing of the case,

as may be stated in the summons, the animal for the inspection of the court, if such production is possible without cruelty.

(2) Where proceedings are instituted under this Act against the driver or conductor of any vehicle, it shall be lawful for the court to issue a summons directed to the employer of the driver or conductor, as the case may be, requiring the employer, if it is in his or her power so to do, to produce the driver or conductor at the hearing of the case.

(3) Where a summons is issued under subsections (1) or (2), and the owner or employer, as the case may be, fails to comply therewith without satisfactory excuse, he or she shall be guilty of an offence against this Act.

19 Person convicted may be deprived of ownership

(1) If the owner of any animal is guilty of cruelty, within the meaning of this Act, to an animal, the court upon the owner's conviction thereof may, if it thinks fit, if it is shown by evidence as to a previous conviction, or as to the character of the owner, or otherwise, that the animal if left with the owner is likely to be exposed to further cruelty, in addition to any other punishment, deprive such person of the ownership of the animal, and make such order as to the disposal of the animal as it thinks fit under the circumstances.

(2) If any person is guilty of an offence against this Act in respect of any animal, the court, upon the person's conviction therefor, may, if the court thinks fit, in addition to any other penalty, punishment or order, order that the said person shall, either permanently or during such period as is fixed by the order, be prohibited from having the custody of any animal of any kind whatsoever or, as the court thinks fit, of any animal of any kind or species specified in the order.

(3) However, no order shall be made under subsection (2)—

- (a) unless it is shown by evidence as to a previous conviction, or as to the character of the said person or otherwise, that an animal in the custody of the said person is likely to be exposed to cruelty; and
- (b) unless it is stated in the complaint upon which the conviction was made that it is the intention of the complainant upon the conviction of the defendant to request that an order be made as aforesaid; and
- (c) unless the court making the order consists solely of a stipendiary magistrate.

(4) Any person in respect of whom an order is made under subsection (2) shall not have the custody of any animal contrary to the provisions of the order and upon conviction for this offence the court may make such order as to the disposal of the animal as the court thinks fit under the circumstances or make any other order under this Act in respect of that animal.

20 Sale and purchase of decrepit animals

(1) An auctioneer or other person who sells or offers for sale, and any person who buys or attempts to knowingly buy, except for the purpose of slaughter, any horse, ass, mule, or other domestic animal, which is so old, or permanently diseased, or permanently disabled that it is unfit for work, shall be guilty of an offence against this Act.

(2) The production of a certificate from the buyer of any such animal, given at the time of sale to the auctioneer or vendor, that the animal is being purchased for immediate slaughter, shall be a defence to any prosecution of an auctioneer or vendor under this section.

21 Slaughtering of decrepit animals

(1) This section shall apply to every person who carries on the business of a slaughterer of animals that are diseased, decrepit or otherwise unfit to be used or other animals, delivered to a slaughterer for slaughter.

(2) All animals shall be slaughtered, with as little pain as possible, and as far as practicable free from previous terror, within 2 days or, where any other time is prescribed under a regulation, within that prescribed time from the time they have been delivered to the slaughterer.

(2A) Any animal which is in pain shall be slaughtered without delay.

(3) All animals shall be properly fed and watered after they have been delivered to the slaughterer.

(4) No animal shall be used or employed for any work after it has been delivered to the slaughterer for slaughter.

(5) The slaughterer shall enter, in a book kept for the purpose, such a full and correct description of the colour, brands, marks and gender of every animal delivered to the slaughterer for slaughter as may clearly distinguish and identify same, and the name and address of the person from whom the animal was received.

(5A) The book shall be produced by the slaughterer on the order of any court, and the slaughterer shall allow such book to be inspected and extracts to be made therefrom at all reasonable times by any officer.

(6) The slaughterer shall not part with alive, or procure or permit any person to sell or part with alive, any animal that has been delivered to the slaughterer for slaughter.

(7) For the purposes of any provision of this Act which relates to offences of cruelty, the slaughterer shall be deemed to be the owner of the animal delivered to the slaughterer, and the animal shall be deemed to have been delivered to the slaughterer if delivered either to himself or herself or to any person on the slaughterer's behalf.

(8) This section shall not apply to any zoological gardens that may hereafter be established in Queensland.

21A Conveyance of calves and swine

(1) No person shall at any time convey (whether by railway truck, road transport, or otherwise howsoever) any calves which are not separated by a suitable partition or otherwise from any swine being also conveyed at that time.

(2) In this section—

“swine” does not include pigs under or apparently under the age of 3 months.

22 Offences

(1) Any person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence against this Act.

(2) Any person guilty of an offence against any provision of this Act shall be liable, if no specific penalty is provided for that offence, to a penalty not exceeding 40 penalty units.

(2A) A person who, after being convicted of an offence against a provision of this Act, continues in the contravention or failure to comply for which the person has been convicted—

- (a) commits a continuing offence in respect of each day after the day of conviction during which the contravention or failure continues; and

- (b) may be prosecuted from time to time in respect of the contravention or failure; and
- (c) is liable to a penalty not exceeding 8 penalty units for each day during which the offence continues.

(2B) Any penalty or punishment to which the person convicted may be liable upon the person's conviction shall be in addition to any forfeiture under this Act.

(2C) Notwithstanding anything in any Act to the contrary, where any person is convicted of any offence against this Act, the penalty to be imposed in respect of such offence shall not be reduced below any prescribed minimum amount of penalty.

(3) All offences against this Act may be prosecuted and all other proceedings under this Act may be taken in a summary way under the *Justices Act 1886*, on complaint by any person aggrieved (or, where that person is an infant, by a parent or guardian), or by any officer.

(4) A prosecution for an offence against this Act and any other proceeding under this Act may be instituted at any time within 12 months after the commission of the offence or, as the case may be, after the act or omission upon which that other proceeding is based or within 6 months after the commission of the offence, or, as the case may be, after the act or omission upon which that other proceeding is based comes to the knowledge of the complainant, whichever is the later period.

(5) No proceeding under this Act and no conviction for any offence against this Act shall affect any civil right or remedy to which any person aggrieved by the act or omission on which that proceeding is based or, as the case may be, aggrieved by the offence may be entitled.

22A Protection for acts done in the execution of this Act

(1) No matter or thing done or omitted to be done by any person in good faith and without negligence in the execution of the person's functions, powers or duties under this Act shall subject that person to any liability in respect thereof.

(2) When any question arises as to whether any liability for any act or omission, the subject of any proceedings, is negated under subsection (1), and it appears that the act or omission of the person proceeded against was for the purpose of executing this Act or in the execution of any of the person's functions, powers or duties under this Act, the burden of proof of

negligence and the absence of good faith shall lie upon the person taking those proceedings.

23 Regulation making power

The Governor in Council may make regulations under this Act.

24 Saving of the Criminal Code Act 1899 and the Nature Conservation Act 1992

(1) Unless otherwise expressly provided, the provisions of this Act shall be in addition to and not in substitution for or diminution of the provisions of—

- (a) the *Criminal Code Act 1899*; or
- (b) the *Nature Conservation Act 1992*, or of any regulations thereunder.

(2) However, where any act or omission constitutes the same offence both under this Act and under any other such Act or any regulations thereunder, any person doing or omitting to do such act may be proceeded against either under this Act or under such other Act or regulations but so that no person shall be twice punished for the same offence.

ENDNOTES

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 March 2002.

3 Key

Key to abbreviations in list of legislation and annotations

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

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to Act No. 58 of 1995	13 December 1995
1A	to Act No. 5 of 2001	4 July 2000

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed citations and remade laws	1
Changed names and titles	1
Corrected minor errors	1
Obsolete and redundant provisions	1
Renumbered provisions	1

6 List of legislation

Animals Protection Act 1925 16 Geo 5 No. 25

date of assent 12 November 1925

commenced on date of assent

rep 1 March 2002 (2001 No. 64 s 219)

amending legislation—

Animals Protection Act Amendment Act 1952 1 Eliz 2 No. 44

date of assent 4 December 1952

commenced on date of assent

Animals Protection Acts Amendment Act 1954 3 Eliz 2 No. 23

date of assent 4 October 1954

commenced on date of assent

Animals Protection Acts Amendment Act 1957 6 Eliz 2 No. 21

date of assent 11 November 1957

commenced on date of assent

Animals Protection Act Amendment Act 1971 No. 29

date of assent 22 April 1971

commenced on date of assent

Animals Protection Act Amendment Act 1977 No. 54

date of assent 7 October 1977
 commenced on date of assent

Animals Protection Act Amendment Act 1981 No. 117

date of assent 16 December 1981
 commenced on date of assent

Animals Protection Act Amendment Act 1991 No. 1

date of assent 28 February 1991
 ss 1–2 commenced on date of assent (see s 2(1))
 remaining provisions commenced 1 May 1991 (see s 2(2) and proc pubd gaz
 27 April 1991 p 2669)

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995
 commenced on date of assent

Police Powers and Responsibilities Act 2000 No. 5 ss 1–2, 373 sch 3

date of assent 23 March 2000
 ss 1–2, 373 commenced on date of assent (see s 2(2))
 remaining provisions commenced 1 July 2000 (see s 2(1), (3) and 2000 SL No. 174)

7 List of annotations

Repeal of 1 Edw. 7 No. 26

s 2 om R1 (see RA s 40)

Interpretation

s 3 amd 1952 1 Eliz 2 No. 44 s 2(vii); 1995 No. 58 s 4 sch 1
 def “**animal**” sub 1952 1 Eliz 2 No. 44 s 2(i)
 def “**captive animal**” sub 1952 1 Eliz 2 No. 44 s 2(iii)
 def “**cruelty**” ins 1971 No. 29 s 2(a)
 def “**dog**” ins 1952 1 Eliz 2 No. 44 s 2(iv)
 def “**domestic animal**” sub 1952 1 Eliz 2 No. 44 s 2(ii)
 def “**horse**” ins 1952 1 Eliz 2 No. 44 s 2(iv)
 amd 1977 No. 54 s 2
 def “**ill-treat**” amd 1952 1 Eliz 2 No. 44 s 2(v); 1995 No. 58 s 4 sch 1
 def “**officer**” sub 1957 6 Eliz 2 No. 21 s 2; 2000 No. 5 s 373 sch 3
 def “**owner**” ins 1952 1 Eliz 2 No. 44 s 2 (vi)
 amd 1971 No. 29 s 2(b)
 def “**person**” ins 1952 1 Eliz 2 No. 44 s 2(vi)
 om R1 (see RA s 39)
 def “**pound**” amd 1995 No. 58 s 4 sch 1
 def “**scientific experiment**” ins 1991 No. 1 s 4
 def “**this Act**” ins 1952 1 Eliz 2 No. 44 s 2(vii)
 om R1 (see RA s 39)

Offences of cruelty

s 4 amd 1952 1 Eliz 2 No. 44 s 3; 1954 3 Eliz 2 No. 23 s 2; 1971 No. 29 ss 3,
 9 sch; 1977 No. 54 s 3; 1995 No. 58 s 4 sch 1

Compensation for injury caused to animal, person, or property

s 6 amd 1971 No. 29 s 4; 1977 No. 54 s 4; 1995 No. 58 s 4 sch 1

Exemptions

s 7 amd 1952 1 Eliz 2 No. 44 s 4; 1971 No. 29 s 5; 1977 No. 54 s 5; 1991 No. 1 s 5; 1995 No. 58 s 4 sch 1

Power to prohibit use of animal unfit for work

s 8 amd 1995 No. 58 s 4 sch 1

Officer may enter and inspect

s 9 amd 1971 No. 29 s 9 sch; 1977 No. 54 s 6; 1995 No. 58 s 4 sch 1

Apprehension of offenders

s 10 om 2000 No. 5 s 373 sch 3

Power to seize animals etc.

s 11 sub 1952 1 Eliz 2 No. 44 s 5
amd 1971 No. 29 s 6; 1981 No. 117 s 2; 1995 No. 58 s 4 sch 1; 2000 No. 5 s 373 sch 3

Limitation

s 12 om 1952 1 Eliz 2 No. 44 s 6

Destruction of certain animals in certain cases

s 13 amd 1952 1 Eliz 2 No. 44 s 7; 1977 No. 54 s 7

Power to demand name and address

s 15A ins 1952 1 Eliz 2 No. 44 s 8
amd 2000 No. 5 s 373 sch 3

Obstructing officers

s 16 amd 1952 1 Eliz 2 No. 44 s 9

Parties to offences

s 17 amd 1995 No. 58 s 4 sch 1

Employers and owners to produce animals and drivers when required

s 18 amd 1971 No. 29 s 7

Person convicted may be deprived of ownership

s 19 amd 1952 1 Eliz 2 No. 44 s 10

Sale and purchase of decrepit animals

s 20 amd 1952 1 Eliz 2 No. 44 s 11

Slaughtering of decrepit animals

s 21 amd 1952 1 Eliz 2 No. 44 s 12; 1977 No. 54 s 8; 1995 No. 58 s 4 sch 1

Conveyance of calves and swine

s 21A ins 1952 1 Eliz 2 No. 44 s 13

Offences

s 22 sub 1952 1 Eliz 2 No. 44 s 14
amd 1971 No. 29 s 9 sch; 1991 No. 1 s 6; 1995 No. 58 s 4 sch 1

Protection for acts done in the execution of this Act

s 22A ins 1971 No. 29 s 8

Regulation making power

s 23 sub 1991 No. 1 s 7; 1995 No. 58 s 4 sch 1

Saving of the Criminal Code Act 1899 and the Nature Conservation Act 1992

prov hdg amd R1 (see RA ss 22 and 29)

s 24 ins 1952 1 Eliz 2 No. 44 s 15