

## 176. Serious Animal Cruelty: s 242

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### 176.1 Legislation

[Last reviewed: February 2025]

*Criminal Code*

[Section 242](#) – Serious animal cruelty

### 176.2 Commentary

[Last reviewed: February 2025]

The Defendant must have:

- (1) Unlawfully;
- (2) Killed or caused serious injury or prolonged suffering to an animal;
- (3) With the intention of inflicting severe pain or suffering.

Section 242(3) provides a definition of 'serious injury'. See also the direction on intention at **Chapter 59 – Intention**.

Section 242(2) states that an 'act or omission that causes the death of, or serious injury or prolonged suffering to, an animal is unlawful unless it is authorised, justified or excused by' the *Animal Care and Protection Act 2001* (Qld) or any other law (other than s 458 of the *Criminal Code*).

Part 4 of the *Animal Care and Protection Act 2001* (Qld) allows for certain surgical procedures to be performed by a veterinary surgeon.

### 176.3 Suggested Direction

[Last reviewed: February 2025]

The prosecution must prove beyond reasonable doubt that:

1. the Defendant killed or caused serious injury or prolonged suffering to an animal; and
2. the Defendant did so with the intention of inflicting severe pain or suffering; and
3. that the act or omission by the Defendant which caused the death of, or serious injury or prolonged suffering to, an animal was unlawful.