

## Serious Animal Cruelty s 242

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1. The prosecution must prove that:
  - (a) the defendant killed or caused serious injury<sup>1</sup> or prolonged suffering to an animal; and
  - (b) the defendant did so with the intention<sup>2</sup> of inflicting severe pain or suffering; and
  - (c) that the act or omission by the defendant which caused the death of, or serious injury or prolonged suffering to, an animal was unlawful.

In this section – “serious injury” means:

- (a) the loss of a distinct part or an organ of the body; or
- (b) a bodily injury of such a nature that, if left untreated would:
  - (i) endanger, or be likely to endanger life; or
  - (ii) cause, or be likely to cause, permanent injury to health.<sup>3</sup>

An act or omission that causes the death or, or serious injury or prolonged suffering to, an animal is unlawful unless it is authorised, justified, or excused by –

- (a) the Animal Care and Protection Act 2011 (Qld),<sup>4</sup> or
- (b) another law, other than s 458 of this Code.<sup>5</sup>

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<sup>1</sup> See s 242(3) for a definition of serious injury.

<sup>2</sup> See Benchbook 56 on intention.

<sup>3</sup> Section 242(3).

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

<sup>5</sup> Section 458 Criminal Code.