

DESERT KNOWLEDGE CRC

Review of legislation and regulations relating to feral camel management

R Carey
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1. Executive summary

Analysis of State, Territory and Commonwealth legislation affecting the management of feral camels was undertaken for those jurisdictions where the species is or could be a problem. Eight areas of analysis were undertaken; in each area inconsistencies were found that are likely to affect the management of feral camels.

i. Ownership

- A person cannot own or have property of a wild animal (*ferae naturae*). They can become the property of someone when killed or taken, used and/or domesticated by the person claiming title to the animal.
- The taking of possession of the camel can occur by capturing it, confining it or killing it and thus acquiring rights to the use of the animal.

ii. Legal obligations to control

- Occupiers of freehold land, leasehold land and certain Aboriginal land in Western Australia are obliged to destroy, prevent and eradicate feral camels.

Elsewhere obligations will arise if:

- A landholder has a statutory duty of care for the land, and in the circumstances it is reasonable that the duty extends to the management of feral camels.
- Conditions attaching to a lease of Crown land require the control or management of feral camels.
- A statutory authority, such as a minister, pastoral board or soil commissioner, has issued a direction requiring the landholder to manage feral camels on his or her land.
- Land is required to be managed in accordance with a management plan which provides for the management of feral camels.
- The landholder has entered into a statutory agreement which creates obligations for the management of feral camels.

iii. Legal obligations for welfare

- Legislation relating to welfare of animals is reasonably consistent across the jurisdictions where feral camels are found.
- Feral camels are afforded the same welfare obligations as other animals in as much as they should not be mistreated, abused, tortured or injured.
- Landowners are not responsible for the welfare of feral camels on their property unless there is a deliberate action taken to harm the animal or to bring it under control in some way.
- Where a feral camel is taken into the control of a person, however temporarily, welfare legislation treats that animal in the same way as if it were owned. The full responsibility of care rests with the person in charge.
- Exemptions exist in all jurisdictions.

iv. Access

- In New South Wales (NSW) and Queensland (Qld) feral camels are not a declared pest so access cannot be achieved by government officials accessing land in order to control feral camels.

- In South Australia (SA) access for these purposes is subject to an objection by traditional owners and the relevant Minister has the final say after such an objection is made as to whether access will be permitted.
- v. Welfare over-riding other access restrictions**
- Animal welfare legislation is relatively consistent across the State and Territory jurisdictions.
 - Powers of entry under animal welfare legislation may enable access to land to address welfare concerns for feral camels in certain circumstances.
- vi. Culling**
- Welfare regulations and code of practice mean controllers almost have to use class C or class D firearms.
 - In many states, and the Northern Territory (NT) in particular, movement of firearms across borders is either illegal or is made difficult because firearms have to be registered in the jurisdiction of use.
 - Cross-border licensing is often difficult and sometimes not possible.
 - Fencing to exclude camels from waterholes is likely to contravene welfare legislation in all jurisdictions, though can be made obligatory in Western Australia (WA).
 - Aboriginal heritage legislation may be an appropriate legislative tool to protect significant natural waterholes.
- vii. Processing**
- The processing of meat is generally well-regulated with standard approaches across the country.
 - In all jurisdictions but the NT, camels are considered game meat and come under that code of practice. The NT is the exception and includes feral camels either as abattoir meat or pet meat but not game meat. It is unclear whether this confuses the market and inhibits the camel meat trade, but it would be sensible to change the NT legislation to match similar legislation elsewhere.
- viii. Fencing and transport**
- General welfare standards of domesticated camels could be improved across the country by modifying animal welfare legislation to ensure mandatory adoption of relevant codes of practice, as found in SA.
 - Classification of camels varies across jurisdictions depending on their perceived threat to the environment. Once domesticated, camels are permitted to be kept in all jurisdictions. However, owners in NSW and WA must apply for a permit which is granted only under strict conditions.
 - WA and SA stipulate it is a legal obligation to comply with fencing guidelines, whereas there are no legislative requirements for fencing camels in the other jurisdictions.
 - The extent to which welfare provisions relating to transport are mandatory varies across the country.
 - Similarly, the labelling of camels as stock in some places and not others inhibits cross-border trade and other movement.

Recommendations have been made to ameliorate these legal impediments to camel control as follows:

i. Ownership

- The clear market failure that arises from the inadequacy of current legislation with respect to ownership of feral camels be corrected, potentially by identifying explicitly that ownership is vested in the Crown.

ii. Legal obligations to control

- A consistent set of requirements should be developed for all arid zone tenures that spell out the circumstances under which landholders are obliged to control camels as a duty of care to public land and where that responsibility falls to the government.

iii. Legal obligations for welfare

- Although inconsistencies exist across borders, the general provisions of welfare legislation are consistent and no recommendations were made for change.

iv. Access

- In relation to the question as to whether feral animal control areas apply in the NT to Aboriginal land under the NT *Land Rights Act*, that negotiations take place to settle the question and possibly include camels in the definition of wildlife so that section 73(c) of the Act can apply.

v. Welfare over-riding other access restrictions

- No recommendations for change.

vi. Culling

- Identify the circumstances under which protection of water sources by fencing would be acceptable, particularly in relation to important Aboriginal cultural sites that are being damaged by camels.
- Engage with others to adopt national registration laws so that a firearm registered under one jurisdiction retains that registration regardless of jurisdiction.
- Reform *Northern Territory Firearms Act* in particular to allow easier access to professional shooters from interstate. The South Australian model seems the most practical for these purposes.
- Revise the Northern Territory Public Health (General Sanitation, Mosquito Prevention, Rat Exclusion and Prevention) Regulations to match the reality of animals dying in places where they will never be buried.

vii. Processing

- Reform the NT legislation to list camels as game meat so that they can be processed in the same way as buffalo or banteng.

viii. Transport

- Welfare standards of domesticated camels could be improved by ensuring universal mandatory adoption of relevant codes of practice, such as found in the South Australian *Prevention of Cruelty to Animals Act* and the Commonwealth *Australian standards and guidelines for the welfare of animals - Land transport of livestock*.
- Classification of domesticated camels as a stock animal in each jurisdiction could help to simplify the traffic of camels across borders.

2. Introduction

For 80+ years camels were a valued means of transport through the Australian arid zone. However, when replaced by cars and trains in the 1920s, the camels were released into the wild. After a slow start, feral camel populations are increasing rapidly with substantial impacts on the environment and the production values of rangelands. However, current endeavours to manage camels in Australia are generally *ad hoc* and uncoordinated.

The Australian Government-funded project ‘Cross-jurisdictional management of feral camels to protect NRM and cultural values’ (hereafter, ‘the camels project’), managed by the Desert Knowledge Cooperative Research Centre (DKCRC), is aiming to develop effective and efficient camel management strategies to address camel impacts across the country. The project is exploring the whole range of possible options for feral camel management, by reviewing existing camel management efforts and activities, assessing attitudes, assessing the impacts of camels, and analysing the feasibility of consumptive and non-consumptive approaches to camel management. The project was completed in September 2008.

The research goals and objectives of the project are being met through a group of integrated sub-projects, including investigation of consumptive and non-consumptive use as a control strategy. However, such strategies are complicated by variations in the legislative/regulatory aspects of camel management in different jurisdictions.

The camels project is analysing a wide range of non-consumptive camel management options including culling (shooting, poisoning, etc.) and fencing off of key assets, as well as consumptive uses such as live export, meat for export or local consumption, pet meat, medicine, game hunting, tourism, etc.).

To accomplish this objective, the DKCRC issued a contract to review legislation regarding feral camel management in Australia. This document constitutes that review. This review analyses possibilities and constraints defined by current regulations, examines different legislation issued by different authorities, and evaluates critically current legislation gaps. The work has been undertaken in close collaboration with the camel project scientists and coordinated by the camel project manager with assistance from the camel project steering committee.

The review has had the following objectives:

- To review current legislation, regulations and policies at both federal and state/territory levels, relating to consumptive and non-consumptive management approaches to feral camel management. The review is to include current legislative documentation on feral animals particularly focused on feral camels, Aboriginal land management, firearm management, pet meat, game meat, international animal trading (live export, meat export), welfare, movement including transportation, and other related documentation
- To highlight similarities and differences between the relevant jurisdictions – Commonwealth (Cth), Queensland (Qld), New South Wales (NSW), South Australia (SA), Western Australia (WA), and the Northern Territory (NT) governments
- To identify the changes that would be required for future cross-jurisdictional cooperative actions.

In addition a database is to be created that includes the outlined information with hyperlinks to full text of all documents reviewed.

3. Methodology

3.1 Legislative review

Legislation from each jurisdiction where wild camels occur was assembled and reviewed for relevance to their management. Briefing discussions focused on a number of consumptive and non-consumptive activities including:

- access
- ownership
- environment/natural resource management
- firearms
- health
- trade
- transport
- welfare.

3.2 Legislative analysis

Legislation was reviewed for inter-jurisdictional consistency and the potential for impediments to effective camel management.

3.3 Recommendations

For each legislative area recommendations were made on potential means for:

- ensuring consistency between jurisdictions
- reducing legal impediments to camel management, particularly in remote areas.

4. Who has ownership of camels?

4.1 Introduction

This seemingly innocuous question is not without some complexity. The ownership of feral camels is determined by the common law (judge-made law) and regulated to a limited extent by State and Territory legislation and therefore varies between jurisdictions.

It is a fundamental question, as the answer to it will sometimes determine who has the responsibility for the care, welfare and the right to use and consume camels.

The ownership of camels can be usefully understood in the following two situations:

- as feral camels
- as domestic animals.

A feral camel is a wild animal generally owned by no-one, but its declaration as a pest or declared animal does often make the control of them the responsibility of the landowners as described in Chapter 5 of this report.

A domestic animal (camel) has been described as ‘such animals as are commonly kept and cared for in and about human habitations’.¹ There are various statutory definitions that cover both ‘companion’ animals and ‘farmed’ animals. This report will not deal with companion animals, although it is possible for camels to come within the terms of some of that type of legislation.²

Camels are variously referred to as feral animals, wildlife, game, stock and livestock depending on the purposes of the legislation and the jurisdiction. These variations are covered in other sections of the report.

¹ *Attorney-General (SA) v Bray* (1964) 111 CLR 402 at 425

² Such as the *NSW Companion Animals Act 1998* s 5(1)

4.2 Summary of key provisions

4.2.1 Who has ownership of camels?

4.2.1 Who has ownership of camels?			
Jurisdiction	Legislation	Key provisions	Status of camels
Commonwealth	NA	NA	NA
	<i>Non-Indigenous Animals Act 1987</i>	An authorised officer can seize an animal of a controlled category which is at large (s25). A 'controlled category animal' means a category 3b animal. (Reg 3) <i>Camelus dromedarius</i> -Dromedary; Arabian Camel is a category 3b animal (schedule 1 Part 3 of the Regulations). When an animal is seized under s25 it becomes the property of the Crown (s25 (2)) and is subject to direction of the Director-General and if it poses immediate threat to life/property may be destroyed.	
New South Wales	Non-Indigenous Animals Regulations 2006		Feral camels not deemed to be 'property' of the Crown. But can be seized while at large and once seized becomes the property of the Crown.
	<i>National Parks and Wildlife Act 1974</i>	Fauna means any mammal. Mammal means any mammal whether native, introduced or imported but does not include introduced or imported domestic mammal (s5). Camel (<i>Artiodactyla</i>) is unprotected fauna (Schedule 2). Any protected fauna other than prescribed fauna shall, until capture/killed, be deemed to be the property of the Crown. Prescribed fauna shall, when liberated, be deemed to be the property of the Crown (s97(2)).	
Northern Territory	<i>Territory Parks and Wildlife Act</i>		Camels have been declared as feral animals. It is an offence to release feral animals including camels (s67A). The Minister may declare an area of land containing feral camels to be a feral control area (s48).
	Pastoral Land Regulations	Stock includes camels that are not in a feral state (s6). Minister can order removal of stock and can sell or dispose of that stock to a new owner (s42(1) and s11(1)).	
South Australia	<i>Crown Lands Act 1929</i>	All unbranded cattle over 12 months of age on Crown lands, having no apparent owner, 'shall be the property of the Crown' (s257). Cattle includes camels over 6 months old (s4). Crown land does not include Aboriginal freehold, leasehold or dedicated lands. It is not clear what dedicated lands are in this context.	Therefore this provision does not have much practical relevance in the northern and western camel areas of South Australia.
Queensland	<i>Nature Conservation Act</i>	Wildlife means any species of animal. Animal includes mammals (dictionary). A protected animal is the property of the State (s83). It ceases to be property of the state if taken under licence, permit or authority. Penalties for taking protected animal. Camels are not a protected animal. (Schedule 9 of Nature Conservation Regulations 1994.)	Feral camels not property of state as not a protected animal.
	Nature Conservation Regulations 1994		
	Nature Conservation (Administration) Regulations 2006	A licence for commercial and harvesting animals can be granted. Animals, by definition, includes camels (Regulation 11).	
	<i>Animal Care and Protection Act 2001</i>	A person is in charge of an animal if they own lease, licence or have other proprietary interest in the animal (s12).	Camel owned by person who holds licence.

4.2.1 Who has ownership of camels?			
Jurisdiction	Legislation	Key provisions	Status of camels
Western Australia	<i>Biosecurity and Agriculture Management Act 2007</i>	The Biosecurity Council of WA may declare species of animals for the whole of the State or any part of it, and may assign a category to that species based upon the measures that the Council believes are necessary to achieve the object of the Act. The categories allow for, among other things, restriction of entry (A1), eradication (A2) and management (A5) of each declared species (s22).	Feral camels haven been declared as categories A4, A5 and A6 for the entire state area of WA.
	Agriculture And Related Resources Protection (Declared Animals) Regulations 1985		Permits apply to the keeping and use of declared animals such as camels.
	<i>Wildlife Conservation Act</i>	s22 (1) The property in fauna, until lawfully taken is, by virtue of this Act, vested in the Crown.	Camels are not fauna and therefore not the 'property' of the Crown and not regulated under this Act.
	<i>Land Administration Act</i> Land Administration Regulations 1998	Pastoral leases provide for the grazing of authorised stock. Stock means animals (s122A). Regulation 17C says camels not authorised for pastoral lease purposes.	Camels not authorised stock and therefore not capable of being owned for grazing purposes under this Act.

4.3 Commentary

4.3.1 Feral camels

The general rule is that a person cannot own or have property of a wild animal (*ferae naturae*). They can become the property of someone when killed or taken, used and or domesticated by the person claiming title to the animal. The critical question that arises is whether a person has taken ‘possession’ or has the care and control of the camel. The taking of possession of the camel can occur by capturing it, confining it or killing of it and thus acquiring rights to the use of the animal.

In some jurisdictions this will require the grant of a licence or permit to do so, such as in WA under the *Biosecurity and Agriculture Management Act 2007*. Otherwise, the owner of a fee simple (freehold title) has a qualified property right – an exclusive right to hunt or take and use them while they are on his/her property, but he/she does not own them. This situation thus applies to the large areas of Aboriginal Freehold in the central desert region of Australia situated in the NT and SA held under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth), the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*, and the *Maralinga Tjarutja Land Rights Act 1984* respectively.

Generally speaking the Crown asserts ‘property’ in ‘wildlife’, ‘fauna’, ‘protected animals’ and ‘protected fauna’ which are the words variously used in State and Territory legislation.

There are three important things to understand. Firstly, generally speaking these various definitions, while they sometimes include camels, are often used in conjunction with other characterisations such as a ‘protected animal’, for example in Qld, which then does not include a camel. Secondly, this then affects whether it is ‘deemed’ to be the property of the Crown. Nowhere are camels deemed to be the property of the Crown except for the *Crown Land Act* situation in SA and the provision in NSW outlined in the key provisions section, which are of limited application. Thirdly, the provisions in various state legislation that deem basically indigenous wildlife to be the property of the Crown are not absolute ownership rights held by the Crown but a vesting for the purposes of regulating the way rights and interests can be granted by the Crown by allowing a licensing and royalty system to apply to the taking and use of such animals.³

The question of access to land where feral camels exist is significant as, in the absence of a clear ownership regime in every jurisdiction, the control of access to land becomes a de-facto form of ownership of the camels despite there being no responsibility to control their numbers. However, if they have been declared a pest, responsibility for control then rests with the owner or leaseholder of the land, despite the ownership of camels question.

The Parliaments of Australia have the power to change the common law and regulate how feral camels can be owned, taken, and used. If the ownership of feral camels were made uniform through legislation in Australia, regardless of the land title on which it was found, then the basis could be set for a clear line of responsibility for the management of feral camels. However, there would be strong resistance by government to suggest that feral camels become the property of the Crown in the absolute sense, which would shift the responsibility from private landholders under pest type legislation. While the Crown could then legislate uniform provisions to allow access to all land titles to control and manage feral camels in cooperation and partnership with landholders, and set in place a uniform licensing system for their farming and use, the impost on tax payers in support of beneficiaries would be enormous.

³ *Yanner v Eaton* 166 ALR 258

4.3.2 Domestic camels

In contrast, a domestic animal (*mansuetae naturae*) can be the subject of personal property and if found on a freehold title is owned by the land owner. Licensing systems exist in some States to take and use camels for commercial and harvesting purposes and then are the personal property of the licence holder.

4.4 Conclusions

As a general proposition a feral camel is not owned by either the landowner or the Government (the Crown) unless State or Territory legislation provides otherwise. This occurs in two limited situations outlined in the Key Provisions for NSW and SA only.

Relevant State and Territory legislation can prescribe that feral camels cannot be taken or used without a relevant licence or permit, but only WA and Qld appear to do this.

4.5 Recommendations

The clear market failure that arises from the inadequacy of current legislation with respect to ownership of feral camels be corrected, potentially by identifying explicitly that ownership is vested in the Crown.

4.6 Appendix: Table of legislation

4.6.1 Regulations governing ownership of camels

Jurisdiction	Responsible Minister	Legislation
Commonwealth	NA	NA
New South Wales	<i>Climate Change and the Environment</i>	<i>National Parks and Wildlife Act 1974</i>
	<i>Primary Industries</i>	<i>Non-Indigenous Animals Act 1987</i>
	<i>Primary Industries</i>	Non-Indigenous Animals Regulations 2006
Northern Territory	<i>Department of Natural Resources, Environment and the Arts</i>	Pastoral Land Regulations
	<i>Department of Natural Resources, Environment and the Arts</i>	<i>Territory Parks and Wildlife Act</i>
Queensland	<i>Primary Industries and Fisheries</i>	<i>Animal Care and Protection Act 2001</i>
	<i>Sustainability, Climate Change and Innovation</i>	<i>Nature Conservation Act</i>
	<i>Sustainability, Climate Change and Innovation</i>	Nature Conservation (Administration) Regulations 2006
	<i>Sustainability, Climate Change and Innovation</i>	Nature Conservation Regulations 1994
	<i>Primary Industries and Fisheries</i>	<i>Stock Act 1915</i>
South Australia	<i>Environment and Conservation</i>	<i>Crown Lands Act 1929</i>
Western Australia	<i>Agriculture and Food</i>	<i>Biosecurity and Agriculture Management Act 2007</i>
	<i>Agriculture and Food</i>	Agriculture and Related Resources Protection (Declared Animals) Regulations 1985
	<i>Planning and Infrastructure</i>	<i>Land Administration Act 1997</i>
	<i>Planning and Infrastructure</i>	Land Administration Regulations 1998
	<i>Environment</i>	<i>Wildlife Conservation Act</i>

5. Who has responsibility to control feral camels and what are a landholder's legal obligations to control camels?

5.1 Introduction

5.1.1 Who has legal responsibility to control feral camels?

There are four areas that could be potentially included to answer the question: 'Who has legal responsibility for feral camels?' We have not done so for definitional reasons but we think they should be flagged nonetheless.

These are:

- the discretionary power of governments to take actions concerning feral camels
- laws to impound animals, which may include camels
- the control of feral camels in Parks and Reserves
- control of feral camels on vacant Crown land.

In relation to the first point for example, does the Commonwealth Government have responsibility to proclaim a pest control area, or, in the Commonwealth's case, to declare a threatening process in relation to threatened species if feral camels are in fact causing such a situation? It is not an obligation or a responsibility in that sense but a power that *may* be used.

In relation to the second point, there are both State and Commonwealth laws that empower landowners and authorised government officials to impound trespassing animals. The clear intention of these laws is to give power to take control of a domestic animal or stock that is trespassing on someone else's land, impound it, and then return it to its rightful owner if they can be located. Although the definitions sometimes clearly include camels, and while the Acts are not directed towards feral camels, the provisions do seem to be capable of applying to the impounding of them as well. An example of this sort of law is the *Impounding Act 1993* in NSW that allows for the impounding of trespassing animals, including camels, on public or private land, which includes the Western lands leases of NSW. At a Commonwealth level the Environment Protection and Biodiversity Conservation Regulations 2000 allows for a warden or ranger to impound any non-native species found 'straying' on a Commonwealth Reserve. Again, these laws do not create an obligation nor make someone responsible for feral camels, but they do create a discretionary power to act in relation to them by impounding them.

Parks and Reserves are generally managed according to a Plan of Management that may or may not include the control of feral camels. In the NT, the *Territory Parks and Wildlife Conservation Act* provides specifically for the control of feral camels in the Principles of a plan of management in the terms of the Act (see ss31(3)(a),(b)). Apart from this situation one would need to examine each plan of management, which seems beyond the scope of this report.

In relation to vacant or unallocated Crown land, it should be noted that often such areas are subject to native title especially in the arid areas of Australia where camels are likely to exist. Therefore, regard should be had to the section of this report concerning access to land and native title.

5.1.2 Responsibility for legislation relating to a landholder's legal obligations to manage camels in relation to the use of land and the management and protection of environmental and cultural assets

Under the Australian Constitution the principal responsibility for legislating for land use and the management and protection of the environment lies with the State and Territory Governments, each of which has enacted a range of legislation for that purpose.⁴

The Commonwealth *Environment Protection and Biodiversity Conservation Act* 1999 (EPBC Act) provides for the management and protection of the environment in Commonwealth areas, including land owned or leased by the Commonwealth. In addition, the EPBC Act also extends its reach to matters of national environmental significance, which include listed threatened species and communities on all land tenures. The provisions of the EPBC Act relating to the protection and management of listed threatened species and communities apply throughout Australia, regardless of State and Territory borders.

The power to enact legislation in relation to and concerning Aboriginal people is shared by the Commonwealth and the States. State governments have enacted legislation concerning the granting, dedication and/or management of land for or by Aboriginal people in addition to legislation for the protection of Aboriginal sacred sites, significant areas or objects. The NT's power to enact such legislation is defined by the Commonwealth *Aboriginal Land Rights (Northern Territory) Act* 1976 (Cth) (ALR Act) and the *Northern Territory (Self-Government) Act* 1976 (Self Government Act). The ALR Act provides for land claims, land grants and the management of Aboriginal land within the NT, and accounts for a significant percentage of the Aboriginal landholding throughout the territory. The NT has also enacted legislation concerning the protection of Aboriginal sacred sites.

5.1.3 Analytical approach

Common law places few conditions on an owner's right to use and enjoy land, save for the requirement to refrain from causing a 'nuisance' to neighbouring properties or the public at large.⁵ Obligations for landholders to carry out or refrain from carrying out actions/management practices in order to protect environmental and/or cultural assets on land will arise only where specifically created by legislation.

On this basis, in order to establish whether landholders have statutory obligations to manage feral camels we have reviewed legislation providing for:

- the control and management of feral animals
- the protection and management of natural resources, including soil, native vegetation, and wildlife
- the protection and management of heritage items and Aboriginal sites and objects
- the leasing and management of Crown land, for pastoral purposes or otherwise
- the granting, dedicating and/or management of land for or by Aboriginal people.

We have focused on obligations of landholders, being owners of land (freehold), occupiers of land, lessees of Crown land (including pastoral lessees), and persons/authorities/body corporates who have the care control and management of Aboriginal land.

⁴ In the case of the NT, the Commonwealth *Northern Territory (Self-Government) Act* 1976 provides the NT with its powers to legislate in relation to these areas.

⁵ An action in nuisance has typically been directed at stemming pollution or noise from a property.

In order to guide our analysis, we have relied on the Aboriginal Communities and Tenure Map provided which illustrates a generalised camel distribution (section 12. Appendix 1). As such we have focused on obligations concerning leasehold (i.e. land leased by the Crown) land in NSW and Qld and have not dealt with Aboriginal land in these jurisdictions.

5.1.4 The pest status of feral camels

All jurisdictions have adopted legislation which deals specifically with the control of specified feral animals throughout the jurisdiction. Whether such legislation applies to feral camels depends on their status as pests under the relevant statute.

Accordingly, we have analysed feral animal control legislation across jurisdictions with reference to the following questions:

- What are the key provisions for the control of feral animals?
- What is the status of camels under the legislation?
- Do the feral animal control provisions apply to feral camels?

5.1.5 Obligations arising from legislation providing for feral animal control

Having ascertained the pest status of feral camels in each jurisdiction, we have analysed the feral animal control legislation to establish whether landholders have obligations to control feral camels. To this end we have had regard to the following questions:

- Does an obligation to manage feral camels exist?
- On what basis?
- What does the obligation require?
- Who is obliged?
- What tenures does the obligation apply to?
- Are there provisions for financial assistance to landholders?

In addition, we have also reviewed tenure-specific legislation (legislation that applies to Crown leases, pastoral leases and Aboriginal land) using the above questions to ascertain whether additional obligations to control feral camels arise for landholders of specific tenures.

5.1.6 Obligations arising from responsibilities relating to grazing pressure and the protection of environmental assets

In addition to specific statutory obligations for feral animal control, landholders' statutory responsibilities for land management and the protection of environmental and cultural assets may also give rise to an obligation to manage feral camels.

A preliminary analysis revealed that much of the legislation reviewed, cultural heritage legislation in particular, does not establish management responsibilities for landholders. Rather, the legislation establishes offences for carrying out certain acts (such as damaging an item of Aboriginal significance).

Tenure-specific legislation, however, particularly in relation to Crown and pastoral leases, does tend to establish land management responsibilities which may potentially give rise to an obligation for feral camel management.

On this basis, we have analysed the legislation described in 7.1.2. above with reference to the following questions:

- What tenure does the legislation apply to?
- What land management responsibilities are established?
- Do obligations for the management of feral camels arise?
- In what circumstances?

5.1.7 Obligations arising under statutory agreements for the protection of environmental and cultural assets

Finally, through the course of the analysis we found that as a general rule, legislation relating to the protection and management of natural resources and items of cultural heritage significance rely on statutory agreements as a mechanism to establish management responsibilities for landholders on private land.

Statutory agreements have the potential to create obligations for landholders to take measures to manage feral camels on their land. On this basis, we have also analysed the legislation with reference to the following questions:

- What statutory agreement may be created under the Act?
- What is the purpose of the agreement?
- Who may enter into the agreement?
- Are there provisions for financial assistance?

5.2 Summary of key provisions

5.2.1 The pest status of feral camels

5.2.1 The pest status of feral camels				
Jurisdiction	Legislation	Key provisions for control of feral animals	Status of camels	Do the feral animal control provisions apply to feral camels?
Commonwealth	<i>Environment Protection and Biodiversity Conservation Act 1999</i>	The provisions of the EPBC Act relevant to the control of feral animals are those that provide for: - the listing of particular feral animals as Key Threatening Processes under the Act (s183), (s184) - the development of Threat Abatement Plans which provide for research, management and other actions necessary to reduce the impacts of a Key Threatening Process on species and ecological communities which have been listed as threatened under the Act (s270A-B). Provisions for feral camel control may also be included in Recovery Plans for particular threatened species or ecological communities (where relevant) (s270).	Camels have not been listed as a Key Threatening Process under the Act.	No
New South Wales	<i>Rural Lands Protection Act 1998</i>	The Minister may make a pest control order describing the land to which the order applies (controlled land), declaring an animal to be a pest on controlled land and imposing certain obligations on an owner or occupier (depending on the obligation) (s143).	No pest control orders have been made in relation to feral camels.	The Minister may make a pest control order in relation to feral camels (s143).
Northern Territory	<i>Territory Parks And Wildlife Conservation Act</i>	The Minister may declare an animal to be a feral animal for the purpose of the Act (s49, s7)	Camels have been declared as feral animals.	The Minister may declare an area of land containing feral camels to be a feral control area (s48).
Queensland	<i>Land Protection (Pest And Stock Route Management) Act 2002</i> <i>Land Protection (Pest And Stock Route Management) Regulations 2003</i>	The Governor or Chief Executive may: Declare pests for the entire state of part of the state. Categorise declared pests into class 1, 2, or 3 pests (s36, s38)	Camels have not been declared as pests for the purpose of the Act. (Reg. 4 and Schedules 1–3 of the Regulations)	Provisions relating to declared pests, including provisions requiring landowners to take reasonable steps to keep the land free of class 1 and class 2 declared pests (s77) do not apply to feral camels.
South Australia	<i>Natural Resources Management Act 2004</i>	The Minister may declare that: - Specific provisions of the Act relating to control of animals apply to a specified class of animals (s174(1)) - A particular species is a category 1, 2, or 3 animal for the purpose of the Act (s174(b)(i)); and - A specified area is a control area for that class of animals (s174(5)) The declaration may also list which of the provisions of the NRM Act dealing with feral animal control apply to camels (s174).	Camels have been declared as Class 5, Category 3 animals. The entire state of SA is the control area.	Provisions relating to the keeping and movement of animals apply to camels (s179, 181(1)) (see Chapter 12). Provisions to notify a local Natural Resource Management Group of feral animals on the land (s180) and obligations to destroy them do not apply to feral camels.

5.2.1 The pest status of feral camels				
Jurisdiction	Legislation	Key provisions for control of feral animals	Status of camels	Do the feral animal control provisions apply to feral camels?
Western Australia	<i>Biosecurity and Agriculture Management Act 2007</i>	The Biosecurity Council of WA may declare species of animals for the whole of the State or any part of it and assign a category to that species based on the measures that the Council believes are necessary to achieve the object of the Act. The categories allow for restriction of entry (A1), eradication (A2) and management (A5) of each declared species (s22).	Feral camels have been declared as categories: • A4 (entry subject to permits/conditions) • A5 (numbers to be reduced/controlled) • and A6 (keeping subject to permits/conditions) for the entire state area of WA.	Provisions regulating the entry and keeping of declared animals apply to camels (Part II, see Chapter 12). Provisions that establish obligations for the control of declared animals apply to feral camels.

5.2.2 Obligations arising from legislation providing for feral animal control

5.2.2 Obligations arising from legislation providing for feral animal control						
Jurisdiction	Legislation	Does an obligation exist?	On what basis?	What does the obligation require?	Who is obliged?	What tenures does the obligation apply to? Provisions for financial assistance?
Commonwealth	<i>Environment Protection and Biodiversity Conservation Act 1999</i>	Potentially	Camels have not been listed as a Key Threatening Process under the Act. Provisions for feral camel control may also be included in Recovery Plans for particular threatened species or ecological communities (where relevant) (s270).	Compliance with the requirements of a particular recovery plan where relevant (s269).	Commonwealth agencies (s528).	Commonwealth areas, defined to include land owned or leased by the Commonwealth (s525). No (Funding priorities currently under review).
New South Wales	<i>Rural Lands Protection Act 1998</i> <i>Rural Lands Protection (General) Regulations 2001</i>	Potentially	An obligation will arise if a pest control order is issued by either the Minister or a Rural Lands Protection Board (s143). Note: a pest refers to any animal that is declared by a pest control order to be a pest (s84).	There are different pest control orders that may be issued which impose different obligations which range from eradicating a pest to notifying an authority of the presence of the pest on the land (see s143).	Obligations apply to owners and occupiers of land. Owner includes a leaseholder of Crown land (s3). Occupier includes person with care control, management of public land (s3).	Tenure is not specified. Based on the definitions of owner and occupier under the Act (s3), the obligations apply to owners and occupiers of various tenures including: • Freehold land • Leasehold (Crown lease)
	<i>Western Lands Act 1901</i>	Potentially	An obligation will arise if the Western Lands Commissioner issues a direction to destroy vermin (s18, Schedule 1(b)).	The Commissioner may direct the lessee to take steps and measures to destroy vermin, as specified by the Commissioner, and to keep the land free of vermin (s18, Schedule 1(b)).	The holder of a Crown lease within the Western Division of NSW	No.

5.2.2 Obligations arising from legislation providing for feral animal control							
Jurisdiction	Legislation	Does an obligation exist?	On what basis?	What does the obligation require?	Who is obliged?	What tenures does the obligation apply to?	Provisions for financial assistance ?
Northern Territory	<i>Territory Parks And Wildlife Conservation Act</i>	Potentially	An obligation will arise if: - the Minister declares an area of land to be a feral animal control area (s48); and - the Director of Parks and Wildlife issues a notice to the landholder (owner or occupier) to undertake specified measures to control or eradicate camels on the land.	The landholder must take all reasonable steps to comply with the notice (s49(2)).	The obligations apply to owners and occupiers of land.	Tenure is not specified. Owner/occupier is not defined in Act. Obligations appear to apply to occupiers and owners of tenures including: - Freehold land - Leasehold (Crown/pastoral lease) - Aboriginal Land (based on this Act and s73 of Aboriginal Land Rights Act 1976 (Cth))	No.
	<i>Pastoral Land Act</i>	Potentially	An obligation will arise if: - the Pastoral Land Board issues a direction to a pastoral lessee to control feral animals on his or her pastoral land (s73). - Prior to issuing a direction to a pastoral lessee, the Pastoral Land Board needs to have notified in the Gazette that feral camels are 'declared feral animals' in the District in which the pastoral lease is situated (s73).	The direction may specify how the feral animals are to be controlled: by culling, fencing or other means. The pastoral lessee is obliged to comply with the direction (s73(1))	The pastoral lessee.	Leasehold (Crown land – pastoral lease)	No.
	Pastoral Land Regulations						

5.2.2 Obligations arising from legislation providing for feral animal control							
Jurisdiction	Legislation	Does an obligation exist?	On what basis?	What does the obligation require?	Who is obliged?	What tenures does the obligation apply to?	Provisions for financial assistance?
Queensland	<i>Land Protection (Pest And Stock Route Management) Act 2002</i>	No	Camels are not declared pests for the purpose of this Act. Obligations of landowners to take reasonable steps to keep land free of class 1 and class 2 declared pests (s77) do not apply to feral camels (See Section 2.1).	NA	NA	NA	NA
South Australia	<i>Natural Resources Management Act 2004</i>	No	The provisions of the Act that create specific obligations for landholders to control pest animals do not apply to feral camels (See Section 2.1).	NA	NA	NA	NA
	<i>Crown Lands Act 1929</i>	Potentially	A perpetual lease (a lease is granted in perpetuity) under this Act is to contain specified covenants, including a covenant concerning vermin (s35, Schedule 3).	The lessee is required to destroy and keep the land free of vermin to the satisfaction of the Minister during the lease. Vermin is defined to mean rabbits, wild dogs, foxes and any other animals declared to be vermin for the purposes of the Act.	Lessee of a perpetual lease (s35).	Leasehold (Crown Land) – Perpetual lease.	No
Western Australia	<i>Biosecurity and Agriculture Management Act 2007</i>	Yes	Feral camels have been declared by the Biosecurity Council of WA to be category A5 animals for the entire state area. Accordingly, the provisions of Part II of the Act relating to control of declared animals apply to feral camels.	There are two obligations: - to notify the Director General or an inspector that feral camels are present on the land (s26). - to control feral camels on and in relation to the land (s30)	The obligation applies to the owner (s8) of any private land (30).	Tenure is not specified. Based on the definition of private land (s8) the obligations apply to occupiers of various tenures including: - Freehold land - Leasehold (Crown) land In addition, the obligation may apply to Aboriginal land (see s7, and ss24–27 of the <i>Aboriginal Affairs Planning Authority Act 1972</i>)	Yes (s33, s138)

In addition, the obligation may apply to Aboriginal land (see s7, and ss24–27 of the *Aboriginal Affairs Planning Authority Act 1972*)

5.2.3 Obligations arising from responsibilities in relation to grazing pressure and the protection of environmental assets

5.2.3 Obligations arising from responsibilities in relation to grazing pressure and the protection of environmental assets					
Jurisdiction	Legislation	Tenure	What responsibilities are established?	Do obligations for the management of feral camels arise?	In what circumstances?
Commonwealth	<i>Environment Protection and Biodiversity Conservation Act 1999</i>	Commonwealth areas (includes land owned or leased by the Commonwealth) (s525)	Commonwealth agencies (s528) are obliged to comply with any recovery plan, threat abatement plan (s.268–273), wildlife conservation plan (s.285–287), conservation order (ss.464,470) or conservation agreement (part 14) which has been made under the Act and applies to the land. In addition, contracts for the sale or lease of Commonwealth land which contain critical habitat for a listed threatened species or ecological community must include a covenant to protect critical habitat (s207C).	Potentially	Where a recovery plan, threat abatement plan, wildlife conservation plan, conservation order or conservation agreement is in place and calls for the management of feral camels. Where a covenant for the protection of critical habitat on Commonwealth land includes an obligation to manage feral camels.
	<i>Aboriginal Land Rights (Northern Territory) Act 1976</i>	Aboriginal freehold in the Northern Territory	The Act does not create responsibilities. Rather, the Act establishes Aboriginal Land Trusts and Aboriginal Land Councils and defines their functions in relation to the management of land (see s5, s23).	Potentially	Where NT legislation that is not inconsistent with the Act imposes obligations for management of feral camels on owners/occupiers of land in the NT (see Territory Parks And Wildlife Conservation Act Table 7.2. 2A) (s73–74).
New South Wales	<i>Western Lands Act 1901</i>	Leasehold in the Western Division of NSW	A lessee is required to take any measures that the Western Lands Commissioner directs in order to protect the land under the lease (s18D(v)).	Potentially	Commissioner issues direction The Commissioner is not limited in the directions he or she may issue (s18D(1)(iv)). Directions may include a direction to: - prevent the use by stock of any part of the land for specified periods and to erect fencing for that purpose, - prevent the overstocking of the land, take measures to protect the land (including measures to prevent soil erosion or other damage to the land) recommended by the Commissioner of the Soil Conservation Service (s18D(iv)) (see below).
	<i>Soil Conservation Act 1938</i>	All Tenures except leasehold land in the Western Division of NSW.	The Act does not create responsibilities but allows the Commissioner of the Soil Conservation Service of New South Wales to issue soil conservation notices if soil degradation or erosion is occurring or is likely to occur.	Potentially	Commissioner issues soil conservation notice The Commission believes that an act or failure to act has caused or is likely to cause soil erosion or land degradation on that land. He or she may issue a soil conservation notice (s15A(1)). The notice may require the owner/occupier (s3) to abstain from doing or do or permit to be done actions specified in the notice (s15A(1)(b)–(d))).

5.2.3 Obligations arising from responsibilities in relation to grazing pressure and the protection of environmental assets				
Jurisdiction	Legislation	Tenure	What responsibilities are established?	Do obligations for the management of feral camels arise?
New South Wales (cont.)	<i>Soil Conservation Act 1938</i> (cont.)			The Commissioner cannot issue notices on leaseholders in the Western Lands Division. Instead, the Commissioner of the Soil Conservation Service may notify the Western Lands Commissioner of the actions he or she considers necessary (s15H(1)–(2)); the Western Lands Commissioner may then issue directions to a lessee, or attach conditions to a lease (s15H(3)).
Northern Territory	<i>Pastoral Land Act</i> <i>Pastoral Land Regulations</i>	Pastoral leasehold	General duties The Act specifies the general duties of pastoral lessee, including: - to carry out the pastoral enterprise under the lease so as to prevent degradation (s3) of the land (s6(a)) - within the limits of the lessee's financial resources and available technical knowledge, to improve the condition of the land (s6(c)). Conditions of the pastoral lease A pastoral lease is subject to the condition that the lessee will take all reasonable measures to conserve and protect features of environmental, cultural, heritage or ecological significance (s39). The Minister may also attach any condition he or she thinks fit (s38).	Duties and conditions General duties of a lessee and conditions attaching to lease may give rise to obligations to manage feral camels, depending on what is reasonable in the circumstances. Pastoral Land Board requires remedial plan. If the Pastoral Land Board is of the opinion that pastoral land has been degraded or otherwise damaged, it may require the pastoral lessee to submit a remedial plan detailing the proposed management of the pastoral land over a specified period (s76(1)). If the Minister is satisfied that the degradation or other damage was beyond the pastoral lessee's reasonable control (and was not caused or aggravated by his or her activity), the Territory may enter into an arrangement with a pastoral lessee for the payment of the costs of rectifying the particular damage or deterioration (s77). Minister takes action If the Minister believes lessee has failed to manage land to prevent/minimise degradation the Minister may take whatever action he or she thinks necessary to eliminate the danger or rehabilitate the land, including de-stocking all or part of the land (s10).
	<i>Soil Conservation and Land Utilization Act</i>	All tenures	The Act does not establish responsibilities but instead provides for specific orders or directions to be made by the Commissioner for Soil Conservation or the Minister in circumstances where soil erosion has or is likely to take place on land.	Minister declares an area of land an erosion hazard The Minister may declare an area of land to be an area of erosion hazard if the land is or is likely to be the subject of soil erosion (s17(1)). The declaration may prescribe any measures that must taken to reduce the hazard, including limiting number of livestock in the land (s17(3)).

5.2.3 Obligations arising from responsibilities in relation to grazing pressure and the protection of environmental assets				
Jurisdiction	Legislation	Tenure	What responsibilities are established?	Do obligations for the management of feral camels arise?
Queensland	<i>Land Act 1994</i>	Leasehold (other than pastoral leases)	A lease may be subject to any conditions and provisions the Minister considers to be appropriate under the circumstances (s27(j)).	Potentially
				Conditions An obligation for feral camel management will only arise if conditions requiring such management are attached to the lease.
South Australia	<i>Pastoral Land Management And Conservation Act 1989</i>	Pastoral leasehold	General Duty of Lessee The Act specifies general duties of the lessee including: • to carry out the enterprise under the lease in accordance with good land management practices • prevent degradation (s3) of the land • to endeavour, within the limits of financial resources, to improve the condition of the land (s7). Conditions • A pastoral lease is subject to conditions listed in the act (s22(1)). Aside from an obligation to comply with the <i>Natural Resources Management Act 2004</i>, there are no other relevant obligations. The Pastoral Board may vary conditions (s22(3)).	Duty The general duties of a lessee may give rise to obligations to manage feral camels, depending on what is reasonable in the particular circumstances. Conditions, as varied by the Pastoral Board and depending on their terms, may also give rise to obligations. Pastoral Board requires property plan If the Board believes pastoral land has been damaged, or is likely to suffer damage, or is deteriorated, the Board may require the lessee to submit a property plan detailing the proposed management of the pastoral land over a specified period (s41(1)).
				Notice to Destock If the Pastoral Board believes that pastoral land has, from any cause, been damaged, or is likely to suffer damage, or is deteriorated, the Board may require the lessee to do any one or more of the following: • remove a specified number of stock from the land or a particular part of the land • keep the amount of stock on the land or a particular part of the land to a specified level, or to keep no stock at all on that land • carry out specified improvements to or land treatment works on the land • adopt or desist from specified land management practices (s43(1)-(2)).

5.2.3 Obligations arising from responsibilities in relation to grazing pressure and the protection of environmental assets				
Jurisdiction	Legislation	Tenure	What responsibilities are established?	In what circumstances?
South Australia (cont.)	<i>Natural Resources Management Act 2004</i>	All tenures	General Duty The Act establishes a general duty requiring a person to act reasonably in relation to the management of natural resources in SA (s9). Natural resources include soil, native vegetation, native animals and ecosystems (s3).	Duty A duty to act reasonably in relation to management of natural resources may give rise to an obligation to manage feral camels. The Act lists a number of factors to be considered in determining what is acting reasonably (s9(2)). These include social, economic, and practical implications, costs and benefits of a course of action, any degree of risk that may be involved and the nature, extent, and duration of any harm (s9(2)).
				NRM Board issues protection order
	<i>Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981</i>	Inalienable freehold held by Anangu Pitjantjatjara Yankunytjatjara (AP)	Section 42B of the Act provides that a provision of the <i>Pastoral Land Management and Conservation Act 1989</i> relating to overstocking applies in respect of the depasturing of stock upon the lands as if AP or a lessee of AP's land were the holder of a pastoral lease under that Act in respect of the lands.	Where stock are depastured on the land, the Pastoral Land Board may issue a Notice to Destock in accordance with s43 of the <i>Pastoral Land Management And Conservation Act 1989</i> (see above). A notice may, among other things require the adoption of specified land management practices.
	<i>Maralinga Tjarutja Land Rights Act 1984</i>	Inalienable freehold held by Maralinga Tjarutja (MT)	Section 42 provides that any regulations relating to the depasturing of stock that apply to holders of pastoral leases under the <i>Pastoral Act 1936</i> apply in respect of the depasturing of stock upon the lands as if MT were the holder of a pastoral lease in respect of the lands.	The Pastoral Land Board may issue a Notice to Destock in accordance with s43 of the <i>Pastoral Land Management And Conservation Act 1989</i> (s24 <i>Acts Interpretation Act 1915</i>). A notice may, among other things require the adoption of specified land management practices
Western Australia	<i>Land Administration Act 1997</i>	Pastoral leasehold	Management of land The Act provides that the lessee must use methods of best pastoral and environmental management practice, appropriate to the area where the land is situated, for the management of stock and for the management, conservation and regeneration of pasture for grazing. Conditions The Minister may include in a pastoral lease any terms conditions which are not inconsistent with the Act (s103)	Responsibilities for Management/Conditions of lease Obligations to manage feral camels will arise where methods of best pastoral and environmental management practice include management of feral camels for a particular area of land. Obligations for feral camel management will also arise if conditions requiring such management are attached to the lease. Control of declared animals A pastoral lessee must control declared animals on the land under the lease in compliance with the <i>Biosecurity and Agriculture Management Act 2007</i> and to the satisfaction of the Biosecurity Council (s111(3)). Feral camels are declared animals for the purpose of that Act (see Table 2.1 above).

5.2.3 Obligations arising from responsibilities in relation to grazing pressure and the protection of environmental assets					
Jurisdiction	Legislation	Tenure	What responsibilities are established?	Do obligations for the management of feral camels arise?	In what circumstances?
Western Australia (cont.)	<i>Land Administration Act 1997</i> (cont.)	Leasehold (other than pastoral lease)	A lease issued under this Act may be subject to any conditions as determined by the Minister (s79(1)(c)).	Potentially	Conditions An obligation for feral camel management will only arise if conditions requiring such management are attached to the lease.
		Crown land reserved for the use and benefit of Aboriginal inhabitants (s41).	The Minister may by Management order place care, control, and management of reserves with an Aboriginal organisation (s46). The Minister may specify conditions on a Management order (s46(1)). An Aboriginal organisation may be required to prepare a plan for the development, management, and use of land in the reserve (s49(1)–(2)). In preparing the plan, the organisation must consider any conservation, environmental or heritage issues relevant to the development, management or use of lands (s49(3)).	Potentially	Where a management plan provides for the management of feral camels.
<i>Soil and Land Conservation Act 1945</i>		All tenures	The Act does not establish responsibilities but instead provides for the Commissioner of Soil and Land Conservation to issue a soil conservation notice in circumstances where land degradation (s4) has taken or is likely to take place on land.	Potentially	Commissioner issues soil conservation notice The Commissioner may issue notice on the owner and or occupier of land (s3) if he or she is of the opinion that land degradation is occurring on the land as a result of agricultural or pastoral practices and a failure on the part of any person to take adequate precautions to prevent or control soil erosion (s32). The notice may, among other things, direct a person to take action to prevent soil erosion, and adopt pastoral methods specified in the notice (s32(2)).

5.2.4 Obligations arising under statutory agreements for the protection of environmental and/or cultural assets

5.2.4 Obligations arising under statutory agreements for the protection of environmental and/or cultural assets						
Jurisdiction	Legislation	Relevant provisions	Statutory agreement	Purpose of agreement	Who may enter into an agreement?	Are there provisions for financial assistance?
Commonwealth	<i>Environment Protection and Biodiversity Conservation Act 1999</i>	Part 14, s304–312	Conservation Agreement	To provide for protection and conservation of the environment on Commonwealth land (s304(1), s305)	The Minister will enter into such an agreement with a person (s305).	Yes (s306).
New South Wales	<i>National Parks and Wildlife Act 1974 No 80</i>	s69A–s69E	Conservation Agreement	To provide for the conservation or enhancement of areas containing scenery, natural environments or natural phenomena worthy of preservation areas in which Aboriginal objects or Aboriginal places of special significance are situated for the purpose of the conservation of critical habitat or the conservation of threatened species, populations or ecological communities, or their habitats (s69C).	An owner of land and a lessee of land under the <i>Western Lands Act 1901</i> (s69A).	Yes (s69(3)).
	<i>Heritage Act 1977</i>	Part 3B, s39–46	Heritage Agreement	To provide for the conservation of an area of land, work, relic, moveable object, listed in the State Heritage Register (s39, s4)	The owner of the land, work, relic, moveable object (s39). Owner includes a lessee of Crown land (s4).	Yes (s40(b)).
Northern Territory	<i>Territory Parks And Wildlife Conservation Act</i>	s73, s71, s71A	Section 73 Agreement	To protect and conserve wildlife on the land and protect the natural features of the land (s73(1)).	An Aboriginal Land Council established under the <i>Aboriginal Land Rights Act 1976</i> or any (Aboriginal) organisation that controls, manages or owns the land (s73(1)).	Yes (s73(1A)).
		s74, s71, s71A	Section 74 Agreement	To protect and conserve wildlife on the land and protect the natural features of the land (s74(1)).	An owner of land. Owner includes a lessee of land (s74(2)).	Yes (s74(1A)).
	<i>Heritage Conservation Act</i>	s36–38	Heritage Agreement	To provide for protection and conservation of a heritage place (s36).	Owner of land. An owner includes a lessee of land (s36).	Yes (s38).

5.2.4 Obligations arising under statutory agreements for the protection of environmental and/or cultural assets						
Jurisdiction	Legislation	Relevant provisions	Statutory agreement	Purpose of agreement	Who may enter into an agreement?	Are there provisions for financial assistance?
Queensland	<i>Nature Conservation Act 1992</i>	s45–51	Conservation Agreement	Management and conservation of land for an area to be declared as nature refuge, coordinated conservation area, or a wilderness area (s45).	A landholder.	Yes (s45(5)).
	<i>Soil Conservation Act 1986</i>	s10–13	Property plan	To provide for soil conservation for an area of land (s10(1)).	Owner of land. An owner includes a lessee of Crown land.	Yes (s24).
	<i>Vegetation Management Act 1999</i>	s19E –s19F	Agreement for Vegetation Management	To provide for the protection and management of an area of high nature conservation value or an area vulnerable to land degradation (s19E, s19F).	Owner of land. An owner includes a lessee of Crown land and the holder of any tenure under any Act (s5 and Dictionary).	No.
South Australia	<i>Queensland Heritage Act 1992</i>	Part 6, s39–s43	Heritage Agreement	To provide for the management and conservation of a place, building, or natural feature of historical significance which is entered into the heritage register (s39)	Owner of a place.	Yes (s40(2)).
	<i>Natural Resources Management Act 2004</i>	s205	Management Agreement	An agreement may provide for protection, conservation, management, enhancement, restoration or rehabilitation of any natural resources or any other matter associated with furthering the objects of the NRM Act (s205).	Owner of land. An owner includes a lessee of Crown land (s3).	Yes (s205(2)).
	<i>Native Vegetation Act 1991</i>	s23, s23A, s23B	Heritage Agreement	To provide for the preservation and enhancement of native vegetation s23.	Owner of land. An owner includes a lessee of Crown land and an authority that has care control and management of land (s3).	Yes (s24).
Western Australia	<i>Heritage Places Act 1993</i>	Part 6, s32–35	Heritage Agreement	To provide for the conservation of a place entered into the state heritage register.	Owner of land. An owner includes a lessee of Crown land (s3).	Yes (s33(2)).
	<i>Soil and Land Conservation Act 1945</i>	Part IVA, s30A–s30F	Conservation Agreement	To set aside land for the protection and management of vegetation (30B).	Owner of land. An owner includes a lessee of Crown land (s4).	No.
	<i>Heritage of Western Australia Act 1990</i>	Part IV, s29–32	Heritage Agreement	To bind the land and affect the use a building or land which is entered into the heritage register, or possesses cultural heritage (s29).	Owner or occupier of land.	Yes (s29(10)).

5.3 Commentary

5.3.1 Landholders' obligations to manage/control camels

Under all legislation reviewed, there is only one instance where a landholder unequivocally has an obligation to control feral camels on his or her land. In WA, under the *Biosecurity and Agriculture Management Act 2007* (BAM Act), all occupiers of private land must control camels on or in relation to the land.

For this purpose, control is defined to mean to eradicate, destroy, prevent the presence or spread of, manage, examine or test for, survey for or monitor the presence or spread of, and treat declared pest animals using measures authorised under the Act.

Based on the definitions of occupier and private land under that Act it is clear that this obligation applies to persons occupying freehold and leasehold land in WA. The obligation may also extend to persons occupying land identified as Aboriginal land on the Aboriginal Communities and Tenure Map⁶ (section 12. Appendix 1). However, because of the way private land is defined under the Act, in order to establish this is the case, investigation into the dedication and vesting of a particular area of Aboriginal land would need to be undertaken (see s7 of the Act, and s ss24–27 of the *Aboriginal Affairs Planning Authority Act 1972*).

Aside from the position in WA, obligations to manage feral camels will only arise where:

- A landholder has a statutory duty of care for the land, and in the circumstances it is reasonable that the duty extends to the management of feral camels
- Conditions attaching to a lease of Crown land requires the control or management of feral camels
- A statutory authority, such as a minister, pastoral board, or soil commissioner, has issued a direction requiring the landholder to manage feral camels on his or her land
- Land is required to be managed in accordance with a management plan which provides for the management of feral camels
- The landholder has entered into a statutory agreement which creates obligations for the management of feral camels.

5.3.2 Duty of care

5.3.2.1 All tenures

South Australia is the only jurisdiction that establishes a general duty of care that applies to all tenures. Under the *Natural Resources Management Act 2004* (NRM Act) a person has a duty to act reasonably in relation to the management of natural resources (defined to include soil, native vegetation, and native animals). The Act lists a number of factors to be considered in determining what is acting reasonably. These include social, economic, practical implications, costs and benefits of a course of action, any degree of risk that may be involved, and the nature extent and duration of any harm. Clearly whether the duty of care creates an obligation for a landholder to manage feral camels on his or her land depends on whether management would be reasonable in the particular circumstances.

⁶ Map illustrating generalised distribution of camels throughout Australia and tenures see section 12. Appendix 1.

5.3.2.2 Leasehold (pastoral)

With the exception of NSW, legislation that applies to pastoral leases establishes duties of the pastoral lessees in relation to care and management of the leased land. In Qld the duties apply to all lessees of Crown land.

Under the *Northern Territory Pastoral Land Act*, a pastoral lessee must carry out the enterprise so as to prevent degradation of the land and, within the limits of his or her financial resources and technical knowledge, improve the condition of the land. Pastoral lessees in South Australia have almost identical duties under the *Pastoral Land Management and Conservation Act 1989* as well as a duty to carry out the pastoral enterprise in accordance with good land management practices.

In Qld, the duty is broadly expressed as a duty of care for the land (under the *Land Act 1994*), while in WA the lessee must use methods of best pastoral and environmental management practice, appropriate to the area where the land is situated, for the management of stock and for the management, conservation, and regeneration of pasture for grazing (*Land Administration Act 1997*).

Again, the extent to which these duties establish an obligation for a pastoral lessee to manage feral camels on the leased land depends on what is reasonable in the particular circumstances.

5.3.3 Conditions attaching to leases for Crown land

Across all State and Territory jurisdictions, the legislation governing the lease of Crown land (for pastoral purposes or otherwise) provides for conditions to attach to the lease which must be complied with by the lessee.

With the exception of SA, there is scope for the Minister to attach any conditions to a lease as he or she considers appropriate.

Perpetual leases in SA granted under the *Crown Lands Act 1929* contain conditions requiring the lessee to destroy and keep the land free of vermin during the lease. Vermin includes rabbits, wild dogs, foxes, and any other animals declared to be vermin for the purpose of the Act.

On this basis, there is scope under current legislation for conditions attaching to leases of Crown land to require a lessee to manage or control feral camels on the land.

However, often leasehold land has been leased under legislation which has since been repealed. Analysis of the repealed legislation, together with the transitional arrangements put in place at the time of the enactment of the current legislation, would be required in order to determine the conditions that may attach to these leases.

5.3.4 Directions by statutory authorities

5.3.4.1 All tenures

In NSW, a landholder's obligation to manage feral camels will arise under the *Rural Lands Protection Act 1998* if the Minister or Rural Lands Protection Board issues a pest control order directing him or her to do so.

Similarly, in the NT a landholder's obligation will arise if the Minister first declares an area of land to be a feral control area, and the Director of Parks and Wildlife then directs the landholder to take measures to control or eradicate feral camels on the land.

In SA, if a landholder has failed to comply with his or her duty of care under the NRM Act (see above) a Natural Resource Management Board, Group, or an officer authorised under the Act may issue a protection order for the purpose of securing compliance with a general duty. The protection order can

require a person to carry out specified actions. Alternatively, a regional NRM Board may require an owner of land (defined broadly to include lessees of Crown land) to prepare an action plan specifying the measures that the owner proposes to take to address any breach of the general duty. In both cases these directions could give rise to an obligation to manage feral camels on the land.

With the exception of SA, all jurisdictions have enacted specific soil conservation legislation.⁷ The legislation is consistent in creating a Commissioner with powers to issue directions to landholders where their actions or failure to act has resulted or is resulting in soil erosion or land degradation. The directions may require landholders to carry out specific actions. To the extent that a failure to manage feral camels on land is contributing to soil erosion or land degradation on that land there is scope for directions to be issued under soil conservation legislation to give rise to obligations to manage the camels.

5.3.4.2 Leasehold

Under the *Northern Territory Pastoral Land Act* an obligation for pastoral lessees to manage feral camels arises if the Pastoral Land Board issues a direction to a pastoral lessee to control feral animals on his or her land. The direction may specify how the feral animals are to be controlled – by culling, fencing, or by other means.

For leasehold land within the Western Lands Division of NSW, the Commissioner may direct a lessee to take steps and measures to destroy vermin (as specified by the Commissioner) and to keep the land free of vermin (*Western Lands Act 1901*).

Across the State and Territory jurisdictions, where land is being damaged or degraded as a result of grazing pressure or other causes, the relevant Pastoral Board or in some cases the Minister may issue directions to a pastoral lessee requiring them to take specific action (See 5.2.2). With the exception of WA, there is scope for the directions to include a requirement that the lessee manage feral camels on the land. (Leaseholders in WA have an automatic responsibility to control feral camels under the BAM Act. See above.)

5.3.4.3 Aboriginal land

In SA, legislation creating title to the *Anangu Pitjantjatjara Yankunytjatjara* and *Maralinga Tjarutja* lands (the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1991* and *Maralinga Tjarutja Land Rights Act 1984*) entitles the relevant Pastoral Board to issue a Notice to Destock where stock are being depastured on those lands and the Pastoral Board believes the land has, from any cause, been damaged or is likely to suffer damage. The notice may, among other things, require the adoption of specified land management practices.

5.3.5 Management plans

5.3.5.1 Commonwealth areas

Obligations to manage camels on a Commonwealth area, (including land owned and leased by the Commonwealth) will arise if such obligations are included in a recovery plan, wildlife conservation plan, Threat Abatement Plan, conservation order, or conservation agreement which has been made under the Act and applies to the area.

⁷ In SA, provision for soil conservation is made in the NRM Act.

5.3.5.2 Aboriginal land

Under the *Western Australia Land Administration Act 1997*, the Minister may make a Management Order to place care control and management of land dedicated as reserves with an Aboriginal organisation, such as the Aboriginal Lands Trust (established under the *Aboriginal Affairs Planning Authority Act 1972*). The Minister may specify conditions on a Management order (s46(1)).

An Aboriginal organisation may be required by the Minister to, or may voluntarily, prepare a plan for the development, management, and use of land in the reserve. In preparing the plan, the organisation must consider any conservation, environmental, or heritage issues relevant to the development, management, or use of lands. After the plan is approved by the Minister, the organisation is required to manage the land in accordance with the plan. In these circumstances an obligation to manage feral camels will arise where the management plan provides for their management.

5.3.6 Statutory agreements

Apart from the legislation referred to above, across all jurisdictions the legislation providing for the protection and management of cultural assets (heritage items and Aboriginal sites and objects) and environmental assets tends to rely upon prohibitions for carrying out certain actions without permits as a means of protecting the asset.

These prohibitions do not ordinarily give rise to positive obligations for a landholder to manage the land in a particular way in order to protect the asset. To this end, the legislation relies on statutory agreements as a mechanism to establish management responsibilities for landholders.

Such agreements have the potential to create obligations for landholders to take measures to manage feral camels on their land. Agreements that could be potentially relevant to management of feral camels are listed in Table 5.2.2. With few exceptions, the agreements allow for financial assistance to landholders to carry out the terms of the agreement.

5.4 Key differences and incompatibilities

The above analysis reveals a variety of legislative provisions that provide a potential basis for a landholder's obligation to manage feral camels on his or her land.

Perhaps unsurprisingly, unless a statutory agreement has been entered into the most definite source of a landholders' obligation to manage feral animals generally is the relevant feral animal control legislation of each jurisdiction (Listed in 5.2.2).

There is considerable variation between the jurisdictions in terms of the way in which the relevant legislation provides for feral animal control and the status attributed to feral camels under that legislation. The variations are summarised in 5.2.2 and described below.

Under the EPBC Act 1999, the provisions relevant to the control of feral animals are those that provide for the listing of a feral animal as a Key Threatening Process and the development of Threat Abatement Plans, which provide for research, management, and other actions necessary to reduce the impacts of a Key Threatening Process on species and ecological communities affected by the process. Camels have not been listed as a Key Threatening Process under the Act.

In NSW, under the *Rural Lands Protection Act 1998*, a landholder's obligation to manage feral animals on his or her land will arise only if the Minister or Rural Lands Protection Board issues a pest control order directing him or her to do so. To date no pest control orders concerning feral camels have been issued.

Camels have been declared as feral animals in the NT under the *Territory Parks and Wildlife Conservation Act*. However, this declaration in itself does not give rise to an obligation to manage feral camels (other than banning their deliberate release). An obligation will only arise if the Minister declares an area of land to be a feral control area, and the Director of Parks and Wildlife directs an owner or occupier of land within that area to take measures to control or eradicate feral camels on the land.

The South Australian *Natural Resources Management Act 2004* contains provisions that establish obligations for landholders to destroy specified feral animals on their land. However, in designating camels to a particular class and category under the Act, the Minister has declared that these provisions do not apply to feral camels.

Similarly, the Qld *Land Protection (Pest and Stock Route Management) Act 2002* also contains provisions requiring landholders to take reasonable steps to keep the land free of class 1 and 2 declared pests. Camels have not been declared as pests for the purpose of the Act and these provisions therefore do not apply to feral camels.

In WA, the *Biosecurity and Agriculture Management Act 2007* creates obligations for landholders to control declared animals. Feral camels have been declared as category A5 animals under the Act, and, accordingly, certain landholders are obliged to control camels on their land (see section 5.3.1).

5.5 Conclusions and recommendations

Occupiers of freehold land, leasehold land, and certain Aboriginal land in WA are obliged to destroy, prevent, and eradicate feral camels on or in relation to their land. In all other jurisdictions, obligations for landholders to manage feral camels will only arise where:

- A landholder has a statutory duty of care for the land, and in the circumstances it is reasonable that the duty extends to the management of feral camels
- Conditions attaching to a lease of Crown land require the control or management of feral camels
- A statutory authority, such as a minister, pastoral board, or soil commissioner has issued a direction requiring the landholder to manage feral camels on his or her land
- Land is required to be managed in accordance with a management plan which provides for the management of feral camels
- The landholder has entered into a statutory agreement which creates obligations for the management of feral camels.

It is recommended that:

A consistent set of requirements be developed for all arid zone tenures that spells out the circumstances under which landholders are obliged to control camels as a duty of care to public land and where that responsibility falls to the government.

5.6 Appendix 1: Table of legislation

5.6.1 Obligations arising from legislation providing for feral animal control

Jurisdiction	Responsible Minister	Legislation
Commonwealth	Environment, Water, Heritage and the Arts	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
	Environment, Water, Heritage and the Arts	Environment Protection and Biodiversity Conservation Regulations 2000
New South Wales	Primary Industries	<i>Rural Lands Protection Act 1998</i>
	Primary Industries	Rural Lands Protection (General) Regulations 2001
	Natural Resources	<i>Western Lands Act 1901</i>
Northern Territory	Natural Resources, Environment, The Arts and Sport	<i>Pastoral Land Act</i>
	Natural Resources, Environment, The Arts and Sport	Pastoral Land Regulations
	Natural Resources, Environment, The Arts and Sport	<i>Territory Parks And Wildlife Conservation Act</i>
Queensland	Primary Industries and Fisheries	<i>Land Protection (Pest And Stock Route Management) Act 2002</i>
South Australia	Environment and Conservation	<i>Crown Lands Act 1929</i>
	Environment and Conservation	<i>Natural Resources Management Act 2004</i>
Western Australia	Agriculture and Food	<i>Biosecurity and Agriculture Management Act 2007</i>

5.6.2 Obligations arising from responsibilities in relation to grazing pressure and the protection of environmental assets

Jurisdiction	Responsible Minister	Legislation
Commonwealth	Families, Housing, Community Services and Indigenous Affairs	<i>Aboriginal Land Rights (Northern Territory) Act 1976</i>
	Environment, Water, Heritage and the Arts	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
New South Wales	Lands	<i>Soil Conservation Act 1938</i>
Northern Territory	Natural Resources, Environment, The Arts and Sport	<i>Pastoral Land Act</i>
	Natural Resources, Environment, The Arts and Sport	Pastoral Land Regulations (cont.)
	Natural Resources, Environment, The Arts and Sport	<i>Soil Conservation and Land Utilization Act</i>
Queensland	Natural Resources and Water	<i>Land Act 1994</i>
South Australia	Aboriginal Affairs and Reconciliation	<i>Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981</i>
	Aboriginal Affairs and Reconciliation	<i>Maralinga Tjarutja Land Rights Act 1984</i>
	Environment and Conservation	<i>Natural Resources Management Act 2004</i>
	Environment and Conservation	<i>Pastoral Land Management And Conservation Act 1989</i>
Western Australia	Planning and Infrastructure	<i>Land Administration Act 1997</i>
	Agriculture and Food	<i>Soil and Land Conservation Act 1945</i>

5.6.3 Obligations arising under statutory agreements for the protection of environmental and/or cultural assets

Jurisdiction	Responsible Minister	Key legislation
Commonwealth	Environment, Water, Heritage and the Arts	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
New South Wales	Planning	<i>Heritage Act 1977</i>
	Climate Change and the Environment	<i>National Parks and Wildlife Act 1974 No 80</i>
Northern Territory	Natural Resources, Environment, The Arts and Sport	<i>Heritage Conservation Act</i>
	Natural Resources, Environment, The Arts and Sport	<i>Territory Parks And Wildlife Conservation Act</i>
Queensland	Sustainability, Climate Change and Innovation	<i>Nature Conservation Act 1992</i>
	Sustainability, Climate Change and Innovation	<i>Queensland Heritage Act 1992</i>
	Natural Resources and Water	<i>Soil Conservation Act 1986</i>
	Natural Resources and Water	<i>Vegetation Management Act 1999</i>
South Australia	Environment and Conservation	<i>Heritage Places Act 1993</i>
	Environment and Conservation	<i>Native Vegetation Act 1991</i>
	Environment and Conservation	<i>Natural Resources Management Act 2004</i>
Western Australia	Heritage	<i>Heritage of Western Australia Act 1990</i>
	Agriculture and Food	<i>Soil and Land Conservation Act 1945</i>

6. What animal welfare obligations do land managers have on their land?

6.1 Introduction

6.1.1 Responsibility for legislating for animal welfare

State and Territory governments have primary jurisdictional control over animal welfare in Australia. They are required to prepare, enact, and enforce appropriate legislation and ensure policies and programs are in place and communicated to the general public. Responsibility for the overall coordination of the national approach to animal welfare lies with the Federal government, and the Australian Animal Welfare Strategy (AAWS) seeks to develop and support consistency in the legislative approach across jurisdictions. The Federal government's responsibility also extends to supporting appropriate animal welfare research and acting as a communications broker between States on legislative, strategy, and research matters.

6.1.2 Analytical approach

In each of the State and Territory jurisdictions reviewed, the animal welfare legislation establishes offences against animals and criminal sanctions for the commission of any such offence. A level of animal welfare responsibility exists in the varying livestock and exotic diseases acts at a State and Territory level and this legislation has been included in the review.

On this basis we have addressed the question of access by analysing animal welfare legislation across the specified State and Territory jurisdictions with reference to the following questions:

- What are the animal welfare obligations for land managers under the act?
- Are there exceptions to these obligations?
- To whom do the obligations apply?
- Do such obligations apply in the case of feral camels?

6.2 Summary of key provisions

6.2.1 Land managers' animal welfare obligations

6.2.1 Land managers' animal welfare obligations					
Jurisdiction	Key Legislation	What are the animal welfare obligations for land managers under the Act?	Are there exceptions to these obligations?	To whom do the obligations apply?	Do such obligations apply in the case of feral camels?
New South Wales	<i>Prevention of Cruelty to Animals Act 1979 No 200</i>	A person shall not commit an act of cruelty on an animal (s5).	Yes, exemptions exist where: an animal is stock animal and for purposes of branding ear-marking or ear-tagging	Any person.	Yes.
		A person in charge of an animal shall not authorise the commission of an act of cruelty on an animal (s5).	- an animal less than 6 months old and for the purposes of castrating, dehorning (in goats), tailing and mulesing (in sheep) - an animal is being hunted shot, snared, trapped, destroyed, or prepared for destruction for the purposes of producing food for human consumption - an animal is being prepared for destruction in accordance with a religious precept - an animal is destroyed in accordance with any duty imposed by any other Act.	Any person in charge of an animal.	No.
	<i>Prevention of Cruelty to Animals (General) Regulations 2006</i>	A person shall not commit an act of aggravated cruelty on an animal (s6).	No.	Any person.	Yes.
		A person shall not convey or transport or a person in charge of an animal shall not authorise the conveyance or transport of that animal in a way that inflicts unreasonable unjustifiable or unnecessary pain upon the animal (s7).	No.	Any person.	Yes.
		A person in charge of an animal shall not fail to provide the animal with food, drink and/or shelter which is sufficient, reasonably practicable in the circumstances (s8).	Yes, the level of care appropriate should be identified by a Department of Agriculture representative – animals in drought condition can be left without food or drink for 72 hours.	A person in charge.	No.
		A person in charge of an animal which is confined must provide adequate exercise (s9).	Yes, if confinement is of temporary nature (less than 24 hours) or accepted practice is to confine animal – e.g. stock (other than horse).	A person in charge.	No.
		A person shall not tether (or a person in charge of an animal shall not authorise the tethering) of an animal for an unreasonable amount of time (s10).	No.	Any person.	Yes.
		A person shall not abandon an animal (s11).	No.	Any person.	Yes – not releasing an animal.

6.2.1 Land managers' animal welfare obligations					
Jurisdiction	Key Legislation	What are the animal welfare obligations for land managers under the Act?	Are there exceptions to these obligations?	To whom do the obligations apply?	Do such obligations apply in the case of feral camels?
New South Wales (cont.)	Prevention of Cruelty to Animals Act 1979 No 200 (cont.) Prevention of Cruelty to Animals (General) Regulations 2006 (cont.)	A person shall not firebrand an animal on the face (s12).	Yes, where this can be performed by a veterinary practitioner.	Any person.	Yes
		A person (and a person in charge of an animal) shall not ride, drive, use, carry or convey an animal if it is unfit for the purpose (s13).	No.	Any person.	Yes.
		A driver of a vehicle which strikes and injures an animal must take reasonable steps to alleviate the pain and inform the person in charge of the animal as soon as possible if the person suspects the animal is owned (s14).	Yes, birds.	Any person.	No.
		A person must not administer poison to an animal (s15).	Yes, as part of a veterinary practice.	Any person.	Yes.
		A person must not lay baits with the intention of administering poison to an animal (s15).		Any person.	Yes.
		A person must not use an electric device on an animal (s16).	Yes, according to the regulations.	Any person.	Yes.
		A person shall not promote, advertise or take part in a match or competition in which an animal is released from confinement for the purposes of shooting at it, chasing, catching or confining it (s19, s20).	No.	Any person.	Yes.
		Persons are not permitted to use their premises for the purposes of a game park where animals are hunted for a fee or the giving of other consideration (s19).	No.	Any person.	Yes.
		A person shall not promote, advertise or take part in coursing or a match or competition in which an animal is chased by a dog (s21).	No.	Any person.	Yes.
		A person shall not sell, purchase, offer for sale, acquire an animal which is unfit for sale or diseased (s22).	No.	Any person.	Yes.
		A person must not possess or use/set a steel-jawed trap (s23)	No.	Any person.	Yes.

6.2.1 Land managers' animal welfare obligations					
Jurisdiction	Key Legislation	What are the animal welfare obligations for land managers under the Act?	Are there exceptions to these obligations?	To whom do the obligations apply?	Do such obligations apply in the case of feral camels?
New South Wales (cont.)	<i>Stock Diseases Act 1923 No 34</i>	The occupier of land upon which stock are depasturing is required to notify an inspector of any disease carried by stock on their land.	No.	Any occupier – defined as a person in charge of land as manager, agent, or superintendent or otherwise.	Yes – camels are included in the definition of stock.
		Any owner or person in charge of stock depasturing is required to notify an inspector of any disease carried by stock on their land.		An owner or person in charge.	No.
	<i>Exotic Diseases of Animals Act 1991 No 73</i>	A person who owns or is in charge of animals he/she suspects of having an exotic disease must notify an inspector as soon as practicable (s7).	No.	Any person and veterinarians consulted about diagnosing exotic diseases.	Yes, where feral camels are in person's control and classified as 'stock' under Rural Lands Protection Act 1998.
	<i>National Parks and Wildlife Act 1974 No 80</i>	A person shall not harm fauna in a wildlife refuge, conservation area, wilderness area or other area subjected to a wilderness protection agreement (s70).	Yes, when the person holds one of a number of licenses made available under this Act or under Part 6 of the Threatened Species Conservation Act 1995 or when the person carrying out the act is authorised by another Act.	Any person.	No indication that it does not, as a feral camel falls within definition of fauna according to Act. Though camels are defined also as game animals for the purposes of Section 104 and a licence is required for sale of their meat.
Northern Territory	<i>Animal Welfare Act 1999</i>	A person must not neglect or commit an act of cruelty on an animal (s6).	None.	Any person.	Yes.
	<i>Animal Welfare Regulations 2000</i>	A person in charge of an animal must exercise reasonable care to maintain animal's welfare and prevent neglect or the commission of an act of cruelty (s6).	Reasonable action is required to be taken to alleviate suffering.	A person in charge.	No.
		A person must not abandon an animal (s7).	None.	Any person.	Yes.
		A person must provide food, drink and shelter to an animal (s8).	That which is reasonably practical for a person to provide.	A person in charge (defined as owner or person in possession of the animals).	No.
		Some procedures must not be carried out on an animal: docking, ear cropping, claw removal, voice removal, pinioning and firing (s9).	Yes, on a veterinarian's opinion that it is necessary. Subject to the Veterinarians Act.	Any person.	Yes.

6.2.1 Land managers' animal welfare obligations					
Jurisdiction	Key Legislation	What are the animal welfare obligations for land managers under the Act?	Are there exceptions to these obligations?	To whom do the obligations apply?	Do such obligations apply in the case of feral camels?
Northern Territory (cont.)	<i>Animal Welfare Act 1999</i> (cont.)	An unfit animal must not be ridden or authority to ride an unfit animal must not be given (s10).	None.	Any person.	Yes.
		Confined animals must be exercised adequately (s11).	None.	A person in charge.	Yes.
	<i>Animal Welfare Regulations 2000</i>	Confinement of animals must be in accordance with the animals' size and large enough to allow reasonable opportunity for adequate exercise (s11).	Yes, where the animal is confined in such a way for less than 24 hrs without unnecessary suffering, for the purposes of transport or display.	A person in charge.	Yes.
		A person must not tether an animal for an unreasonable amount of time (s12).	None.	Any person.	Yes.
		A person who injures an animal not in their charge must take reasonable action to alleviate suffering, including the informing of the person who is in charge or otherwise an inspector (s15).	Reasonable action is required to be taken to alleviate suffering.	Any person not-in-charge.	Yes.
		Injured animals cannot be bought or sold (s16).	None.	Any person.	Yes.
		A person must have a licence to carry out teaching or research related to animals (s29).	Conditions exist for the variation of the licence with or without application to the relevant authority (s36 and s37).	Any person.	Yes.
		A licensee under s29 must form an Animal Ethics Committee (s41).	Animals in childcare establishments do not require a licence, so long as they are not using animals for scientific teaching purposes (s29).	Any person.	Yes?
		A person employed or engaged by a licensee must obtain a permit for teaching or research programs involving animals (s42).	None.	Any person.	Yes.
		A person in charge of stock must notify authorities in the event of the outbreak of an emergency, endemic or exotic disease (s11D and s36).	No.	Any person.	No, there is no requirement for notification of animals wandering at large on land owned by a person.
	<i>Stock Diseases Act 2005</i>				

6.2.1 Land managers' animal welfare obligations					
Jurisdiction	Key Legislation	What are the animal welfare obligations for land managers under the Act?	Are there exceptions to these obligations?	To whom do the obligations apply?	Do such obligations apply in the case of feral camels?
Queensland	<i>Animal Care and Protection Act 2001</i> Animal Care and Protection Regulations 2002	A person <i>in charge</i> of an animal owes a duty if care to it and must not breach that duty of care by: • not providing for the animals' need for appropriate food and water, accommodation, or living conditions • not allowing an animal to display normal patterns of behaviour • not attending to the treatment of disease or injury • ensuring appropriate handling (s17).	Regard must be had to the species, environment, and circumstances of the animal and the steps a reasonable person may be expected to have taken under certain circumstances (e.g. bushfire or flood).	A person in charge owns, leases, has a licence or other proprietary interest; has custody of the animal; or is employed by or engaged by someone else with custody of the animal and where that custody is within the scope of the employment.	
		A person must not be cruel to an animal including: • causing pain in unjustifiable, unreasonable or unnecessary circumstances • beating • abusing, tormenting and terrifying • overdriving, overriding, overworking • use of an electrical device prescribed under regulations • confining or transporting without appropriate food, water, shelter or rest • confines the animal when it is unfit for confinement or travel, in ways that are inappropriate for the animal's welfare or in unsuitable containers • killing the animal in a way that is not humane, causes a slow death or unreasonable pain; unjustifiable, unnecessary or unreasonable injury, wounding, overcrowding or overloading (s18).	Yes, where action of cruelty is sanctioned under accepted code of practice or scientific use code – where duty of care (s17) applies in circumstances where codes of practice incomplete. Yes, when act of cruelty is carried out in control of a feral animal or pest, so long as act does not use a prohibited trap or spur, causes as little pain as is reasonable, and complies with conditions prescribed under the regulations. Yes, where slaughter of animal is act of religious faith, person performing act follows that faith, and animal is for human consumption.	Any person.	Yes, when carried out to control feral camel populations. Unlikely this exemption would apply to feral camels.
		A person must not abandon or release an animal (s19).	Yes, if the abandonment or release of an animal is authorised by law, or if there is a reasonable excuse.	Any person.	Yes.

6.2.1 Land managers' animal welfare obligations					
Jurisdiction	Key Legislation	What are the animal welfare obligations for land managers under the Act?	Are there exceptions to these obligations?	To whom do the obligations apply?	Do such obligations apply in the case of feral camels?
Queensland (cont.)	<i>Animal Care and Protection Act 2001</i> (cont.)	A person must not organise or knowingly permit to be organised, or be present at a prohibited event which includes: Bullfight, animals fights, coursing, release from captivity for the purposes of hunting without appropriate time for the animals' acclimatisation or any event prescribed under regulation that causes animal pain (s20 and 21).	Yes, rodeos and activities carried out to protect competitors in a rodeo.	Any person.	Yes.
		Animal Care and Protection Regulations 2002 (cont.)			
		A person must not dock an animal's tail (s27).	Yes, a veterinary surgeon, when the action is being taken in the interests of the animal's welfare.	Any person.	Yes, to the extent to which a camel is classified as cattle.
		A person must not knowingly cause an animal in captivity to be injured or killed by a dog (s30).	No.	Any person.	No, unless feral camels are confined temporarily in some way.
		A person must not release an animal for the purposes of being injured or killed by a dog (s32).	No.	Any person.	No, unless feral camels are confined temporarily in some way.
		A person must not keep an animal for the purposes of bleeding, coursing or training a dog (s33).	No.	Any person.	No, unless feral camels are confined temporarily in some way.
		A person must not possess or use prohibited traps or spurs (s34, 35).	Yes, when the trap is prescribed under a regulation.	Any person.	Yes.
		A person must not administer a harmful or poisonous substance (s36).	Yes, where the animal is considered to be a feral animal.	Any person.	Yes.
		A person must not lay baits of harmful or poisonous substances with the intent to harm or kill an animal (s36).	Yes, where the animals is considered to be a feral animal.	Any person.	Yes.
		A person in control of an animal must not allow it to unlawfully injure or kill another animal where they are supervising the animal, or are aware of another animal's vulnerability in the presence of the animal under their supervision (s37).	Yes, where an animal is used as live food for another animal that will only eat live food.	Any person.	No.
		Where animals used for scientific purposes, those purposes must be carried out according to a scientific use code (s48).	No.	Any person.	Yes.

6.2.1 Land managers' animal welfare obligations					
Jurisdiction	Key Legislation	What are the animal welfare obligations for land managers under the Act?	Are there exceptions to these obligations?	To whom do the obligations apply?	Do such obligations apply in the case of feral camels?
Queensland (cont.)	<i>Animal Care and Protection Act 2001</i> (cont.)	A person who uses animals for scientific purposes must be registered for doing so, working (whether or not they are remunerated) for someone who is registered or a student at a school, college or university or other institution which is so registered (s51).	No.	Any person.	Yes.
	Animal Care and Protection Regulations 2002 (cont.)				
South Australia		A person to whom a welfare direction is given must comply with that direction (s161).	No.	Any person.	Yes.
	<i>Exotic Diseases in Animals Act 1981</i>	Every person having in his or her possession or under his or her charge an infected or suspected animal, carcass or animal product shall notify the nearest inspector as quickly as possible.	No.	The person in charge or in possession of the animal.	No.
	<i>Prevention of Cruelty to Animals Act 1985</i>	A person must not ill-treat an animal, deliberately or unreasonably causing unnecessary pain (s13 (1)).	Yes, where an action is carried out under a prescribed code of animal husbandry practice.	Any person.	Yes.
	<i>Prevention of Cruelty to Animal Regulations 2000</i>	Includes trapping an animal with a steel trap (Reg s6).	Steel traps can be used for trapping wild dogs, rabbits, or rats.		
		The owner of an animal must provide appropriate water, food, shelter, and exercise (s13 (2)).		The owner of the animal – which includes a person who has control and custody of an animal.	No.
		The owner of an animal must take reasonable steps to alleviate pain caused by reason of age, illness or injury (s13 (2)).		As above.	No.

6.2.1 Land managers' animal welfare obligations					
Jurisdiction	Key Legislation	What are the animal welfare obligations for land managers under the Act?	Are there exceptions to these obligations?	To whom do the obligations apply?	Do such obligations apply in the case of feral camels?
South Australia (cont.)	<i>Prevention of Cruelty to Animals Act 1985</i> (cont.)	The owner of an animal must not: - abandon an animal - neglect an animal so as to cause pain - release animals from captivity for the purposes of hunting and killing by another animal	No.	As above.	No.
	Prevention of Cruelty to Animal Regulations 2000 (cont.)	- cause an animal to be injured or killed by another animal - organise or participate in events where animals are encouraged to fight with one another - kill an animal in a manner that causes unnecessary pain (s13 (2)).			
		A person must not use an electric goad or fence or other electrical device designed for the purposes of controlling animals in contravention of the Regulations.	Yes. Electro immobilisers can be used so long as they are used on the right class of animal, are a device of a kind approved by the Minister under the regulations, and are used in a way that minimises the time the device is used for the process of routine husbandry of animals – a certificate permitting use (or the presence of a person holding such a certificate) is required. Research into the effectiveness or effective use of electro immobilisers is exempt.	Any person.	Yes, camels are a class 2 animal under the regulations. No, camels are not prescribed as animals upon which goads and prods can be used. Camels are not permitted to be used in rodeos.
		A person must not carry out surgical or medical procedures on an animal contrary to the regulations – i.e. removing vocal ability, docking a tail, cropping an animal's ear or docking a horse's tail or the tail of an animal of the genus <i>Bos</i> or <i>Bubalis</i> .	Veterinary surgeons can carry out these activities if considered to be for therapeutic purposes.	Any person.	Yes.
	<i>Livestock Act 1997</i>	A person who owns or has livestock under his or her control must report the existence or suspected existence of a notifiable disease to an inspector (s27).	No.	Any person who owns or has control of livestock.	Livestock would include camels, but not camels considered to be feral (not in a controlled or captive state).

6.2.1 Land managers' animal welfare obligations					
Jurisdiction	Key Legislation	What are the animal welfare obligations for land managers under the Act?	Are there exceptions to these obligations?	To whom do the obligations apply?	Do such obligations apply in the case of feral camels?
South Australia (cont.)	<i>Livestock Act 1997 (cont.)</i>	A person must not knowingly or recklessly act (including feeding) to infect livestock with a notifiable disease (s28 and s32).	No.	Any person.	This provision would not apply to feral camels, only to livestock in a controlled or captive state.
Western Australia	<i>Animal Welfare Act 2002</i> <i>Animal Welfare (General) regulations 2003</i>	A person can only use an animal for scientific purposes with an appropriate licence and by a scientific establishment (or a member of staff/student), approved by an animal ethics committee and operates within the guidelines of the ethics approval (s6).	No.	No.	Yes.
		A person must not be cruel to an animal (s19) which includes torture, mutilation, abuse, use of prescribed inhumane devices, intentionally or recklessly poison, or cause unnecessary harm.	Yes. Actions of harm are acceptable in the performance of self-defence or the protection of another person.	Any person able to prove self-defence or protection and who did not provoke the threat.	Yes.
		A person in charge of an animal must not be cruel or cause unnecessary harm to an animal in the process of transporting, confining/restraining the animal, working the animal when they are unfit to do so or failing to provide sufficient food and water, shelter, by abandoning the animal, by performing surgical or other activities on the animal or by neglecting to alleviate harm when steps could reasonably be taken to alleviate (s19).	Actions of harm can be authorised by written law provided they are carried out in a humane manner. Actions of harm can be carried out as per a veterinary procedure or approved code of practice.	Does not include self-defence while committing an unlawful act. Does not include animals subject to charge of a police officer (and other officials – see s20)	Yes. No.
			Actions of harm may be carried out if proven to be part of accepted animal husbandry processes carried out in a humane way.	Any person.	Yes.
			Action of harm carried out in accordance with an accepted code of practice.	Any person.	Yes.
			Actions of harm may be carried out in an attempt to kill pests.	Any person.	Yes – where camels are on prescribed list.

6.2.1 Land managers' animal welfare obligations					
Jurisdiction	Key Legislation	What are the animal welfare obligations for land managers under the Act?	Are there exceptions to these obligations?	To whom do the obligations apply?	Do such obligations apply in the case of feral camels?
Western Australia (cont.)	<i>Animal Welfare Act 2002</i> (cont.) <i>Animal Welfare (General) regulations 2003</i>		Animals harmed where they are ordinarily left to fend for themselves or roam at large.	Any person.	Yes (under the definition of the <i>Stock (Identification and Movement) Act 1970</i>).
			Harm caused to an animal being released into the wild.	Any person.	No, unless declared so by the relevant Minister.
			The person in charge took reasonable steps to ensure proper treatment or did not know (or could not reasonably be expected to know) that an animal was in a place or vehicle owned or occupied by that person and that it was not being cared for properly.	A person in charge.	Yes.
		A person must not possess a thing intended to inflict cruelty (s31).	Yes, if the thing is prescribed by law.	Any person (or class of persons) prescribed by law to possess.	Yes.
		A person must not engage in prohibited activities involving animals, including shooting, hunting and fighting captive animals – where they are shot at, hunted by a person or another animal, fought by a person or another animal or chased by another animal (s32).	Yes, if the activity is prescribed by law or if the release of animals for hunting is for the purposes of feeding a predator that normally would not eat dead meat.	Any person.	Yes.
	<i>Exotic Diseases of Animals Act 1993</i>	A person who has an infected animal in their possession or under their control must notify an officer by the quickest means possible.	No.	A person in charge of an animal.	No.
		A person who notices or suspects any infected animal wandering at large upon land owned or occupied by them must notify an officer by the quickest means possible.	No.	A person who owns or occupies land.	Yes, where feral camels are wandering at large on land occupied or owned by the relevant person.

6.3 Commentary

6.3.1 What are the animal welfare obligations for land managers under the Act?

Animal welfare provisions in every State within the scope of this report identify the responsibility of any person in regard to their actions towards an animal and identify cruelty to animals as resulting from deliberate, aggravated, and reckless acts of harm. Some jurisdictions provide an indication of the nature of those acts which constitute cruelty, while other jurisdictions are less prescriptive.

However, primary responsibility for an animal's welfare comes with ownership or control. All jurisdictions identify that owners and those in control of animals have a responsibility to provide shelter, food and water, appropriate care (including exercise), and where necessary, the alleviation of pain and/or suffering.

All jurisdictions have clear and relatively consistent provisions in legislation to prevent cruelty, harm, or aggravated cruelty to animals. Cruelty and harm is variously depicted as unnecessary pain, torment, an unnecessarily slow death, physical abuse, overwork, inappropriate confinement, and unnecessary overcrowding. In all jurisdictions, specific mention is made of the following prohibited acts:

- Docking, ear cropping, fire branding, de-clawing and de-barking
- Riding of unfit and unwell animals
- Striking an animal unnecessarily
- Tethering of animals for unnecessarily long periods
- Abandonment
- Transport that inflicts pain
- Use of poisons and laying of baits
- Confinement without exercise
- Use of animals for fights, hunting by other animals, and coursing
- Use of electrical devices on animals only under certain circumstances.

6.4 Key differences

6.4.1 Land manager's animal welfare obligations

A key difference in approach in the legislation is seen in Qld where animal welfare takes a more positive 'duty of care' approach. The legislation describes the duty of care to animals in a person's control and provides a number of defences for the actions of justifiable harm. This is in contrast to the other state and territory instruments which take a more punitive approach to the welfare of animals.

Under the *Stock Diseases Act 1923* in New South Wales and the *Exotic Diseases of Animals Act 1993* in Western Australia, there is a requirement for people who own land upon which diseased animals are roaming at large to notify relevant authorities as quickly as is practicable.

New South Wales animal welfare legislation prohibits the formation of game parks for the purposes of hunting animals for a fee, which is not an action referred to in any other of the State or Territory provisions. Additionally, under the *New South Wales National Parks and Wildlife Act 1974*, fauna (which does not discount feral camels) is protected in wildlife refuges, conservation areas, wilderness

areas, and areas subject to wilderness protection agreements. The *National Parks and Wildlife Act 1974* does not initially make a distinction between native and introduced fauna; however, provision is made for the killing of some species (including camels) under special licence.

Interestingly, in NSW provision is made for the care of animals in drought conditions, and the level of care required to be afforded animals in a person's care and control is determined by a representative in the NSW Department of Agriculture.

6.4.2 Are there exceptions to these obligations?

In each jurisdiction, provision is made within the relevant acts to ensure that acts of cruelty or unnecessary harm can be defended where they are:

- performed as part of a prescribed code of animal husbandry practice
- performed by a veterinarian
- in accordance with another Act
- sanctioned under an accepted code of practice or scientific use code.

However, justifiable harm, and in most cases the above actions, can be carried out for a number of reasons sanctioned by:

- professional opinion of a veterinarian that suggests an action is necessary for the wellbeing of the animal or to alleviate suffering
- adherence to an accepted practice or professional code of conduct
- adherence to a religious precept that permits the destruction of an animal
- a coexisting or over-riding act of parliament that allows for killing for food and human consumption, pest management, feral animal control and/or land/soil/vegetation management.

In each case, the defence for an act of harm against an animal is only a defence if the harm is minimised or is to ensure pain and suffering is alleviated as quickly as possible.

The exception to these exemptions lies only in the promotion of and participation in events where animals fight one another (e.g. dog fights or cock fights). No exemption exists in legislation for this specific form of animal cruelty.

6.4.3 Defence for the cause of harm

In Qld and WA, defence for the cause of harm or cruelty to an animal is sanctioned by provisions within the welfare legislation, particularly in relation to pest management and feral animal control. In all other jurisdictions, the defence for animal harm and cruelty relies on provisions in other acts within the jurisdiction which control and/or prescribe measures to facilitate land management/soil conservation.

Western Australian legislation also provides a defence of self-defence in the harm of animals, as long as the motivation of self-defence can be proved and any attack is proved not to be provoked.

Western Australian and South Australian legislation are specific in their mention of an approved code of conduct as a defence against harm to animals, and animal welfare in these jurisdictions is bound by acceptance compulsorily or otherwise of accepted codes of conduct.

6.4.4 To whom do the obligations apply?

In each State and Territory where legislation has been reviewed, it is the owner, person in possession of, or person in charge/person in control of the animal who has prime responsibility for the care and provisioning of an animal.

Veterinarians engaged by a person in control or in knowledge of animal suffering are accorded responsibilities and are also enabled to commit acts of harm to an animal so long as it is deemed necessary in their professional opinion and that harm, pain, and suffering is minimised.

People are only responsible in a welfare sense for feral camels on their properties to the extent that they are responsible for their treatment of any animal not under their control. Where animals have become owned or under the control of a person, a broader raft of responsibilities to ensure the animals' welfare is applicable.

6.4.5 Do such obligations apply in the case of feral camels?

In NSW and WA, under the relevant *Stock Diseases Act* and *Exotic Diseases Act*, there is an expectation that landowners, irrespective of their ownership of animals on their property or not, have a responsibility to notify authorities of diseases in free-ranging animals, or animals 'at large'. In other states, the expectation is that this relates to animals that exist only under a person's control and care.

Essentially, treatment of feral camels in general is controlled by animal welfare legislation, and camels are not to be treated differently from any other animal. No deliberate harm, aggravated harm, or cruelty should be enacted upon a feral camel. However, the presence of camels on land does not constitute any implied responsibility for animal welfare (apart from the notification of disease provisions in NSW and WA noted above) that would normally be associated with ownership (e.g. provision of shelter, exercise, food, and water).

Where human intervention has confined camels or temporarily placed them under someone's control, then the full extent of animal welfare legislation applies (where it would apply to camels). Additionally, where animals are placed permanently under the control of a landowner or someone acting on their behalf, similar requirements are made of the person(s) in control to ensure the animals' welfare. No matter whether the animals are considered to be owned or not, the action of maintaining control of the animal(s) obligates the person(s) in control to ensure the animals' welfare.

Exceptions exist where harm or cruelty is enacted upon a feral camel in the process of one of the four sanctioned circumstances identified in 6.4.2. Feral camels may be destroyed as part of a pest reduction/land or vegetation management/soil conservation program, and people who harm feral camels as part of a pest reduction strategy or eradication of feral animals have a defence under legislation in each State, insofar as the pest reduction or eradication is done humanely and minimises suffering to the animals concerned.

6.5 Conclusions and recommendations

Legislation relating to welfare of animals is reasonably consistent across the jurisdictions where feral camels are found. Feral camels are afforded the same welfare obligations as other animals inasmuch as they should not be mistreated, abused, tortured, or injured. However, apart from this and some exceptions noted above related to the notification of disease in animals ‘at large’ on properties, there is no general animal welfare responsibility that applies to feral camels that exist on a landowner’s property. A landowner is not responsible for the welfare of feral camels on their property unless there is a deliberate action taken to harm the animal (subject to the exceptions noted above and below) or to bring it under control in some way. Where a feral camel is taken into the control of a person, however temporarily, welfare legislation treats that animal in the same way as if it were owned. The full responsibility of care rests with the person in charge.

Exemptions exist to this in all States where harm can be done to a feral camel where it is seen to be done in response to feral animal control, eradication or management of a pest, and/or in response to compliance with another act that operates within that jurisdiction. A licence or permit is required where compliance with the relevant State or Territory animal welfare act or other State or Territory act necessitates holding of such.

Where a practice inflicts harm on a feral camel, in some states (WA and SA) defence of the harm lies in the use of an accepted code of practice and where the harm is carried out in a humane way, minimising pain, and alleviating suffering as quickly as possible. In other States and Territories, the legislation and concurrent regulations identify specifically what sorts of actions cannot be carried out on camels, but also identify the instances when actions of harm are sanctioned and the conditions of those sanctions. In most cases the sanction is carried out as a result of either a veterinary professional’s assessment or through appeal to provisions in another act of legislation within that jurisdiction.

There are no recommendations for legislative change.

6.6 Appendix: Table of legislation

6.6.1 Land manager's animal welfare obligations

Jurisdiction	Responsible Minister	Legislation
Commonwealth	Environment, Water, Heritage and the Arts	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
	Environment, Water, Heritage and the Arts	Environment Protection and Biodiversity Conservation Regulations 2000
New South Wales	Primary Industries	<i>Exotic Diseases of Animals Act 1991 No 73</i>
	Climate Change and the Environment	<i>National Parks and Wildlife Act 1974 No 80</i>
	Primary Industries	<i>Prevention of Cruelty to Animals Act 1979 No 200</i>
	Primary Industries	Prevention of Cruelty to Animals (General) Regulations 2006
Northern Territory	Local Government, Housing and Sport	<i>Animal Welfare Act 1999</i>
	Local Government, Housing and Sport	Animal Welfare Regulations 2000
	Primary Industry, Fisheries and Mines	<i>Stock Diseases Act 2005</i>
Queensland	Primary Industries and Fisheries	<i>Animal Care and Protection Act 2000</i>
	Primary Industries and Fisheries	Animal Care and Protection Regulations 2002
	Primary Industries and Fisheries	<i>Exotic Diseases in Animals Act 1981</i>
South Australia	Agriculture, Food and Fisheries	<i>Livestock Act 1997</i>
	Environment and Conservation	<i>Prevention of Cruelty to Animals Act 1985</i>
	Environment and Conservation	Prevention of Cruelty to Animal Regulations 2000
Western Australia	Local Government	<i>Animal Welfare Act 2002</i>
	Local Government	Animal Welfare (General) Regulations 2003
	Agriculture and Food	<i>Exotic Diseases of Animals Act 1993</i>

7. What regulations govern access to land where camels exist?

7.1 Introduction

7.1.1 Responsibility for legislation for access to land where camels exist

The land tenure of the arid and semi-arid regions and rangelands of Australia where feral camels are distributed is in large measure a mixture of inalienable freehold title held by Aboriginal Traditional Owners, Pastoral leases, National Parks, Nature Reserves, Aboriginal Reserves, or vacant Crown land. Most of the Aboriginal Reserves and the Great Victoria Desert Nature Reserve in WA also co-exist with exclusive possession native title in that State.

As a general guide and introduction to the majority of land titles where feral camels exist we have listed this legislation, described the forms of title and access provisions starting from the NT and going counter clockwise around the country. For a comprehensive listing of all relevant legislation see the tables under the heading ‘Summary of Key provisions’.

Please refer to the Aboriginal Communities and Land Tenure Map which is Appendix 1 to section 12 of this report. Please also note that this is a geographic description, not one based on the jurisdictional source of the legislation. For example, the *Native Title Act 1993* and *Aboriginal Land Rights (Northern Territory) Act 1976* are Commonwealth legislation that apply throughout Australia and only in the NT respectively.

In the Northern Territory most of the relevant land mass is affected by the following legislation:

- *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth)
- *Aboriginal Land Act* (NT)
- *Pastoral Land Act* (NT)

These Acts provide for an inalienable freehold title held by Aboriginal Land Trusts for the benefit of Aboriginal traditional owners and the requirement for an entry permit system to gain access to the land. The NT *Aboriginal Land Act* contains the mechanics and details of the permit system. In accordance with new changes made to the permit system under the Commonwealth intervention in the NT entry permits are no longer required for:

- government officials performing functions or powers under laws of the Commonwealth or the Northern Territory (s70 (2A)(e–h))
- A person authorised by the Minister during the five-year emergency response period (s 70(2BA), (2BB))
- the common or public areas of communities on Aboriginal land (i.e. land under the ALRA NT), the roads to the communities (access roads), community airstrips, barge landing areas.

Thus, for the purposes of accessing land for control of feral camels, if an area is declared a feral animal control area which is on Aboriginal land a conservation officer may enter under section 51 of the *Territory Parks and Wildlife Act Conservation Act* to perform their statutory functions. Feral camels are declared animals under the Act in the NT. This statement is subject to an important qualification, a final opinion about which is beyond the scope of this report. That is, that all laws of the NT, if they are to apply to Aboriginal land, must be able to operate concurrently, that is consistently with the NT *Land*

Rights Act. It is not certain that the declaration of a feral control area is consistent with the Act and therefore whether government officials could access the land without permission. This point shall be dealt with further in the Commentary section.

Pastoral leases granted under the *Pastoral Land Act*, which also cover a large part of the NT where camels exist, can be readily accessed. An authorised officer under the Act can enter such lands after giving reasonable notice, and if it is a feral animal control area the same provisions as mentioned above apply.

The relevant legislation in WA is the:

- *Land Administration Act 1997* (WA), which provides for the grant of pastoral leases, and creation of Crown reserves for use and benefit of Aborigines and conservation purposes
- *Aboriginal Affairs Planning Authority Act 1972* (AAPA Act), which makes it an offence to enter an Aboriginal reserve declared under Part III of that Act. All of the large Aboriginal reserves that run along the western border of NT and SA are reserves of this nature. All of them are also covered by exclusive possession native title determinations in accordance with the *Native Title Act 1993*.
- *Conservation and Land Management Act 1984*, which governs the Great Victoria Desert Nature Reserve in the south of WA adjacent to the SA border.

There are a number of large Aboriginal Reserves proclaimed under Part III of the AAPA Act that are adjacent to the NT and SA borders in WA that are relevant. A permit system applies for access, which is issued by the Minister for Indigenous Affairs or his/her delegate. Relevant exceptions to the requirement for a permit are when officers of public authorities are carrying out their duties or acting in accordance with a duty imposed by law. As feral camels are declared animals over the whole of WA in accordance with the *Biosecurity and Agriculture Management Act 2007*, then government officials can enter the reserve to carry out their duties in this respect.

The exclusive possession native title determinations that also exist in this area, as indicated on the map produced by the National Native Title Tribunal⁸, are subject to the legal right of government officials to perform such functions also.⁹ The *Native Title Act 1993* (Cth) is the governing legislation here. The only other relevant determination of native title that appears relevant is over the De Rose Hill Pastoral lease in northern SA. All native title determinations are subject to the right of access by government officials performing statutory functions and rights of public access that existed as of 1993.

In SA the relevant legislation in terms of this introduction is the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act* (APY Act); the *Maralinga Tjaratjua Land Rights Act 1984* and the *National Parks and Wildlife Act*.

Of relevance here, the last Act includes the Witjira National Park (which abuts the NT Border) to the east of the Pitjantjatjara lands, Mamungari Conservation Park (which abuts the WA border south of the Pitjantjatjara lands), and Vulkathunha-Gammon Ranges National Park, which are all governed in accordance with their own regulations. Access is determined by the co-management Boards of these Parks.

The other two major pieces of legislation grant inalienable freehold title over relevant large areas of South Australia and both have permit systems regulating access. In the APY Act access is allowed without a permit for an officer performing a statutory duty and any person assisting them. APY, the corporate landholder, can object to this access with the final decision being made by the Minister.

⁸ http://www.nntt.gov.au/publications/data/files/Determinations_A4.pdf

⁹ For example, in *Mark Anderson on behalf of the Spinifex People v State of Western Australia* [2000] FCA 1717 which is the southern most area in WA adjacent to the SA border shown on the NNTT map indicated above the Court order recognising native title states that the native title is subject to the laws of the State and the Commonwealth including the common law which are of general application.

On the Maralinga Tjaratjua Lands a permit is also required except for officers carrying out official duties and appointed by statute or a person with the written authority of the relevant Minister. This is also subject to objection by the corporate entity that represents the Traditional Owners under the legislation, and the Minister is obliged to revoke the access unless there are ‘sufficient reasons’ for it to continue. Thus subject to the right of the landholder to object, Aboriginal land in SA can be accessed without a permit for the purposes of controlling feral camels, as the whole state is a declared control area.

Pastoral leases also cover a significant part of northern SA, and these leases can be accessed for feral camels either through the *Natural Resources Management Act* or the *Pastoral Land Management and Conservation Act 1989*.

In NSW the majority of the Western Land Division of the state is covered by pastoral leases in accordance with the *Western Land Act 1901* and in accordance with Part 4A of the *National Parks and Wildlife Act*. Mutawintji National Park and Reserve has been established in western NSW, north of Broken Hill, where the land is Aboriginal land leased back to the Minister for national park purposes.

Both the Act and the lease provide for public access subject to the plan of management and the guiding principles in the lease (clause 12.2). With respect to Western Land leases, wide-ranging access is allowed for government purposes under the Act.

For the purposes of accessing feral camels if they are declared a pest, an authorised officer may access the land in accordance with the *Rural Lands Protection Act 1998*. Feral camels have not been declared a pest in NSW.

In Qld the majority of land in the western part of the state is rural leasehold land for grazing and pastoral purposes under the *Land Act 1994*. Feral camels have not been declared a pest in Queensland under the *Land Protection (Pest and Stock Route Management) Act*. If they were so declared, access would still be readily available under this legislation.

7.2 Analytical approach

The objective of this section is to review the relevant legislation for access to camels in the arid to semi-arid regions across all the State and Territory jurisdictions. Access to these lands may be required for a variety of purposes, from traditional Aboriginal owners or contractors harvesting camels for meat for human consumption, pet meat, live capture and export; to access for Federal, State and Territory government bodies, educational institutions, and consultants to carry out research and monitoring purposes for the management, control, and eradication of camels. Some of these activities, particularly the slaughter of camels and their management and eradication, would require access for welfare and health compliance regulators as well.

Starting from this point we have addressed the question of access by analysing legislation in relation to access of land tenure across the specified Territory and State jurisdictions.

As an example, across all the State and Territory jurisdictions reviewed, the animal welfare legislation establishes offences against animals and criminal sanctions for the commission of any such offence. In Qld the legislation also creates positive animal welfare obligations for persons in charge of animals. The animal welfare obligations of landowners are addressed in Chapter 6.

After establishing the animal welfare offences, the legislation provides for the enforcement of these provisions: first, by allowing for the appointment of inspectors; and second, by creating a raft of powers that inspectors may exercise in performing their functions.

Among these powers is a power to enter property (defined differently across the jurisdictions). This power operates to legalise access to property, which would otherwise be regarded as trespass and therefore illegal. The power of entry, as it is known, is, however, a qualified power in that the animal welfare legislation provides that it can be exercised only by certain people and under certain circumstances – hence the references in this section of the report to government officials being able to access land for statutory purposes without permission and permits providing they are acting bona fide in accordance with their own governing legislation.

On this basis we have addressed the question of access by analysing legislation across the specified State and Territory jurisdictions with reference to the following questions:

- What rights of access do people have on to the land?
- What type of land tenure does the legislation refer to?
- Who has access?
- What are the terms and conditions?

Given the frame of reference for the overall legislative review, we have elected in this section to focus only on those provisions relating to entry on to land, with a particular reference to feral camels. There are many forms of access to land for a wide variety of purposes, so they have not all been included.

A list of the legislation reviewed may be found in the Appendix to this chapter.

7.3 Summary of key provisions

7.3.1 Which regulations govern access to land where camels exist?

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Jurisdiction	Key Legislation	What rights of access do people have on to the land	What type of land tenure does the legislation refer to?	Who has access?	What are the terms and conditions
Commonwealth	<i>Aboriginal Land Rights (Northern Territory) Act 1976</i>	Permit required for most of land except 'for the common areas of the community, roads into the community, airstrips and barge landings.' Common areas are roads within the communities, stores, football grounds, art centre, etc.	Aboriginal Land freehold title only applies in the NT.	Without permit: A person: (e) in performing functions, or exercising powers, under this Act or another law of the Commonwealth or under a law of the Northern Territory; or (f) in performing functions or exercising powers as a Commonwealth or Northern Territory officer; or (g) in performing functions or exercising powers as an officer, member or employee of, or on behalf of, a local government body in the Northern Territory; or (h) in accordance with this Act or a law of the Northern Territory (s70 (2A)(e-h)). A person authorised by the Minister during the five-year emergency response period. (s70(2BA), (2BB))	Also see <i>Aboriginal Land Act (NT)</i> for further details.
	<i>Native Title Act 1993</i>	To perform statutory functions General public rights of access	Exclusive possession native title and/or certain native title rights and interests such as right to hunt, camp and access land.	Government officials exercising statutory functions Existing public rights of access	s 212(2) A law of the Commonwealth, a State or a Territory may confirm any existing public access to and enjoyment of: (a) waterways; or (b) beds and banks or foreshores of waterways; or (c) coastal waters; or (d) beaches; or (da) stock-routes; or (e) areas that were public places at the end of 31 December 1993. All States and Territories have passed such laws confirming existing public access.

7.3.1 Which regulations govern access to land where camels exist?					
Jurisdiction	Key Legislation	What rights of access do people have on to the land	What type of land tenure does the legislation refer to?	Who has access?	What are the terms and conditions
New South Wales	Access to Neighbouring Land Act 2000 No 2	Persons who may apply for a neighbouring land access order to a local Court with the consent of the person on whose behalf the work is to be carried out (s7(2)).	Land includes a stratum or air above or a stratum of soil below the surface on the earth (s3) Definitions.	Owner includes a joint owner or an occupier (s3) Definitions.	Access order means a neighbouring land access order or a utility service access order (s3) Definitions. Neighbouring land access order made under this Act authorising access to adjoining or adjacent land (s3) Definitions. Utility service means a sewerage, drainage, water, gas, electricity or telephone service or other service prescribed by the regulations the purpose of this definition (s3) Definitions. Subject to access restriction in other legislation (s5). Does not apply to land under <i>National Parks and Wildlife Act</i> (s6).
<i>Crown Lands Act 1989</i>					
			Crown land means land that is vested in the Crown or was acquired under the <i>Closer Settlement Act</i> as in force before their repeal, not in either case being: (a) land dedicated for a public purpose, or Vacant public land	The Minister and authorised person.	A person shall not, without lawful authority: (a) graze stock on public land, (b) drive stock on public land (s155).
					For the purposes of the Impounding Act 1993, the Minister shall be taken to be the occupier and in exclusive possession of vacant public land (s166(3) & (4)). An authorised person may, on behalf of the Minister, take proceedings for the trespass committed on the vacant public land by animals impounded by virtue of this section (s166(3)).

7.3.1 Which regulations govern access to land where camels exist?					
Jurisdiction	Key Legislation	What rights of access do people have on to the land	What type of land tenure does the legislation refer to?	Who has access?	What are the terms and conditions
New South Wales (cont.)	Crown Lands Act 1989 (cont.)	Entry to	Any land that is the subject of a Crown tenure (s168c(a)).	By an authorised inspector.	For the purpose of determining whether the landholder is complying with: (ii) any of the requirements of the Crown Lands Act that apply in relation to the land (s168C(1)). (b) determining whether the landholder is complying with the restriction on use or covenant, or the recorded condition, to or in respect of which the land is subject (s168C(1)(b)). - for the purpose of gaining access to land that is the subject of a Crown tenure, or is private land, owned or occupied by that land holder (s168C(1)(c)).
		Gaining access to	Any private land (s168C(1)(b)).		
			Any other land owned or occupied by a landholder (s168c(c)).		
		May enter.	Land under (ss1) only if (s168C)(2).	An authorised inspector.	(a) the landholder consents, or (b) the Director-General has authorised the entry onto the land (s168C)(2). While on any land that the inspector has entered under (ss1)(a) or (b); (a) conduct such investigations, make such inquiries, examinations and inspections, (s168C(3)).
National Parks and Wildlife Act 1974		General right of access (subject to any plan of management in force with respect to the lands) a right of access to the lands in accordance with this Act and the regulations. s71AD (m).	Aboriginal land under the Act with leaseback to the Minister for co-managed national parks (s71C).	Any person.	The Director-General has the care, control and management of all national parks and historic sites except as provided by (ss2). Licences do not authorise entry etc (s136). Where, had this Act not been enacted: (a) the consent or permission if any person would have been required for entering any lands or doing any act on or in respect of any lands, the issue of a licence under this Part does not authorise the entering of those lands, or doing of that act on those lands, without that consent or permission, or (s136).

7.3.1 Which regulations govern access to land where camels exist?					
Jurisdiction	Key Legislation	What rights of access do people have on to the land	What type of land tenure does the legislation refer to?	Who has access?	What are the terms and conditions
New South Wales (cont.)	<i>National Parks and Wildlife Act 1974</i> (cont.)	Powers of entry and seizure (164).	Any such premises or vehicle.	An authorised person (164(1)).	(a) may at all times, if she or he suspects on reasonable grounds that an offence against any of the provisions of this Act or the regulations has been or is being committed and that any animal, native plant, Aboriginal object or article in respect of which the suspected offence has been or is being committed (s164).
	<i>Rural Lands Protection Act 1998.</i>	Wide ranging access regarding all matters to do with pest control (s143).	All land including Public and Private land (s143 (6)).	Authorised officers (s182).	When a declared pest on the property, but camels not a declared pest in NSW.
	Rural Lands Protection (General) Regulations 2001				
	<i>Non-Indigenous Animals Act 1987</i>	Powers of entry for breach of Act keeping/releasing a controlled-category animal (Camel if declared – as s3 definition of animal includes camel).	Enter any land or premises Any licensed accommodation or any premises or vehicle where the Officer reasonably believes that a provision of this Act or the regulations has been or is being contravened (s23).	Authorised officers.	(i) examine any animal or inspect the accommodation for any animal, and (ii) generally inspect such things and make such inquiries as may be necessary to ascertain whether the provisions of this Act or regulations are being complied with (s23). (2) nothing in this section authorises an authorised officer to enter any premises or a part of any premises used as a dwelling without a warrant under (s24).
	<i>Aboriginal Land Rights Act 1983</i>	No special provisions of permit system.	Fee simple or perpetual lease under Western Lands Act 1901 (ss36 (9)), (9A)).		Access subject to normal law of the titles held, e.g. Western Land Lease
	<i>Western Lands Act 1901</i>	Reservations in favour of the Crown necessary or proper for giving effect to any Act or regulation for the time being in force (Schedule1 (q)).	Leasehold.	Government officers or authorised persons.	The unrestricted right for the Minister, the Commissioner, or any persons duly authorised in that behalf to enter upon and examine such land and the improvements thereon (Schedule 1(m)). To permit the Commissioner and all persons authorised by the Minister or the Commissioner to enter and view the whole or any part of the lease or buildings or other improvements thereon (Schedule1(l)).

7.3.1 Which regulations govern access to land where camels exist?					
Jurisdiction	Key Legislation	What rights of access do people have on to the land	What type of land tenure does the legislation refer to?	Who has access?	What are the terms and conditions
Northern Territory	Aboriginal Land Act	Entry onto Aboriginal land or road (s4).	Aboriginal land has the same meaning as under the <i>Aboriginal Land Rights (NT) Act 1976</i> (s3).	Any person (s4(1) & (1A)).	A permit is required. \$1000 penalty for no permit (s4(1)).
	<i>Please note this is subject to the Aboriginal Land Rights (Northern Territory) Act, 1976 in the Commonwealth section and the changes outlined there arising from the Commonwealth Intervention in the NT.</i>	Land council & Aboriginal owners may issue a permit (s5(1)); (s5(2)) or delegate authority (s5(4)) or revoke a permit issued (s5(5)).	To enter on and remain on Aboriginal land or use a road that is bordered by Aboriginal land (s5(1) & (s5(2))).	A person (s5(1) & (s5(2))).	Must consult with Aboriginal owners and come to an agreement as to the terms & condition (s5(7)).
		(s4) a land council give notice/ broadcast waive requirement for permit (5(8)).			Land council or Aboriginal traditional owners will specify in that notice the period or periods & (s4) shall not apply.
		Minister may issue permits to enter upon.	Aboriginal land or to use a road (s6).	Certain government employees (s6).	Permits subject to conditions (s5). Specifies area of land to be entered (s6(2)(a)(b)(c)(d)).
		Land council may recommend to the Administrator an open area or road (s11), which means no permit is required.	Open area or road (s11 (1)).	A person without a permit (s11(2)).	A person is not permitted to remain on the land whose estate or interest is in conflict with the owner's use or enjoyment of the estate and interest (s10).
	Crown Lands Act	A power exists to enter on any Crown lands (s6).	Crown lands means all lands of the Territory, including the bed of the sea within the territorial limits of the Northern Territory, and including an estate in fee simple that is registered in the name of the Territory, but does not include reserved or dedicated lands (s3). Includes reserved land and dedicated land for the purpose of giving effect (s6).	A Minister or authorised persons (s6).	(s7(2)) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purposes of this Act, be deemed to have been exercised or performed by the Minister.

7.3.1 Which regulations govern access to land where camels exist?					
Jurisdiction	Key Legislation	What rights of access do people have on to the land	What type of land tenure does the legislation refer to?	Who has access?	What are the terms and conditions
Northern Territory (cont.)	Crown Lands Act (cont.)	Access reserved to the Territory (s20(1)).	An estate in fee simple to an association for the purposes of an Aboriginal community living area (s20).	The Territory.	Every grant by (s46(1A)) <i>Lands Acquisition Act</i> reserves to the Territory interests reasonably necessary for the provision of essential services and facilities, to or across the land comprising the grant or access to any of them (s20).
		A reservation of a right of entry and inspection (s27(a)).	Subject to (s28), leases under this Act (other than leases under (s5)).	The Minister or authorised person.	Any other reservations, conditions and provisions which are prescribed, or which are considered by the Minister to be necessary under the circumstances (27(j)).
		Reservation of right of entry and inspection (s37(1)(a)).	Leased land (s37(1)(a)).	The Minister or authorised person (s37(1)(a)).	At all reasonable times and in a reasonable manner enter leased land or a part of it and inspect the leased lands and any stock on it (s37(1)).
			Any Crown lands the subject of a lease except a lease under the <i>Mining Act</i> or the <i>Pastoral Land Act</i> (s76 (1)(a)).	Authorised person; Chief Inspector; inspector; Aboriginal people.	Subject to this Act the Administrator may, at any time, by proclamation (s76(1)) resume any Crown lands the subject of a lease (76). - for stock routes and travelling stock (s76(iii)). - except a lease under the Mining Act or the Pastoral Land Act (s76(1)(a)) (xiv) for such other purposes in relation to the Territory as the Minister thinks fit
			Title of and use by persons who have an interest in land (s75).	Land on which there is a road or mall or a part of a road or mall.	Persons (s75).
		Vehicular access (s75(3)).		Local government council and the council as lessee or proprietor (s75(3)).	Where under (s73) land is vested in a local government council and the council has an interest as lessee of or as the proprietor of an estate in fee simple in land contiguous to that land, the council may, with the approval in writing of the Minister, where the Minister is of the opinion that by its so doing vehicular traffic across the land will not be prevented (s75(3)); as are necessary or convenient to facilitate and control access to and egress from that contiguous land (s75(ii)).
		To facilitate and control access to and egress (s75(ii)).	Contiguous land (s75 (ii)).		

7.3.1 Which regulations govern access to land where camels exist?					
Jurisdiction	Key Legislation	What rights of access do people have on to the land	What type of land tenure does the legislation refer to?	Who has access?	What are the terms and conditions
Northern Territory (cont.)	Crown Lands Act (cont.)	Access through holding licence.	Crown lands not held under a lease or licence under this or any other Act or on reserved or dedicated lands (s88(1)).	Persons holding licences (s88(1)).	Grant of grazing licences to graze a particular kind of stock for a period not exceeding 12 months (s88(1)). - licence is subject to terms and conditions in the Regulations, or not inconsistent with those, if any, prescribed, as the Minister thinks fit and specifies in licence document (s94(2)). - matters relating to use of commonage (s106(d)); and - penalties not exceeding \$1000 for offences against Regulations (s106(c)).
			Crown lands or reserved or dedicated land – whether or not land is held under licence or lease (s96).	Stockpersons (s96); Chief Inspector and inspector.	Declaration of routes for travelling stock (s96). Stock routes not exceeding 1610 m in width (s96).
Crown Land Regulations	The Minister has the power to approve or refuse an application and or renew a grazing licence ((s15), (s24)).	'Grazing licence' means a licence under (s88) (see above) <i>Crown Lands Act</i> (s4).	A person (s15).	The interpretation of cattle includes camels, and other stock over 6 months old (s4(1)). Minister's approval must include: - a condition prescribing maximum no. and type of stock depastured on land (s16(a)) - be for a period of 12 months as specified (19(2)(c)) - the holder must comply with a condition of licence, or failure to comply forfeiture of licence (s22(1), (2)) - a condition of land of an occupation licence the holder shall not graze stock without prior permission (s27) - it is a condition of an occupation licence that the holder of the licence shall not graze stock on the land included in the licence except where the Minister, being of the opinion that the grazing of a number of stock is necessary to carry out the purposes of the licence, has granted prior permission in writing to graze that number of stock to the holder of the licence and he or she acts in accordance with the permission (s30).	
	The Minister has the power to approve an application for occupation licence (s27).	Land to be used for purpose specified in licence (s29). The land included in an occupation licence shall be used only for the purposes for which it is granted (s29).	The Holder.		

7.3.1 Which regulations govern access to land where camels exist?					
Jurisdiction	Key Legislation	What rights of access do people have on to the land	What type of land tenure does the legislation refer to?	Who has access?	What are the terms and conditions
Northern Territory (cont.)	Crown Lands (Commonage) Regulations		Commonage means any area of Crown Lands reserved for commonage purposes (s103).	General public and a person appointed by the Minister as a Ranger (s4).	Minister may appoint a person as a Ranger in respect of any commonage. Animal does not include a camel, stallion, ram or Jack Donkey (s3). - the owner of any camel etc shall not permit, suffer or allow that camel etc to be on any commonage (s5(1)). - a Ranger may impound any animal, camel etc which is on any commonage in contravention of this regulation (s5(3)). - a person who contravenes, or fails to comply with, any provision of these regulations shall be guilty of an offence punishable, on conviction, by a fine not exceeding \$20 (10).
	Pastoral Land Act	The Board has powers to enter (s30 (2)(a)).	Pastoral land; pastoral lease (s30(2)(a)).	A lessee, Board members or authorised persons (s30(2)(a)).	The Board has power to do all things necessary/ convenient in connection with/incidental to performance of functions (s29), exercise of powers (s30).
		A reservation of a right of entry (s38(1)(a)).	Leased land or part of it (s38(1)(a)):	Resident Aboriginal people and Aboriginal people entitled by tradition.	A reservation of right entry and inspection shall be understood as a right in favour of the Minister or a member of the Board, or a person authorised in writing – to inspect leased lands and stock and pasture on the land (s38(1)(a)).
		A reservation permitting entry and to be on (2(d)).	within the boundaries comprising the leased land & which area of land has been excised from the leased land as a living area or part of a living area for those Aborigines (s38(2)(b)).		- a reservation in favour of Aboriginal inhabitants of the Territory(s38(1)(n)) is a reservation permitting those Aborigines who are entitled by tradition to use or occupy the leased land (s38(2)(c)) - to enter and be on leased land; to take and use water from the natural waters and springs on the leased land (s38(2)(d)) - to take or kill for food or for ceremonial purposes animals <i>ferae naturae</i> on the leased land (s38(2)(i)) - where a pastoral lease contains a reservation in favour of Aboriginal people of the Territory, a person shall not interfere with the exercise of their reserved rights (s38(5)).

7.3.1 Which regulations govern access to land where camels exist?					
Jurisdiction	Key Legislation	What rights of access do people have on to the land	What type of land tenure does the legislation refer to?	Who has access?	What are the terms and conditions
Northern Territory (cont.)	Pastoral Land Act (cont.)				Feral camels are declared animals in the NT under the <i>National Parks and Wildlife Conservation Act</i>. The Board may by notice in writing direct a lessee to control declared feral animals on their pastoral land by culling, fencing or other means directed by the Board (s73 (1)); for the purposes of (ss1) the Board may by notice in the Gazette declare a feral animal in relation to the District or part of the District of the leased land (s73(2)). Penalty: \$5000 and \$500 for each day after being found guilty of the offence for failure to comply (s73(1)).
	Pastoral Land Regulations	Entry required to destock.	Pastoral land.	Authorised persons.	In every pastoral lease, unless otherwise provided in the lease, stock includes beef cattle, buffaloes, horses, donkeys, mules or camels which are not in a feral state (s6). Disposal of stock removed from pastoral land otherwise than by or on behalf of lessee (s11). Where the Minister has, under s42(1) of the Act, caused stock to be removed from pastoral land, the stock shall be disposed of in accordance with a contract entered into by the Minister for its removal or on the open market by tender, auction or private treaty, and a person so acquiring the stock shall have good title to it free of encumbrance (s11(1)).
	Fences Act	Power to enter adjoining lands.	Adjoining lands includes lands separated by a watercourse, lake or other natural feature of such a character as to be insufficient to prevent at all times the passage of stock (s5).	Owner or every person who, whether jointly or severally at law or in equity (s5) (b) is a lessee of Crown land.	- dividing fence means a fence separating the adjoining lands of different owners whether the adjoining lands are wholly or only partly separated (s5) - fence means a structure of posts and board, palings, rails, galvanised iron, metal or wire or a wall, ditch or embankment or a combination of any of these, enclosing or bounding land and includes any foundation, foundation wall or support reasonably necessary for the support and maintenance of a building but does not include a wall which is part of a building (s5).

7.3.1 Which regulations govern access to land where camels exist?					
Jurisdiction	Key Legislation	What rights of access do people have on to the land	What type of land tenure does the legislation refer to?	Who has access?	What are the terms and conditions
Northern Territory (cont.)	<i>Territory Parks and Wildlife Conservation Act</i>	May enter at any time and do work (s51).	Feral animal control area (s51).	The Director and conservation officer or a person authorised (s51).	Conservation officer may enter and do work (s51). (1) A conservation officer may, with the assistance the Director considers appropriate, enter a feral animal control area at any time and do anything necessary or expedient for the investigation, control or eradication of a feral animal in the area (s51).
		Grant or refusal to grant permit (s56).	Park or reserve.		(1) Subject to this Part, the Director may grant or refuse to grant a permit having considered and taken into account (s56). Principles of management (s31): (3) Feral animals are to be managed in a manner that: (a) reduces their population and the extent of their distribution within the Territory; and (b) controls any detrimental effect they have on wildlife and the land (31). Feral animal control areas (s48). If, in the Minister's opinion, wildlife or an area of habitat, ecosystem, vegetation or landscape is or soon will be threatened by the presence of a feral animal, the Minister may declare an area of land in respect of the wildlife, habitat, ecosystem, vegetation or landscape to be a feral animal control area (s48).
		Requires permission to enter (s60).	Unalienated Crown land (s60).	A permit holder or nominee (s60).	To enter onto land to carry out the activities authorised by the permit without the consent of the owner or the occupier of the land or, in the case of unalienated Crown land, the Minister responsible for the administration of the <i>Crown Lands Act</i> (60).

7.3.1 Which regulations govern access to land where camels exist?					
Jurisdiction	Key Legislation	What rights of access do people have on to the land	What type of land tenure does the legislation refer to?	Who has access?	What are the terms and conditions
Northern Territory (cont.)	<i>Territory Parks and Wildlife Conservation Act</i> (cont.)	Requires permission to enter (s60). (cont.)	Unalienated Crown land (s60). (cont.)	A permit holder or nominee (s60). (cont.)	Permit holder is owner of wildlife taken under permit (s62). If wildlife is taken by a person under a permit, the wildlife becomes the property of the holder of the permit and, subject to any lawful agreement or other lawful arrangement the holder has entered into that affects his or her rights and interests in the wildlife, the holder may lawfully deal with that wildlife as its owner (s62).
		Power to enter land (s112). Shall not enter upon.	Any land (s112). Private land.	The Director and such assistants.	Power to enter land (s112): (1) The Commission may authorise the Director, with such assistants, plant, machinery and equipment as he thinks fit, to enter any land to (s112); (b) examine the wildlife located on the land for the purposes of: (v) declaring a feral animal control area (s112). (2) The Director shall not enter upon private land in pursuance of an authority given under (ss1) until after he has given reasonable notice to the occupier of that land that he has been authorised under this section to carry out an investigation (s112). Traditional use of land and water by Aboriginals (s122): (1) nothing in or under this Act limits the right of Aboriginals who have traditionally used an area of land or water from continuing to use that area in accordance with Aboriginal tradition for hunting, food gathering (otherwise than for the purpose of sale) and for ceremonial and religious purposes (s122). The operation and effect of this act is subject to the <i>Native Title Act 1993 of the Commonwealth</i> (s122).

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Northern Territory (cont.)	<i>Territory Parks and Wildlife Conservation Act</i> (cont.)	To enter the area.	Park, reserve, area of essential habitat or sanctuary.	Authorised person named therein.	Authorised destruction of feral animals in park, etc (s113). (1) Notwithstanding anything contained in this Act, if the Director is satisfied that feral animals are present in a park, reserve, area of essential habitat or sanctuary in such numbers that the habitat is being affected or the survival of wildlife in the area is imperilled, he/she may destroy or, by an authority in writing, he/she may authorise the destruction of, such a number of those feral animals as is, in his or her opinion, necessary to ensure the preservation of the habitat or of the wildlife in the area (s113). (2) An authority given under (ss1) authorises the person named therein to enter the area named in the authority, to take firearms and traps into the area named in the authority and to take, capture, kill and have in his or her possession animals in the area named in the authority (s113). (3) In this section feral animal includes an animal of a domesticated species which is living in a wild state (s113).
		Access to parks and reserves (s6). Commission has power to prohibit access (s6(1)).	Park or reserve or part of a park or reserve.	A person.	Park or reserve includes land committed under a law of the Territory to the care, control and management of the Commission or which, under section 76(1) of the <i>Crown Lands Act</i> , may be managed, regulated or controlled by the Commission (s3). Penalty: \$1000.
	<i>Stock Routes and Travelling Stock Act</i>	Applies only for the purpose of enabling the person in charge of stock (s27).	Stock route.	Public.	(a) to drive the stock onwards in order to reach a stock route which leads to or towards the destination to which the stock are being driven(s27); or (b) to drive the stock towards their destination where there is no reasonably practicable stock route which leads to or towards that destination (s29).

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Northern Territory (cont.)	Stock Routes and Travelling Stock Act (cont.)	Shall move stock depastured on the holding (s30).			Where a notice has been served to (s28), the owner of the holding to be crossed shall move stock depastured on the holding to such a distance from the proposed route of the travelling stock as is reasonably necessary to prevent the stock mingling with the travelling stock (s30). Penalty: \$250.
		Before entering the holding, give notice in accordance with (ss2).	Land which is a holding or to drive stock along a stock route through a holding.	A person.	Where a person proposes, pursuant to (s27), to drive stock across land which is a holding or to drive stock along a stock route through a holding, the person in charge of the stock shall give notice. Penalty: \$500. A notice under this section (s28(2)).
		Control of public watering place (s33).			Subject to this Act, public watering places are under the control and management of the Chief Inspector (s33).
		Minister's power to grant licence over public watering place (s34).			Where the Chief Inspector certifies in writing to the Minister that, during the last preceding 5 years, the average number of travelling horses, cattle, and camels which have been watered at a particular public watering place has not exceeded 15 000 head per annum, the Minister may, notwithstanding the provisions of any other law in force in the Territory, but subject to this section, grant a licence to a person to water stock at the public watering place (s34(1)).
					(2) A licence granted under this section: (a) shall not be for a period of less than one year nor for a period of more than 5 years.

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Northern Territory (cont.)	Stock Routes and Travelling Stock Act (cont.)	Minister's power to grant licence to agist stock (s34A).			The Minister may, notwithstanding the provisions of any other law in force in the Territory, but subject to this section, grant a licence to a person to agist stock on land, or part of land, reserved under (s76) of the <i>Crown Lands Act</i> for stock routes and travelling stock (s34A(1)).
		Minister's power to grant watering and agistment licence (34B).			(2) A granted under this section: (a) shall not be for a period of less than one month nor for a period of more than 6 months; (b) shall specify the maximum number of stock to be agisted on a specified area of land reserved; (c) same as for s34(2)(c). (3) same as for s34(3).
		Chief Inspector's power to grant licence over public watering place (s35).			Where a public watering place is not subject to a licence under (s34), the Chief Inspector may, notwithstanding the provisions of any other law in force in the Territory, but subject to this section, grant a licence to a person who owns or occupies a holding adjacent to the public watering place, to water stock at the public watering place (s35(1)). (2) A licence granted under this section" (a) shall not be for a period exceeding 6 months; (d) subject to such conditions and restrictions as are prescribed by the Chief Inspector (s35).
		Drover to have way-bill (s37).			A drover shall not drive stock on the hoof: (a) unless he carries a way-bill relating to those stock; or (b) unless the stock are driven within the boundaries of a holding or land on which the stock are ordinarily kept or depastured or are placed for agistment and are not driven more than 24 kilometres along a stock route. Penalty: \$1000.

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Northern Territory (cont.)	Stock Routes and Travelling Stock Act (cont.)	Stock not to be transported until way-bill issued (s38).			An owner of stock shall not cause or suffer stock to be driven on the hoof, or transported by railway, vehicle, vessel, or aircraft unless: (b) a way-bill relating to those stock has been issued (s38) Penalty: \$1000.
		Enter upon those lands (s55A(1)).	Another person's lands (including lands leased from the Crown to that other person) (s55A(1))	The owner of his/her stock or agent (s55A(1))	Offences relating to driving away stock (s55A): (1) Subject to (ss2), the owner of stock (or his/her agent) may, when any of his/her stock are upon the lands of any other person (including lands leased from the Crown to that other person), enter upon those lands and drive his/her stock off the lands of that other person (s55A(1)). (2) The owner of stock (or his/her agent) shall, before entering upon the lands of any other person give to that other person not less than 2 days nor more than 7 days notice in writing of his/her intention to enter upon those lands and drive his/her stock off those lands and shall specify in the notice the place at which he intends to enter upon and also the place at which he intends to leave those lands (s55A(2)). Penalty: \$1000 or imprisonment for 6 months.
		Enter upon Aboriginal land (s55A(5)).			Where the owner of stock (or his/her agent) has given notice in accordance with (ss2) of his/her intention to enter upon land that is Aboriginal land, within the meaning of the <i>Aboriginal Land Act</i> , he and such persons employed by him as are reasonably necessary to assist him for the purpose of driving his/her stock off that land may enter upon that land and drive off that stock in accordance with the notice, notwithstanding that he or any of them does not hold a permit under that Act to enter or remain on that land (s55A(6)). Minister may declare animals to be stock (s56): The Minister may, by notice in the Gazette, declare a species of animal to be stock for the purposes of this Act (s56).
		Entry upon land shall be taken to include entry into the airspace above land (s55A(6)).			

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Northern Territory (cont.)	<i>Northern Territory Aboriginal Sacred Sites Act</i>		Nil but provides it is an offence to destroy a site and provides for registration of sites.	Owner/occupier of land.	Offence to enter without permission of custodians or Minister (s43).
New South Wales	<i>Access to Neighbouring land Act 2000 No 2</i>	Persons who may apply for a neighbouring land access order to a local Court with the consent of the person on whose behalf the work is to be carried out (s7(2)).	Land includes a stratum or air above or a stratum of soil below the surface on the earth (s3) Definitions.	Owner includes a joint owner or an occupier (s3) Definitions.	Access order means a neighbouring land access order or a utility service access order (s3) Definitions. Neighbouring land access order made under this Act authorising access to adjoining or adjacent land (s3) Definitions. Utility service means a sewerage, drainage, water, gas, electricity or telephone service or other service prescribed by the regulations for the purpose of this definition (s3) Definitions. Subject to access restriction in other legislation (s5). Does not apply to land under <i>National Parks and Wildlife Act</i> (s6).
<i>Crown Lands Act 1989</i>					
		Crown land means land that is vested in the Crown or was acquired under the <i>Closer Settlement Act</i> as in force before their repeal, not in either case being: (a) land dedicated for a public purpose, or			A person shall not, without lawful authority: (a) graze stock on public land (b) drive stock on public land (s155).
		Vacant public land.		The Minister and authorised person.	For the purposes of the <i>Impounding Act 1993</i> , the Minister shall be taken to be the occupier and in exclusive possession of vacant public land (s166(3) & (4)). An authorised person may, on behalf of the Minister, take proceedings for the trespass committed on the vacant public land by animals impounded by virtue of this section (s166(3)).

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New South Wales (cont.)	Crown Lands Act 1989 (cont.)	Entry to.	Any land that is the subject of a Crown tenure (s168c(a)).	By an authorised inspector.	For the purpose of determining whether the landholder is complying with:
			Any private land (s168C(1)(b)).		(ii) any of the requirements of the <i>Crown Lands Act</i> that apply in relation to the land (s168C(1)).
			Any other land owned or occupied by a landholder (s168c(c)).		(b) determining whether the landholder is complying with the restriction on use or covenant, or the recorded condition, to or in respect of which the land is subject (s168C(1)(b)).
		Gaining access to.			- for the purpose of gaining access to land that is the subject of a Crown tenure, or is private land, owned or occupied by that land holder (s168C(1)(c)).
		May enter.	Land under (ss1) only if (s168C(2)).	An authorised inspector.	(a) the landholder consents, or (b) the Director-General has authorised the entry onto the land (s168C(2)). While on any land that the inspector has entered under (ss1)(a) or (b); (a) conduct such investigations, make such inquiries, examinations and inspections (s168C(3)).
	National Parks and Wildlife Act 1974	General right of access (subject to any plan of management in force with respect to the lands) a right of access to the lands in accordance with this Act and the regulations (s71AD (m)).	Aboriginal land under the Act with leaseback to the Minister for co-managed national parks (s71C). National Parks, Conservation areas. Regional Parks, Nature Reserves and other forms of protected areas.	Any person.	The Director-General has the care, control and management of all national parks and historic sites except as provided by (ss2).

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New South Wales (cont.)	<i>National Parks and Wildlife Act 1974</i> (cont.)				Licences do not authorise entry etc (s136). Where, had this Act not been enacted: (a) the consent or permission if any person would have been required for entering any lands or doing any act on or in respect of any lands, the issue of a licence under this Part does not authorise the entering of those lands, or doing of that act on those lands, without that consent or permission, or (s136).
		Powers of entry and seizure (164).	Any such premises or vehicle.	An authorised person (164(1)).	(a) may at all times, if she or he suspects on reasonable grounds that an offence against any of the provisions of this Act or the regulations has been or is being committed and that any animal, native plant, Aboriginal object or article in respect of which the suspected offence has been or is being committed (s164).
	<i>Rural Lands Protection Act 1998.</i> Rural Lands Protection (General) Regulations 2001	Wide ranging access re all matters to do with pest control (s143).	All land including Public and Private land (s143 (6)).	Authorised officers (s182).	When a declared pest on the property, but camels not a declared pest in NSW.
	<i>Non-Indigenous Animals Act 1987</i>	Powers of entry for breach of Act keeping/releasing a controlled category animal (camel if declared, as s3 definition of animal includes camel).	Enter any land or premises Any licensed accommodation or any premises or vehicle where the Officer reasonably believes that a provision of this Act or the regulations has been or is being contravened (s23).	Authorised officers.	(i) examine any animal or inspect the accommodation for any animal, and (iii) generally inspect such things and make such inquiries as may be necessary to ascertain whether the provisions of this Act or regulations are being complied with (s23). (2) nothing in this section authorises an authorised officer to enter any premises or a part of any premises used as a dwelling without a warrant under (s24).

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New South Wales (cont.)	<i>Aboriginal Land Rights Act 1983</i>	No special provisions of permit system.	Fee simple or perpetual lease under <i>Western Lands Act, 1901</i> (ss36 (9)), (9A)).		Access subject to normal law of the titles held, e.g. Western Land Lease.
	<i>Western Lands Act 1901</i>	Reservations in favour of the Crown necessary or proper for giving effect to any Act or regulation for the time being in force (Schedule 1 (q)).	Leasehold.	Government officers or authorised persons.	The unrestricted right for the Minister, the Commissioner, or any persons duly authorised in that behalf to enter upon and examine such land and the improvements thereon (Schedule 1(m)). To permit the Commissioner and all persons authorised by the Minister or the Commissioner to enter and view the whole or any part of the lease or buildings or other improvements thereon (Schedule 1(l)).
South Australia	<i>National Parks And Wildlife Act 1972</i> National Parks and Wildlife (Witjira National Park) Regulations 2007 National Parks and Wildlife (Vulkathunha--Gammon Ranges National Park) Regulations 2005 National Parks And Wildlife (Unnamed Conservation Park--Maralinga Tjarutja Lands) Regulations 2004	Access requires permission of Director or Board for Co-management area.	National Parks include co-managed parks with Aboriginal TOs.	Access is in accordance with co-management agreement.	Provision for prohibited areas within a park or reserve, which then requires permit.

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South Australia (cont.)	Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981	It is an offence to enter the land (s19). Permit to enter can be granted or refused by APY (s19).	Inalienable freehold.	Access is allowed without permit for police officers in the execution of their duties, or for an emergency.	With notice of time, place and purpose (19(9)). For any other officer appointed pursuant to statute carrying out statutory duties; a person acting under the authority of the Minister; a member of the Minister's Department; a person assisting any of the above; (s19). Can reside on the land where that is necessary to carry out relevant duties (s19A). APY may object to this authorised access and the Minister shall revoke it unless satisfied it should stay in place despite the objection from APY (s19 (10)).
	Maralinga Tjarutja Land Rights Act 1984	All non-Traditional Owners who enter the land without permit commit an offence (s18). Written Permit required (s18). Road reserves listed in Schedule 3 and Unnamed Conservation Park.	Inalienable freehold.	Police officer acting in course of duties, or in an emergency (s18 (11)). An Aboriginal person with the consent of traditional owner.	Reasonable notice as to time and place for: • Other officer appointed pursuant to statute carrying out official duties • A person with written authority of Minister to carry out functions of Minister or instrumentality of Crown or Government Department. Subject to MT objection to such access and Minister shall revoke unless satisfied are sufficient reasons for the authorisation to continue (s18 (13)).
	Pastoral Land Management and Conservation Act 1989	Enter the land, carry out an inspection, take samples, take photographs, carry out work authorised by the Board (s61 (1)).	Pastoral Leases.	Authorised officers (s61). Member of Pastoral Board. Minister and person authorised by Minister.	Reasonable notice unless not practicable to do so or where an offence has or is about to be committed or breach of lease conditions has or is occurring (s61 (2)).
	Natural Resources Management Act, 2004	Access for purpose of dealing with control of camels.	Applies to all land titles. Whole of SA declared control area re feral camels.	Authorised officers can enter and size and destroy animals (s69 (p)). A Regional NRM Board can enter and occupy land (s32).	Two day's notice unless emergency, then such notice as can be reasonably given. Forcible entry can be authorised by a magistrate (s32).
	Crown Lands Act 1929	To obtain information regarding the land for purposes of the Act (s19).	Crown land but does not include freehold, leasehold or dedicated land for public purposes.	Board or person authorised by Board can enter land.	Reasonable notice (s19 (a)).

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Queensland	<i>Land Protection (Pest and Stock Route Management) Act 2002</i>	Rights of entry may be granted by permit or license (s57(1)) and include ingress, egress and regress, in, onto, over, upon and out of the land as may be necessary (s57(1A)).	State forests.	Dependent on specific permit or license.	Route of entry may be determined by selector, lessee or holder of the land (s57(2)).
		A pest fence may be built on or as near to as practicable to the building line (s48(1)).	A regulation may fix the building line for a declared pest fence, for any land (47(1)).	Building Authority (s48(1)).	Entry onto another person's land is permitted to clear, repair and maintain the fence (s50(2)(b)).
		A pest controller may be authorised to enter onto land with persons, equipment and materials required for the action (s81(1)-(2)).	Applies to land for which a Pest Control Notice has been issued (s78).	Pest Controller (Schedule 3 Dictionary).	To enter onto another's land, the building authority requires the owner's consent (s51(1)-(5)).
				Feral camels not declared pest in Qld.	
				Where a landowner does not comply with the obligation to keep land free of pest (s77), a Pest Control Notice may be issued (s78).	
					If the notice is not complied with, an Entry Notice may be issued (s80), permitting a pest controller to enter onto the land to take reasonable action against the pest.
		An authorised person may destroy a dog (s95(2)).	Land that is not in an urban district.	Authorised person.	This provision applies where a dog is not under control (s95(1)(a)) or is attacking or about to attack, stock on land (s96(1)(b)).
		When an emergency control of a pest is declared (s87), a pest controller may enter the specified land.	The authorisation applies to areas in which the declared pest is present (s87(a)).	Pest Controller (Schedule 3 Dictionary).	The pest controller's authorisation to enter land may be exercised with the owner's consent (s88(1)) or conditionally, without the owner's consent (s88(2)(a)-(b)).
		To enter land with persons, equipment and materials to take pest control actions (s81 (2)).	All Landowners where pest control orders made. Offence to obstruct pest controller without reasonable excuse (s81 (3)).	Pest Controller (Schedule 3 Dictionary) II.	At reasonable time enter the owner's land at a date stated on entry notice for failure to act regarding declared pests (s81 (1)).

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Queensland (cont.)	<i>Land Protection (Pest and Stock Route Management) Act 2002</i> (cont.)	Stock route agistment.	Relevant land (Schedule 3) in the local government's area (s116(1)).		Conditions under which a person may apply s116(2). Subject to s122(3), the agistment period is 7 days (s120(a)), see s116(2)(b) for conditions) or 28 days (s120(b)). Applications for renewal may be made under s122. Agistment conditions which may or must be imposed (s126(1)–(3)). Issuing entity may impose any reasonable condition it decides (s126(1)). The holder of the stock route agistment may apply to have the conditions amended (s127). Cancellation of a stock route agistment may occur on certain grounds (s128(1)(a)–(c)), including failing to comply with conditions. Applications for stock route travel permits are subject to s134–139. A stock route travel permit remains in force for the term stated in it (s138). Stock route travel permits are subject to a variety of conditions which may or may not be imposed (s142). An application may be made to amend the conditions of the permit (s143). Cancellation and review of permits is provided for in s144 and s145. Stock must be moved at not less than 10 km per day unless otherwise stated (s147). Refer to sections 148–188 for management of stock routes.
		Stock may be moved on foot with a permit (s132) or conditionally (s133) without a permit.	The permits apply to relevant land (Schedule 3) in a local government's area.	Permit holder and non-permit holder subject to s133.	
		An authorised person may enter a place with the owners consent (s251(1)(a) and s252), conditionally without consent (s251(2)) or with a warrant (s254–257).	A place other than a vehicle.	Authorised person (s244).	Generally, the conditions and the requirements for entry relate to the nature of the monitoring and/or enforcement (of the Act) to be undertaken by the authorised person. Refer to sections 251–257 for details.

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Queensland (cont.)	<i>Vegetation Management Act 1999</i>	An authorised officer may enter a place subject to conditions (s30).	A place.	Authorised officer (s24).	Conditions: If the occupier of the place consents (s31(1)(a)); The place is a public place and open to the public (s31(1)(b)), The place is the subject of (s31(1)(c)): (A) development approval; (B) a lease, license or permit under the <i>Land Act 1994</i> ; (C) a compliance notice; (D) an enforcement notice under the <i>Planning Act</i> relating to the contravention of a vegetation clearing provision. Entered during daylight hours (s31(1)(c)(iii)). For the purpose of issuing a notice, requiring immediate compliance (s31(1)(d)). The entry is authorised by a warrant (s31(1)(e)). Warrants s33—35. A place may be entered in order to contact the occupier in order to ask for consent to enter (s31(2)). Entry under s31(1)(a) and s31(2) are subject to the requirements of s32.
<i>Land Act 1994.</i>					
		s400 (1)(a) enter on land at any reasonable time;	All tenures except freehold title.	Authorised person.	s400 (3) Before entering non-freehold land, the authorised person must:
		(b) inspect the land and the uses made of the land;	Freehold requires consent.		(a) obtain the agreement of the occupier or, if there is no occupier, the lessee, licensee, permitted or trustee; or
		(c) photograph or film anything on the land;	Pastoral Leases (ss472, 473).		(b) give at least 14 days notice to the person mentioned in paragraph (a) of:
		(d) take samples of or from anything on the land;			(i) the authorised person's intention to enter on the land; and
		(e) do anything reasonable and necessary to exercise a power under paragraphs (a) to (d).			(ii) the proposed purpose in entering on the land; and
					(iii) the day and time when the person proposes to enter the land.

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Queensland (cont.)	Land Act 1994. (cont.)			(4) Subsections (2) and (3) do not apply if: (a) the land is trust land, land in a lease, licence or permit or freehold land containing a reservation for a public purpose; and (b) the authorised person believes, on reasonable grounds, that the terms or conditions of the trust, lease, reservation, permit or licence applying to the land or this Act are not being complied with. (5) In exercising a power under subsection (1), an authorised person must take all reasonable steps to ensure the person causes as little inconvenience, and does as little damage, as is practicable. (6) To remove any doubt, it is declared that this section does not authorise the entry of a building or other structure used for residential purposes.
	Native Title (Queensland) Act 1993	Access to beds and banks or foreshore of waterways (s18(b)), stock routes (s18(da)) and areas that were public places at 31 Dec 1993 (s18(e)).	Native Title.	The public.
	Nature Conservation Act 1992		Protected areas (s14).	A lease, agreement, licence, permit or other authority over or in relation to land in a protected area may be granted, made or issued (s34). If a protected area is reclassified according to s14, it will result in the cancellation of any licence, permit or other authority, to the extent to which it contravenes a regulation giving effect to the new management plan.
		Denial of access (s99(1)(b)).	Any land.	A person must not enter or be on any land for the purpose of taking wildlife (s99(1)(b)). Section 99(1)(b) does not apply to a conservation officer who has entered land under Part 9 (s144–159) to exercise power under that Part.

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Queensland (cont.)	Nature Conservation Act 1992 (cont.)	No additional right to enter land (s98).	Any land.	The holder of a licence, permit, or other authority, an Aborigine or Torres Strait Islander (s98).	The Act does not grant a right to enter any land for the purpose of taking wildlife without the consent of the land holder.
		Entry to land, day or night, to exercise the powers set out in s147 (s145). Subject to s145(2)(a)–(d).	A 'place' as defined in the Schedule Dictionary.	Conservation Officer place (Schedule Dictionary).	The time of the day or night must be reasonable (s145(a)). Entry is subject to s145(2), which requires the occupier of the place to: (a) consent to the entry of the exercise of power (b) a warrant under section 148 which authorises the entry or exercise of power (c) (i) the place is an area to which the public are admitted and entry is made during opening hours or the place is subject to a licence under a regulation and entry is made when the place is open for entry; and (ii) it is not used exclusively for residential purposes.
		Entry to land, day or night, to exercise the powers set out in s147 (s145) in order to search for evidence of offences (s146). Subject to s146(3).	A 'place' as defined in the Schedule Dictionary.	Conservation Officer place (Schedule Dictionary).	The Conservation Officer must have either the consent of the occupier of the place, or have a warrant under s148 which was issued in relation to the evidence s149 (s146(3)). A Conservation Officer who enters a place under Part 9 has powers to search, examine and inspect anything in or on the place (s147).
		Entry onto land to inspect, carry out research or reporting (s154).	'Land' as defined in the Schedule Dictionary.		The Conservation Officer has the authority to enter any land at any reasonable time (s154(1)), subject to s154(2)–(5). Before entering land, the Officer must take all reasonable steps to obtain the consent of the landholder, or give 14 days written notice of the intention to enter (s154(2)).

7.3.1 Which regulations govern access to land where camels exist?					
Jurisdiction	Key Legislation	What rights of access do people have on to the land	What type of land tenure does the legislation refer to?	Who has access?	What are the terms and conditions
Queensland (cont.)	Nature Conservation (Protected Areas Management) Regulations 2006	A permits system allows for a variety of activities.	Land which comes under the <i>Nature Conservation Act 1992</i> .	Reliant upon the nature of the permit.	s62: Permits to enter national parks for scientific purpose, authorises the permit holder or a relevant person to enter the national park and carry out the activity specified in the permit. s63: A commercial activity permit authorises the holder of the permit or a relevant person to conduct the activity stated in the permit in specified the protect area. Other permits include: s66: Permits to solicit donations of information, s67: Group activity permits, 68: Permits to use recreational craft.
		A person must not unlawfully enter or remain in a restricted area (s88).	Restricted areas (s73).		Unlawfully (without a permit) may include: • Grazing stock (s89) • Grazing other animals (s90) • Mustering stock (s91) • Travelling stock (92) s93–s101. all activities which require a permit.
		A permits system allows for a variety of activities.	Land which comes under the <i>Nature Conservation Act 1992</i> .	Reliant upon the nature of the permit.	Chapter 3: Taking, using, keeping or interfering with cultural or natural resources. s24: Restrictions on the grant of a permit for scientific purposes: • the taking, using or interference with the nature resource must be sustainable. s25(1): Restrictions about persons to whom permit may be granted: • (d) The person must have appropriate qualifications, experience and be able to show the relevance of the activity to the research.

7.3.1 Which regulations govern access to land where camels exist?					
Jurisdiction	Key Legislation	What rights of access do people have on to the land	What type of land tenure does the legislation refer to?	Who has access?	What are the terms and conditions
Queensland (cont.)	Nature Conservation (Protected Areas Management) Regulations 2006 (cont.)	A permits system allows for a variety of activities.	Land which comes under the <i>Nature Conservation Act 1992</i> .	Reliant upon the nature of the permit.	s25(2): A similar provisions to (1), but refers to corporations. s26: The scientific purpose must be genuine and can only reasonably be conducted in a protected area. s27: A resources permit allows the permit holder or a relevant person to (1) take, use, keep and interfere with particular resources authorised in the permit, (2) enter and remain in a restricted area; (3) but not to enter or remain in an area closed to the public. Division 2 Restrictions on the grant of a permit: s50: The grant of a permit must be consistent with the management principles and plan for the area. s52(1): A prescribed activity permit allows the permit holder or relevant person to enter and conduct the activity prescribed in the restricted area. (2) prescribed activity permit means: (a) a stock grazing permit, (b) a stock mustering permit, (c) a permit to enter national park (scientific), (d) a commercial activity permit; and (e) a group activity permit. s53: An activity permit does not authorise the permit holder or relevant person to enter into or remain in an area closed to the public. s55: A restricted access area permit authorises the holder of the permit or a relevant person to enter the restricted area for the purpose stated in the permit. s56–57: A stock grazing permit may only be granted for a conservation park or resource reserve. s58–59: Stock mustering permits may be issued for protected areas and horse, dogs and vehicles may be authorised for the purpose. s60: A stock travelling permit may not be issued for a national park.

7.3.1 Which regulations govern access to land where camels exist?					
Jurisdiction	Key Legislation	What rights of access do people have on to the land	What type of land tenure does the legislation refer to?	Who has access?	What are the terms and conditions
Queensland (cont.)	Aboriginal Communities (Justice and Land Matters) Act 1984	Access land in order to carry official duties (s10).	Community Government Areas (Local Government (Community Government Areas) Act 2004, Schedule 4).	Police Officers.	A police officer may only enter the land for the purpose of discharging their duties. The duties, functions and powers of a police officer in a community government area are the same as for any other part of Queensland (s9).
		A person may not enter or be in a trust area other than as permitted by this part (Part 6).	Trust Area (s48), which is land within a community government area (Schedule 4).	A person.	(1) A person may, for a lawful purpose, enter and be in a place within a trust area if: (a) the place is an accessible place (s50(7)); or (b) the place is another place that the community government for the trust area has decided, by resolution, is a place to which persons who are not residents of the trust area may have access. (2) May enter a trust area if the person enters or is in the place as a guest, or at the request of, a resident of the trust area. (4) A resolution may be made under subsection (1)(b) for a place that is Aboriginal land only with the written consent of the grantee of the land. (5) Subsection (6) applies to a person if: (a) the person: (i) is not a resident of a trust area; and (ii) is permitted under the <i>Aboriginal Land Act 1991</i> to enter and be on Aboriginal land (the Aboriginal land area); and (b) the Aboriginal land area is situated within the trust area. (6) The person may enter and be in another part of the trust area for the purpose of entering the Aboriginal land area.

7.3.1 Which regulations govern access to land where camels exist?					
Jurisdiction	Key Legislation	What rights of access do people have on to the land	What type of land tenure does the legislation refer to?	Who has access?	What are the terms and conditions
Queensland (cont.)	Aboriginal Communities (Justice and Land Matters) Act 1984 (cont.)	The community government may, by resolution, impose restrictions on entry (s52).	Trust Area (s48), which is land within a community government area (Schedule 4).		(1) a community government for a trust area may, by resolution: (a) restrict the number of persons who may enter and be in a place within the trust area under section 50(1)(b) or (2); or (b) restrict the time for which a person may live at a place within the trust area under section 50(1)(b) or (2). (2) A community government may make a resolution under subsection (1) only if the presence of the persons has resulted, or is likely to result, in an unsustainable use of resources or services in the area including, for example, the water supply or garbage service.
		General authority to enter a trust area (s53).	Trust Area (s48), which is land within a community government area (Schedule 4).	53(1) (a) a member of the residing Aboriginal community; (b) a person authorised and required by the Act; (c) a person authorised by a community government local law.	A local law authorising a person to enter a trust area under s53(1)(c), may only be made with the written consent of the grantee.
		Entry onto and temporary stay in a trust area (s54).	Trust Area (s48), which is land within a community government area (Schedule 4).	(a) G-G (b) a person providing medical aid (c) An MP for instructive purposes (d) Election candidate (e) A person assisting an (a)–(d) person.	s54 Without limiting section 53, the following persons are authorised to enter, be in and live in a trust area until the purpose of their entry to the area is fulfilled: (b) a person whose purpose in the trust area is to bring to residents of the trust area medical aid; (c) a person whose purpose in the trust area is to instruct himself or herself on affairs within the trust area as a member of the Legislative Assembly of Queensland or of either House of the Parliament of the Commonwealth; (d) a parliamentary candidate in the course of a campaign; (e) a person who is assisting, or is acting under the direction or control of, a person mentioned in paragraphs (a) to (d), while the person mentioned is in the trust area

7.3.1 Which regulations govern access to land where camels exist?					
Jurisdiction	Key Legislation	What rights of access do people have on to the land	What type of land tenure does the legislation refer to?	Who has access?	What are the terms and conditions
Queensland (cont.)	Aboriginal Land Act 1991	Preservation of existing rights to access and cross coastal lands (s82).	Areas of coast which become Aboriginal land.	Persons generally (s82(b))	The right to access and cross land which existed prior to the land becoming Aboriginal land continues as if the land had not become Aboriginal land.
		A continuation of existing rights to use and occupy land (s84).	Aboriginal land (s10) Freehold or leasehold.	The Crown.	If the land which becomes Aboriginal land was previously being used or occupied by the Crown, in right of the State or Commonwealth, the Crown is entitled to continue to use and occupy the land for such period as it is required (s84(1)).
		A right to gain access to s84 land by crossing Aboriginal land (s86).	Aboriginal land (s10) Freehold or leasehold.	Officers, employees, agents and servants of the Crown and its licensees and invitees (s86(1)).	The crossing of Aboriginal land may be done with vehicles, etc, and the route taken must have been commonly used prior to becoming Aboriginal land (s86(2)(a)) or agreed to by the grantees (s86(2)(b)).
		Continued right to use and enjoy land (s21).	Land on which Aboriginal cultural (s8) heritage is located on the surface of the land (s21(1)).	Persons permitted by the tenure of the land.	Agreement by the grantees is subject to s86(3). The owner or occupier of the land is entitled to the use and enjoyment of the land insofar as it does not unlawfully harm the cultural heritage.
			An authorised officer has conditional power to enter places (s128).	An authorised officer (s121).	Section 128(1): An authorised officer may enter a place with (a) the consent of the occupier, (b) the place is a public place, or (c) the entry is authorised by a warrant. Section 128(2): For the purpose of gaining the consent of the occupier, an authorised officer may enter land, (a) to the extent to which it is reasonable, or (b) is an area considered ordinarily accessible by the public.
Aboriginal Cultural Heritage Act 2003	Continued right to use and enjoy land (s21).	Land on which Aboriginal cultural (s8) heritage is located on the surface of the land (s21(1)).	Persons permitted by the tenure of the land.	The owner or occupier of the land is entitled to the use and enjoyment of the land insofar as it does not unlawfully harm the cultural heritage.	

7.3.1 Which regulations govern access to land where camels exist?					
Jurisdiction	Key Legislation	What rights of access do people have on to the land	What type of land tenure does the legislation refer to?	Who has access?	What are the terms and conditions
Queensland (cont.)	Aboriginal Cultural Heritage Act 2003 (cont.)	An authorised officer has conditional power to enter places (s128).		An authorised officer (s121).	s128(1) An authorised officer may enter a place with (a) the consent of the occupier, (b) the place is a public place, or (c) the entry is authorised by a warrant. s128(2) For the purpose of gaining the consent of the occupier, an authorised officer may enter land, (a) to the extent to which it is reasonable, or (b) is an area considered ordinarily accessible by the public. Entry Procedure s129; Warrants s130–133.
		Access may be granted for cultural heritage activity (s153).	Land to which the cultural heritage activity relates.	The persons authorised by the grant. May extend to agents/employees s153(2)–(3).	(2) If the person is authorised under another Act to enter the land to carry out activities for a project, and the cultural heritage activity is a necessary complementary or ancillary activity to the project: (a) the person is also authorised to enter the land to perform the cultural heritage activity; and (b) unless otherwise agreed between the person and the owner or occupier, the conditions of access that apply are the same conditions of access that apply under the other Act. (3) The authority given to the person under subsection (2) extends to agents and employees of the person acting under the authority of the person. (4) If the person is the sponsor for a cultural heritage management plan, the authority also extends to endorsed parties for the plan and their representatives, if their access to the land is: (a) required and (b) approved by the sponsor.
	Environmental Protection Act 1994	A general but conditional right of entry by an authorised person (s452).	A place.	An authorised person (Schedule 3).	s452(1) An authorised person may enter a place (a) with the consent of the owner or occupier, (b) if it is a public place open for business, (c) is a place to which an environmental authority relates, if it is subject to development approval/environmental compliance, (d) is a place where industry is conducted, (e) entry is authorised by a warrant s456), (f) is authorised by a Magistrate to conduct work on the land of an environmental nature or (2) to ask the consent of the occupier to enter.

7.3.1 Which regulations govern access to land where camels exist?					
Jurisdiction	Key Legislation	What rights of access do people have on to the land	What type of land tenure does the legislation refer to?	Who has access?	What are the terms and conditions
Queensland (cont.)	<i>Environmental Protection Act 1994</i> (cont.)	Entry may be permitted onto land to gain access to other land.		An authorised person (Schedule 3).	The authorised person may take onto or over the access land anything the person requires for the exercising of power under s460, if the person has (s455(2)): (a) the consent of the occupier, (b) given at least 5 days notice, or (c) without consent, where there is a belief based on reasonable grounds that there is an imminent risk of environmental harm.
	<i>Forestry Act 1959</i>	Permits s35: (a) to occupy (b) to camp (c) to graze stock (d) for apiary sites.	Land comprised in any State forest.	Depends on permit (a), (c) and (d). (b) the person specified on the form (s(351)(d)).	Permits to occupy and graze stock are generally for periods less than 7 years (s35(1)(a) and (d)). Grazing permits may be extended (s35(3)). Section 35A: The conditions on which a camping permit are issued.
		Entry may be prohibited (s76).	A State forest or timber reserve.		The Minister may prohibit access to a State forest, timber reserve or part thereof (s76(1)). A person under authority conferred by s39A and the owner/lessee are exempt under this section insofar as the respective permits allow.
		May enter land for the purpose of giving effect to provisions within the Act (s81).	State Forests.	A person performing duties under the Act, or other authorised person (s81).	Entry must be for the purpose of carrying out a function related to and in accordance to the Act (s81(a)–(b)).
	<i>Forestry Regulations 1998</i>	A person must not drive a vehicle or take a horse into or out of a recreational area.	Recreation areas.	A person.	This is subject to the condition that it will be permissible to do so if there is a regulatory notice that designates a gateway or opening as a place for vehicles or horses.
Western Australia	<i>Aboriginal Affairs Planning Authority Act 1972</i> (s32(c), (d)).	Limited – permit required generally.	Part III of AAPA Act Aboriginal Reserves	No permit required for: • a person exercising a function under this Act • a person acting in pursuance of a duty imposed by law • a person authorised in that behalf under the regulations.	

7.3.1 Which regulations govern access to land where camels exist?					
Jurisdiction	Key Legislation	What rights of access do people have on to the land	What type of land tenure does the legislation refer to?	Who has access?	What are the terms and conditions
Western Australia (cont.)	Aboriginal Affairs Planning Authority Act Regulations 1972 (Reg 7)			Members of the police force, public health officials, and officers of public authorities are persons authorised, if and so long as any such authorised person so enters and remains for the purpose of the lawful exercise and performance of the functions and duties appertaining to his/her office to the degree permitted in the community in general.	
	<i>Aboriginal Heritage Act, 1972 (ss19.20)</i>	Permission required.	Protected areas – not a form of land tenure but can be made over any form of land title public and private. Provides for exclusive possession held by Minister on behalf of the Crown (s22).	Access granted by Minister.	An Offence to destroy an Aboriginal site without Minister's permission under s18.
	Aboriginal Heritage Act Regulations 1974				Offence to enter without Minister's permission and can be subject to conditions which are not specified (Regs 4–10).
	<i>Titles (Validation) and Native Title (Effect of Past Acts) Act 1995</i>	Unrestricted right of Public.	Native Title.	Public.	14. Confirmation of access to certain places (s. 212(2) NTA) Existing public access to and enjoyment of the following places is confirmed: (a) waterways, (b) beds and banks or foreshores of waterways, (c) coastal waters, (d) beaches, (da) stock routes, (e) areas that were public places at the end of 31 December 1993.

7.3.1 Which regulations govern access to land where camels exist?					
Jurisdiction	Key Legislation	What rights of access do people have on to the land	What type of land tenure does the legislation refer to?	Who has access?	What are the terms and conditions
Western Australia (cont.)	Land Administration Act	To investigate compliance with lease.	Pastoral Leases (s101)	Board – authorised person	139. Investigation of compliance with conditions of lease
		Crown Reserves Conservation and Nature Reserves.		Aboriginal persons	(1) The Board may investigate at any time whether the lessee of a pastoral lease is or has been complying with the conditions of the lease and with this Act. (2) For the purpose of an investigation, the Board may authorise in writing a person to enter on the land subject to the lease and inspect it. Reservation to Aborigines to unenclosed and unimproved parts of pastoral lease (s104). Depends on purpose and management of reserve. See <i>Aboriginal Affairs Planning Authority Act</i> regarding Part III Aboriginal reserves and <i>Conservation and Land Management Act 1984</i> for national parks, conservation and nature reserves.
	<i>Dividing Fences Act 1961</i>	To access lands adjoining the fence line to construct or repair a fence (s21).	Land adjoining a fence under this Act.	A person, agents and servants.	The person, agents and servants are permitted to enter the land at all reasonable times, take onto that land all things which are reasonably required to carry into effect the construction or repairing of the fence.
	<i>Conservation and Land Management Act 1984</i>	Access subject to management plans and type of reserve.	National Parks, Conservation and Nature Reserves. (a) a wilderness area, (b) a prohibited area, (c) a limited access area, (d) a temporary control area, (da) a forest conservation area, (e) a recreation area for a purpose or purposes specified in the notice, or (f) such other class of area as the Minister (s62).	Part 3: Access to CALM land Division 1: General 41. Access to certain areas classified under s. 62 42. Access to limited access areas 43. Access to wilderness areas 44. Direction to close area 45. Closed area 46. Offences relating to closed areas 47. Entering CALM land via gates, etc. 48. Areas set aside for purposes of CEO 49. Caves 50. Cross country and other events.	62. Land may be classified (1) Subject to this section, the Minister may, on the recommendation of the Conservation Commission and, where applicable, any associated body, by notice published in the Gazette, classify any land that is vested in the Conservation Commission as (a) a wilderness area, (b) a prohibited area, (c) a limited access area, (d) a temporary control area, (da) a forest conservation area, (e) a recreation area for a purpose or purposes specified in the notice, or (f) such other class of area as the Minister, on the recommendation of the Conservation Commission, thinks necessary to give effect to the objects of this Act, and, subject to section 62A, may in like manner amend or cancel a notice previously so published.

7.4 Commentary

7.4.1 What rights of access do people have on to the land?

The power to access to land is defined differently across the jurisdictions, particularly in regards to the NT with 45% of its land being Aboriginal Land, which is administered under the federal legislation *Aboriginal Land Rights Northern Territory Act 1976*. Northern Territory legislation the *Aboriginal Land Act* allows for a permit system for access to Aboriginal land which has the same meaning as under the *Aboriginal Land Rights (Northern Territory) Act 1976* (s3).

The legislation of each jurisdiction reviewed contains a power of entry whereby certain people can enter certain types of land tenure. In general, the power of entry is determined by the type of land tenure which may be exercised by a number of people including:

- a Minister
- authorised persons
- Pastoral Board members
- Aboriginal and Torres Strait Islander people
- the Public
- Police Officers
- a Chief Inspector
- Inspectors
- drovers
- a Pest Controller
- the Director of the Commission
- Conservation Officer
- permit holders.

Across the jurisdictions any person may enter on to land, but generally this is as a permit holder; or with the consent of the relevant Boards; or the Director of the Parks and Reserves; or in receipt of a way-bill.

There is a great deal of similarity between the jurisdictions in terms of what actions may be taken following entry (see the tables in Section 2). Certain terms and conditions come with the power of entry on to land and must be adhered to while exercising a right of entry. Penalties exist for those that do not comply with the particular requirements of the relevant Acts.

A key feature in common is that in relation to government officials being able to access land for the control of pests such as camels, permission is not required. Otherwise access is determined by permission or the grant of licences to take the animals, which also requires consent of landholders.

7.5 Key differences

The access provisions of the legislation in each jurisdiction are reasonably consistent, save for variations in drafting and terminology. There are, however, some key differences, which are outlined below.

The key differences with respect to government officials accessing land for control of feral camels is that in NSW and Qld feral camels are not a declared pest and so access cannot be achieved in that manner. Secondly, in SA access for these purposes is subject to an objection by traditional owners and the relevant Minister has the final say after such an objection is made as to whether access will be permitted.

As mentioned in the Introduction there may also be one important exception to this situation with respect to Aboriginal land in the NT and whether it can be subject to a declaration as to the control of feral camels. The NT Land Rights Act provides as follows:

73 Reciprocal legislation of the Northern Territory

(1) The power of the Legislative Assembly of the Northern Territory under the *Northern Territory (Self-Government) Act 1978* in relation to the making of laws extends to the making of:

- (a) laws providing for the protection of, and the prevention of the desecration of, sacred sites in the Northern Territory, including sacred sites on Aboriginal land, and, in particular, laws regulating or authorizing the entry of persons on those sites, but so that any such laws shall provide for the right of Aboriginals to have access to those sites in accordance with Aboriginal tradition and shall take into account the wishes of Aboriginals relating to the extent to which those sites should be protected;
- (b) laws regulating or authorizing the entry of persons on Aboriginal land, but so that any such laws shall provide for the right of Aboriginals to enter such land in accordance with Aboriginal tradition;
- (c) laws providing for the protection or conservation of, or making other provision with respect to, wildlife in the Northern Territory, including wildlife on Aboriginal land, and, in particular, laws providing for schemes of management of wildlife on Aboriginal land, being schemes that are to be formulated in consultation with the Aboriginals using the land to which the scheme applies, but so that any such laws shall provide for the right of Aboriginals to utilise wildlife resources; and
- (d) laws regulating or prohibiting the entry of persons into, or controlling fishing or other activities in, waters of the sea, including waters of the territorial sea of Australia, adjoining, and within 2 kilometres of, Aboriginal land, but so that any such laws shall provide for the right of Aboriginals to enter, and use the resources of, those waters in accordance with Aboriginal tradition; but any such law has effect to the extent only that it is capable of operating concurrently with the laws of the Commonwealth, and, in particular, with this Act, Division 4 of Part 15 of the EPBC Act 1999 and any regulations made, schemes or programs formulated or things done, under this Act, or under or for the purposes of that Division.

(2) Subsection (1) does not affect the continued operation of any Ordinance of the Northern Territory relating to a matter referred to in that subsection made before the commencement of this section if that Ordinance could have been made in accordance with that subsection, but an Ordinance of the Northern Territory made before the commencement of this section and relating to a matter referred to in subsection (1) has effect after the commencement of this section to the extent only that it would have had effect if made after the commencement of this section.

74 Application of laws of Northern Territory to Aboriginal land. This Act does not affect the application to Aboriginal land of a law of the Northern Territory to the extent that that law is capable of operating concurrently with this Act.

The relevant effect of these provisions is twofold.

Firstly, in section 73(1)(c) the NT may pass laws providing for the protection and management of wildlife on Aboriginal land that is consistent with this Act. But wildlife does not appear to include camels, as the word is not defined in the *NT Land Rights Act* and the relevant NT legislation the *Territory Parks and Wildlife Act* does not include camels either. Wildlife is defined in that Act to include:

- a) animals and plants that are indigenous to Australia;
- b) animals and plants that are indigenous to the Australian coastal sea or the sea-bed and subsoil beneath that sea;
- c) migratory animals that periodically or occasionally visit Australia or the Australian coastal sea;
- d) animals and plants of a kind introduced into Australia, directly or indirectly, by Aboriginals before the year 1788; and
- e) such other animals and plants as are prescribed.

Camels are not prescribed for this purpose in the relevant regulations. Consequently it would appear that section 73 of the NT Land Rights Act does not include the management of feral animals including camels.

The question then remains as to whether the requirement that the law in the *Territory Parks and Wildlife Act* providing for the declaration of a feral animal control area under section 48 of that Act by the relevant NT Minister is able to operate concurrently with the Land Rights Act and thereby authorise entry to Aboriginal land without a permit. This report offers no concluded view about this situation. It is a question of some legal complexity.

7.6 Conclusions and recommendations

In conclusion, in our view it is essential to take into consideration the attitudes of the majority of landowners and land managers in these arid and semi-arid lands of inland Australia. Although a little outdated, J Parkes, R Henzell & G Pickles (1996)¹⁰ report on feral goat management may be also relevant to this exercise.

Aboriginal perceptions of introduced wild animals are as complex and as variable as those of other Australians (Nugent 1988; Rose 1995), but a general theme in Nugent's survey of views, and those expressed in a series of workshops on land management on the Anangu Pitjantjatjara lands (Snowdon 1990) is that wild and feral animals should be used to support rural communities, but should also be managed to protect rockholes and sacred places from damage. Some Aboriginal people viewed introduced animals as part of the land and therefore part of their responsibilities as owners of that land to manage them as resources or pests. Others saw pest animals as a problem brought by Europeans and therefore not one that they should solve.¹⁰

It is recommended that in relation to the question as to whether feral animal control areas apply in the NT to Aboriginal land under the NT Land Rights Act that negotiations take place to settle the question and possibly include camels in the definition of wildlife so that section 73(c) of the Act can apply.

Otherwise access to feral camels for control and management purposes by the State seems reasonably available.

¹⁰ J Parkes, R Henzell & G Pickles 1996. Managing Vertebrate Pests: Feral Goats, Australian Government Publishing Service, Canberra.

7.7 Appendix: Table of legislation

7.7.1 Regulations governing access to land where camels exist

Jurisdiction	Responsible Minister	Legislation
Commonwealth	Families, Housing, Community Services and Indigenous Affairs	<i>Aboriginal Land Rights (Northern Territory) Act 1976</i>
	Families, Housing, Community Services and Indigenous Affairs	<i>Native Title Act 1993</i>
New South Wales	Aboriginal Affairs	<i>Aboriginal Land Rights Act 1983</i>
	Lands	<i>Access to Neighbouring Land Act 2000</i>
	Lands	<i>Crown Lands Act 1989</i>
	Climate Change and the Environment	<i>National Parks and Wildlife Act 1974</i>
	Primary Industries	<i>Non-Indigenous Animals Act 1987</i>
	Natural Resources	<i>Western Lands Act, 1901</i>
Northern Territory	Planning and Infrastructure	<i>Aboriginal Land Act</i>
	Planning and Infrastructure	<i>Crown Lands Act</i>
	Planning and Infrastructure	Crown lands (Commonage) Regulations
	Justice	<i>Fences Act</i>
	Natural Resources, Environment, The Arts and Sport	<i>Pastoral Land Act</i>
	Natural Resources, Environment, The Arts and Sport	Pastoral Land Regulations
	Natural Resources, Environment, The Arts and Sport	<i>Territory Parks and Wildlife Act</i>
	Natural Resources, Environment, The Arts and Sport	<i>Territory Parks and Wildlife Conservation By-laws</i>
	Natural Resources, Environment, The Arts and Sport	Territory Parks and Wildlife Conservation Regulations
	Primary Industry, Fisheries and Mines	<i>Stock Routes and Travelling stock Act</i>
Queensland	Sustainability, Climate Change and Innovation	<i>Aboriginal Communities (Justice and Land Matters) Act 1984</i>
	Natural Resources and Water	<i>Aboriginal Cultural Heritage Act 2003</i>
	Sustainability, Climate Change and Innovation	<i>Aboriginal Land Act 1991</i>
	Sustainability, Climate Change and Innovation	<i>Environmental Protection Act 1994</i>
	Sustainability, Climate Change and Innovation	<i>Forestry Act 1959</i>
	Sustainability, Climate Change and Innovation	Forestry Regulations 1998
	Natural Resources and Water	<i>Land Protection (Pest and Stock Route Management) Act 2002</i>
	Natural Resources and Water	<i>Native Title (Queensland) Act 1993</i>
	Sustainability, Climate Change and Innovation	<i>Nature Conservation Act 1992</i>
	Sustainability, Climate Change and Innovation	Nature Conservation (Protected Areas Management) Regulations 2006
	Sustainability, Climate Change and Innovation	Nature Conservation (Wildlife Management) Regulations 2006
	Natural Resources and Water	<i>Vegetation Management Act 1999</i>

Jurisdiction	Responsible Minister	Legislation
South Australia	Aboriginal Affairs and Reconciliation	<i>Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981</i>
	Aboriginal Affairs and Reconciliation	<i>Aboriginal Heritage Act 1988</i>
	Environment and Conservation	<i>Crown Lands Act, 1929</i>
	Aboriginal Affairs and Reconciliation	<i>Maralinga Tjarutja Land Rights Act 1984</i>
	Aboriginal Affairs and Reconciliation	Maralinga Tjarutja Land Rights Regulations 2004
	Environment and Conservation	<i>National Parks and Wildlife Act 1972</i>
	Environment and Conservation	National Parks and Wildlife (Vulkathunha--Gammon Ranges National Park) Regulations 2005
	Environment and Conservation	<i>National Parks And Wildlife (Unnamed Conservation Park--Maralinga</i>
	Environment and Conservation	<i>Natural Resources Management Act, 2004</i>
	Environment and Conservation	<i>Pastoral Land Management and Conservation Act 1989</i>
	Environment and Conservation	Pastoral Land Management and Conservation Regulations 2006
	Environment and Conservation	National Parks and Wildlife (Witjira National Park) Regulations 2007
Western Australia	Indigenous Affairs	<i>Aboriginal Affairs Planning Authority Act 1972</i>
	Indigenous Affairs	Aboriginal Affairs Planning Authority Act Regulations 1972
	Indigenous Affairs	<i>Aboriginal Heritage Act 1972</i>
	Environment	<i>Conservation and Land Management Act, 1984</i>
	Housing and Works	<i>Dividing Fences Act 1961</i>
	Planning and Infrastructure	<i>Land Administration Act</i>
	Treasurer	<i>Titles (Validation) and Native Title (Effect of Past Acts) Act 1995</i>

8. Does animal welfare legislation apply to override requirements for gaining access in certain circumstances?

8.1 Introduction

8.1.1 Responsibility for legislating for animal welfare

In Australia, the principal responsibility for animal welfare lies with the State and Territory governments, each of which has enacted specific animal welfare legislation. Through the Department of Agriculture, Fisheries and Forestry, the federal government also coordinates the Australian Animal Welfare Strategy (AAWS), which has among its objectives facilitating ‘improved consistency of legislation across states and territories for improved and sustainable animal welfare outcomes’.¹¹

8.1.2 Analytical approach

Across all the State and Territory jurisdictions reviewed, the animal welfare legislation establishes offences against animals and criminal sanctions for the commission of any such offence. In Qld the legislation also creates positive animal welfare obligations for persons in charge of animals. The animal welfare obligations of landowners are addressed in Chapter 6.

After establishing the animal welfare offences, the legislation provides for the enforcement of these provisions; first, by allowing for the appointment of inspectors; and second, by creating a raft of powers that inspectors may exercise in performing their functions.

Among these powers is a power to enter property (defined differently across the jurisdictions). This power operates to legalise access to property, which would otherwise be regarded as trespass and therefore illegal. The power of entry, as it is known, is, however, a qualified power in that the animal welfare legislation provides that it can be exercised only by certain people and under certain circumstances.

On this basis we have addressed the question of access by analysing animal welfare legislation across the specified State and Territory jurisdictions with reference to the following questions:

- Does a power to enter property exist under the relevant animal welfare legislation?
- Who may enter?
- For what purpose/in what circumstances may the power of entry be exercised?
- What actions may be taken following entry?
- What conditions must be satisfied before the power can be properly exercised?

Given the frame of reference for the overall legislative review, we have elected to exclude from this analysis those provisions of the legislation relating to the scientific use of animals. In addition, where the legislation has distinguished between entering land and entering vehicles, we have focused solely upon those provisions relating to entry into land.

¹¹ Website of the Department of Agriculture, Fisheries and Forestry <http://www.daff.gov.au/animal-plant-health/welfare/aaws/online/goals> accessed 5 October 2007.

8.2 Summary of key provisions

* Indicates where the legislation specifies limitations on or requirements to be met before a power/function may be exercised. Definitions italicised.

8.2.1 Access conditions under welfare acts

8.2.1 Access conditions under welfare acts								
Jurisdiction	Key Legislation	Power to enter property	What property may be entered?	Who may enter?	For what purpose? In what circumstances?	What action may be taken following entry?	What conditions must be satisfied for entry to be legal?	What exceptions apply to those conditions?
New South Wales	<i>Prevention of Cruelty to Animals Act 1979 No 200</i>	Yes.	Land includes any place but does not include a public place (s24D, s4).	An inspector (s24E).	For the purpose of exercising any functions granted to inspectors (and police officers) under the Act (s24E(1)).	An inspector or police officer may: - examine an animal* - take possession of an animal*	For entry into a place that is not a dwelling, there are no prior conditions that must be satisfied.	The inspector or police officer may enter a dwelling without consent or a search warrant if he or she reasonably believes that an animal:
	<i>Prevention of Cruelty to Animals (General) Regulations 2006</i>	Power to enter <i>land</i> (s24E).	A public place is any place, including any road, to which the public has its own right to resort (s4).	An inspector may be - a public servant appointed by the relevant Minister or - an officer of an approved charitable organisation who is appointed as a special constable under the Police (Special Provisions) Act 1901 (s4).		- remove an animal to another place* - provide an animal with food drink or veterinary treatment* - destroy an animal* (s24J) - give a person a written notice specifying actions to be taken* (s24N).	- consent of the occupier of the dwelling; or - obtain a search warrant (s24E(2)).	- has suffered significant physical injury, - is in imminent danger of suffering significant physical injury; or - has a life threatening condition that requires immediate veterinary treatment (s24E).

8.2.1 Access conditions under welfare acts								
Jurisdiction	Key Legislation	Power to enter property	What property may be entered?	Who may enter?	For what purpose? In what circumstances?	What action may be taken following entry?	What conditions must be satisfied for entry to be legal?	What exceptions apply to those conditions?
New South Wales (cont.)	<i>Prevention of Cruelty to Animals Act 1979 No 200</i> (cont.)				Where the land is being used for the purpose of a <i>sale yard</i> (s4) or <i>animal trade</i> (s4) or any other trade, business or profession (s24G).	An inspector or police officer may Inspect and examine the land, any animal that is in or on the land and any accommodation or shelter that is provided in or on the land for any animal (s24G(2))	None.	
	Prevention of Cruelty to Animals (General) Regulations 2006 (cont.)					Following inspection carry out any of the above actions as required*.		
Northern Territory	<i>Animal Welfare Act</i> Animal Welfare Regulations	Power to enter <i>premises</i> (s62(2)).	Premises include land (including water on land), and a permanent or temporary structure on land (s4).	An animal welfare inspector (s57(1)). A police officer (s57(3)). The NT Animal Welfare Authority (established under the Act) may appoint people to be inspectors (s57(1)).	To carry out an inspection (s66).	The inspector (or police officer) may carry out an inspection.	An inspector or police officer must give 7 days prior notice to the occupier prior to carrying out an inspection. In addition, an inspector or police officer must either: - Obtain consent from the occupier of the premises(s62(4)) - Obtain a search warrant (s62).	The inspector or police officer may enter premises without consent or a search warrant if he or she believes that the circumstances are so serious and urgent that the immediate entry onto premises is required in order to either carry out an inspection or to take action to alleviate an animal's suffering (s62(4)(c)).

8.2.1 Access conditions under welfare acts								
Jurisdiction	Key Legislation	Power to enter property	What property may be entered?	Who may enter?	For what purpose? In what circumstances?	What action may be taken following entry?	What conditions must be satisfied for entry to be legal?	What exceptions apply to those conditions?
Northern Territory (cont.)	Animal Welfare Act (cont.)				In order to alleviate an animal's suffering (s62.s67).	The inspector (or police officer) may:		
	Animal Welfare Regulations (cont.)				The inspector (or police officer) must have reasonable grounds to believe that • An animal has not been provided with food or drink for 24 hours • An animal requires veterinary treatment • An animal is suffering.	Provide an animal with food or drink seize and remove an animal direct the <i>person in charge</i> of an animal to take action including providing animal with food, water treatment etc destroy the animal*		
		Power to enter premises (s62(2)).	Premises include land (including water on land), and a permanent or temporary structure on land (s4).	Any person (s8(3)).	Where the animal has been <i>confined</i> for a period exceeding 24 hours without appropriate and sufficient food or drink (s8(3)). An animal is <i>confined</i> if its freedom of movement is restricted by a) by enclosure in a cage, pit, yard, field or paddock; and (b) by pinioning, mutilation, tethering or other manner of restraint.	A person may provide the animal with food or drink.	None.	NA

8.2.1 Access conditions under welfare acts								
Jurisdiction	Key Legislation	Power to enter property	What property may be entered?	Who may enter?	For what purpose? In what circumstances?	What action may be taken following entry?	What conditions must be satisfied for entry to be legal?	What exceptions apply to those conditions?
Queensland	<i>Animal Care and Protection Act 2000</i>	Power to enter a place (s 122).	A place includes (a) premises, (b) vacant land, (c) a vehicle, (d) a place in Queensland waters, (e) a place held under 2 or more titles or owners, (f) the land or water where a building or structure, or a group of buildings or structures, is situated (s10 and Schedule).	An inspector. An individual may be appointed as an inspector by the Department of Primary Industries and Fisheries only if that person is a public service employee, an employee of the RSPCA, or an employee of an incorporated association whose objects include animal welfare (s114, Reg 30).	Not specified in the legislation. However, it can be extrapolated that an inspector may gain entry in order to investigate and enforce compliance with the Act.	The inspector may: - take reasonable measures to relieve the pain of an animal (s137(d)) - muster animals to allow them to be examined (s137(j)) - give a written direction to the person in charge of the animal to take certain action such as an animal welfare direction (s159) - seize (and potentially keep) an animal* (ss142 and 144) - destroy an animal* (s162).	An inspector must - obtain the consent of the occupier of the place (122(1)(a); or - obtain a search warrant (s122(1)(c)).	An inspector may enter without obtaining consent or a search warrant if: - the entry is made to check compliance with an animal welfare direction that has been issued; or - the inspector reasonably suspects that - an animal at the place has just sustained a severe injury and the injury is likely to remain untreated (s122(1)(e)); or - there is an imminent risk of death or injury to an animal at the place (s122(1)(f)).
	<i>Animal Care and Protection Regulations 2002</i>							
		Power to enter a place (s123).	As above.	An inspector.	The inspector must reasonably suspect that: - an animal is suffering from lack of food or water or is entangled; and - the <i>person in charge</i> of the animal is not, or is apparently not, present at the place; and - the animal is not located at a part of the place where a person resides (s123(1)).	The inspector may provide the animal with food or water and/or disentangle it.	None.	NA

8.2.1 Access conditions under welfare acts								
Jurisdiction	Key Legislation	Power to enter property	What property may be entered?	Who may enter?	For what purpose? In what circumstances?	What action may be taken following entry?	What conditions must be satisfied for entry to be legal?	What exceptions apply to those conditions?
Queensland (cont.)	<i>Exotic Diseases In Animals Act 1981</i>	Power to enter any premises, holdings or place (s21a).	A <i>holding</i> means any run, station, farm, freehold or leasehold, or private or public road, footpath, easement, right of way or drain, or any stock route, reserve, common, stockyards, saleyard or trucking yard and any other place where animals are driven, transported, , yarded, worked, sold, kept, depastured or found or dealt with in any manner whatsoever.	An inspector.	Where it is suspected that an exotic disease may be present within an area.	The chief inspector with respect to a control area or any part of the area may, by public notice: (b) prohibit, regulate or control the movement of animals of a species or class specified in the notice or of any animal product, animal pathogen or biological preparation thereof or therefrom (s19(1b))).	A notification of a control area must be made which specifies the species or class of animal or animals to which the notification shall apply.	None.
			<i>Premises</i> includes any land, house or other building or structure whatsoever or wheresoever situated where animals, animal product, animal pathogen, biological preparation or agricultural produce or any other thing that might carry animal pathogen is kept, stored, sold, prepared or dealt with in any manner whatsoever.					

8.2.1 Access conditions under welfare acts								
Jurisdiction	Key Legislation	Power to enter property	What property may be entered?	Who may enter?	For what purpose? In what circumstances?	What action may be taken following entry?	What conditions must be satisfied for entry to be legal?	What exceptions apply to those conditions?
Queensland (cont.)	<i>Police Powers and Responsibilities Act 2000</i>	Power to enter a place (s 146).	A place has the same definition as above.	A police officer.	The police officer must reasonably suspect that - an offence involving an animal has been, is being or is about to be committed¹⁴⁶(1)(a)(i)) - an animal at a place has just sustained a severe injury and the injury is likely to remain untreated, or untreated for an unreasonable period (s146(1)(a)(ii)); or - there is an imminent risk of death or injury to an animal at a place because of an accident or an animal welfare offence (s146(1)(a)(iii)); Or, where the occupier of the place has been given an animal welfare direction under the <i>Police Act</i> or the <i>AC&P Act</i> (s146(1)(b)).	The police officer may: - muster, yard, detain, clip or otherwise deal with the animal - take reasonable measures to relieve the pain of an animal - seize the animal* - destroy the animal* (s146).	None.	NA
		Power to enter a place (s147).	As above.	As above.	The circumstances under which this power of entry may be exercised by a police officer are the same as those under s123 of the <i>AC&P Act</i> above.	The police officer may provide the animal with food or water and/or disentangle it.	None.	NA

8.2.1 Access conditions under welfare acts								
Jurisdiction	Key Legislation	Power to enter property	What property may be entered?	Who may enter?	For what purpose? In what circumstances?	What action may be taken following entry?	What conditions must be satisfied for entry to be legal?	What exceptions apply to those conditions?
	Stock Act 1915	(a) enter into or upon any premises or holding	Premises includes any land or saleyard and any house or other building or structure whatsoever or wheresoever situated and its curtilage. Holding means any run, station, farm, freehold or leasehold, cattle feedlot, or place where stock are kept, pastured or grazed.	An inspector.	If an offence against this Act is suspected.	A disease eradication program may be instituted.	None.	NA
South Australia	Prevention of Cruelty to Animals Act 1985	Power to enter premises (s29).	Premises include any land, building or structure (including a moveable building or structure) (s3).	An inspector. A police officer (s3). An inspector is appointed by the relevant Minister following nomination by the RSPCA (SA) (s3 and s30).	Where the premises are being used for holding or confining animals that have been herded or collected together for sale, transport or any other commercial purpose (s29(1)(b)).	An inspector (or police officer) may - Seize an animal for treatment and care *(s29(2)(c)) - Direct the owner of the animal to provide it with food, shelter, rest, etc (s29(5)) - Kill an animal, or have an animal killed* (s29, 30A).	There are no conditions. An inspector (or police officer) may enter these kinds of premises at any reasonable time.	NA
	Prevention of Cruelty to Animal Regulations 2000	As above.	As above.	As above.	Where the inspector (or police officer) reasonably suspects that an offence against the Act has been committed at the premises (s29(1)(c)).	As above.	An inspector (or police officer) must obtain a search warrant (s29(3)).	
	Prevention of Cruelty to Animals Act 1985 Prevention of Cruelty to Animal Regulations 2000	Power to enter premises (s29).	Premises include any land, building or structure (including a moveable building or structure) (s3).	Any person.	Where the person believes on reasonable grounds that the animal has not been provided with adequate food or water over a period of 24 hours or more (s35).	A person may provide the animal with food or water (s35).	An inspector must authorise the person to enter premises (s35).	

8.2.1 Access conditions under welfare acts								
Jurisdiction	Key Legislation	Power to enter property	What property may be entered?	Who may enter?	For what purpose? In what circumstances?	What action may be taken following entry?	What conditions must be satisfied for entry to be legal?	What exceptions apply to those conditions?
Western Australia	<i>Animal Welfare Act 2002</i>	Power to enter a <i>place</i> (s38).	A place is defined to mean anywhere at all, whether or not that place can be moved (s39).	A general inspector *(s33)*.	Not specified in the legislation. However, it can be extrapolated that the purpose for entry is to enable an inspector or police officer exercise his/her functions under the Act, including enforcing animal welfare offences under Part 3 (s37).	An inspector or police officer may:	An inspector or police officer must:	Yes.
	Animal Welfare (General) Regulations 2003			A police officer (s3). The Department of Local Government and Regional Development must appoint nominated employees of the RSPCA (WA) as general inspectors and may appoint an employee of:		- provide an animal with any food, water, shelter, care or treatment the inspector considers necessary (s40(1)(a)); or - direct a person in control of an animal to do so (s40(1)(b)) - give any directions to a person in control of an animal that the inspector considers are necessary to protect the welfare, safety and health of the animal (s47 (j)) - seize an animal* (s42(1)(a)) - destroy an animal* (s41(1) and (2))	- obtain the consent of the occupier or person apparently in charge of the place (s38(a)) - obtain a warrant (s38(c)). Alternatively, the inspector must: - issue a notice to the owner or occupier of the place advising of his or her intention to enter - specify a period within which the owner or occupier may object to the entry. The inspector (or police officer) may legally enter if no objections are received during that period.	If the place is a non-residential the inspector reasonably suspects an offence under the Act has been, or is likely to be committed at the place the inspector may enter without obtaining consent or a warrant, (s38(e)). A non-residential place means any place except a building, vehicle or other structure in which a person ordinarily lives (s5).

8.3 Commentary

8.3.1 Does animal welfare legislation apply to override requirements for gaining access to land in certain circumstances?

In short, the answer to this question is yes; however, it is a qualified yes.

The animal welfare legislation of each jurisdiction reviewed contains a power of entry whereby certain people can enter property without committing an actionable trespass.

In general, the power of entry may be exercised only by:

- a person appointed as an inspector under the relevant animal welfare legislation
- a police officer.

In addition, some jurisdictions allow for any person to enter land, but limit the actions they can take following entry to the provision of food or drink to an animal (see below).

Even when a power of entry is relied upon to gain access to property, the animal welfare legislation still requires an inspector or police officer to obtain either the occupier's consent or a search warrant. However, the legislation dispenses with these requirements in serious or urgent circumstances, for example, where an animal has suffered a severe injury, is in need of immediate veterinary treatment or is in imminent danger of suffering death or injury.

When an inspector or police officer accesses land under a power of entry, the actions he or she may take following entry are limited to the actions permitted by the relevant animal welfare legislation. There is a great deal of similarity between the jurisdictions in terms of what actions may be taken following entry. In many cases the legislation will specify both the circumstances that must exist and the requirements that must be satisfied before a specified action can be legally carried out. For example, all jurisdictions empower an inspector or a police officer to destroy an animal. However, in general, this power is limited to circumstances where it would be cruel to keep the animal alive and the owner or person in charge of the animal has been notified and/or has given his or her consent.

8.4 Key differences

The access provisions of the animal welfare legislation in each jurisdiction are reasonably consistent, save for variations in drafting. There are, however, some key differences which are outlined below.

8.4.1 What property can be entered?

Before seeking to rely on a power of entry under animal welfare legislation to access property, the first step would be to ascertain whether the legislation applies to the property in question.

Each jurisdiction defines the property to which the animal welfare legislation applies. NSW refers to land, the NT and SA to premises, and Qld and WA to a place.

While each of these terms are defined differently, the definitions tend to be inclusive and have the effect of extending the application of the animal welfare legislation to most areas of land, and structures on land, in the relevant jurisdiction.

The NSW *Prevention of Cruelty to Animals Act 1979* does, however, specify that the legislation does not apply to a public place, which is defined as any place, including a road, to which the public has its own right to resort (s4 and s24D) .

8.4.2 Who may enter?

In all jurisdictions, the animal welfare legislation provides that an inspector or a police officer may rely on a power of entry to access property. However, who may be appointed as an inspector varies between the jurisdictions. The different approaches are set out below.

SA and the NT are the only jurisdictions that also allow for any person to access property.

The Northern Territory *Animal Welfare Act* enables any person to enter property where an animal has been confined for a period exceeding 24 hours without appropriate and sufficient food or drink (s8(3)). An animal is confined if its freedom of movement is restricted a) by enclosure in a cage, pit, yard, field or paddock, (b) by pinioning, mutilation, tethering or other manner of restraint (s3).

The SA *Prevention of Cruelty to Animals Act 1985* enables any person to enter property, where there are reasonable grounds to believe that an animal has not been provided with adequate food or water over a period of 24 hours or more (s35). However, before entering the person must first obtain authorisation to enter the property from an inspector (s35).

In both of these jurisdictions, the animal welfare legislation limits the actions that may be taken following entry to provide an animal with food or drink.

Who may access property under relevant animal welfare legislation?

Jurisdiction	Who may enter	Who may be appointed as an inspector
New South Wales	An inspector (s24E) A police officer (s24D)	An inspector may be - a public servant appointed by the relevant Minister or - an officer of an approved charitable organisation who is appointed as a special constable under the <i>Police (Special Provisions) Act 1901</i> (s4).
Northern Territory	An animal welfare inspector (s57(1)) A police officer (s57(3)) Any person **	The NT Animal Welfare Authority (established under the Act) may appoint people to be inspectors (s57(1)). There are no restrictions on who may be appointed.
Queensland	An inspector A police officer	An individual may be appointed as an inspector by the Department of Primary Industries and Fisheries only if that person is a public service employee, an employee of the RSPCA, or an employee of an incorporated association whose objects include animal welfare (s114, Reg 30).
South Australia	An inspector A police officer (s3) Any person **	An inspector is appointed by the relevant Minister following nomination by the RSPCA (SA) (s3 and s30).
Western Australia	A general inspector (s33) A police officer (s3)	The Department of Local Government and Regional Development must appoint nominated employees of the RSPCA (WA) as general inspectors (s33(1)). In addition, the Department may appoint a nominated employee of: - the Department - Agriculture WA - the Department of Conservation and Land Management - Fisheries Western Australia - local government (s33(2)(a)). The Department may also appoint as a general inspector any other person he or she considers appropriate (s33(2)(b)).

** the legislation limits when any person may access property and what they may do following access.

8.4.3 In what circumstances and for what purpose may inspectors and/or police officers access property?

In essence, the role of inspectors and police officers in all jurisdictions is to enforce the relevant legislation. However, in terms of specifically identifying why or when an inspector or police officer may enter property, the legislation varies. The variations are outlined in the table above.

As identified in Chapter 6, an owner is not responsible for the welfare of feral camels on their property unless taking deliberate action to harm the animal (subject to the exceptions specified in the legislation) or bring it under control. On this basis they cannot be said to have committed an animal welfare offence merely by failing to act to protect the welfare of feral camels roaming at large on their property.

This has consequences for access where the legislation predicates an inspector's or police officer's power to access land upon a reasonable belief that an animal welfare offence has been committed (South Australia and Western Australia). In these circumstances, it may be that the power of entry under that legislation does not extend to accessing land for the purpose of addressing animal welfare concerns in relation to feral animals that are not under the landowner's control.

8.4.4 What conditions must be satisfied prior to entering property?

In addition to specifying when or why an inspector or police officer may access property, the legislation ordinarily requires, as a condition of entry, that either the consent of the occupier or a search warrant is first obtained. There are some notable exceptions:

Under the *NSW Prevention of Cruelty to Animals Act 1979*, occupier's consent or a search warrant is only required where access is being sought to a dwelling.

Under the *Qld Police Powers and Responsibilities Act 2000* a police officer may access property without the consent of the occupier or a search warrant. In addition, under this Act and the *Animal Care and Protection Act 2000*, a police officer or inspector may also enter without consent or a search warrant if there are reasonable grounds to suspect an animal is suffering from lack of food or water or is entangled; the person in charge of the animal is not, or is apparently not, present at the place; and the animal is not located at a part of the place where a person resides. (However, following entry, an inspector or police officer's actions are limited to providing the animal with food or water and/or disentangling it.). Under the *Exotic Diseases of Animals Act 1981* an inspector may enter a premises, place or holding where it is suspected that an exotic disease may be present within an area. The *Stock Act 1915* also allows an inspector to enter a premises or holding at any time if he suspects an offence has been committed against the Act.

Under the *SA Prevention of Cruelty to Animals Act 1985*, an inspector or police officer may enter without consent or a search warrant when the premises are being used for holding or confining animals that have been herded or collected together for sale, transport or any other commercial purpose (s29(1)(b)).

8.4.5 When may conditions for entry be dispensed with?

The animal welfare legislation across the jurisdictions is consistent in allowing an inspector or police officer to access property without the consent of the occupier or a search warrant where the circumstances are serious or urgent. The specific circumstances in which these conditions of entry may be dispensed with are outlined in Section 8.2.

There is one minor, but notable difference in the WA *Animal Welfare Act 2002*. This Act allows for the requirement for consent or a search warrant to be dispensed with only where the property is a non-residential place, meaning ‘any place except a building, vehicle or other structure in which a person ordinarily lives’ (s5).

Constraints on the exercise of a power of entry by inspectors and police officers

Jurisdiction	In what circumstances/for what purpose may an inspector or police officer enter property?	What conditions must be met?
New South Wales	For the purpose of exercising any function granted to inspectors under the Act (s24E(1)). In addition, entry may be gained where land is being used for the purpose of a <i>sale yard</i> (s4) or <i>animal trade</i> (s4) or any other trade, business or profession (s24G).	For entry into a place that is not a <i>dwelling</i>, there are no prior conditions that must be satisfied. In order to enter a <i>dwelling</i> either the consent of the occupier or a search warrant is required ((s24E(2)).
Northern Territory	In order to carry out an inspection (s66), or to alleviate an animal's suffering (s62, s67). For the latter purpose, the inspector (or police officer) must have reasonable grounds to believe that: • An animal has not been provided with food or drink for 24 hours • An animal requires veterinary treatment	An inspector or police officer must give 7 days prior notice to the occupier prior to carrying out an inspection. In addition, either consent from the occupier or a search warrant is required (s62).
Queensland	Inspector: Not specified in the legislation. However, it can be extrapolated that an inspector may gain entry in order to investigate and enforce compliance with the Act. Police officer: A police officer must reasonably suspect that an offence has or is being committed, an animal has sustained a severe injury that is likely to remain untreated or there is an imminent risk of death or injury to an animal (s146). Entry may be gained when an inspector or a police officer reasonably suspects that an animal is suffering from lack of food or water or is entangled; the <i>person in charge</i> of the animal is not, or is apparently not, present at the place; and the animal is not located at a part of the place where a person resides.	An inspector must either obtain the consent of the occupier or a search warrant (s122(1)(a) and (c)). A police officer may enter without satisfying these conditions. There are no conditions. However, following entry, an inspector or police officer's actions are limited to providing the animal with food or water and/or disentangling it.
South Australia	Where the inspector (or police officer) reasonably suspects that an offence against the Act has been committed (s29(1)(c)). Where the premises are being used for holding or confining animals that have been herded or collected together for sale, transport or any other commercial purpose (s29(1)(b)).	An inspector (or police officer) must obtain a search warrant (s29(3)). There are no conditions. An inspector (or police officer) may enter these kinds of premises at any reasonable time.
Western Australia	Not specified in the legislation. However, it can be extrapolated that the purpose for entry is to enable an inspector or police officer exercise his or her functions under the Act, including enforcing animal welfare offences under Part 3 (s37).	An inspector or police officer must either obtain the consent of the occupier or obtain a warrant (s38 (a) and (c)). Or, the inspector must issue a notice to the owner or occupier of the place advising of his or her intention to enter and specify a period within which the owner or occupier may object to the entry. The inspector (or police officer) may legally enter if no objections are received during that period.

8.5 Conclusions and recommendations

Animal welfare legislation is relatively consistent across the State and Territory jurisdictions in providing a means by which inspectors and police officers may legally access land. However, the legislation clearly has not been drafted with feral animals roaming at large on property in mind.

Despite this fact powers of entry under animal welfare legislation may enable access to land to address welfare concerns for feral camels in certain circumstances.

In this respect a key impediment is likely to arise where, as in the case of South Australia and Western Australia, legislation conditions an inspector's or police officer's ability to legally access land on a reasonable belief that an animal welfare offence has been committed. Drawing on the findings of Chapter 8, unless an owner/occupier of land either takes deliberate action to harm a feral camel or bring it under their control, they cannot be said to have committed an animal welfare offence merely by failing to act to protect the welfare of feral camels roaming at large on the land. On this basis, it may be that an inspectors' or police officer's power of entry does not extend to allowing access for the purpose of addressing concerns over the welfare of feral camels that are not under the landowner's control.¹²

¹² Unless, in the case of SA, the intention is merely to provide the animal with food or drink.

8.6 Appendix: Table of legislation

Jurisdiction	Responsible Minister	Legislation
Commonwealth	Families, Housing, Community Services and Indigenous Affairs	<i>Aboriginal Land Rights (Northern Territory) Act 1976 (Commonwealth)</i>
	Environment, Water, Heritage and the Arts	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
	Environment, Water, Heritage and the Art	Environment Protection and Biodiversity Conservation Regulations 2000
New South Wales	Police	<i>Police (Special Provisions) Act 1901</i>
	Primary Industries	<i>Prevention of Cruelty to Animals Act 1979 No 2001</i>
	Primary Industries	Prevention of Cruelty to Animals (General) Regulations 2006
Northern Territory	Local Government, Housing and Sport	<i>Animal Welfare Act</i>
	Local Government, Housing and Sport	Animal Welfare Regulations
Queensland	Primary Industries and Fisheries	<i>Animal Care and Protection Act 2000</i>
	Primary Industries and Fisheries	Animal Care and Protection Regulations 2002
	Primary Industries and Fisheries	<i>Exotic Diseases in Animals Act 1981</i>
	Police, Corrective Services and Sport	<i>Police Powers and Responsibilities Act 2000</i>
	Primary Industries and Fisheries	<i>Stock Act 1915</i>
South Australia	Environment and Conservation	<i>Prevention of Cruelty to Animals Act 1985</i>
	Environment and Conservation	Prevention of Cruelty to Animal Regulations 2000
Western Australia	Local Government	<i>Animal Welfare Act 2002</i>
	Local Government	Animal Welfare (General) Regulations 2003

9. What regulations apply to the ground-based and aerial shooting, trapping, or mustering of feral camels, or the fencing of waterholes to exclude them?

9.1 Introduction

9.1.1 Responsibility for legislation for biological control, use of firearms and fencing

The principal responsibility for legislation controlling ground-based and aerial shooting, trapping, and mustering of feral camels and the fencing of waterholes to exclude them lies with the State and Territory governments, each of which has enacted specific legislation. The federal government has played a coordinating role with respect to biological control, the categorisation of firearms, air safety, and the development of codes of practice.

9.1.2 Analytical approach

The principle issues involved in the regulation of feral animal control are related to the release of organisms for biological control, the regulation of weapons used for killing, particularly firearms, and welfare concerns about the manner in which death is effected.

On this basis we have addressed the issue by analysing legislation across the different jurisdictions with reference to the following questions:

9.1.2.1 Biological control

- Applicability to feral camels?
- Who has responsibility for declaring camels to be a target organism?
- Who has responsibility for allowing release of biological control agents?

9.1.2.2 Welfare issues: culling and heritage values

- Is there an obligation to follow the national code of practice in culling of feral camels?
- What type of firearm should be used to kill feral camels?
- Can fences be erected for the purpose of excluding camels from water?
- Can waterholes with Aboriginal heritage value be protected from camels?

9.1.2.3 Welfare issues: mustering and trapping

- Is there an obligation to follow National code of practice in trapping or mustering feral camels?
- Does animal welfare legislation affect trapping and mustering of camels?

9.1.2.4 Shooting: registration and licensing

- What are the conditions for firearm registration?
- What is the statutory delay in issuing a licence?
- Must licensees be resident?

- Are visitors' interstate licences recognised?
- Are new residents' interstate licences recognised?
- Where can a firearm be discharged?

9.1.2.5 Shooting: C and D class firearms; use in helicopters

- For how long can a class C firearms license be held before renewal?
- For how long can a class D firearms license be held before renewal?
- What type of storage is needed for C and D class firearms?
- Under what conditions can firearms be discharged from a helicopter?

A list of the legislation reviewed may be found in the Appendix to this Chapter.

9.2 Summary of key provisions

9.2.1 Biological control

9.2.1 Biological control				
Jurisdiction	Key Legislation	Applicability to feral camels?	Who has responsibility for declaring camels to be a target organism?	Who has responsibility for allowing release of biological control agents?
Commonwealth	<i>Biological control Act 1984</i>	Camels are organisms under Act (s2), the conditions of which are not limited to agricultural pests (s7). Applies to ACT.	Establishes a Commonwealth Biological control Authority. All other provisions apply to the ACT.	Applies to ACT.
New South Wales	<i>Biological control Act 1985</i>	Camels are organisms under Act (s3), the conditions of which are not limited to agricultural pests (s7).	The State's Biological control Authority (BCA), which includes the Minister (s8), can unanimously recommend to the Agriculture Resource Management Council of Australia and New Zealand (ARMCANZ), which also includes the Minister, that camels be declared a target for biological control (s10). Alternatively an application can be made to the BCA arguing that camels are causing harm in the State and that they can be, or are likely to be, controllable by biological means (s11). If the ARMCANZ unanimously recommends that camels be declared a target organism then the Authority can make the declaration (s18).	The BCA can unanimously recommend to the ARMCANZ that an agent be declared as a biological control for camels (s19). Alternatively an application can be made to the BCA arguing that an agent will, or is likely to be, effective at controlling camels by biological means (s20). If the ARMCANZ unanimously recommends that the agent be declared as a potential biological control for camels then the Authority can make the declaration. It can also impose conditions on the manner in which the agent can be released (s27).
Northern Territory	<i>Biological control Act</i>	As for NSW	As for NSW	As for NSW
Queensland	<i>Biological control Act 1987</i>	As for NSW	As for NSW	As for NSW
South Australia	<i>Biological control Act 1986</i>	As for NSW	As for NSW	As for NSW
Western Australia	<i>Biological control Act 1986</i>	As for NSW	As for NSW	As for NSW

9.2.2 Welfare issues: culling and heritage values

9.2.2 Welfare issues: culling and heritage values						
Jurisdiction	Key Legislation	Is there an obligation to follow National code of practice (CoP) in culling of feral camels?	What type of firearm should be used to kill feral camels?	Can fences be erected for the purpose of excluding camels from water?	Can waterholes with Aboriginal heritage value be protected from camels?	Does heritage legislation have precedence over animal welfare legislation?
Commonwealth	National code of practice: Feral Livestock Animals: Destruction or Capture, Handling and Marketing.	NA	Class C and D firearms: .308 (7.62 mm) calibre rifles such as the Springfield M14 and M1A, LIAI SLR, Heckler and Koch M91	Disallowed: 'The following methods are disallowable on welfare grounds: ... denial of water without provision of alternate sources as a means of killing animals.'	Declaration by the Minister (s13) or an authorised officer (s16) can contain provisions for protection of the area from desecration (s11).	Possibly: overrides State or Territory legislation if Minister declares an area under the Act.
New South Wales	<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i> Prevention of Cruelty to Animals Act 1979 No 200	No, CoP not adopted.	Unclear: using lower calibre than recommended by code of practice may be considered cruel (s5) but no other legislative guidance.	Unclear: may be considered cruel (s5) but no other legislative guidance.		
	Heritage Act 1977 No 136				If a waterhole is entered into the State Heritage Register (s22), a person may not damage the site (s57) but there is no provision in the Act to prevent damage occurring.	No legal guidance.
Northern Territory	<i>Animal Welfare Act 1999</i>	CoP adopted, compliance voluntary (http://www.watersafety.nt.gov.au/_data/assets/pdf_file/0005/5873/animalwelfare_ar2003.pdf).	Probably C or D: using lower calibre than recommended by adopted code of practice may be considered cruel (s6).	Probably not: CoP adopted; also person must not neglect or commit an act of cruelty on an animal (s6).		
	<i>Northern Territory Aboriginal Sacred Sites Act</i>				If a waterhole is placed on the Register of Sacred Sites (s29), action may be taken to protect that site from damage (s41).	No legal guidance.
Queensland	<i>Animal Care and Protection Act 2001</i>		Probably C or D: An act done to a feral animal, such as killing it, must cause as little pain as possible (s42).	Probably not: unlawful to be cruel to an animal (s18(1)) by killing it in a way that is inhumane, causes it not to die quickly, or causes it to die in unreasonable pain (s18(2)(g)).		

9.2.2 Welfare issues: culling and heritage values						
Jurisdiction	Key Legislation	Is there an obligation to follow National code of practice (CoP) in culling of feral camels?	What type of firearm should be used to kill feral camels?	Can fences be erected for the purpose of excluding camels from water?	Can waterholes with Aboriginal heritage value be protected from camels?	Does heritage legislation have precedence over animal welfare legislation?
Queensland (cont.)	Animal Care and Protection Regulations 2002	CoP adopted, compliance voluntary (s2; Schedule 2).				
	<i>Aboriginal Cultural Heritage Act 2003</i>				Duty of care for Aboriginal cultural heritage (s23) involves avoidance of active damage, not protection from passive damage.	Unlikely given nature of protection.
South Australia	Prevention of Cruelty to Animals Regulations 2000	CoP adopted; compliance compulsory (s2; Schedule 2).	As per code of practice.	As per code of practice.		
	<i>Aboriginal Heritage Act 1988</i>				If a waterhole is entered into the Register of Aboriginal Sites and Objects (s11a), the minister (s24(1)(d)) or an inspector (s25(1)(d)) may prohibit or restrict activities in relation to the site.	No legal guidance.
Western Australia	Animal Welfare (General) Regulations 2003	No; CoP not adopted	No legislative guidance.	Unclear: unlawful to be cruel to an animal (s19(1)) or cause an animal unnecessary harm (s19(2)(e)), although a defence can be that an act that is generally accepted as usual and reasonable was taken to kill pests (s25).		
	<i>Aboriginal Heritage Act 1972</i>				Activities at a site designated as a protected area (s19) or temporary protected area (s20) can be restricted. This includes (s26(1)): 'restrictions upon (d) livestock entering or remaining within an area where the Registrar has taken reasonable measures to protect the area from damage by livestock.' However, camels are not considered livestock in WA and no regulations have been legislated under this Act.	No legal guidance
	<i>Biosecurity and Agriculture Management Act 2007</i>			Director-General can declare an area to be infested with declared animals and require owners of land in the area to exclude the pest (s27(1)).		

9.2.3 Welfare issues: mustering and trapping

9.2.3 Welfare issues: mustering and trapping			
Jurisdiction	Legislation	Is there an obligation to follow National code of practice in trapping or mustering feral camels?	Does animal welfare legislation affect trapping and mustering of camels?
Commonwealth	National code of practice: Feral Livestock Animals: Destruction or Capture, Handling and Marketing	NA	NA
	Model code of practice for the welfare of animals – The camel (<i>Camelus dromedarius</i>)	NA	NA
New South Wales	<i>Prevention of Cruelty to Animals Act 1979 No 200</i>	No; CoP not adopted.	Once in charge of an animal, it must be provided with food and water within 24 hours (s6).
Northern Territory	<i>Animal Welfare Act 1999</i>	CoP for feral animals adopted, but not that for camels.	Once in charge of an animal, it must be provided with reasonable care (s6) and, within 24 hours, adequate food, water, and shelter (s8).
Queensland	<i>Animal Care and Protection Act 2001</i>		A person in charge of an animal has a duty of care to provide water, food, and shelter as appropriate for the animal.
	Animal Care and Protection Regulations 2002	CoP adopted, compliance voluntary (s2; Schedule 2)	
South Australia	<i>Prevention of Cruelty to Animals Regulations 2000</i>	CoP adopted, compliance compulsory (s2; Schedule 2).	Must adopt provisions in CoP.
Western Australia	<i>Animal Welfare (General) Regulations 2003</i>	No; CoP not adopted.	Cruelty to animals is prohibited (s19), with acts that are considered generally acceptable husbandry practice are permitted (s23(a)) being considered a defence if humane (s23(b)).

9.2.4 Shooting: registration and licensing

9.2.4 Shooting: registration and licensing							
Jurisdiction	Legislation	What are the conditions for firearm registration?	What is the statutory delay in issuing a licence?	Must licensees be resident?	Are visitors' interstate licences recognised?	Are new residents' interstate licences recognised?	Where can a firearm be discharged?
Commonwealth	1996 National Firearms Agreement (not legislation)	New South Wales, Queensland and Tasmania immediately establish an integrated licence and firearms registration system and that all other jurisdictions review their existing registration systems to ensure that all systems are compatible; then all databases be linked through the National Exchange of Police Information (NEPI) to ensure effective nationwide registration of all firearms (s2).	28 days (s4)				
New South Wales	Firearms Act 1996 No 46	Sufficient information (including serial no. if present) to allow identification, licence of registrant (s33), only one C category rifle and shotgun are allowed per licensee. The Register is linked to the National Exchange of Police Information scheme to enable information in the Register to be accessed by other State and Territory government firearms authorities.	28 days (s11)	No legislative guidance.	Category C primary producer or agent, professional contract shooter involved in vertebrate pest control if holding equivalent licence elsewhere (s26(2)(a)(b)).	C and D class licence valid for 7 days if Commissioner notified before arrival if holding equivalent licence elsewhere (s27(3)).	Category D only on specified rural property if reason vertebrate animal pest control (s8(1)).
Northern Territory	Firearms Act	Particulars of the firearm and particulars relating to the person in whose name it is registered are recorded (s36).	28 days (s10)	Resides in the Territory or is about to become resident in the Territory (s10).	Class C license recognised for an approved shooting competition or other purposes as prescribed (s92).	C and D class licence valid for 2 days if Commissioner notified before arrival if holding equivalent licence elsewhere (s93).	Owner or occupier (b) owner has consented explicitly or implicitly (c) authorised under another law (s79 (1)(a)).
Queensland	Weapons Act 1990	All firearms must have a serial number (s48A). Details of name and address of owner, licensee, usual place of storage and reasons for possession. The information may be provided to other authorities if it advances the purposes of the Act (s49).		Resides only in Queensland (s10(3)(g)).	License from another State for possession and use of a firearm is recognised for another purpose specified under a regulation for this section (s32 (1)(b)). Wording ambiguous but may also permit import of a weapon for use in Queensland in addition to being allowed to use a weapon. Under s12(k) another licence prescribed under a regulation can be applied for if resident outside State (s10(2B)).	License recognised if resides in adjacent State and has genuine reason (s10(2A)(b)) or resides elsewhere but main place of residence Queensland (2B). Interstate licence is valid for up to 7 days, longer if application made and is still being processed (s33(3)(b)).	A person must not discharge a weapon on or across private land without the owner's consent (s56).

9.2.4 Shooting: registration and licensing							
Jurisdiction	Legislation	What are the conditions for firearm registration?	What is the statutory delay in issuing a licence?	Must licensees be resident?	Are visitors' interstate licences recognised?	Are new residents' interstate licences recognised?	Where can a firearm be discharged?
Queensland (cont.)	Weapons Regulations 1996		28 days, 1 day for visitors with licences from elsewhere (s7).		Legitimate reasons under the act are recreational shooting on rural land (s9(b)) or occupational requirement to shoot (s9(a)). A visitors' licence is available for up to 3 months for equivalent licenses elsewhere (s11).	Equivalent licenses recognised across State boundaries (s10).	
South Australia	Firearms Act 1977	Firearms are registered on appropriate forms after payment of fee (s24); all firearms must have a numerical stamp (s24A). Information on registration can be made available to those with a proper interest in the register (s27).	s12 (8) 28 days after first application.			May refuse if not usually resident (s12(5a)).	No legislative guidance.
	Firearms Regulations 1993	Licensed visitors do not need to register their firearm (s50(3)).			An unlicensed person whose usual place of residence is out of SA may possess and use a firearm in South Australia if authorised to do so in their usual place of residence (s50(1)).	Interstate licence for C and D categories recognised for 3 months after move to SA (s50(2)) but must apply for licence within 7 days of moving place of residence (s50(5)).	No legislative guidance.
Western Australia	Firearms Act 1973	Temporary permit can be issued for possession where Commissioner considers that it is not in the public interest for that person to apply for a licence (s17(1)(e)). Up to 3 months, renewable to 12 months (s17(3)(4)). It is not stated whether the firearm must be registered in WA during this time.	28 days after first application (s18 (6)(c)).	No legislative guidance.	Temporary permit can be issued where Commissioner considers that it is not in the public interest for that person to apply for a licence (s17(1)(e)). Up to 3 months, renewable to 12 months (s17(3)(4)).	No legislative guidance.	No use on another's land without express or implied permission (s23(10)).
	Weapons Regulations 1999	The register contains details of licensee, owner and serial number among other details (s21).		No legislative guidance.			

9.2.5 Shooting: C and D class firearms; use in helicopters

9.2.5 Shooting: C and D class firearms; use in helicopters				
Jurisdiction	Legislation	For how long can a class C firearms license be held before renewal?	For how long can a class D firearms license be held before renewal?	What type of storage is needed for C and D class firearms?
Commonwealth	1996 National Firearms Agreement (not legislation)	5 years (s4).	5 years (s4).	C and D class firearms must be stored in a locked steel safe that is bolted to the structure of the premises with ammunition stored in a locked container separate from the safe (s8).
	Civil Aviation Regulations 1988			Written permission from CASA required (s144).
New South Wales	<i>Firearms Act 1996 No 46</i>		1 year (s21(2)).	Unless the Commissioner deems otherwise (s42), C and D class firearms must be stored in a locked steel safe that is bolted to the structure of the premises with ammunition stored in a locked container separate from the safe (s41).
	Firearms Regulations 2006	2 years (s8(1)).		
Northern Territory	<i>Firearms Act</i>	3 years (s14(1)(ii)).	1 year (s14(1)(iii)).	Those specified in the regulations (s10).
	Firearms Regulations			C and D class firearms must be stored in a locked steel safe of specified quality that is bolted to the structure of the premises with ammunition stored in a locked container separate from the safe (s22).
	Public Health (General Sanitation, Mosquito Prevention, Rat Exclusion and Prevention) Regulations			Requires permission from Civil Aviation Authority, and use of ground shooting only when helicopter shooting is not possible (s18).
				If an animal dies in a public place or on unleased land of the Territory or the Commonwealth, the owner of the animal shall cause it to be immediately disposed of, and where an animal dies on other land, the occupier of the land shall so dispose of the carcass. It must be buried a metre deep (s3).

9.2.5 Shooting: C and D class firearms; use in helicopters					
Jurisdiction	Legislation	For how long can a class C firearms license be held before renewal?	For how long can a class D firearms license be held before renewal?	What type of storage is needed for C and D class firearms?	Under what conditions can firearms be discharged from a helicopter?
Queensland	<i>Weapons Act 1990</i>	5 years (s20(1)).		Licensee must ensure weapon is stored securely; registered owner must ensure secure facilities are available at usual site of storage (s60).	No legislative guidance.
	Weapons Regulations 1996		1 year (s21(4)).	D class firearms must be stored in a locked steel safe of specified quality that is bolted to the structure of the premises with ammunition stored in a locked container separate from the safe (s60); C class firearms storage safes need not be bolted to the premises if heavier than 150 kg. Weapons may be stored in the boot of a vehicle or an unmarked locked box if being transported away from the storage facilities (s60A).	
South Australia	<i>Firearms Act 1977</i>	5 years (s19(1)(a)).	1 year (s19(1)(a)).		No legislative guidance.
	Firearms Regulations 1993			Class C and D firearms must be kept in a locked safe and bolted to floor unless >150 kg, or in a strong room (s29) with the ammunition stored separately (s32).	
Western Australia	<i>Firearms Act 1973</i>	1 year (s9(3)).	1 year (s9(3)).		No legislative guidance.
	Weapons Regulations 1999			All firearms must be kept in a safe of specific design and the ammunition stored separately (s11A).	

9.3 Commentary

9.3.1 Biological control

9.3.1.1 Applicability to feral camels?

Yes, camels could ostensibly be controlled using a biological agent.

9.3.1.2 Who has responsibility for declaring camels to be a target organism?

Initially the Biological Control Authority in each jurisdiction; ultimately the Agriculture Resource Management Council of Australia and New Zealand.

9.3.1.3 Who has responsibility for allowing release of biological control agents?

The Agriculture Resource Management Council of Australia and New Zealand.

9.3.2 Welfare issues: culling and heritage values

9.3.2.1 Is there an obligation to follow the national code of practice in culling of feral camels?

Only SA has made compliance with the national code of practice compulsory and has listed both codes relevant to camels (although only one is relevant to culling). The remaining jurisdictions have either made compliance voluntary or have not listed the relevant codes.

9.3.2.2 What type of firearm should be used to kill feral camels?

The firearms recommended in the code of practice are class C or class D. While not proscribed in some States, it is unlikely that firearms of lower calibre would kill camels easily, making the shooter liable to the cruelty provisions of animal welfare legislation.

9.3.2.3 Can fences be erected for the purpose of excluding camels from water?

Such practices are specifically rejected by the code of practice, and are thus illegal in SA. Elsewhere the legislation is less definitive, but erection of such fences would appear to be contrary to provisions in each jurisdiction's animal welfare legislation.

9.3.2.4 Can waterholes with Aboriginal heritage value be protected from camels?

The legislation developed for the protection of Aboriginal heritage is so different from that developed to prevent cruelty to animals that it is not apparent which has precedence. However, there is Commonwealth legislation, the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*, which could override State and Territory legislation in favour of protecting sites of significance to Aboriginal people if this was required. Thus fencing of significant waterholes under this legislation to protect them from feral camels could be contemplated. However, given the depth of consultation and deliberation required before action is taken under this legislation, provision would probably have to be made either to cull the camels around the waterhole or provide an alternative source.

9.3.3 Welfare issues: mustering and trapping

9.3.3.1 Is there an obligation to follow National code of practice in trapping or mustering feral camels?

As with culling, only South Australia has made compliance with the national code of practice compulsory and listed both codes relevant to camels. The code for camels specifically needs only voluntary compliance in Queensland and none elsewhere.

9.3.3.2 Does animal welfare legislation affect trapping and mustering of camels?

Where not covered by the code of practice, mustering and trapping of camels falls under the provisions of animal welfare legislation in each jurisdiction, as does mustering and trapping of livestock. While one reading of the legislation could make it appear that some exemptions to animal welfare provisions are permissible in WA, the basic requirement of humane treatment of the animals remains.

9.3.4 Shooting: registration and licensing

9.3.4.1 What are the conditions for firearm registration?

Each State and Territory government has a firearms registration and firearms owner licence system. That system is typically maintained by a Firearms Registry branch in each police jurisdiction. However, there is no unitary national register of firearms. Even though, in 1996, the Australasian Police Ministers' Council reached a Nationwide Agreement on Firearms (NAF) which committed the Federal and State/Territory governments to registration of all firearms and the licensing of firearms owners, this has not allowed Australia-wide registration, though the National Firearm Licence and Registration System holds information on past and current firearm licence holders, licensed firearms dealers and registered, lost or stolen firearms. Significantly, only SA states specifically that licensed shooters from interstate who have been permitted to discharge firearms in the state do not have to register their firearms there. The Queensland legislation is ambiguous on this matter, stating that visitors who are permitted to possess 'a' weapon elsewhere (s32(1)) can use 'the' weapon in Queensland under certain conditions (s32(2)), but does not specify whether 'the' weapon is the one they have registered in another jurisdiction or a weapon of the same type that they are then allowed to use once they have entered the state. It would appear that any gun taken to the other states and the Northern Territory needs to be registered on arrival.

9.3.4.2 What is the statutory delay in issuing a licence?

In most jurisdictions there is a 28-day waiting period as recommended by the Police Ministers' Council in 1996. In some, however, this provision applies only to those seeking a license for the first time.

9.3.4.3 Must licensees be resident?

For the most part yes, though the legislation in some jurisdictions appears to be silent.

9.3.4.4 Are visitors' interstate licences recognised?

For the most part yes, for short periods, though the laws differ greatly among jurisdictions. For the most part there is provision for some recognition, although it varies from one jurisdiction to the next. SA deals with the issue most leniently, recognising licenses from other jurisdictions without constraint; Qld distinguishes between residents of neighbouring jurisdictions and those from further away; and WA simply issues three-month temporary licenses. The most stringent legislation is that of the NT, where cross-border license recognition is highly restricted.

9.3.4.5 Are new residents' interstate licences recognised?

This is a slightly different question to the previous one in that residency is a concern for some jurisdictions. Again the answer is mostly yes, with the NT being the most stringent.

9.3.4.6 Where can a firearm be discharged?

Everywhere but SA requires the shooter to have permission from the landowner, although there are exceptional circumstances in some cases. In SA there would appear to be no legislative restrictions in the Act on where a firearm can be discharged.

9.3.5 Shooting: C and D class firearms; use in helicopters

9.3.5.1 For how long can a Class C firearms license be held before renewal?

There is surprising variation among jurisdictions with one, two, three, and five years being specified in different parts of the country.

9.3.5.2 For how long can a Class D firearms license be held before renewal?

Universally for one year only.

9.3.5.3 What type of storage is needed for C and D Class firearms?

In the Nationwide Agreement on Firearms there was agreement on the type of storage needed for all classes of firearm. Each jurisdiction, however, has interpreted the directions slightly differently. Some have provided detailed prescriptions of steel thickness on safes, the type of hinges and locks required, etc.; others have been more general. Only Qld has specified how firearms are to be carried away from the storage facility. Most jurisdictions have some room for flexibility under exceptional circumstances.

9.3.5.4 Under what conditions can firearms be discharged from a helicopter?

Firearm discharge from an aircraft is governed entirely by the Civil Aviation Safety Authority. The NT specifies that shooting from a helicopter needs to comply with the CASA regulations; none of the State legislation makes any reference to such limitations on shooting from the air. Under the provisions of sections 3 and 16 of the Public Health (General Sanitation, Mosquito Prevention, Rat Exclusion and Prevention) Regulations in the NT, the helicopter should land frequently to bury dead camels a metre deep.

9.4 Key differences and incompatibilities

Most of the legislation discussed under this section is relatively consistent. Thus the biological control legislation is entirely consistent across the country. Animal welfare legislation, even though there is variable legislative recognition of the recommended codes of practice, is also underpinned by the same humanitarian principles across the country. As a result it is likely that, as a deliberate control mechanism, the fencing of waterholes to exclude camels, however desirable, would run foul of welfare legislation. It remains to be determined whether some waterholes could be protected because of the cultural significance to Aboriginal people.

There are, however, some important differences between jurisdictions. There are also areas of legislation that will make it difficult for control operations to move smoothly across borders. These are summarised below.

9.4.1 Fencing and protection of waterholes

The legal capacity to protect waterholes from camels is unclear where those waterholes are of Aboriginal heritage value. While in all legislatures fencing waterholes to exclude camels that otherwise have no access to water would be contrary to animal welfare legislation regardless of whether those legislatures recognise the relevant code of practice, it is possible that these strictures are overridden by the requirement to protect heritage values. It is more likely, however, that both sets of laws apply, meaning alternative water sources would need to be provided.

9.4.2 Firearm registration and cross-border camel control

The legislation of individual states and territories makes it difficult to move firearms across borders. While it may be possible for regulatory agencies to trace firearms on a national database, each firearm must have a place of storage and that must be located within a single jurisdiction. Only in SA, and possibly in Qld and WA, is it possible to use firearms registered elsewhere. In all other jurisdiction only firearms registered in that State or Territory can be used.

9.4.3 Licensing of interstate shooters

There are many small inconsistencies across jurisdictional boundaries with respect to licensing, but the most serious constraint is on visiting shooters, even if they have licenses. Such shooters can usually take out temporary licenses for short periods. For longer periods they need to be resident, or be intending to be resident, and would have to wait 28 days for approval after application. While cross-border controls are technically feasible for licensed shooters, there are substantial administrative handicaps. This is particularly true in the NT, where notification of cross-border movement has to be given within two days of arrival.

9.5 Conclusions and recommendations

The following recommendations for legislative reform are made in relation to the control of feral camels:

- Identify the circumstances under which protection of water sources by fencing would be acceptable, particularly in relation to important Aboriginal cultural sites that are being damaged by camels.
- Engage with others to adopt national registration laws so that a firearm registered under one jurisdiction retains that registration regardless to jurisdiction.
- Reform NT *Firearms Act* in particular to allow easier access to professional shooters from interstate. The South Australian model seems the most practical for these purposes.
- Revise the NT Public Health (General Sanitation, Mosquito Prevention, Rat Exclusion and Prevention) Regulations to match the reality of animals dying in places where they will never be buried.

9.6 Appendix: Table of legislation

9.6.1 Biological control

Jurisdiction	Responsible Minister	Legislation
Commonwealth	Agriculture, Fisheries and Forestry	<i>Biological Control Act 1984</i>
New South Wales	Primary Industries	<i>Biological Control Act 1985 No 199</i>
Northern Territory	Primary Industries, Fisheries and Mines	<i>Biological Control Act</i>
Queensland	Primary Industries and Fisheries	<i>Biological Control Act 1987</i>
South Australia	Agriculture, Food and Fisheries	<i>Biological Control Act 1986</i>
Western Australia	Agriculture and Food	<i>Biological Control Act 1986</i>

9.6.2 Welfare issues: culling and heritage values

Jurisdiction	Responsible Minister	Key Legislation
Commonwealth	Environment, Water, Heritage and the Arts	<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i>
New South Wales	Planning	<i>Heritage Act 1977 No 136</i>
	Primary Industries	<i>Prevention of Cruelty to Animals Act 1979 No 200</i>
Northern Territory	Local Government, Housing and Sport	<i>Animal Welfare Act 1999</i>
	Indigenous Policy	<i>Northern Territory Aboriginal Sacred Sites Act</i>
Queensland	Natural Resources and Water	<i>Aboriginal Cultural Heritage Act 2003</i>
	Primary Industry and Fisheries	<i>Animal Care and Protection Act 2001</i>
	Primary Industry and Fisheries	Animal Care and Protection Regulations 2002
South Australia	Aboriginal Affairs and Reconciliation	<i>Aboriginal Heritage Act 1988</i>
	Environment and Conservation	Prevention of Cruelty to Animals Regulations 2000
Western Australia	Indigenous Affairs	<i>Aboriginal Heritage Act 1972</i>
	Local Government	Animal Welfare (General) Regulations 2003
	Agriculture and Food	<i>Biosecurity and Agriculture Management Act 2007</i>

9.6.3 Welfare issues: mustering and trapping

Jurisdiction	Responsible Minister	Legislation
Commonwealth	NA	NA
New South Wales	Primary Industries	<i>Prevention of Cruelty to Animals Act 1979 No 200</i>
Northern Territory	Local Government, Housing and Sport	<i>Animal Welfare Act 1999</i>
Queensland	Primary Industry and Fisheries	<i>Animal Care and Protection Act 2001</i>
	Primary Industry and Fisheries	Animal Care and Protection Regulations 2002
South Australia	Environment and Conservation	Prevention of Cruelty to Animals Regulations 2000
Western Australia	Local Government	Animal Welfare (General) Regulations 2003

9.6.4 Shooting: registration and licensing

Jurisdiction	Responsible Minister	Legislation
Commonwealth	NA	NA
New South Wales	Police	<i>Firearms Act 1996 No 46</i>
Northern Territory	Police Civil Employment Unit	<i>Firearms Act</i>
Queensland	Police, Corrective Services and Sport	<i>Weapons Act 1990</i>
	Police, Corrective Services and Sport	Weapons Regulations 1996
South Australia	Police	<i>Firearms Act 1977</i>
	Police	Firearms Regulations 1993
Western Australia	Police and Emergency Services	<i>Firearms Act 1973</i>

9.6.5 Shooting: C and D class firearms; use in helicopters

Jurisdiction	Responsible Minister	Legislation
Commonwealth	Infrastructure, Transport, Regional Development And Local Government	Civil Aviation Regulations 1988
New South Wales	Police	<i>Firearms Act 1996 No 46</i>
	Police	Firearms Regulations 2006
Northern Territory	Police Civil Employment Unit	<i>Firearms Act</i>
	Police Civil Employment Unit	Firearms Regulations
	Health and Community Services	Public Health (General Sanitation, Mosquito Prevention, Rat Exclusion and Prevention) Regulations
Queensland	Police, Corrective Services and Sport	<i>Weapons Act 1990</i>
	Police, Corrective Services and Sport	Weapons Regulations 1996
South Australia	Police	<i>Firearms Act 1977</i>
	Police	Firearms Regulations 1993
Western Australia	Police and Emergency Services	<i>Firearms Act 1973</i>
	Police and Emergency Services	Weapons Regulations 1999

10. What regulations apply to the processing of camels? (field harvesting, butchering, processing requirements, game meat, and pet meat)

10.1 Introduction

10.1.1 Responsibility for legislation that applies to the processing of camels (field harvesting, butchering, processing requirements, game meat, and pet meat)

The principal responsibility for legislation controlling the processing of camels for consumption lies with the State and Territory governments, each of which has enacted specific legislation. The role of the Commonwealth government is to ensure the protection of international markets through maintaining the quality of the meat.

10.1.2 Analytical approach

The processing of camels for consumption by people or their pets is regulated by legislation concerned with modes of killing animals, their welfare, the cleanliness of the product, and disposal of the remains. Many aspects related to the killing of camels have been covered in the previous chapter on the culling of feral camels, particularly the use of firearms and the welfare of animals to be killed, though there are some aspects that need to be considered here that relate specifically to the killing of animals for human consumption or as pet meat. Similarly, provisions relating to the disposal of waste products have been covered only partially in the previous chapter.

On this basis we have addressed the above question by analysing legislation across the different jurisdictions with reference to the following questions:

10.1.3 Regulations relevant before slaughter

- Applicability to feral camels?
- How should camels be cared for before slaughter?
- What camels can be killed?
- Where can camels be killed or processed for sale of meat?
- Who can kill camels?

10.1.4 Regulations relevant after slaughter

- What conditions apply to the slaughtering and butchering of camels?
- Are there specific conditions on processing relating to export of camel meat?
- What provisions relate to the transport of camel meat?
- What controls govern disposal of waste product derived from processing?

10.2 Summary of key provisions

10.2.1 Regulations relevant before slaughter

10.2.1 Regulations relevant before slaughter					
Jurisdiction	Legislation	Applicability to feral camels?	What camels can be killed?	Where can camels be killed or processed for sale of meat?	Who can kill camels?
Commonwealth	<i>Australian Meat and Live-stock Industry Act 1997</i>	'Live-stock' means cattle, calves, sheep, lambs, goats or other animals prescribed for the purposes of this definition (s3).			
	Australian Meat and Live-stock Industry (Export Licensing) Regulations (Cth) 1998	Camelids are prescribed as live-stock under s3 of the <i>Australian Meat and Live-stock Industry Act 1997</i> (s3A).			
	<i>Australia New Zealand Food Standards Code</i>	'Meat' means the whole or part of the carcass of any ... camel ... slaughtered other than in a wild state (s2.2.1(1)). Game meat means the whole or part of the carcass of any ... camel ... that has been slaughtered in the wild state (s1.6.2.7 (1)).			
New South Wales	<i>Food Act 2003</i>	An animal is defined under the <i>Food Act</i> to include an amphibian, bird, crustacean, fish, mollusc or reptile (s4). The intent of the act, however, appears to be to include mammals, which would therefore include camels.			
	Food Regulations 2004	Camels are not included among 'abattoir animals' or 'knackery animals' but are among 'game animals' (s60).	Only healthy camels can be killed for meat, in accordance with the Australian Standard for Hygienic Production of Game Meat SCARM Report 57 (2003) (s5), as specified in (s74).	Game Meat Processing Plant (s72).	To be game animals, the camels must be shot in the field (see Ch. 6 for controls on firearm use in culling camels). These regulations specify licensing of processing, not who kills the camels.
	<i>Game and Feral Animal control Act 2002</i>	Camels are excluded from 'game animals' and so are not controlled under this Act (s5).			

10.2.1 Regulations relevant before slaughter					
Jurisdiction	Legislation	Applicability to feral camels?	What camels can be killed?	Where can camels be killed or processed for sale of meat?	Who can kill camels?
Northern Territory	<i>Meat Industries Act</i>	Camels are listed among the abattoir animals, but are excluded from the list of 'game animals' (s4).	Only healthy camels can be killed for meat (s40).	Licenses are provided for domestic or export abattoirs, domestic or export processing, or stationary or transportable pet meat processing. The site at which slaughter or processing of animals is to occur has to be specified (s13). Export licenses are only given if the abattoir is constructed in accordance with the requirements applicable to the establishment under the <i>Export Control Act 1982</i> (Cwlth) (s19). Domestic abattoirs have to be of a standard to permit hygienic and humane slaughter and processing, or follow regulations if they exist. Exception is given to landowners and occupiers, their guests, drovers and their employees provided the meat is not sold (s5).	A person slaughtering a camel for pet meat must have a licence, which must be carried at all times (s30), unless the animal is not intended for sale, and must have the written authority of the owner, if any, of the animal. Camels can only be processed for pet meat at an establishment operated under a licence permitting the processing of pet meat for sale (s37). A person who has reason to believe they are infected with a scheduled disease is not allowed to enter or remain at a place where meat for human consumption is dispatched (s42).
	Meat Industries Regulations		A camel with an abnormal gait, that is weak or lethargic, lacks alertness, sits or stands in an unusual way, holds its head in an unusual way, has a discharge from the nose or mouth or has a skin abnormality would be unsuitable even for pet meat (s31). The only animals that can be used for pet meat other than those killed by the licensee are those with useable meat that have died suddenly due to physical trauma (s32).	The site at which slaughter or processing of animals is to occur has to be specified (s36), with transportable pet meat processing units needing to register sites with the chief inspector (s43). Slaughter of camels, as well as processing or packing meat for human consumption, or pet meat, is only permitted to occur at the licensed establishment (s6), and meat imported from elsewhere cannot be used (s4) unless from another licensed premises (s18, s26). Pet meat is not to be sold unless produced under a specified standard or code of practice (s34, s40) in a licensed premises (s39) built according to specified standards (s38).	The shooting can only be done by the licensee, not by an employee or agent of the licensee (s33). A person who has reason to believe they are infected with, or affected by cholera, diarrhoea (infective), diphtheria, enteric or typhoid fever, hepatitis (infective), leprosy, human immunodeficiency virus, scarlet fever, septic sore throat, skin diseases, staphylococcal infections or tuberculosis is not allowed to enter or remain at a place where meat for human consumption is dispatched (Schedule 3).

10.2.1 Regulations relevant before slaughter					
Jurisdiction	Legislation	Applicability to feral camels?	What camels can be killed?	Where can camels be killed or processed for sale of meat?	Who can kill camels?
Queensland	Food Production (Safety) Regulations 2002	'Wild animal' is an animal in a wild state (Schedule 6), so includes camels. Meat scheme also applies to pet meat (s88).	Must comply with advisory standard AS4464 <i>Australian Standard for Hygienic Production of Game Meat SCARM Report 57 (2003)</i> (s95, Schedule 4).	It must have been captured or killed at a place that can be identified (s93, s94) and is free from chemical contaminants (s91) and where there is adequate light (s96). Procedures follow AS4464 Australian Standard for Hygienic Production of Game Meat SCARM Report 57 (2003).	No legislative guidance.
South Australia	<i>Primary Product (Food Safety Schemes) Act 2004</i>	Establishes capacity to set up a food safety scheme for meat (s11). 'Meat' is whole or part of a killed animal intended for consumption by humans or pets (s6).			
	Primary Produce (Food Safety Schemes) (Meat Industry) Regulations 2006	'Wild game' means an animal living in a wild state and not under any artificial confinement (s3), so would include camels.	Must comply with advisory standard AS4464 Australian Standard for Hygienic Production of Game Meat SCARM Report 57 (2003) (s12, Schedule 1) or Part 3 (except regulation 3.18), Part 4, Part 5, Part 6 (except Division 3), Part 7, Part 8, Part 9 (except regulations 9.01 to 9.06) and Part 10 of the Pet Food Regulations 1984 (see Gazette 24.1.1985 p209), as in force immediately before 1 December 1994.	Must comply with advisory standard AS4464 Australian Standard for Hygienic Production of Game Meat SCARM Report 57 (2003) (s12, Schedule 1) or Part 3 (except regulation 3.18), Part 4, Part 5, Part 6 (except Division 3), Part 7, Part 8, Part 9 (except regulations 9.01 to 9.06) and Part 10 of the Pet Food Regulations 1984 (see Gazette 24.1.1985 p209), as in force immediately before 1 December 1994 (s12, Schedule 1).	No legislative guidance.
Western Australia	<i>Biosecurity and Agriculture Management Act 2007</i>	Animals can be declared (s22), which has implications for the movement and control. Feral camels are declared under category 4 (entry subject to Department of Agriculture permits and/or conditions), A5 (numbers will be reduced/controlled), and A6 (keeping subject to Department of Agriculture permits and/or conditions).			

10.2.1 Regulations relevant before slaughter					
Jurisdiction	Legislation	Applicability to feral camels?	What camels can be killed?	Where can camels be killed or processed for sale of meat?	Who can kill camels?
Western Australia (cont.)	Western Australian Meat Industry Authority Act 1976	'Animal' means cattle, sheep, pigs, and goats and also includes any other animal declared under section 6 (s5).			
	Health Act 1911	'Game' is defined as buffalo, goat, kangaroo, pig, rabbit, or such other kind or class of animal or bird as is prescribed, in its wild state (s207A). 'Pet meat' means flesh of any source animal intended to be used for pet food and 'source animal' includes camel (s212A). Regulations can be made for pet meat processing, sale, transport etc (s212B(1)).	Regulations may be made that game must show no sign of disease or injury (207C(a)) and cannot have died naturally (207C(b)). Regulations may be made that approval in writing of the Executive Director, Public Health, must be obtained for use of unhealthy animals for pet meat (s212B(zf)).	Defines 'field depot' as a building, tent, trailer or other structure, whether permanent or temporary, used or intended to be used for the storage and preliminary treatment of game carcasses intended for sale; and 'processing establishment' means premises used or intended to be used for the preparation, handling, treatment or packing of game meat (s207A). Pet meat is processed in a knackery (s212B(2)).	
	Health (Meat Hygiene) Regulations (WA) 2001	For the purposes of section 207A of the Act, camel is prescribed as game (s3).	Must comply with advisory standard AS4464 Australian Standard for Hygienic Production of Game Meat SCARM Report 57 (2003) (s4).	Camels must be processed at a game processing establishment or field depot (s16).	Must comply with advisory standard AS4464 Australian Standard for Hygienic Production of Game Meat SCARM Report 57 (2003) (s23, s24).
	Health (Pet Meat) Regulations 1990		Use of unhealthy source animals allowed only with prior notice in writing from the Executive Director, Public Health (s17).	Registered knackery (s10).	
	Stock (Identification and Movement) Act 1970	Camels are not stock (s5). 'Stock' means any horse, cattle, sheep, swine, goat, buffalo, deer or camelid (meaning any alpaca, llama or vicuna) but could be under s62(1a).			
	Stock (Identification and Movement) Regulations 1972	Contains no expansion of camelid definition.			

10.2.2 Regulations after slaughter

10.2.2 Regulations after slaughter				
Jurisdiction	Legislation	What conditions apply to the slaughtering and butchering of camels?	Are there specific conditions on processing relating to export of camel meat?	What provisions relate to the transport of camel meat? What controls govern disposal of waste product derived from processing?
Commonwealth	Australian Meat and Live-stock Industry (Export Licensing) Regulations (Cth) 1998		No. Camelids prescribed as live-stock (s3), so their meat is subject to the same provisions as that of other live-stock.	
	Australia New Zealand Food Standards Code	Game meat ... must be obtained: (a) from a game carcass which has been subjected to governmentally approved post mortem inspection; or (b) in accordance with a governmentally approved quality assurance program designed to ensure that the game meat is fit for human consumption (s1.6.2.7 (2)).		
New South Wales	Food Regulations 2004	Minimum standards for game meat processing are contained in Australian Standard for Hygienic Production of Game Meat SCARM Report 57 (2003) published by ARMCANZ (s70). This does not contain specific advice on camels. Game meat must be marked as game meat (s112). Pet meat must be marked as pet meat (s115).	No, camels are treated like other game animals. If slaughtered in accordance with orders under the <i>Export Control Act 1982</i> (Cwlth) and a game meat inspector passes the carcass as fit for human consumption, an official mark must be applied to the carcass or covering (s112(2)).	Waste to be disposed of in accordance with the Australian Standard for Hygienic Production of Game Meat SCARM Report 57 (2003) (s11.36–38), as specified in (s74).
	Protection of the Environment Operations (Waste) Regulations 2005			Animal effluent and residues must be tracked because sent interstate (Schedule 1).
Northern Territory	<i>Meat Industries Act</i>	Pet meat must be dyed blue unless exempted by the chief inspector (MIA s 36).	No. Camels are listed among the abattoir animals (s4).	For transport, pet meat needs a certificate showing it has been slaughtered under licence and must be kept under conditions to stop it deteriorating during transportation (s39).

10.2.2 Regulations after slaughter					
Jurisdiction	Legislation	What conditions apply to the slaughtering and butchering of camels?	Are there specific conditions on processing relating to export of camel meat?	What provisions relate to the transport of camel meat?	What controls govern disposal of waste product derived from processing?
Northern Territory (cont.)	Meat Industries Regulations	Camels for human consumption must be marked with the official mark of the abattoir (in an edible food dye) on the outside of the ribs on both sides, both buttocks, both loins and both shoulders (s8). Camels slaughtered for pet meat must not be diseased, must immediately be bled with boning out starting within 30 minutes of death and refrigeration within 4 hours. Meat must be handled in a manner that does not cause contamination or deterioration and all utensils must be cleaned immediately after use (s32). Must comply with Australian Standard for the Construction of Premises Processing Animals for Human Consumption and Australian Standard for Hygienic Production of Game Meat SCARM Report 57 (2003).	The Chief Inspector, if satisfied, can issue a license to comply with conditions required for import into another country (s63). Must comply with Australian Standard for Hygienic Production of Game Meat SCARM Report 57 (2003).	Containers used to transport pet meat must have internal surfaces made of smooth material which is easily cleaned, are resistant to corrosion, are water-proof and dustproof, and are fitted with sealable lids or doors (s35). Must comply with Australian Standard for the Transportation of Meat and Meat Products for Human Consumption AS 4696–2002 SCARM Report No. 80.	Waste material from a pet meat processing establishment must be placed in containers with durable, smooth, corrosion-resistant, impervious, and easily cleaned surfaces that are removed each day then cleaned and disinfected (s37).
	<i>Food Act</i>	Camels are unsuitable for food unless they have been slaughtered (s11).	A food business, which must be registered annually (s70, s74), can sell food that fails to comply with a provision of the Food Standards Code if it is to be exported to another country; and complies with the laws in that country (s23).		
	Public Health (General Sanitation, Mosquito Prevention, Rat Exclusion and Prevention) Regulations			Food transport vehicles must not contain refuse (s6).	Waste material from a pet meat processing establishment must be placed in containers with durable, smooth, corrosion-resistant, impervious, and easily cleaned surfaces that are removed each day then cleaned and disinfected (s5). Dead animals must be buried to at least 1 m depth (s3) by the owner of the abattoir (s11). Disposal of other refuse from the abattoir must follow regulations in relation to waste material from storage pens (s7, s9, s10).

10.2.2 Regulations after slaughter					
Jurisdiction	Legislation	What conditions apply to the slaughtering and butchering of camels?	Are there specific conditions on processing relating to export of camel meat?	What provisions relate to the transport of camel meat?	What controls govern disposal of waste product derived from processing?
Northern Territory (cont.)	<i>Waste Management and Pollution Control Act</i>				Disposal of abattoir waste is undertaken under license (s4, s30, Schedule 2), which may have a range of conditions attached to it (s35), including financial assurance (s36).
	Waste Management and Pollution Control (Administration) Regulations				Disposal of abattoir waste is undertaken under license (s2A, Schedule 2).
Queensland	Food Production (Safety) Regulations 2002	Advisory standard AS4464 Australian Standard for Hygienic Production of Game Meat SCARM Report 57 (2003) used for processing or wild animals (s97). This does not contain specific advice on camels for pet meat.	None that do not also apply to other game meat.	Transporter must be accredited for the transport of primary produce (s33) and the vehicle must be properly designed and maintained (s39).	Waste must be contained or removed to a waste disposal system (s35). Conditions under AS4464 Australian Standard for Hygienic Production of Game Meat SCARM Report 57 (2003) apply.
	Environmental Protection (Waste Management) Regulations 2000				Abattoir waste must be tracked (s17, Schedule 1). Dead animals at the side of the road or animals put down due to old age or injury do not have to be disposed of as clinical waste www.epa.qld.gov.au/publications/p00780aa.pdf/Clinical_or_related_waste_management.pdf
South Australia	Primary Produce (Food Safety Schemes) (Meat Industry) Regulations 2006	Must comply with advisory standard AS4464 Australian Standard for Hygienic Production of Game Meat SCARM Report 57 (2003) (s12, Schedule 1) or Part 3 (except regulation 3.18), Part 4, Part 5, Part 6 (except Division 3), Part 7, Part 8, Part 9 (except regulations 9.01 to 9.06) and Part 10 of the Pet Food Regulations 1984 (see Gazette 24.1.1985 p209), as in force immediately before 1 December 1994.	Meat processed or handled in an establishment registered under the <i>Export Control Act 1982</i> (Cwth) must be marked accordingly (s15(2)(a)).	Must comply with advisory standard AS4464 Australian Standard for Hygienic Production of Game Meat SCARM Report 57 (2003) 12, Schedule 1) or Part 3 (except regulation 3.18), Part 4, Part 5, Part 6 (except Division 3), Part 7, Part 8, Part 9 (except regulations 9.01 to 9.06) and Part 10 of the Pet Food Regulations 1984 (see Gazette 24.1.1985 p209), as in force immediately before 1 December 1994 (s12, Schedule 1).	

10.2.2 Regulations after slaughter					
Jurisdiction	Legislation	What conditions apply to the slaughtering and butchering of camels?	Are there specific conditions on processing relating to export of camel meat?	What provisions relate to the transport of camel meat?	What controls govern disposal of waste product derived from processing?
South Australia (cont.)	<i>Public and Environmental Health Act 1987</i>				Controls generation of waste during animal production systems (s47)
	<i>Environment Protection Act 1993</i>				Abattoirs with a rate of production exceeding 100 tonnes per year are prescribed activities of environmental significance (Schedule1 (6)(1)(b)).
	<i>Health Act 1911</i>				Abattoirs are classified as offensive trades (Schedule 2) and can be regulated by local government (s199).
Western Australia					
	Health (Meat Hygiene) Regulations (WA) 2001	Must comply with advisory standard AS4464 Australian Standard for Hygienic Production of Game Meat SCARM Report 57 (2003) (s23, s24).	None that do not also apply to other game meat.	Must comply with advisory standard AS4464 Australian Standard for Hygienic Production of Game Meat SCARM Report 57 (2003) (s23, s24).	
	Health (Pet Meat) Regulations 1990	A range of conditions set out in Regulations (s34–s41, Schedule 1, Schedule 2).		Must have adequate freezing capacity (s8).	Facilities must be available for waste disposal (sched.2, s7).
	Environmental Protection (Controlled Waste) Regulations 2004				Abattoir effluent is controlled waste (Schedule 1) subject to regulations in relation to transport and disposal (s25, s39).
	Environmental Protection (Abattoirs) Regulations 2001				Controls waste management. Within 24 hours of death an animal must be taken to a rendering facility, taken to a waste disposal facility, or disposed of in a manner approved by the Chief Executive Officer (s5).

10.3 Commentary

10.3.1 Applicability to feral camels?

Camels are described as game animals and come under the codes relating to the slaughter of game animals for human consumption except in the NT. There they are listed as abattoir animals. This means that all camels slaughtered for human consumption need to have been transported and processed in an abattoir because they are not listed as ‘game animals’ which can be killed and processed in the field. Less stringent controls pertain to pet meat, which can be processed by a mobile facility. Even so, their carcasses need to be boned and refrigerated within 4 hours, after which the meat must be kept chilled in a well-maintained facility. High standards are also expected of the people in the industry, particularly with respect to disease. Some of the prescribed diseases (e.g. skin disease) occur at a high level of incidence in remote communities.

10.3.2 What camels can be killed?

Camels must always be healthy when killed, although an exception can be made in WA for camels killed for pet meat, but only with written permission obtained beforehand.

10.3.3 Where can camels be killed or processed for sale of meat?

Qld legislation is extremely specific about being able to fix the location of the kill in space and also specifies some of the conditions under which game meat can be prepared in the field before it is brought to the processing plant.

10.3.4 Who can kill camels?

The legislation is generally unclear as to who can kill camels for use as game meat with only the Northern Territory insisting that shooters obtain a license to prepare game meat and carry it at all times.

10.3.5 What conditions apply to the slaughtering and butchering of camels?

Strict provisions prevail in all jurisdictions. These are linked to the Australia New Zealand Food Standards Code.

10.3.6 Are there specific conditions on processing relating to export of camel meat?

There are no specific conditions applying to camel meat that do not apply to all other forms of meat destined for export. Generally, the legislation is aimed at ensuring adequate meat inspection occurs and the meat is branded appropriately.

10.3.7 What provisions relate to the transport of camel meat?

Guidelines are present in all legislation for transport of camel meat. Most legislation follows the national guidelines.

10.3.8 What controls govern disposal of waste product derived from processing?

The national guidelines also spell out the requirements for waste disposal. Where the guidelines are advisory, waste disposal procedures are spelt out clearly in the legislation.

10.4 Key differences and incompatibilities

For the most part the meat industry is well coordinated across the country, but there is one difference that could make the use of camel meat more likely than it is at the moment.

10.4.1 Northern Territory and game meat

Only in the NT do feral camels have to be brought to an abattoir for slaughter. Given there are now so few abattoirs in the NT, this places a substantial constraint on the use of wild camels for meat fit for human consumption. Everywhere else they can be killed and used as game meat, although, in Queensland, there is no post-mortem observation or disposition written (Gina Piroz 2008, A/Policy Officer (pest animals), Department of Natural Resources and Water, Primary Industries, Queensland Government, pers.comm.).

10.5 Recommendations

The following recommendations for legislative reform are made in relation to the butchering of feral camels:

- Reform the NT legislation to list camels as game meat so that they can be processed in the same way as buffalo or banteng.

10.6 Appendix: Table of legislation

10.6.1 Regulations relevant before slaughter

Jurisdiction	Responsible Minister	Legislation
Commonwealth	Agriculture, Fisheries and Forestry	<i>Australian Meat and Live-stock Industry Act 1997</i>
	Agriculture, Fisheries and Forestry	Australian Meat and Live-stock Industry (Export Licensing) Regulations (Cth) 1998
New South Wales	Primary Industries	<i>Food Act 2003</i>
	Primary Industries	Food Regulations 2004
	Primary Industries	<i>Game and Feral Animal control Act 2002</i>
Northern Territory	Primary Industry, Fisheries and Mines	<i>Meat Industries Act</i>
	Primary Industry, Fisheries and Mines	Meat Industries Regulations
Queensland	Primary Industries and Fisheries	Food Production (Safety) Regulations 2002
South Australia	Agriculture, Food and Fisheries	<i>Primary Produce (Food Safety Schemes) Act 2004</i>
	Agriculture, Food and Fisheries	Primary Produce (Food Safety Schemes) (Meat Industry) Regulations 2006
Western Australia	Agriculture and Food	<i>Biosecurity and Agriculture Management Act 2007</i>
	Health	<i>Health Act 1911</i>
	Health	Health (Meat Hygiene) Regulations (WA) 2001
	Health	Health (Pet Meat) Regulations 1990
	Agriculture and Food	<i>Stock (Identification and Movement) Act 1970</i>
	Agriculture and Food	Stock (Identification and Movement) Regulations 1972
	Agriculture and Food	<i>Western Australian Meat Industry Authority Act 1976</i>

10.6.2 Regulations relevant after slaughter

Jurisdiction	Responsible Minister	Legislation
Commonwealth	Agriculture, Fisheries and Forestry	Australian Meat and Live-stock Industry (Export Licensing) Regulations (Cth) 1998
New South Wales	Primary Industries	Food Regulations 2004
	Climate Change and the Environment	Protection of the Environment Operations (Waste) Regulations 2005
Northern Territory	Primary Industry, Fisheries and Mines	<i>Meat Industries Act</i>
	Primary Industry, Fisheries and Mines	Meat Industries Regulations
	Health and Community Services	<i>Food Act</i>
	Health and Community Services	Public Health (General Sanitation, Mosquito Prevention, Rat Exclusion and Prevention) Regulations
	Natural Resources, Environment, The Arts and Sport	<i>Waste Management and Pollution Control Act</i>
	Natural Resources, Environment, The Arts and Sport	Waste Management and Pollution Control (Administration) Regulations
Queensland	Primary Industries and Fisheries	Food Production (Safety) Regulations 2002
	Sustainability, Climate Change and Innovation	Environmental Protection (Waste Management) Regulations 2000

Jurisdiction	Responsible Minister	Legislation
South Australia	Agriculture, Food and Fisheries	Primary Produce (Food Safety Schemes) (Meat Industry) Regulations 2006
	Health	<i>Public and Environmental Health Act 1987</i>
	Environment and Conservation	<i>Environment Protection Act 1993</i>
Western Australia	Environment	Environmental Protection (Controlled Waste) Regulations 2004
	Health	<i>Health Act 1911</i>
	Health	Health (Meat Hygiene) Regulations (WA) 2001
	Health	Health (Pet Meat) Regulations 1990

11. What regulations apply to the transport/movement of live camels?

11.1 Introduction

11.1.1 Responsibility for legislation for keeping, fencing, transportation, and live export of camels

The principal responsibility for legislation controlling animal welfare and the keeping, fencing, and transportation of live camels lies with the State and Territory governments, each of which has enacted specific legislation. The Federal Government is responsible for coordinating legislation and national standards relating to live export of camels and the development of codes of practice.

11.1.2 Analytical approach

The principle issues involved in the regulation of keeping, fencing, transportation, and live export of camels include animal welfare; permits to keep a feral animal in a pastoral/production context; model codes of practice; security of fencing to prevent escape; entry permits, waybills, quarantine and health certificates for domestic transportation by air, land, rail, and sea; identification of livestock; and the Australian Standards and AQIS regulations relating to export of live animals.

On this basis we have addressed the above question by analysing Commonwealth and State and Territory legislation across all jurisdictions with reference to the following issues/questions:

11.1.2.1 Keeping camels – animal welfare

- Applicability to feral camels
- What welfare obligations are there for keeping camels?
- What are the exceptions to these obligations?
- Is there an obligation to follow a National Code of Practice when keeping camels?

11.1.2.2 Keeping camels – permits and conditions

- How are camels classified?
- What are the permit/licence requirements for keeping camels?
- What factors are considered in granting a permit/licence?
- What conditions may be placed on keeping camels?

11.1.2.3 Fencing camels

- What are the requirements for fencing domestic camels?
- What type of fencing is required?
- Is electric fencing appropriate for camels?

11.1.2.4 Transportation of live camels – animal welfare

- What welfare considerations are there in relation to the transportation of live camels?
- What exceptions or defences exist?
- What standards exist regarding the transport/movement of live camels?

11.1.2.5 Transportation of live camels on a domestic basis

- How are camels classified under importation legislation?
- Which permits are required to introduce camels into a jurisdiction?
- Which travel documents are required to accompany camels during transportation?
- What are the quarantine / health requirements for camels travelling into a jurisdiction?

11.1.2.6 Branding camels

- What legislative requirements exist in relation to branding camels?

11.1.2.7 Transportation – live export

- What licences are required to export live camels?
- What regulations apply to the live export of camels by sea?
- What regulations apply to the live export of camels by air?
- Do national standards apply to the live export of camels?

11.2 Summary of key provisions

11.2.1 Keeping camels – animal welfare

11.2.1 Keeping camels – animal welfare					
Jurisdiction	Key legislation	Applicability to feral camels	What welfare obligations are there for keeping camels?	What are the exceptions to these obligations?	Is there an obligation to follow a National Code of Practice when keeping camels?
Commonwealth	The Australian Meat and Livestock Industry (Standards) Order 2005	Includes camels.	Standard 1: Sourcing and on-farm preparation of livestock.	Apply only to camels destined for live export.	<i>Australian Standards for the Export of Livestock (Version 2.1, November 2006).</i>
		The holder of a livestock export licence must not export livestock except in accordance with the Australian Standards for the Export of Livestock (Version 2.1, November 2006) (s3).	Standard 3: Management of livestock in registered premises.		
		Provides guidelines for the culling, capture, accommodation, health and transportation of feral livestock, including camels.	Part B: Accommodation should not cause distress or injury or predispose camels to disease. Accommodate in compatible groups with space to rest, feed, and exercise. Paddocks should contain dense cover with shade and provide timid animals with a sense of security. Fence lines should be constructed of strong, easily visible materials and discourage attempts to escape.	NA	
	Model Code of Practice for the Welfare of Animals: the Camel	A guide for people responsible for the welfare and husbandry of camels, with the aim of achieving humane husbandry throughout all types of camel enterprises.	7.2: Cattle yards are capable of being used for feral camel handling with a few alterations: height of race walls increased to 1.8 m, height of bows over race and gate slides increased to 2.4 m.	NA	NA
New South Wales	<i>Prevention of Cruelty to Animals Act 1979</i>	An animal is defined as a member of the vertebrate species including any mammal (other than a human being) (s4).	Person in charge of an animal shall not fail to provide it with sufficient and proper food, drink, or shelter (s8). Person in charge of an animal which is confined shall not fail to provide the animal with adequate exercise (s9).	NA	May: The regulations may prescribe guidelines, or may adopt a document in the nature of guidelines or a code of practice as guidelines, relating to the welfare of species of farm or companion animals (s34A).
Northern Territory	<i>Animal Welfare Act</i>	An animal is defined to include, among other things, a live mammal (other than a human being) (s4). 'Stock animals' includes camels, among other species.	Person in charge of an animal must provide food, drink, and shelter s8(1). Person in charge of a confined animal must provide the animal with adequate exercise, or reasonable opportunity to exercise, unless unreasonable to exercise in the circumstances s11(1).	The animal is confined in a railway or truck or is a stock animal being transported in accordance with an adopted code of practice (s8). The animal is to be transported (s11).	May adopt feral livestock (s70, s23, s24(1)) (http://www.watersafety.nt.gov.au/data/assets/pdf_file/0005/5873/animalwelfare_ar2003.pdf)

11.2.1 Keeping camels – animal welfare				
Jurisdiction	Key legislation	Applicability to feral camels	What welfare obligations are there for keeping camels?	What are the exceptions to these obligations?
Queensland	<i>Animal Care and Protection Act 2001</i>	An animal is defined as a live member of the vertebrate animal taxon; e.g. a mammal, other than a human being (s11).	A person breaches his/her duty of care if they do not take reasonable steps to provide for the animal's needs by appropriate accommodation or living conditions, taking into account the species, environment, and circumstances of the animal (s17).	May adopt ACP Regulations: Schedule 1, Voluntary COP - Feral livestock - Welfare of Animal: the Camel s4, s13(2)(b)(ii), (e), (i), s15, s16, s94(1), (2), s100.
			A person is considered cruel if they confine an animal without appropriate shelter or when it is unfit for the confinement or in a way that is unsuitable for the animal's welfare, including in an unsuitable container or vehicle or unjustifiably overcrowding or overloading it (s18).	
South Australia	<i>Prevention of Cruelty to Animals Act 1985</i> <i>Prevention of Cruelty to Animals Regulations 2000</i>	An animal means a member of any species of the sub-phylum vertebrata except for a human being or fish and includes any prescribed animal (s3).	A person ill treats an animal if that person, being the owner, fails to provide it with appropriate and adequate food, water, shelter, or exercise (s13).	Must: A person described in an entry in Schedule 2 must, in carrying out an activity described in that entry, ensure compliance with the code of practice specified in the entry. Feral Livestock: Welfare of Animals: the Camel (s42, s44, Regs s10).
Western Australia	<i>Animal Welfare Act 2002</i> <i>Animal Welfare (General) Regulations 2003</i>	An animal is defined, among other things, as a live vertebrate other than a human (s5).	A person in charge of an animal is cruel to that animal if it is confined, restrained or caught in a manner that is prescribed or causes or is likely to cause it harm (s19). Codes of practice adopted as defences under s25 and s94(2)(d) of the Act (s6).	May: the Governor may make regulations to adopt codes of practice relating to the use, care, welfare, safety or health of animals (s94(2)(d)). The code of practice relating to the use, care, welfare, safety or health of animals set out in Schedule 1 are adopted, under section 94(2)(d) of the Act, and each can be used as a defence under section 25 of the Act. Welfare of Animals: the Camel (Regs s6).

11.2.2 Keeping camels – permits and conditions

11.2.2 Keeping camels – permits and conditions					
Jurisdiction	Key legislation	How are camels classified?	What are the permit / licence requirements for keeping camels?	What factors are considered in granting a permit/ licence?	What conditions may be placed on keeping camels?
Commonwealth	NA	NA	NA	NA	NA
New South Wales	<i>Non-Indigenous Animals Act 1987</i>	Category 3b: species that have the potential to establish in the wild a population that would present a new threat or aggravate an existing threat and may be kept in private collections only under licence subject to special conditions.	NA Licence required. It is an offence to keep a camel without the authority of a licence and in accordance with any conditions attached to it (s11).	Premises, vehicle, other accommodation where camel is to be kept; number of camels to be kept; capacity of applicant to care for camels, prior convictions under any Australian law relating to the keeping or care of animals (s15). Licences granted for 3 years (s16). Conditions may be attached to prevent or minimise the threat of any disease; prevent or minimise any threat to agriculture or the environment; ensure secure custody during movement or transportation and at its intended destination (s19).	
Northern Territory	<i>Territory Parks and Wildlife Conservation Act</i> <i>Pastoral Land Act</i>	Animal that is not a prohibited entrant (Schedule 2, Regulation 4). 'Stock' means a species of animal permitted by or under this Act or the terms of a pastoral lease to be pastured on pastoral land as part of the pastoral enterprise under the lease.	NA	NA	NA
Queensland	<i>Land Protection (Pest and Stock Route Management) Act 2002</i> <i>Stock Act 1915</i>	Non-declared animal. 'Stock' includes camels.	NA	NA	NA
South Australia	<i>Natural Resources Management Act 2004</i>	Class 5, Category 3, controlled in whole of state.	NA	NA	It is an offence to release a camel (s179). An authorised officer may furnish a notice in a form approved by the Minister: (i) requiring the camels to be kept in captivity, or to take any other action relating to securing, controlling or managing them; and (ii) warning that if the animal were to be released into a control area then the defence described in 179(3) would not apply (s179).
	<i>Pastoral Land Management and Conservation Act 1989</i>	Stock, i.e. any species of animal permitted by the terms of a pastoral lease to be pastured by the lessee on the land as part of the commercial enterprise under the lease (s3).	The Pastoral Board may approve the pasturing (as part of a commercial enterprise under the lease) of a species other than a species specified in the lease, including camels (s22 (6)).	NA	Ensure numbers of stock do not exceed maximum levels specified in the lease; not to use land for any purpose other than pastoral purposes; maintain existing fencing in stockproof condition; maintain constructed watering points; close off specified areas on land, or close/ move specified access points on the land, for rehabilitation of degraded land (s22(1)(b)).

11.2.2 Keeping camels – permits and conditions				
Jurisdiction	Key legislation	How are camels classified?	What are the permit / licence requirements for keeping camels?	What factors are considered in granting a permit/ licence? What conditions may be placed on keeping camels?
Western Australia	Biosecurity and Agriculture Management Act 2007	Domestic camels are exempt from declaration.	Category A4: A person shall not introduce a category A4 animal unless in accordance with conditions and restrictions imposed under the appropriate regulations (s15, s24).	
		Feral camels are a declared species under the following categories (s22):		
		A4: entry subject to Department of Agriculture permits and/or conditions;	Category A6: A person shall not keep a category A6 animal in any part of the state unless it is kept subject to and in accordance with the conditions and restrictions imposed by or under the regulations (s23).	
		A5: Numbers to be reduced/ controlled;		
		A6: Keeping subject to Department of Agriculture permits and/or conditions.		
It is an offence to release into the environment a declared animal (s23).				
Agriculture and Related Resources Protection (Declared Animals) Regulations 1985			Introduction of Category A4: An application to keep a Category A6 animal is listed as Form 4 in Schedule 1 of the Regulations (s81).	Introduction of Category A4: The Biosecurity Council may require the production of evidence to its satisfaction that the applicant is able to provide adequate enclosures and other safeguards to ensure the security at all times of the animals in respect of which that permit is required (Regs s6). Introduction of a category A4 animal A permit for the introduction of a category A4 animal is Form 1 and relates only to animals brought in at the same time in the same consignment. The permit will specify the name of the person to whom it is issued; date of issue; description of and quantity of animals to which it applies; manner of enclosure and other precautions the Protection Board sees fit to require while the animals are being dealt with under the authority of the permit; the date upon which, the place to which, and the means of transport by which the animals are to be brought in under the authority of the permit; a place to which the animals shall be taken for inspection before delivery; the consignee into whose control the animals are to be finally delivered.

11.2.2 Keeping camels – permits and conditions				
Jurisdiction	Key legislation	How are camels classified?	What are the permit / licence requirements for keeping camels?	What factors are considered in granting a permit/ licence?
Western Australia (cont.)	Agriculture and Related Resources Protection (Declared Animals) Regulations 1985			An applicant must notify the Biosecurity Council not less than 24 hours prior to arrival providing details of the time at which they will arrive, the means of transportation and the place of inspection (Regs s9). The animals must then be inspected and if brought in in accordance with the regulations and a permit approved they will be provided with a clearance certificate, or if not in accordance they may have further conditions imposed on the permit (Regs s10). The permit must be produced on request by an inspector (Regs s11). If an animal escapes from the person in charge he must take all reasonable steps to capture or destroy the animal and immediately notify the Biosecurity Council (Regs s12). Keeping of Category A6: Form 3 (Regs s13) Permit to Keep Declared Animals. Permit conditions relate to animals kept by one person at one place and will specify name/ address of person to whom it is issued; date of issue, date of expiry; name /address of owner; description/quantity of camels. Place camels to be kept; other precautions as Biosecurity Council sees fit; details of acquisition. Permit applies to natural increases of animals within limit but does not apply to animals acquired after a permit has been granted; is not transferable (Regs s13). An application for a permit must be in place 7 days before the applicant intends to purchase the camels (Regs s14).

11.2.3 Fencing camels

11.2.3 Fencing camels				
Jurisdiction	Key legislation	What are the requirements for fencing domestic camels?	What type of fencing is required?	Is electric fencing appropriate for camels?
Commonwealth	The Model Code of Practice for the Welfare of Animals: the Camel	NA	Cattle yards are capable of being used for feral camel handling with a few alterations. These are: height of race walls should be increased to 1.8 m height of bows over race and gate slides should be increased to 2.4 m.	NA
	The Model Code of Practice for the Welfare of Animals: Feral Livestock Destruction or Capture, Handling and Marketing	NA	Fence lines should be constructed of strong and easily visible materials which will discourage attempts to escape.	NA
New South Wales	<i>Dividing Fences Act 1991</i>	NA	NA	NA
Northern Territory	<i>Fences Act</i>	NA	NA	NA
Queensland	<i>Land Protection (Pest and Stock Route Management) Act 2002</i>	Provisions relating to pest management and fencing of stock routes only.	NA	NA
South Australia	<i>Pastoral Land Management and Conservation Act 1989</i>	A pastoral lease will be granted subject to conditions including the lessee's obligation to maintain existing fencing in a stockproof condition (s22b).	The SA Pastoral Board recommends good quality cattle fencing.	NA
	<i>Natural Resources Management Act 2004</i>	If a court is exercising jurisdiction conferred on it under the <i>Fences Act 1975</i> , it is sufficient to be able to provide an apparently genuine document purporting to be a certificate of the Minister stating that the fence conforms/would conform, with the prescribed requirements for an animal-proof fence; or that fencing work has made/would make a fence animal-proof; and that such a fence is necessary or desirable for the control of animals in the locality as proof that the nature of such fence or fencing work is adequate and appropriate in the circumstances (s189).	NA	NA
Western Australia	Agriculture and Related Resources Protection (Fencing) Regulations 1985	Where a permit is issued subject to the condition that an animal-proof fence is provided in relation to a Category A6 animal, that fence and its surrounds shall comply with the specifications of the appropriate fence set out in the Schedule (s13).	The document 'Domestication Procedure for Feral Camels' issued by Agriculture WA under s13 of these regulations outlines specifications for fabricated perimeter fences and internal electrified training fences.	NA
	Part III Animal proof fences	The Chief Officer may issue a certificate certifying a fence to be an animal-proof fence within the meaning of the Act. The certificate shall stipulate the class of declared animal the fence is intended to contain (s14).		
		A certificate holder shall maintain an animal-proof fence in good repair, order and condition so as to prevent the escape of the declared animal stipulated in the certificate from the land around which the fence is erected (s15).		
	Animal Welfare Regulations 2003	A device, other than an electric fence, that is designed or modified to deliver an electric shock to an animal, is prescribed as inhumane (s19(2)(b)).		Yes

11.2.4 Transportation of live camels – animal welfare

11.2.4 Transportation of live camels – animal welfare				
Jurisdiction	Key Legislation	What welfare considerations are there in relation to the transportation of live camels?	What exceptions or defences exist?	What standards exist regarding the transport / movement of live camels?
Commonwealth	The Australian Meat and Livestock Industry (Standards) Order 2005	The holder of a livestock export licence must not export livestock except in accordance with the Australian Standards for the Export of Livestock (Version 2.1, November 2006) (s3).	Only applies to camels destined for live export.	Standard 2: Land transport of livestock. Standard 4: Vessel preparation and loading. Standard 5: Onboard management of livestock. Standard 6: Air transport of livestock.
		Intractable or unmanageable animals should not be transported. To minimise stress, feral animals which are captured for slaughter should be transported to a slaughter house within reasonable range which will accept them.	NA	Australian Standards and Guidelines for the Welfare of Animals – Land Transport of Livestock.
	Model Code of Practice for the Welfare of Animals: the Camel	s10 provides clear guidelines for the humane transport of camels including on general transport practices; road transport practices; stocking densities; rail transport practices; air transport practices; and sea transport practices.	NA	
New South Wales	<i>Prevention of Cruelty to Animals Act 1979</i>	A person shall not carry or convey an animal, or authorise carriage or conveyance, in a manner which unreasonably, unnecessarily or unjustifiably inflicts pain upon the animal (s7).	NA	Australian Standards and Guidelines for the Welfare of Animals – Land Transport of Livestock.
	Prevention of Cruelty to Animals (General) Regulations 2006	A person must not carry or convey a large stock animal in a cage or vehicle, or authorise the carriage or conveyance of the animal in a cage or vehicle, unless the cage or vehicle is of a height that allows the animal to stand upright without any part of the animal coming into contact with the roof, ceiling or cover of the cage or vehicle (s15).	NA	
Northern Territory	<i>Animal Welfare Act</i>	A person must not ride, drive, use or transport an animal; or authorise the riding, driving, using or transporting of the animal, if the animal is unfit for that purpose (s10). A person transporting an animal must do so in a manner that does not unreasonably or unnecessarily inflict suffering on the animal (s13).	NA	Australian Standards and Guidelines for the Welfare of Animals – Land Transport of Livestock.

11.2.4 Transportation of live camels – animal welfare				
Jurisdiction	Key Legislation	What welfare considerations are there in relation to the transportation of live camels?	What exceptions or defences exist?	What standards exist regarding the transport / movement of live camels?
Queensland	<i>Animal Care and Protection Act 2001</i>	A regulation may make codes of practice about animal welfare including the transportation of livestock and other animals (s13). A person is taken to be cruel to an animal if the person confines or transports it without appropriate preparation, including, for example, appropriate food, rest, shelter or water; or when it is unfit for the confinement or transport; or in a way that is inappropriate for the animal's welfare; or in an unsuitable container or vehicle (s18).	NA	Australian Standards and Guidelines for the Welfare of Animals – Land Transport of Livestock.
South Australia	<i>Prevention of Cruelty to Animals Act 1985</i>	Where an animal is injured in an accident involving a vehicle, the person in charge of the vehicle must inform the owner of the animal that the animal was injured; or inform an inspector, within 24 hours of the accident occurring, of the circumstances of the accident (s33).	NA	Australian Standards and Guidelines for the Welfare of Animals – Land Transport of Livestock.
Western Australia	<i>Animal Welfare Act 2002</i>	A person in charge of an animal is cruel to an animal if the animal is transported in a way that causes, or is likely to cause, it unnecessary harm (s19).	The offence is done in accordance with a generally accepted animal husbandry practice, used in farming or grazing activities (s23). The person was acting in accordance with relevant code of practice (s25).	Australian Standards and Guidelines for the Welfare of Animals – Land Transport of Livestock.

11.2.5 Transportation of live camels on a domestic basis

11.2.5 Transportation of live camels on a domestic basis					
Jurisdiction	Key Legislation	How are camels classified under importation legislation?	Which permits are required to introduce camels into a jurisdiction?	Which travel documents are required to accompany camels during transportation?	What are the quarantine/health requirements for camels travelling into a jurisdiction?
Commonwealth	NA	NA	NA	NA	NA
New South Wales	<i>Non-Indigenous Animals Act 1987</i>	Category 3b; low risk category (s3).	A licence is required to import camels (s10).	Licence.	NA
			A permit is required to move or transport a camel within New South Wales (s12).	Permit.	NA
Northern Territory	<i>Stock Diseases Act 1923</i>	'Stock'.	NA	NA	Stock must not be moved unless in accordance with conditions: - across a quarantine line - into a protected area - into, within, or out of a quarantine area or from infected land - if not yet tested in accordance with an order by an inspector and without permission (s20C).
		'Stock'.	None.	Waybill: for stock to be driven on the hoof, transported by railway, vehicle, vessel or aircraft; or driven on the hoof on a stock reserve or stock route (s18). The waybill must be signed by owner before starting the journey (s19). The owner gives original to driver, a copy to the Chief Inspector and retains a copy in the waybill book. Waybill book must be available for inspection upon request (s21). The consignee certifies delivery of correct number of stock. Keeps waybill for inspection for 12 months (s20).	NA
	Stock Routes and Travelling Stock Regulations		None	Waybill: (For stock originating within NT: Form 1 in Schedule 2) (Regs s7).	NA

11.2.5 Transportation of live camels on a domestic basis					
Jurisdiction	Key Legislation	How are camels classified under importation legislation?	Which permits are required to introduce camels into a jurisdiction?	Which travel documents are required to accompany camels during transportation?	What are the quarantine/health requirements for camels travelling into a jurisdiction?
Northern Territory (cont.)	Stock Diseases Act	'Stock'.	NA	Health certificate and waybill: (For stock originating outside NT: Form D/Form 1A in Schedule 2) (Regs s7).	The Minister may prohibit or restrict entry or importation from an area or place of stock or of stock of a particular species or class (s23). Notice of at least 7 days must be given to an inspector prior to importing stock. Before entering, owner must obtain a health certificate to import the stock (s24). The Chief Inspector may appoint places for the entry of stock into the NT from a specified part of Australia; and specify the tests or treatment to be applied to stock (s25).
	Stock Act 1915	'Stock'.	NA	Health certificate from state of origin	To prevent, control or eradicate disease a regulation may provide for: - prohibited entry of stock or entry subject to conditions if in a prescribed condition of disease or have not been tested, treated, quarantined or maintained away from disease - notice to be given prior to introduction of stock - health certificates to be provided from the state of origin - stock to be examined by an inspector before introduction to the state - entry restricted to certain points of entry - regulating means of conveying stock into state - requiring identification procedures to be undertaken in respect of stock - regulating travelling, handling and disposal of introduced stock (s11).
Travel permit.					Stock movements requiring travel permit: stock moved into, within, or out of a declared area; stock moved to quarantine facility for export; suspected stock; stock moved to border crossing point or sea/air loading point for transport to another state/territory; stock moved into, within, or out of a prescribed area. Travel permits are subject to conditions and only issued if inspector is satisfied movement will not spread disease (s21b).

11.2.5 Transportation of live camels on a domestic basis					
Jurisdiction	Key Legislation	How are camels classified under importation legislation?	Which permits are required to introduce camels into a jurisdiction?	Which travel documents are required to accompany camels during transportation?	What are the quarantine/health requirements for camels travelling into a jurisdiction?
Queensland		'Stock'.	NA	National Vendor Declaration or Waybill: - Before moving stock a waybill must be completed by the owner, agent or occupier of a holding and given to the drover. - The drover must not travel stock without a completed waybill. Stock must not be delivered or accepted without an approved waybill. - The waybill must be retained for 2 years and produced for inspection by an inspector if requested. - A person must not knowingly enter false or misleading information on a waybill (s22).	
South Australia	Livestock Act 1997	'Livestock'.	None.	None.	None.
Western Australia	Biosecurity and Agriculture Management Act 2007	Declared species, category A4, A5, A6.	An import permit is required (s15, s24).		
	Agriculture and Related Resources Protection (Declared Animals) Regulations 1985	Declared species, category A4, A5, A6.	A permit to introduce feral camels is required (Part II).	Form 1: Permit to Introduce Declared Animals (Schedule 1 Regs s4). Clearance certificate (Regs s9, s10)	24 hours notice must be given to the Protection Board of the time regarding means of transportation of animals. Approval must be obtained prior to bringing camels into the state (s9). Camels must be taken to an approved place and inspected by the Protection Board (s9). Either a clearance certificate is issued or further conditions imposed on the permit (s10).
			A permit to keep feral camels is required (Part III).	The permit may be issued in accordance with the application; for a lesser number of animals; with conditions; or upon receipt of further information (s7). The permit is to accompany the animals on entry into the state (s8). Form 3: Permit to Keep Declared Animals. Form AD1071 Movement of Stock to Western Australia.	Permits and clearance certificates must accompany camels and be produced on demand to an inspector (s11).

11.2.6 Branding camels

11.2.6 Branding camels		
Jurisdiction	Key legislation	What legislative requirements exist in relation to branding camels?
Commonwealth	Model Code of Practice for Animal Welfare: the Camel	No suitable identification method yet established. Current methods are either impractical or unacceptable due to animal welfare issues.
New South Wales	Stock Diseases Regulations 2004	NA
Northern Territory	<i>Brands Act</i>	The definition of 'stock' includes camels, and branding is encouraged for identification purposes but is currently optional.
Queensland	<i>Brands Act 1915</i>	The definition of 'stock' includes camels. s7 of the Act defines the places where a brand may be imprinted on a camel.
	Stock Identification Regulations 1985	NA
South Australia	<i>Brands Act 1933</i>	Definition of 'cattle' includes camels. s13 of the Act describes the system by which brands are to be applied to camels; however, branding is currently optional.
Western Australia	<i>Stock Identification and Movement Act 1970</i>	NA

11.2.7 Transportation of camels – live export

11.2.7 Transportation of camels - live export					
Jurisdiction	Key legislation	What licenses are required to export live camels?	What regulations apply to the live export of camels by sea?	What regulations apply to the live export of camels by air?	Do national standards apply to the live export of camels?
Commonwealth	Australian Meat and Livestock Industry (Export Licensing) Regulations 1998	Application for a Livestock Export Licence (s14).			<i>Australian Standards for the Export of Livestock (Version 2.1, November 2006).</i>
	Australian Meat and Livestock Industry (Standards) Order 2005				<i>Australian Standards for the Export of Livestock (Version 2.1, November 2006).</i>
	Export Control (Animals) Order 2004	Application for Livestock Premises Registration (s2.04).	Notice of Intention and Consignment Risk Management Plan for Livestock Exports by Sea (s2.41, s2.42). Export of livestock by sea is prohibited unless the permit is issued (s7, s8, s25).	Export of livestock by air is prohibited unless the permit is issued (s7, s8, s25).	
			Export of livestock by sea is prohibited unless the permit is issued (s7, s8, s25). Export of livestock by sea is prohibited unless the permit is issued (s2.02).	Notice of Intention for Livestock Exports by Air Transport (s3.04). Export of livestock by air is prohibited unless the export permit is issued (s3.03).	

11.3 Commentary

11.3.1 Keeping camels – animal welfare

11.3.1.1 Applicability to feral camels?

Yes. Animal welfare legislation applies to all live mammals or members of the vertebrate taxon and is therefore applicable to camels.

11.3.1.2 What welfare obligations are there for keeping camels?

The question of keeping live camels applies specifically to the containment of camels in a livestock context; therefore, confinement provisions relating to enclosure within a structure have been analysed in this report.

Specific guidelines on water, food, and shelter requirements of camels, as well as information on predation and protection from climatic extremes can be found in the Model Code of Practice for the Welfare of Animals: the Camel.

The exact definition of ‘confine’ in animal welfare legislation varies between jurisdictions, but usually it means to restrict an animal’s freedom of movement by enclosing it within a structure (paddock, cage, etc); restraining it by mutilation; subjecting the animal to a device for the purposes of hindering its movement; or tethering.

In general terms each of the jurisdictions’ animal welfare provisions describe a person in charge of an animal as ill treating; being ‘cruel’, or breaching their duty of care if they do not provide adequate or appropriate food, drink, and shelter; or if they constrain an animal in a way that may cause it harm. Opportunity to exercise is considered an obligation under this legislation.

Camels that are destined to be exported must be captured, handled, and kept in compliance with the Australian Standards for the Export of Livestock (Version 2.1) which is in force under the Australian Meat and Livestock Industry (Standards) Order 2005. These Standards outline compulsory guidelines designed to ensure the welfare of animals destined for live export is protected. The Standards are discussed in further detail in Section 11.3.6 Transportation of camels – live export.

11.3.1.3 What are the exceptions to these obligations?

Exceptions to an offence under these provisions tend to be where an animal is confined for the purposes of transportation.

11.3.1.4 Is there an obligation to follow a National Code of Practice when keeping camels?

South Australia is the only jurisdiction which dictates that a National Code of Practice must be adopted. Both the Model Code of Practice for Animal Welfare: the Camel and the Model Code of Practice for the Welfare of Animals: Feral Livestock Destruction or Capture, Handling and Marketing apply. In the other jurisdictions use of these codes of practice is discretionary or codes are not listed.

11.3.2 Keeping camels – permits and conditions

11.3.2.1 How are camels classified?

Camels are classified in different jurisdictions as ‘declared animals’, ‘non-declared animals’, ‘pests’, ‘not a prohibited entrant’ or ‘stock’. Generally, once a feral camel has been domesticated it is no longer considered a pest.

11.3.2.2 What are the permit/licence requirements for keeping camels?

In NSW, it is a legal requirement to obtain a licence in order to keep camels on a domestic basis. In WA, camels are classified as a declared species under three categories: A4, A5, and A6. Under category A4 and A6, entry and keeping of camels are subject to Department of Agriculture permits and or conditions. It is an offence in both NSW and WA to breach licence or permit provisions.

Keeping camels on a pastoral lease in SA requires permission from the Pastoral Board, which may approve the pasturing (as part of a commercial enterprise under the lease) of a species other than a species specified in the lease, including camels.

In the NT and Qld there are currently no permit requirements to keep camels. In both jurisdictions camels are used in a range of ways, including co-grazing, woody weed control, and tourism. In the NT the *Pastoral Land Act* stipulates that permission must be obtained in order to use stock other than that permitted by the lease. However, it is not certain whether this currently happens in practice or not. In Qld domesticated camels are considered stock under the *Stock Act 1915*.

11.3.2.3 What factors are considered in granting a licence or permit?

In NSW various factors will be taken into consideration, including the intended accommodation or premises where the camels are to be kept; the number of camels to be kept; and the capacity of the applicant to care for the camels, including an assessment of prior convictions under any Australian law relating to animal welfare.

In WA the Biosecurity Council may require evidence that the proposed camel enclosure is adequate to ensure security at all times. Animals must be inspected and certified free of disease prior to introduction. A premises inspection fee may apply.

In the NT, Qld, and SA no factors are specified.

11.3.2.4 What conditions may be placed on keeping camels?

WA has the strictest approach to conditions. However, in general, conditions in NSW and WA relate to security of accommodation and prevention of escape, constraints on numbers permitted to enter, and control over breeding as well as strict controls over supply and ownership.

Under pastoral legislation in SA, conditions will be placed on the lease and most likely cover management of stock numbers, maintenance of stockproof fences, and monitoring of land for degradation or rehabilitation purposes.

11.3.3 Fencing camels

11.3.3.1 What are the requirements for fencing domestic camels?

The Model Codes of Practice for the Welfare of Animals, the Camel and the Model Code of Practice for the Welfare of Animals: Feral Livestock Destruction or Capture, Handling and Marketing briefly mention the height of fencing and materials which may be used in relation to camels; however, SA is the only jurisdiction legally obliged to comply with them.

WA is the only jurisdiction that sets out a legal obligation to follow specific guidelines for the construction of fencing in relation to camels. The Agricultural Protection Agency has created a document called 'Domestication Procedure for Feral Camels' which applies under s13 of the Agriculture Related Resources Protection (Fencing) Regulations 1985 where a permit has been given to keep a category A6 animal. This includes the use of electric training fencing.

In SA fencing obligations for domestic camels are legislated in two Acts governing natural resource management and pastoral production. According to the *Natural Resources Management Act 2004*, the entire state of South Australia is a control area as far as camels are concerned. Evidence that a fence is adequate for the containment of camels would be secured via a certificate from the Minister stating that the fence confirms with current appropriate standards. In a pastoral context a lease may be granted under the *Pastoral Land Management and Conservation Act 1989* with conditions attached obliging the lessee to maintain existing fencing in a stockproof condition.

In the NT, NSW and Qld there are no legislative requirements for the fencing of camels, but government primary industry agencies recommend the use of good quality cattle fencing.

11.3.3.2 What type of fencing is required?

The Model Codes of Practice for the Welfare of Animals: the Camel and the Model Code of Practice for the Welfare of Animals: Feral Livestock Destruction or Capture, Handling and Marketing state that cattle yards with some modifications for height are appropriate for camel handling.

Similarly, the Queensland Department of Primary Industries, South Australia Pastoral Board, Central Australian Camel Industry Association (CACIA) and New South Wales Rural Lands Protection Board recommend the use of good quality cattle fences. The Queensland Department of Primary Industries is working to improve the standards of management for domestic camels and plans to conduct workshops in 2008 to assist camel owners incorporate best practice procedures into their management strategies, including guidelines on fencing. A manual is expected to be published soon after.

In WA the document 'Domestication Procedure for Feral Camels' sets out specifications for the construction of perimeter fencing and internal electrified training fencing which must be complied with under the Agriculture and Related Resources Protection (Fencing) Regulations 1985.

11.3.3.3 Are electric fences appropriate for fencing camels?

Several of the jurisdictions contain animal welfare provisions which prescribe the use of electrical devices, such as prods, for controlling animals, and most specifically exclude electric fences. There are no provisions in the animal welfare legislation which guide the use of electric fences. In WA, however, where domestication guidelines specify the use of electric fencing for the containment of camels, an electric fence is specifically excluded from the list of prescribed inhumane devices (s19(2)(b)).

11.3.4 Transportation of live camels – animal welfare

11.3.4.1 What welfare considerations are there in relation to the transportation of live animals?

According to animal welfare legislation in all of the jurisdictions except SA, it is an offence to transport an animal that is not fit to travel. It is also an offence to transport an animal in a way that may cause it harm; for example, in an unsuitable container or vehicle.

In SA, the only provision relating to transportation in the *Prevention of Cruelty to Animals Act* provides for steps to be taken when an animal is injured in an accident involving a vehicle (s33). However, camel owners in South Australia must comply with both codes of practice. The Model Code of Practice: the Camel provides explicit guidelines on transport practices, stocking densities, deck heights, etc, while the code of practice for feral livestock emphasises that stress should be kept to a minimum through keeping journeys as short as possible and that intractable animals should not be transported at all.

11.3.4.2 What exceptions or defences exist?

WA is the only jurisdiction which allows a defence against a suspected act of cruelty in relation to transportation. It is a defence if it can be proven that the act was conducted in a manner compatible with generally accepted animal husbandry practices used in farming or grazing activities (s23) or which complies with an adopted code of practice (s25).

11.3.4.3 What standards exist regarding the transport/movement of live camels?

The Australian Standards and Guidelines for the Welfare of Animals – Land Transport of Livestock are a component of the Australian Animal Welfare Strategy. These standards were developed under the auspices of the Animal Welfare Working Group (AWWG), which is ultimately responsible to the Primary Industries Ministerial Council. The standards are currently under review. This analysis was conducted on the latest draft of the new version due to be released in 2008.

The standards apply to the major livestock industries in Australia, including camels, and cover livestock transport by road, rail, and by livestock transport vehicle aboard a ship. They are designed to ensure consistent high standards of welfare are maintained throughout all parts of the livestock transport chain.

From an animal welfare perspective the movement process includes all activities from the time the animals are first deprived of water before loading until the time they have access to water on completion of their journey.

From the perspective of responsibility for welfare during the transport process, livestock transport begins at loading of livestock into a container or on to a vehicle and concludes on unloading of livestock at the final destination. The chain of responsibility for livestock welfare begins with the owner or their agent and ends with the unloading stock at the final destination. Activities important for the transport process include mustering and assembly before loading for transport handling, and holding periods before loading; loading, journey duration, spelling periods; unloading and holding time until water is provided.

The standards replace existing Model Codes of Practice for the Welfare of Animals relating specifically to land transport. Relevant parts of the Model Code of Practice for the Welfare of Animals: The Camel (*Camelus dromedarius*) will be incorporated into the standards; for example, Chapter 10, which addresses the humane transportation of live camels.

The AWWG recommends that these standards and guidelines should be considered in conjunction with other requirements for the transport of livestock and related Commonwealth, State and Territory legislation, including animal health and biosecurity requirements, regulated livestock loading schemes, and driver regulations.

For camels being transported domestically for the purposes of live export, the AWWG also recommends consideration of the Australian Standards for the Export of Livestock (in force under the Australian Meat and Livestock Industry (Standards) Order 2005). These Standards outline compulsory guidelines designed to ensure the welfare of animals destined for live export is protected. The Standards are discussed in further detail in Section 11.3.6 Transportation of camels – live export.

11.3.4.4 Transportation of live camels on a domestic basis

Given the restrictive cost of transporting camels and the exclusivity of air travel to high value animals such as pets and horses, this analysis focuses on domestic transportation by road, rail, and sea. In addition, stock travelling legislation tends to group these means of transport together; therefore this analysis of transportation does not distinguish between them.

11.3.4.5 How are camels classified under importation legislation?

Transportation of camels is covered by Australian State and Territory legislation in two ways:

- importation of an exotic species with an implicit threat to the environment/agriculture
- introduction of travelling stock with the potential to carry disease.

Under the first criteria feral camels in NSW are classified as a category 3b, or low risk, animal, while in WA feral camels are a declared species under categories A4, A5, and A6. In SA camels are classified in Class 5 as a Category 3 species, which means they are a low risk animal but should be controlled throughout the state.

Under the second criteria camels are classified as stock under the various Stock Acts of the NT, NSW, and Qld. 'Travelling stock' under these Acts generally includes stock driven by hoof, as well as by road, rail, air, or sea.

11.3.4.6 Which permits are required to introduce camels into a jurisdiction?

In NSW a licence is required to introduce camels, which must then be kept in a private collection.

In WA a 'Permit to Introduce Declared Animals' is the essential document. Both will most likely be endorsed with conditions designed to minimise the camels' likelihood of escaping, transmitting disease, or impacting detrimentally on the environment.

11.3.4.7 Which travel documents are required to accompany camels during transportation?

Waybills are the most common form of travel document. These are designed to assist with identification of stock as well as traceback of disease, and, in some jurisdictions analysed, it is a legal requirement to issue a waybill prior to camels commencing their journey. They are an important part of the National Livestock Identification System, and failure to comply carries a penalty. The waybill contains a range of detailed information, including owner and recipient details, number and description of camels being transported, health status, etc. Copies of the waybill must be retained by the owner, drover, and/or consignee. These must be produced on request by an inspector. Falsifying information on waybills or failure to complete a waybill is an offence.

Other forms of travel documentation include the Qld 'travel permit' which must be completed in addition to a waybill for stock suspected of being infected or travelling through quarantine areas, and must be carried by the person in charge at all times. For commercial reasons and to meet domestic and export food safety requirements, combined National Vendor Declaration (NVD)/Waybills are generally used in Qld when stock are moved to saleyards or to slaughter.

According to the South Australia Gazette 30.6.2005, (Gazette 30.6.2005 p. 2017) the species *Camelus dromedarius* is classified in the *Natural Resources Management Act 2004* in Class 5 as a Category 3 species. Only two provisions are identified as applying specifically to Class 5 mammals (camels): s179 Offence to release animals or plants, and 181(1) Requirement to control certain animals or plants. Although there are control provisions within this act which relate to the movement (s175) of certain animals, including camelids but not camels, due to the declaration described above camels are believed to be exempt from these provisions. According to PIRSA Animal Health department there is no permit requirement to move a camel within or into SA.

The NSW Director-General may grant a permit authorising the movement or transportation of an animal from one licensee's licensed accommodation to another licensee's licensed accommodation, or the transportation of an animal for any purpose approved by the Director-General (s19). Conditions

to which the permit is subject are designed to prevent or minimise the threat of any disease, prevent or minimise any threat to agriculture or the environment, and ensure the secure custody of the animal during movement or transportation en route as well as at its intended destination.

Under the Agriculture and Related Resources Protection (Declared Animals) Regulations 1985 the owner or manager of camels to be imported into WA must complete Form AD1071 (<http://www.agric.wa.gov.au/content/AAP/Q/camelid.htm>) which certifies that the livestock meets all prerequisites in terms of entry permits and disease-free status.

Several supporting documents must accompany this form: Form 1: Permit to introduce declared animals; Form 3: Permit to keep declared animals; and declarations of health status.

11.3.4.8 What are the quarantine/health requirements for camels travelling into a jurisdiction?

Camels being transported into the NT, Qld, and WA require certification of disease-free status. Generally, some advance notice is required of arrival of stock at a certain entry point in order for health inspections to be conducted and treatment or quarantining arranged if necessary. Animals being imported from certain declared areas may require specific testing to prevent the spread of cattle tick, Bovine Johne's Disease and liverfluke. In WA camels are also tested for declared seeds and burrs.

In SA, no health certificates are required for camels entering the state.

11.3.5 Branding camels

While analysing transportation and importation legislation for camels, it became clear that identification of individual animals is an important aspect of domestication. Branding is vital for identification purposes and for disease control. Although camels are commonly viewed as a feral animal and therefore of low value, at present it is likely that as domesticated numbers increase and transportation becomes more frequent they may be required to enter the National Livestock Identification System. This normally involves being branded.

11.3.5.1 What legislative requirements exist in relation to branding camels?

Some legislative requirements exist but branding of camels is 'optional'.

The Model Code of Practice for Animal Welfare: the Camel states that a suitable method of permanent identification for camels needs to be established. Current methods of branding are either not practical or are unacceptable on animal welfare grounds. It suggests that the use of microchips, currently being trialled in the United Arab Emirates, should be evaluated in Australia.

Branding of camels is voluntary in all of the jurisdictions analysed; however, in some states camels are included in branding legislation. In the NT, for example, camels are classified as stock under the *Brands Act*, and branding is encouraged for identification purposes. (http://www.nt.gov.au/dpifm/Primary_Industry/Content/File/biosecurity/Brands/FS_GuidetoBrandinginNT.pdf). Similarly the South Australia *Brands Act 1933* includes camels in its definition of cattle and includes a branding system specifically for camels. The *Stock Identification and Movement Act 1970* in WA is under review to address a range of issues such as this. In Qld camels are classified as designated stock under both the *Stock Identification Regulations 1985* (s5) and the *Brands Act 1915*; however, it is more likely that they will be identified through the Property Identification Code than an individual brand.

There is no mention of camels in the relevant NSW Act.

11.3.6 Transportation of camels – live export

There are several pieces of Commonwealth legislation that regulate the various stages in the process of exporting live animals from Australia by air and sea. The principal instruments are the Australian Meat and Livestock Industry (Export Licensing) Regulations 1998; the *Export Control Act 1982* (Cwlth) and the Export Control (Animals) Order 2004. In each case the definition of livestock explicitly includes camels.

11.3.6.1 What licenses are required to export live camels?

The live export process is highly regulated and requires the exporter to provide a significant amount of evidence demonstrating that livestock for export is kept, treated, and transported in a manner that complies with both the Australian and the importing country's quarantine requirements. Export licences are granted under Division 2, s10–25A of the *Australian Meat and Live-stock Industry Act 1997*.

The steps for exporting live camels are:

- 'Application for a Livestock Export Licence' submitted to AQIS for a licence to export livestock under Regulation 14 of the Australian Meat and Livestock Industry (Export Licensing) Regulations 1998
- 'Application for Livestock Premises Registration' submitted to AQIS to register a premises for holding and assembling of livestock for export under s2.04 of the Export Control (Animals) Order 2004.

11.3.6.2 What regulations apply to the live export of camels by sea?

'Notice of Intention and Consignment Risk Management Plan for Livestock Exports by Sea' submitted to AQIS under s2.41 and s2.42 of the Export Control (Animals) Order 2004. The export of livestock by sea is prohibited unless the export permit is issued (s2.02 of the Export Control (Animals) Order 2004 and s7, s8, and s25 of the *Export Control Act 1982* (Cwlth)).

11.3.6.3 What regulations apply to the live export of camels by air?

'Notice of Intention for Livestock Exports by Air Transport' submitted to AQIS under s3.04 of the Export Control (Animals) Order 2004. The export of live animals, or the export of livestock by air, is prohibited unless the export permit is issued (s3.03 of the Export Control (Animals) Order 2004 and s7, s8 and s25 of the *Export Control Act 1982* (Cwlth)).

Undoubtedly, the majority of camels being exported would be transported by sea. Export by air transport is normally reserved for small numbers of animals or animals of high value individually such as companion animals (cats and dogs), racehorses being exported for competition or breeding, livestock being exported for breeding, or native animals being exported for zoological purposes.

11.3.6.4 Do national standards apply to the live export of camels?

The Australian Meat and Livestock Industry (Standards) Order 2005 (in force under s17 of the *Australian Meat and Livestock Industry Act 1997*) states in s3 that the holder of a livestock export licence must not export livestock except in accordance with the Australian Standards for the Export of Livestock (Version 2.1, November 2006).

The Australian Standards for the Export of Livestock (Version 2.1) were developed by the Australian Government's Department of Agriculture, Fisheries and Forestry, along with all State and Territory governments. They form an important part of the new regulatory arrangements for the livestock export industry and set the basic standards for the conduct of the livestock export trade, as required by the

Australian, State and Territory governments. The Standards cover the six major steps along the export chain and are relevant for common livestock species including camelids (camels, llama, alpaca, and vicunas).

Each standards document provides guidelines on a specific topic, followed by a table of standards which cover relevant State and Territory animal health and welfare requirements. They also reflect relevant aspects of the national Model Codes of Practice for the Welfare of Animals for various species of livestock including camels:

Standard 1 – Sourcing and on-farm preparation of livestock

Standard 2 – Land transport of livestock

Standard 3 – Management of livestock in registered premises

Standard 4 – Vessel preparation and loading

Standard 5 – Onboard management of livestock

Standard 6 – Air transport of livestock.

These standards also apply to operators of premises registered for preparing, holding, or assembling livestock prior to export, who must submit an operations manual with their application for registration. Other participants in the livestock export chain such as livestock producers, livestock transport operators, feed suppliers, stock agents, stock owners, operators and employees of registered premises, stock persons and owners, animal handlers, operators and masters of the livestock vessel, etc., should integrate the standards into their quality assurance systems.

11.3.6.5 What are the requirements of importing countries?

Importing countries may have unique transport requirements such as health certification to prove animals are free from specific pests, specifications for hygiene of containers and route taken, and port of entry requirements. Special conditions may also apply; for example, a CITES permit from Indonesian authorities is required for camels coming into Indonesia, and prior to export camels must have been in captivity for at least six months or since birth.

Live Export of Food Animals

The ‘National Consultative Committee on Animal Welfare (NCCAW) Position Statement – April 1994’ can be viewed at

<http://www.daff.gov.au/animal-plant-health/welfare/nccaw/guidelines/transport/food>

International Air Transport Association (IATA)

The IATA Live Animals Regulations (LAR) is a worldwide standard and essential manual for those who need to ship animals in a safe and cost-effective manner. It is relevant for shippers, freight forwarders, airlines, passengers travelling with pets, or animal care professionals, and is a guide for transporting animals humanely and in compliance with airline regulations and animal welfare standards.

11.4 Key differences and incompatibilities

The animal welfare legislation analysed in the context of keeping and transporting camels is fairly consistent across the jurisdictions in promoting a duty of care towards the humane treatment of camels. The only discrepancy is the obligation to refer to relevant codes of practice. However, national standards for the transport of livestock are applicable across all jurisdictions and take precedence over the codes. The live export of camels is regulated by Commonwealth export legislation and national transport standards, which are consistent across the country.

11.4.1 Introducing, keeping, and fencing camels

The disparity of camel classification between jurisdictions (from declared species to stock) may have a significant impact on the national adoption of camels in a domestic or pastoral context. In WA, with its strict quarantine provisions, explicit legislation clarifies the responsibilities of a camel owner in terms of introducing and domesticating a declared species. In NSW the legislation regards the camel as an animal of low risk to be kept in private collections or as an exhibit and passed only between licensees. Meanwhile in the NT, Qld, and SA, which have a history of working with camels as stock, either camels are already being integrated into pastoral leases, or pastoral experience and pragmatism are guiding management principles.

11.4.2 Transporting camels on a domestic basis

In terms of transporting camels domestically by rail, road, air, or sea, there are minor differences between the types of travel documents required; however, most of the jurisdictions, except SA, insist on the issue of a waybill for identification and traceback purposes and a clean bill of health for disease control. This is consistent with transportation procedures for other stock species and is not considered a hindrance to their movement.

The main obstacle to transportation of camels is the high cost. The Model Code of Practice for Animals: the Camel stipulates that due to their height, camels can be transported on single deck vehicles only. In effect this doubles the cost of transporting camels as opposed to other stock, which can be loaded on double-decker vehicles, or which can fit more animals per deck. This research has uncovered some calls to try transporting young, small camels on double-deckers; however, at the time of writing this remains as yet untested.

11.5 Conclusions and recommendations

The following recommendations for legislative reform are made in relation to the keeping and transporting of camels:

- General welfare standards of domesticated camels could be improved across the country by modifying animal welfare legislation to ensure mandatory adoption of relevant codes of practice. An example of this can be found in sections 42 and 44 of the South Australian *Prevention of Cruelty to Animals Act 1985* and section 10 of the *Prevention of Cruelty to Animals Regulations 2000*.
- Classification of camels varies across jurisdiction depending on their perceived threat to the environment. Once domesticated, camels are permitted to be kept in all jurisdictions. However, owners in NSW and WA must apply for a permit, which is granted only under strict conditions.
- WA and SA stipulate it is a legal obligation to comply with fencing guidelines, whereas there are no legislative requirements for fencing camels in the other jurisdictions.
- Classification of domesticated camels as a stock animal in each jurisdiction could help to simplify the traffic of camels across borders.
- The document 'Australian standards and guidelines for the welfare of animals – Land transport of livestock' is due to be released in 2008 as part of the Australian Animal Welfare Strategy. These standards include principles relating to the transport of livestock and will incorporate the relevant transportation sections from current codes of practice. Their aim is to provide a national welfare benchmark for camel owners across the country wishing to transport live camels.
- Transportation is important for several camel-related industries: export of domestic camels across jurisdictions for co-grazing and woody weed control; live export of camels overseas; and processing of camel meat and other products. However, transportation costs are almost prohibitively high and long journeys create stress levels for animals which may exceed acceptable animal welfare provisions. The establishment of more export licensed abattoirs in regional areas could assist in this area.

11.6 Appendix – Table of legislation

11.6.1 Keeping of camels – animal welfare

Jurisdiction	Responsible Minister	Legislation
Commonwealth	NA	NA
New South Wales	Primary Industries	<i>Prevention of Cruelty to Animals Act 1979</i>
Northern Territory	Local Government, Housing and Sport	<i>Animal Welfare Act</i>
Queensland	Primary Industry and Fisheries	<i>Animal Care and Protection Act 2001</i>
South Australia	Environment and Conservation	<i>Prevention of Cruelty to Animals Act 1985</i>
	Environment and Conservation	Prevention of Cruelty to Animals Regulations 2000
Western Australia	Local Government	<i>Animal Welfare Act 2002</i>
	Local Government	Animal Welfare (General) Regulations 2003

11.6.2 Keeping of camels – other

Jurisdiction	Responsible Minister	Legislation
Commonwealth	NA	NA
New South Wales	Primary Industries	<i>Non-Indigenous Animals Act 1987</i>
Northern Territory	Natural Resources, Environment and the Arts	<i>Territory Parks and Wildlife Conservation Act</i>
Queensland	Natural Resources and Water	<i>Land Protection (Pest and Stock Route Management) Act 2002</i>
South Australia	Environment and Conservation	<i>Natural Resources Management Act 2004</i>
	Environment and Conservation	<i>Pastoral Land Management and Conservation Act 1989</i>
Western Australia	Agriculture and Food	<i>Biosecurity and Agriculture Management Act 2007</i>
	Agriculture and Food	Agriculture and Related Resources Protection (Declared Animals) Regulations 1985

11.6.3 Fencing of camels

Jurisdiction	Responsible Minister	Legislation
Commonwealth	Agriculture, Fisheries and Forestry	The Model Code of Practice for the Welfare of Animals: the Camel
	Agriculture, Fisheries and Forestry	The Model Code of Practice for the Welfare of Animals: Feral Livestock Destruction or Capture, Handling and Marketing
New South Wales	Lands	<i>Dividing Fences Act 1991</i>
Northern Territory	Justice	<i>Fences Act</i>
Queensland	Natural Resources and Water	<i>Land Protection (Pest and Stock Route Management) Act 2002</i>
South Australia	Environment and Conservation	<i>Natural Resources Management Act 2004</i>
	Environment and Conservation	<i>Pastoral Land Management and Conservation Act 1989</i>
Western Australia	Agriculture and Food	Agriculture and Related Resources Protection (Fencing) Regulations 1985
	Local Government	Animal Welfare Regulations 2003

11.6.4 Transportation of camels – animal welfare

Jurisdiction	Responsible Minister	Legislation
Commonwealth	Agriculture, Fisheries and Forestry	Model Code of Practice for the Welfare of Animals: Feral Livestock Destruction or Capture, Handling and Marketing
	Agriculture, Fisheries and Forestry	Model Code of Practice for the Welfare of Animals: the Camel
New South Wales	Primary Industries	<i>Prevention of Cruelty to Animals Act 1979</i>
	Primary Industries	Prevention of Cruelty to Animals (General) Regulations 2006
Northern Territory	Local Government, Housing and Sport	<i>Animal Welfare Act</i>
Queensland	Primary Industry and Fisheries	<i>Animal Care and Protection Act 2001</i>
South Australia	Environment and Conservation	<i>Prevention of Cruelty to Animals Act 1985</i>
Western Australia	Local Government	<i>Animal Welfare Act 2002</i>

11.6.5 Transportation of camels – domestic

Jurisdiction	Responsible Minister	Legislation
Commonwealth	NA	NA
New South Wales	Primary Industries	<i>Non-Indigenous Animals Act 1987</i>
	Primary Industries	<i>Stock Diseases Act 1923</i>
Northern Territory	Primary Industry, Fisheries and Mines	<i>Stock Diseases Act</i>
	Primary Industry, Fisheries and Mines	<i>Stock Routes and Travelling Stock Act</i>
	Primary Industry, Fisheries and Mines	Stock Routes and Travelling Stock Regulations
Queensland	Primary Industries and Fisheries	<i>Stock Act 1915</i>
South Australia	Agriculture, Food and Fisheries	<i>Livestock Act 1997</i>
Western Australia	Agriculture and Food	<i>Biosecurity and Agriculture Management Act 2007</i>
	Agriculture and Food	Agriculture and Related Resources Protection (Declared Animals) Regulations 1985

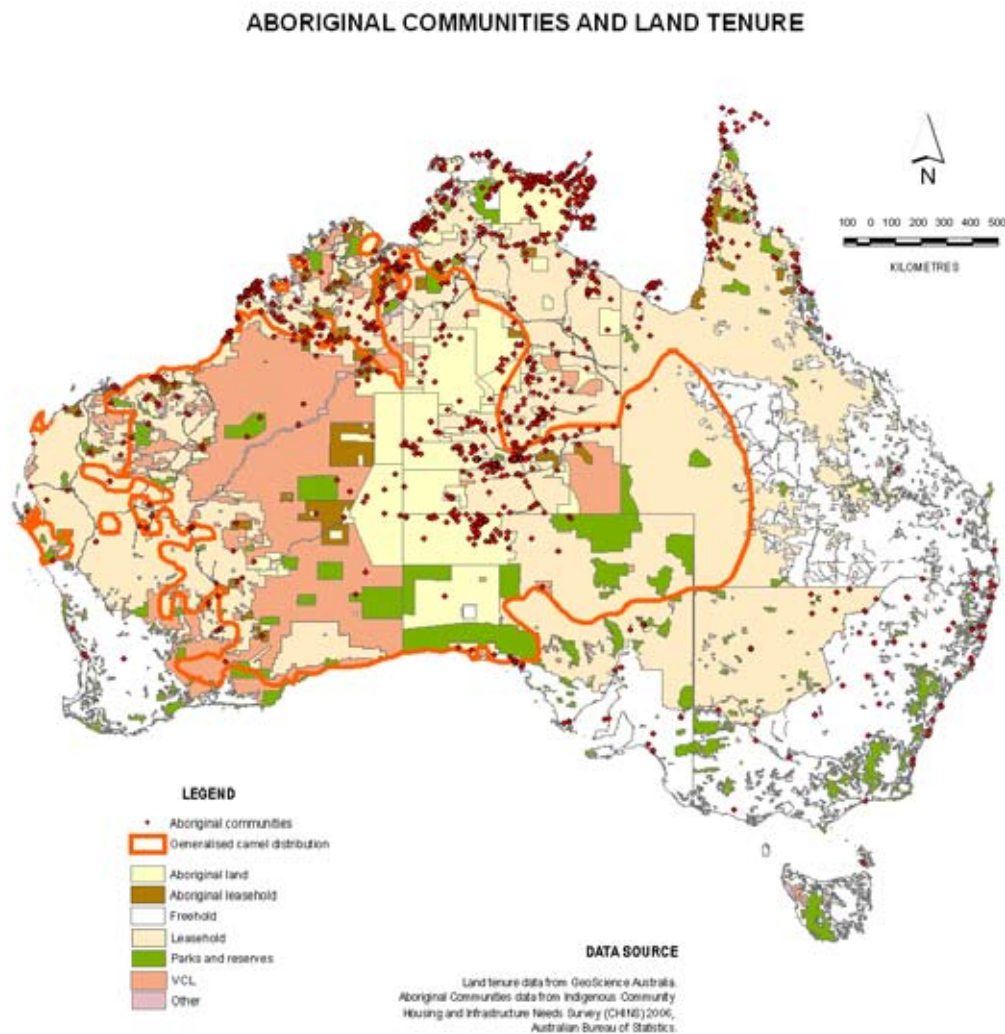
11.6.6 Branding of camels

Jurisdiction	Responsible Minister	Legislation
Commonwealth	Agriculture, Fisheries and Forestry	Model Code of Practice for Animal Welfare: the Camel
New South Wales	Primary Industries	Stock Diseases Regulations 2004
Northern Territory	Primary Industry, Fisheries and Mines	<i>Brands Act</i>
Queensland	Primary Industries and Fisheries	Stock Identification Regulations 1985
	Primary Industries and Fisheries	<i>Brands Act 1915</i>
South Australia	Agriculture, Food and Fisheries	<i>Brands Act 1933</i>
Western Australia	Agriculture and Food	<i>Stock Identification and Movement Act 1970</i>

11.6.7 Transportation of camels – live export

Jurisdiction	Responsible Minister	Legislation
Commonwealth	Agriculture, Fisheries and Forestry	Australian Meat and Livestock Industry (Export Licensing) Regulations 1998
	Agriculture, Fisheries and Forestry	Australian Meat and Livestock Industry (Standards) Order 2005
	Agriculture, Fisheries and Forestry	<i>Australian Standards for the Export of Livestock (Version 2.1, November 2006)</i>
	Agriculture, Fisheries and Forestry	<i>Export Control Act 1982 (Cwlth)</i>
	Agriculture, Fisheries and Forestry	Export Control (Animals) Order 2004

12. Appendix 1: Map of Camel Distribution and Land Tenure in Australia



DKCRC Partners

