

Legislative issues relating to control of dingoes and other wild dogs in New South Wales.

I. Approaches to future management

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ABSTRACT

Dingo conservation and wild dog control have historically been seen as antagonistic. Pest animal management provisions in the new Rural Lands Protection Act 1998 will bind the crown and make it imperative that policies for agricultural protection and conservation address these historic differences.

This paper examines legislation relating to the control of dingoes and wild dogs in New South Wales, and outlines an approach to future management.

Introduction

Dingoes, their crosses and other wild dogs (subsequently referred to as dogs unless otherwise indicated) have been subject to control of some kind since livestock were first introduced to Australia (Breckwoldt 1988). Dogs were initially controlled to protect livestock. In more recent years, there has been a greater emphasis on controlling dogs on crown land to remove their genetic influence on remaining dingo populations (Andrew Leys NPWS, personal communication). Management of dogs on crown land has for some years aspired to build communication and cooperation between crown land managers and the grazing community in meeting joint objectives of dingo conservation and agricultural protection (National Parks and Wildlife Service, Wild Dog Policy, 1997).

Current operational policy regarding control of dogs in NSW includes the aim of achieving the correct balance between dog control and preservation of dingoes (NSW Pest Animal Council, Policy – Management of Wild Dogs, May 2000). This aim has existed since at least 1992 (Graeme Eggleston NSW Agriculture, personal communication) and reflects the NSW legislative framework that increasingly requires a whole of government approach to achieve outcomes that balance a range of potentially conflicting demands.

This paper overviews current legislation relating to dogs in NSW with particular emphasis on the status of dingoes and changes to legislation affecting dogs and dingoes. Policy issues arising from legislative changes will be discussed.

Companion Animals Act 1998

The *Companion Animals (CA) Act 1998* binds the crown and replaced the *Dog Act 1966*. The dingo has no special status under the CA Act 1998 other than that of a dog. The CA Act 1998 provides for identification, registration and control of dogs (and cats) with some exemptions for farm dogs. The CA Act 1998 therefore allows people to keep dingoes provided they comply with its provisions.

National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* binds the crown and protects all native fauna except those listed as unprotected in Schedule 11 of the Act. Although it is an offence to harm protected fauna, the Act provides for licenses to harm protected fauna in some situations. Dingoes are listed in Schedule 11 and are unprotected but the National Parks and Wildlife Service nevertheless aims to conserve dingoes (National Parks and Wildlife Service, Wild Dog Policy, 1997) and applies this approach to dingoes in areas of high quality habitat while simultaneously seeking to minimise their impact on nearby livestock (Andrew Leys, personal communication).

Threatened Species Conservation Act 1995

The *Threatened Species Conservation (TSC) Act 1995* aims to conserve native species (present prior to 1788). The Act binds the crown and provides for species to be listed as vulnerable species, as species presumed extinct, or as endangered species, populations or ecological communities. The definition of threatened species includes those listed as vulnerable, endangered or presumed extinct, but not those listed as endangered populations or ecological communities. Listing provides protection along with mechanisms for listing and managing the key threatening processes. Dingoes are not currently listed, however an application to list dingoes as a vulnerable species or as endangered populations under the *TSC Act 1995* has been deferred pending further research (Chris Dickman, personal communication).

Wild Dog Destruction Act 1921

The *Wild Dog Destruction Act 1921* includes dingoes within its definition of wild dogs. The Act has jurisdiction only within the western division of New South Wales where it requires owners or occupiers of land to continuously suppress or destroy wild dogs. Notices may be issued to owners or occupiers of land to control wild dogs. The Act also prohibits ownership of dingoes in the western division of NSW without the written permission of the Wild Dog Destruction Board constituted under the Act. The Act does not bind the crown.

Rural Lands Protection Act 1989

The *Rural Lands Protection (RLP) Act 1989* assigns dingoes the status of noxious animal by including dingoes within the definition of wild dogs and wild dogs within the definition of noxious animals. The noxious animal provisions are general, but the Act does not bind the crown and crown land managers are not required to control noxious animals. The Act requires owners or occupiers of other lands to continuously suppress or destroy noxious animals and provides for orders to enforce these provisions.

The *RLP Act 1989* allows the Minister for Agriculture to permit the keeping of noxious animals subject to conditions. Conditions imposed by the Minister for the keeping of dingoes under this provision stipulate membership of a registered dingo conservation or breed society for owners wishing to keep 'entire' dingoes, along with permanent identification and specified standards for keeping and confining all dingoes. This provision effectively applied public policy to

the keeping of dingoes.

Rural Lands Protection Act 1998

The *Rural Lands Protection (RLP) Act 1998* (not yet proclaimed when this manuscript was accepted for publication) does not refer to the dingo or assign any specific status to dingoes. Under the *RLP Act 1989*, noxious animal provisions applied to the whole of NSW except crown land. The *RLP Act 1998* allows the Minister for Agriculture to impose control obligations equivalent to earlier noxious animal provisions through instruments called pest control orders. The 1998 Act introduces flexibility to specify the scope and area covered by each order. It also binds the crown.

The *RLP Act 1998* prevents protected fauna or threatened species being declared as pest animals and requires the Minister for Agriculture to consult with the Minister for Environment before making any native species a pest animal. The Minister for Agriculture must also consult with public authorities before making pest control orders over land these authorities manage.

Relevant orders will refer to 'wild dogs' in functional terms without reference to genotype. This functional definition avoids the identification problems that otherwise exist if genotype is the basis for companion animal ownership and control of 'wild dogs' on agricultural lands. Since there is no specific reference to dingoes in the *RLP Act 1998*, Ministerial approval is no longer required for people to keep dingoes in captivity.

An approach to wild dog control and dingo conservation under current legislation

The *RLP Act 1998* clearly intends that pest animal provisions bind the crown except when these provisions would harm protected or threatened species.

Listing dingoes as a threatened species under the *TSC Act 1995* would create conflict between this Act and both the *Wild Dog Destruction Act 1921* and noxious animal provisions of the *RLP Act 1989*. This situation is slightly different to that for the *RLP Act 1998*, which prevents threatened species being made pest animals. Such a listing would have significant implications for dog and fox control because control methods do not reliably discriminate between these species.

It is also useful to acknowledge the ironic contradiction between the need to control foxes

as a key threatening process and the inability to precisely distinguish foxes and dogs as target species in control programs. There is evidence that dog control programs also control foxes (Fleming 1996) and some evidence that dogs may help control foxes (Corbett 1995).

A pragmatic approach to dog control recognises the need to meet both agricultural protection and dingo conservation objectives. As the legislative situation suggests, these objectives have historically been seen as antagonistic. This situation seems almost inevitable when agricultural protection and dingo conservation objectives are perceived simply from either side of the fence that separates grazing land from dingo and wild dog habitat. Problems at this local level also reflect how well respective land managers communicate, and significantly, the fact that high quality dingo habitat currently exists as a series of discrete areas within larger areas of agricultural and crown land.

The relatively small size of most national parks and reserves makes it difficult to implement cost effective management and perimeter controls that successfully minimise the movement of dingoes from these areas, and the resulting agricultural impacts. This situation can also make it difficult to prevent dogs entering these areas and the resulting potential for further dilution of the remaining dingo gene pool.

An alternative approach may be to identify much larger areas of suitable crown land habitat that

contains dingoes and to implement appropriate management and perimeter controls to support both dingo conservation and agricultural protection objectives. This approach would need to include State Forest and unoccupied crown land. It would also require significant funding, in return for which it offers a real prospect of improving both agricultural protection and dingo conservation objectives. Such an approach would seem to be able to accommodate localised listing of dingoes as endangered populations without significantly impacting the operation of the *RLP Act 1998*. Provisions of the *Environmental Planning and Assessment Act 1979* (not mentioned with other legislation above) would continue to apply under this, or any other approach.

There has been considerable liaison and cooperation between NSW Agriculture, Rural Lands Protection Boards, National Parks and Wildlife Service (NPWS), State Forests and other crown land managers to develop pest control orders that deliver an appropriate balance between dingo conservation and agricultural protection objectives. These discussions aim to identify large areas of crown land dingo habitat that can be managed to conserve dingoes while also ensuring that the impacts of dingoes on nearby livestock are minimised.

This approach is an attempt to develop pragmatic policy to some important and sensitive issues, and for which there is no substitute for genuine collaboration and cooperation.

References

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