

# Reconciling wild dog control and dingo conservation under New South Wales legislation

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## ABSTRACT

The *Rural Lands Protection Act 1998*, unlike its legislative predecessor, requires the Crown to control pest animals declared under the Act. It establishes conditions that must be met before animals can be classified as pests and before pest animal control obligations can be introduced on public land in New South Wales. The Act prevents threatened species being classified as pest animals.

An application to list dingoes as a threatened species under the *Threatened Species Conservation Act 1995* creates the potential for conflict between these two Acts. In this paper we describe the interaction between these Acts and the practical consequences arising from them. We also describe a proposed approach to wild dog control orders that binds the Crown under the *Rural Lands Protection Act 1998*, and hopefully enables dingoes to be conserved in New South Wales.

## Introduction

Dingoes were once widespread in New South Wales (NSW) but dingoes and their hybrids are now largely confined to areas of the Great Dividing Range. Sheep, and to a lesser extent cattle, are the main livestock enterprises within areas where dingoes remain. Much of the land in these areas that is not used for grazing is public land set aside for forestry or conservation and recreation. Wild dog control programs have traditionally been implemented in and around these areas to protect livestock, especially sheep. Related activities have traditionally included control of unrestrained domestic dogs around towns and villages and maintenance of the wild dog fence in western NSW, and smaller dog fences elsewhere (northern tablelands and southern tablelands).

Although there was no legal requirement under previous legislation (*Rural Lands Protection Act 1989*) for public land managers to control wild dogs, the two major public land managers in NSW, the National Parks and Wildlife Service (NPWS) and State Forests of NSW (SFNSW), spent considerable sums on wild dog control.

Environment protection legislation introduced over the last two decades has required more target-specific control techniques to be used in conservation areas, and this has significantly increased the cost of the control programs. For example, aerial baiting in conservation areas has been greatly reduced.

Habitat fragmentation and modification associated with agricultural systems, along with hybridisation with domestic dogs, represent the main threats to remaining dingo populations. Despite the continuing need to minimise the impact of dingoes/wild dogs (hereafter referred to as wild dogs) on livestock, there is a community expectation that dingoes be conserved. This was a clear message emanating from the Dingo Symposium held in Sydney in May 1999 (Dickman and Lunney 2001).

Irrespective of the requirement/desire for dingo conservation in NSW, ecologists argue that large canids, as a top order predator, may have an important ecosystem function. The importance of this role for dingoes and their hybrids has often been overlooked, but has recently been reviewed (Fleming *et al.* 2001).

Unlike the noxious animal provisions of its legislative predecessor, the pest animal provisions of the *Rural Lands Protection (RLP) Act 1998* prevent threatened species and protected fauna becoming pest animals. The *Threatened Species Conservation (TSC) Act 1995* defines threatened species as those that are endangered, vulnerable or presumed extinct. The *National Parks and Wildlife Act 1974* protects all native fauna except those listed as unprotected in Schedule 11 of this Act. Schedule 11 includes all members of Carnivora other than Pinnipedia, and means that all dogs, including dingoes, are unprotected.

Again in contrast to its legislative predecessor, the *RLP Act 1998* requires pest species to be controlled on public land. This requirement reflects a continuing expectation by rural communities that public land managers control pest animals on public land in order to minimise their impact on nearby private land. This potentially increases the intensity of wild dog control on public land and for this reason an application was made to the Scientific Committee (the independent body responsible for determinations under the TSC Act) to list dingoes as a threatened species. Such a listing would seriously limit control of all dogs and foxes and create direct conflict between conservation and agricultural protection objectives. This situation would impact on livestock enterprises and compromise conservation of fauna threatened by foxes.

An outcome of this type would also create additional problems by dismantling the cooperation and collaboration between public land managers and the rural community that is so important in achieving pest animal control and conservation outcomes.

A decision on the application to list dingoes as a threatened species has been deferred pending further information on the genetic purity and distribution of dingoes, and the wild dog management systems proposed for areas of important dingo habitat.

The final contrast with the noxious animal provisions of its legislative predecessor is that pest control obligations are not imposed directly through the *RLP Act 1998*. The *RLP Act 1998* instead sets out how these obligations are to be imposed through pest control orders made by the Minister for Agriculture. This approach allows some flexibility to balance conservation and control objectives, which have historically been seen as antagonistic.

## Reconciling wild dog control and dingo conservation

The lead wildlife conservation agency in NSW is the NPWS. In collaboration with NSW Agriculture, NPWS convened four meetings of public land management agencies to consider arrangements capable of meeting both agricultural protection and conservation objectives, but avoiding conflict between the *RLP Act 1998* and the *TSC Act 1995*. To ensure transparency, limited representation from Rural Lands Protection Boards (RLPB) also attended these meetings. Broader public consultation occurred at a later stage.

Dingo conservation is most feasible in large reserves where further hybridisation with domestic dogs can be minimised. There is also less likelihood of dogs moving out of the core of large areas to attack livestock. An approach of this type was proposed at the dingo symposium (Davis 2001). The NPWS and SFNSW collectively manage about 8 million hectares of public land, parts of which are potentially suitable for this purpose.

The consultation undertaken by NPWS identified large areas of high quality dingo habitat on contiguous NPWS and SFNSW land, along with associated smaller areas of Sydney Catchment Authority and unoccupied Crown land managed by the Department of Land and Water Conservation. These areas formed the basis of a whole of government submission proposing that wild dog control obligations within these “wild dog management areas” would be met through agreed local management plans.

The *RLP Act 1998* requires public land managers to eradicate (continuously suppress and destroy) pest animals to the extent necessary to minimise the risk of damage to all land. The elements of this obligation contain legal uncertainty but the Act also allows this obligation to be fully discharged if the public land manager implements control measures that have been agreed by the RLPB for that district.

This effectively allows the option of “no dog control” to become an acceptable method of meeting this obligation within the core of these “wild dog management areas”. It also allows all local stakeholders to have input into the wild dog control programs implemented outside the core of these areas.

Wild dog control obligations proposed for private land are the same as those under the noxious animal provisions of the earlier *RLP Act 1989*. A similar approach is also proposed for other areas of public land, which do not represent important dingo habitat, or where there are no dingo populations of consequence.

## Discussion

This approach represents a concerted effort to balance dingo conservation and wild dog control objectives. Nevertheless, the commencement of the *RLP Act 1998* has not been effected so this approach has not yet been written into law.

Landholders remain concerned that this approach may not be sufficient to minimise wild dog impacts. The Regulation Review Committee of the NSW Parliament is concerned that this approach alone may not be sufficient to conserve dingoes. The fact that conservation and agricultural protection

objectives potentially conflict means that a balanced approach is inevitable unless one set of objectives is to predominate. It is also worth noting that neither set of objectives can be met without adequate funding and this would be true even if one set of objectives were completely removed.

It is generally accepted that pest animal management programs will be most effective if they can be implemented on a regional scale, with all stakeholders participating. It is also generally accepted that a landscape approach to biodiversity conservation is necessary, and hence conservation programs need to have the support of conservation agencies and local communities, especially rural landholders if they are to be successful. The approach that we have outlined is an attempt for both objectives to be achieved: attacks on livestock minimised, but dingoes conserved in core areas of NSW.

## References

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