Part 7:
WILD ANIMALS AND ANIMALS IN THE WILD

The Price of Freedom: The Controlled Extermination of the Australian Dingo

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1 Introduction

The exploitation of animals by humans the world over takes many forms. Animals are used and abused on an international scale for food, clothing, sport and entertainment and in scientific research. The legislation claiming to protect these animals is often inadequate or non-existent. But for animals declared a ‘pest’ the future is even more dire as legislation not only condones but encourages the killing of these animals. This is the fate of the Australian Dingo. Throughout Australia the Dingo is listed as a pest requiring eradication.
Generally the exploitation of animals is justified in legislation as animals are the property of their owners. This however, is not true for wild animals. Under common law wild animals in their natural habitats are owned by no one.¹ In NSW all native birds, reptiles, amphibians and mammals (except the dingo) are protected under the *National Parks and Wildlife Act 1974* (NSW).² However, the dingo is given no protection as it is labelled a wild dog under the *Rural Lands Protection Act 1998* (NSW). Under this legislation wild dogs are declared ‘noxious animals’.³ Instead of being protected the dingo is ‘controlled’ by poisoning, trapping and shooting them.

People have been subjecting wildlife to lethal control for centuries. Where wildlife cause - or are perceived to cause - serious damage to human livelihoods, a common response has been to kill them.⁴ Animals are sentient beings. ‘This means they are capable of being aware of sensations and emotions, of feeling pain and suffering, and of experiencing a state of well being’.⁵ Wild animals are no different from any other animals in this regard. However, in the case of wild animals that are labelled by society as being a ‘pest’ or ‘feral' or ‘noxious' or ‘invasive', such as the Dingo, it is often forgotten that this group of animals has the same capacity to suffer as any other animal. Since colonisation the dingo has been subjected to large-scale extermination to protect agricultural animals. The methods used to eradicate the dingo population often inflict immense pain and suffering on the animals.

Due to widespread farming and urban development wild animals are forced to compete with humans, domestic animals and each other for survival. The biggest threat to wildlife is from habitat loss and degradation. As the human population

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spreads the destruction of habitat is inevitable; urban development displaces wildlife and forces them to relocate or adapt. Wild animals are forced into smaller habitat areas and consequently come in closer and more frequent contact with humans and domestic animals.

As a result the phrases ‘animal damage control’, ‘problem wildlife management’, and ‘wildlife damage management’ have become commonplace in our society. Often action is taken to ‘manage’ wildlife to reduce economic losses. In order to ‘manage’ the dingo it has been labelled a wild dog and declared a noxious pest and now it is under threat of extinction.

**Background**

Australia is home to more than one million plant and animal species, many of which are found nowhere else on Earth. Since Australia was colonised in 1788, some 125 plant and animal species or subspecies are known to have become extinct. More mammals have died out in Australia in the last 200 years than in any other continent.

Prior to the arrival of Europeans, dingoes inhabited all of mainland Australia. Today however, the overall distribution of dingoes has been reduced by the long history of control and use of exclusion fencing.

### 2 The Dingo

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**Canis lupus dingo**, more commonly known as the Australian Dingo also labelled wild dog, feral, noxious and pest. The Dingo is a medium sized dog with a bushy tail and red to yellow coat. Dingoes do not bark, they howl.\(^{12}\) The dingo does not need to live in a pack and be taught to hunt to survive.\(^{13}\) Unlike the domestic dog, pure dingoes only breed once a year. Mostly they are a cautious and shy animal that try to avoid contact with humans.

The Dingo is distinctive from the domestic dog. ‘There is a broad misinterpretation that the dingo was once a domestic dog before it went wild in Australia ... this is totally incorrect’.\(^{14}\) Extensive research and DNA testing has revealed that the pure Dingo has no domestic dog ancestry.\(^{15}\)

To date there has been very little scientific research or biological studies undertaken to document the uniqueness of the dingo, other than to seek simpler means of exterminating them.\(^{16}\)

### 2.1 Dingo Populations in Jeopardy

There are three main processes that threaten remnant dingo populations. These are:

- loss of habitat;
- genetic dilution with domestic dog genes through hybridisation; and
- wild dog control.\(^{17}\)

For many Australians the Dingo is a cultural icon, but for sheep and cattle farmers, the wild dog is considered a pest because it is believed that they prey on livestock.\(^{18}\)

However, research has shown that domestic stock are not an important source of

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\(^{13}\) Dingo Discovery & Research Centre, *Dingoes are not dogs*, http://www.dingodiscovery.net/notdogs viewed 23 December 2013.

\(^{14}\) Dingo Discovery & Research Centre, *Dingoes are not dogs*, http://www.dingodiscovery.net/notdogs viewed 23 December 2013.


\(^{16}\) Dingo Discovery & Research Centre, *Dingoes are not dogs*, http://www.dingodiscovery.net/notdogs viewed 23 December 2013.


\(^{18}\) McDonald, C., *Dingo Documentary aims to expose myths and truths*, ABC Rural, 6 December 2013.
food for dingoes; it is estimated that stock makes up between one and seven per cent of a dingo’s diet.\textsuperscript{19}

Dingoes can have a positive impact on the environment. Predation by wild dogs can suppress the abundance of herbivores (both native and introduced) which may be important for reducing over-grazing.\textsuperscript{20} Dingoes eat a wide variety of animals, but their predominant food source are kangaroos and wallabies which make up 50 per cent of their diet.\textsuperscript{21} Dingoes also eat rabbits, possums, rats and marsupial mice.\textsuperscript{22} Furthermore ‘[w]ild dogs may also suppress smaller exotic predators (cats and foxes) with potential benefits for a broad suite of small to medium-sized ground-dwelling mammals and ground-nesting birds’.\textsuperscript{23}

Although domestic livestock do not usually play a major part in the diet of the dingo, they are often blamed for attacks on stock by feral dogs or dog/dingo hybrids. Due to cross-breeding with wild domestic dogs pure dingoes are now extremely rare and deserve our protection not persecution.

Nevertheless, due to the growth of the agricultural industry in Australia, together with habitat destruction, and the belief that dingoes prey heavily on domestic stock\textsuperscript{24}, the Australian Dingo is under threat of extinction and was listed as vulnerable on the International Union for Conservation of Nature (IUCN) Red List of Threatened Species in 2008.\textsuperscript{25}

\textbf{2.2 The Legal Status of Dingoes}

The status of dingoes in NSW is confusing to say the least. In NSW the dingo is considered to be both a pest and a pet. The dingo is the only native mammal that is not protected in NSW.\(^{26}\) It is also the only native mammal that can be kept as a pet without a licence.\(^{27}\)

The keeping of dingoes as pets further exacerbates the problem of conserving the dingo population in Australia. The National Parks and Wildlife Service NSW asserts that:

Domestication is unlikely to assist the conservation of wild dingo populations and it would almost certainly lead to a reduction in genetic variation in the captive population because there would be selective breeding to produce characteristics which make them attractive as pets.\(^{28}\)

### 3 Legislative Framework

The protection of wild animals in Australia is provided by both State and Commonwealth Legislation. All States and Territories have legislation which provides protection for animals. Commonwealth legislation provides for the protection of threatened species of animals.\(^{29}\)

However, currently there is no legislation in Australia that offers comprehensive protection to the Australian Dingo. Dingoes are declared pests throughout Australia, but are given limited protection within some National Parks and on Fraser Island in Queensland where they are 'managed as protected wildlife under the Nature Conservation Act 1992'.\(^{30}\) All current legislation is ambiguous and/or has a dual competing purpose in relation to the dingo.

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Although the Dingo is not technically a dog it has been labelled a wild dog under the law. In New South Wales the control of wild dogs, including dingoes, is legislated by the *Rural Lands Protection Act 1998 (NSW).*\(^{31}\)

**Commonwealth Legislation**

### 3.1 Commonwealth

The *Environment Protection and Biodiversity Conservation (EPBC) Act 1999 (Cth)* provides for the protection of species not individual animals. Under the EPBC Act, any action that is likely to have a significant impact on a threatened species needs to be referred to the Australian Government Environment Minister.\(^{32}\) Activities that are likely to require approval by the Minister include large-scale 1080 baiting. 1080 baiting is one method authorised for the control of wild dogs across NSW.

### 3.2 New South Wales

#### 3.2.1 Prevention of Cruelty to Animals Act 1979 (NSW)

The *Prevention of Cruelty to Animals Act 1979 (NSW)* requires the humane treatment of animals by humans. However s 24 provides that a person is not guilty of an offence if the harm done to the animal was:

- (b) in the course of, and for the purpose of:
  - (i) hunting, shooting, snaring, trapping, catching or capturing the animal.\(^{33}\)

Shooting and trapping are other measures authorised for the control of wild dogs in NSW.

#### 3.2.2 National Parks and Wildlife Act 1974 (NSW)

The main objective of the *National Parks and Wildlife (NPW) Act 1974 (NSW)* is to conserve nature.\(^{34}\) However, s 171 of the *NPW Act* states that an authorised officer

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\(^{31}\) Livestock Health and Pest Authority, *Wild Dog Management in the Northern Rivers.*


\(^{33}\) Section 24(1)(b)(i) of the *Prevention of Cruelty to Animals Act 1979 (NSW).*
may issue a licence to harm protected fauna within a National Park. Furthermore, Clause 12 of the *National Parks and Wildlife Regulation 2002* allows for a person to be authorised to trap, poison, bait, capture or destroy an animal on lands acquired or reserved under the *NPW Act*. Clause 19 of the Regulation allows for a person to be authorised to carry a firearm on lands acquired or reserved under the *NPW Act*.

In accordance with the *Rural Lands Protection Act 1998* (NSW) the National Parks & Wildlife Service has a statutory obligation to control wild dogs (including dingoes) on lands acquired or reserved under the *National Parks and Wildlife Act 1974* (NSW).

### 3.2.3 Threatened Species Conservation Act 1995 (NSW)

The main objective of the *Threatened Species Conservation (TSC) Act 1995* (NSW) is to conserve biological diversity. The *TSC Act* provides for the listing of threatened species, populations and ecological communities.

### 3.2.4 Game and Feral Animal Control Act 2002 (NSW)

The focus of the *Game and Feral Animal Control Act 2002* (NSW) is the promotion of responsible and orderly hunting of game animals and pest animals.

Section 17 of the Act provides that:

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A game hunting licence is not required under this Division in respect of the following:

(d) a person who is hunting animals listed in Part 2 of Schedule 3 in accordance with a duty imposed on the person (or on any corporation of which the person is an office or employee) under the *Rural Lands Protection Act 1998* or the *Wild Dog Destruction Act 1921* to suppress and destroy the animals (other than a person assisting any such person in the performance of that duty), ...41

The animals listed in Part 2 of Schedule 3 include Dog (other than dingo), however Pest Control Order Number 17 enacted under the *Rural Lands Protection Act 1998* (NSW) states that ‘wild dog’ means any dog, including a dingo.42 Furthermore, the *Wild Dog Destruction Act 1921* (NSW) defines ‘wild dog’ as follows:

‘Wild dog’ includes any dingo or native dog, or any dog which has become wild, or any dog which apparently has no owner and is not under control.43

The legislation is ambiguous as it appears to exclude the dingo from unlicensed hunting when actually it is condoning it.

3.2.5 Rural Lands Protection Act 1998 (NSW)44

Wild dogs have been declared pests by way of Pest Control Order Number 17. Pest Control Order Number 17 was made pursuant to Part 11 and clause 27(2) of Schedule 7 of the *Rural Lands Protection Act 1998* (NSW). This Order was published in the NSW Government Gazette in September 2009 and declares that:

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41 Section 17 *Game and Feral Animal Control Act 2002* (NSW).
43 Section 3 *Wild Dog Destruction Act 1921* (NSW).
44 The *Rural Lands Protection Act 1998* (NSW) was repealed in late 2013 and was replaced with the *Local Land Services Act 2013* (NSW). However, Pest Control Order 17 which was made under the *RLP Act* remains in force until September 2014. Pest Control Orders are now managed under Part 10 Division 2 s 130 of the *Local Land Services Act 2013* (NSW).
‘Wild dog’ means any dog, including a dingo, that is or has become wild but excludes any dog kept in accordance with the Companion Animals Act 1998, the Exhibited Animals Protection Act 1986 and the Animal Research Act 1985 or any other legislation made in replacement of any of those Acts.45

3.2.6 Companion Animals Act 1998 (NSW)
The principal object of the Companion Animals Act 1998 (NSW) is to ‘provide for the effective and responsible care and management of companion animals’.46

Furthermore, ‘companion animal’ is defined as being:

(a) a dog...47

The Companion Animals Act 1998 (NSW) defines dog as: ‘dog’ means an animal (of either sex, or desexed, and whether or not domesticated) of a species with the scientific name Canis familiaris, Canis lupus familiaris, Canis lupus dingo, Canis Familiaris dingo, or Canis dingo, or a synonym of any of those names, and including a hybrid of any of those species.48

Consequently, it appears that a dingo kept as a pet is exempt from the Pest Control Order.

However the Act further states that:
The Wild Dog Destruction Act 1921 continues to apply to dingoes in the Western Division within the meaning of the Crown Lands Act 1989. Section 26 of the Wild Dog Destruction Act 1921 creates an offence if a person has in the person’s possession any dingo or half-breed dingo without the written authority of the Wild Dog Destruction Board.49

Legislation regarding the dingo is both misleading and ambiguous. The extensive use of the term ‘wild dog’ is deliberately misleading. On the face of it the legislation

45 New South Wales Government Gazette No. 125, Pest Control Order Number 17, Official Notices, Department of Primary Industries, 11 September 2009.
46 Section 3A Companion Animals Act 1998 (NSW).
47 Section 5 Companion Animals Act 1998 (NSW).
48 Section 5 Companion Animals Act 1998 (NSW).
49 Section 5 Companion Animals Act 1998 (NSW).
appears to be for the control of domestic dogs that have gone wild, however on closer examination of the legislation it becomes clear that the term 'wild dog' not only includes but targets the dingo stating that it should be eradicated by any lawful method.\textsuperscript{50}

4 Wild Dog Management Programs

The primary goal of wild dog management is to reduce livestock losses.\textsuperscript{51} Under this program wild dogs are divided into three groups:

- Dingoes;
- Feral Dogs: wild living domestic dogs; and
- Hybrids: Dogs resulting from cross-breeding of a dingo and a domestic or feral dog.

The Wild Dog Pest Control Order imposes a general destruction obligation requiring the occupier of controlled land to eradicate wild dogs by any lawful method.\textsuperscript{52} Under the Pest Control Order public land managers are required to prepare wild dog management plans with the purpose of conserving dingoes in National Parks and State Forests while destroying wild dogs to the extent necessary to minimise attacks on livestock.\textsuperscript{53} 'The irony is that the Pest Control Order defines the dingo as a wild dog and so it also must be 'fully and continuously suppressed and destroyed' as well as conserved'.\textsuperscript{54}

4.1 Control Methods

A range of methods may be used for wild dog control including poisoning, trapping, shooting and exclusion fencing (dog proof and electric type fences).55

### 4.1.1 Baiting

The most common technique used to destroy wild dogs is the toxin sodium monofluoracetate (1080 baiting). Wild dog poisoning with 1080 in NSW is regulated by the *Pesticide Act 1999* and can be carried out only under the conditions set down in the current 1080 Pesticide Control Orders.56  1080 is the most common form of wild dog control as it is the most cost effective means of control.57

Although the use of 1080 is banned in most countries, it is still used throughout Australia to control so-called pest species.58  1080 baiting is a 'cruel and indiscriminate poison used to remove unwanted populations of animals'.59

Symptoms observed in animals that have ingested 1080 poison include: restlessness; diarrhoea; excessive salivation; bouts of vocalisation; sudden bursts of violent activity; seizures; convulsions; vomiting; trembling and rapid but laboured breathing.60

1080 poison inflicts great pain and suffering on affected animals. Aside from the physical pain endured over many hours before death, the terror, fear and anxiety felt by these animals is unimaginable.61

Although the primary use of 1080 is the control of pest species it can be ingested by any animal occupying the area. 1080 bait not only has devastating consequences

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for the animals who directly consume it, but it can also affect the inhabitants of the surrounding environment as scavengers can be killed through secondary poisoning.\textsuperscript{62}

Section 5(1) of the \textit{Prevention of Cruelty to Animals Act 1979} (NSW) states that '[a] person shall not commit an act of cruelty upon an animal.'\textsuperscript{63} Section 15 of the Act stipulates that poisons are not to be administered to animals. However, this only applies to domestic animals.\textsuperscript{64} Wild animals are not afforded any such protection.

\textbf{4.1.2 Trapping}

Trapping in NSW must be carried out in accordance with the Department of Primary Industries’ Vertebrate Pest Control Manual, or as specified in government approved standard operating procedures.\textsuperscript{65} Landholders are encouraged to use traps in conjunction with other control techniques.\textsuperscript{66} It is illegal to use steel-jaw traps in NSW.\textsuperscript{67} Instead soft-jaw traps and treadle snares are utilised. These types of traps are considered to be more humane than the traditional steel-jaw traps.

Trapped animals feel pain, fear and anxiety to the point where they will chew off their own appendages to escape the trap. Whilst traps are set mainly for dingoes/wild dogs and foxes they are also a hazard for non-target animals, such as kangaroos, wombats, possums, birds and lizards.\textsuperscript{68}

\textbf{4.1.3 Shooting}

\textsuperscript{63} Section 5 \textit{Prevention of Cruelty to Animals Act 1979} (NSW).
\textsuperscript{64} Section 15(2)(a) \textit{Prevention of Cruelty to Animals Act 1979} (NSW).
\textsuperscript{65} National Parks & Wildlife Service NSW, \textit{Wild Dog Policy}, May 2005, Department of Environment & Climate Change NSW.
\textsuperscript{67} National Parks & Wildlife Service NSW, \textit{Wild Dog Policy}, May 2005, Department of Environment & Climate Change NSW.
Shooting needs to be carried out in accordance with the DEC Firearms Management Manual.69 Shooting of wild dogs can be undertaken by government vertebrate pest control officers, landholders and professional or experienced amateur shooters.70

Whether or not shooting is a humane method of control is dependent upon the skill and judgement of the shooter. If properly carried out, it is considered to be one of the most humane methods of destroying wild dogs. However, if not properly carried out shooting can result in wounding which may cause considerable pain and suffering to the animal.71

4.1.4 Barrier Fencing

Barrier fencing such as conventional or electric fencing is often used by landholders to keep wild dogs out of their property.72 Barrier fencing is only effective if it is properly maintained. Barrier fencing often has a negative effect on other wildlife as it is designed to restrict the movement of wildlife. The fences act as a barrier not only to wild dogs but also to other native animals. Wildlife can get entangled and caught in barrier fences when trying to get through. Trapped animals caught on the wire die a slow and painful death.73

5 The Need for Protection

The oldest Dingo fossils are dated at about 4000 years.74 The Dingo is an indigenous animal under the Threatened Species Conservation Act 1995 (NSW) because the Dingo was established in New South Wales before European Settlement.75 Until its repeal by the Environment Protection and Biodiversity

69 National Parks & Wildlife Service NSW, Wild Dog Policy, May 2005, Department of Environment & Climate Change NSW.
75 Muir, K., Nomination of Populations of Dingo (Canis lupus dingo) for Schedule 1 Part 2 of the Threatened Species Conservation Act 1995, Colong Foundation for Wilderness.
Conservation Act in 1999 the dingo was considered an Australian native species under s 4 of the Endangered Species Protection Act 1992.\footnote{Section 4 Endangered Species Protection Act 1992 (Cth).}

Furthermore, the Dingo has been nominated for listing under the Threatened Species Conservation Act 1995 (NSW) by the Colong Foundation for Wilderness.

The reason cited for nomination is:
\textit{The remnant Dingo populations have been hybridised to such a critical level that these populations are in immediate danger of extinction.}\footnote{Muir, K., Nomination of Populations of Dingo (Canis lupus dingo) for Schedule 1 Part 2 of the Threatened Species Conservation Act 1995, Colong Foundation for Wilderness.}

Despite this, the dingo is still considered a pest and labelled as an ‘invasive’ species and is subjected to extensive eradication throughout Australia. Due to hybridisation and human control measures the pure Australian Dingo is under threat of extinction and it is imperative that it be listed as a threatened species and protected from further maltreatment.

Pure dingoes are not easily identifiable in the wild, and for that reason 'wild dog management must be adjusted to preserve and maintain the genetic integrity of the remaining populations'.\footnote{Muir, K., Nomination of Populations of Dingo (Canis lupus dingo) for Schedule 1 Part 2 of the Threatened Species Conservation Act 1995, Colong Foundation for Wilderness.}

Once an animal is listed as a threatened species, their protection is governed by the Threatened Species Act 1995 (NSW) and the Environment Protection and Biodiversity Conservation Act 1999 (Cth).\footnote{Schillmoller, A. and Hall, A., LAW10487 Animal Law, Southern Cross University, School of Law and Justice, 2013.}

6 Proposed Reforms

6.1 Model Code of Practice for the Humane Control of Wild Dogs

A National Model Code of Practice for the Humane Control of Wild Dogs has been proposed and drafted. The aim of this code of practice is to provide information and recommendations to vertebrate pest managers responsible for the control of wild
The code of practice endeavours to introduce an ethical approach to pest control and gives recognition and attention to the welfare of all animals affected directly or indirectly by control programs. Although the introduction of a National Code of Practice is a step in the right direction and is aimed at reducing the pain and suffering of target animals it does not address the issue of the continued extermination of one of Australia's most iconic wild animals, the Australian Dingo.

7 Conclusion

'For the last 200 years the dingo has been, and probably still is, the most persecuted animal in the history of Australia'. Current wild dog management programs aim to prevent stock losses, not protect the dingo populations. Continued baiting programs within core dingo habitat areas not only depletes the number of pure dingoes in Australia, but is also likely to increase hybridisation further threatening the existence of the pure Dingo.

Despite the fact that the Dingo was classified as vulnerable on the IUCN Red List of Threatened Species in 2008 it continues to be eradicated throughout Australia. It is a travesty that the Dingo is targeted and considered a pest animal just because it is perceived to be a threat to agricultural livestock. If immediate action is not taken then the Dingo may be lost forever.

80 Sharp, T. and Saunders, G., Model code of practice for the humane control of wild dogs, DOGCOP revised 3 September 2012.
81 Sharp, T. and Saunders, G., Model code of practice for the humane control of wild dogs, DOGCOP revised 3 September 2012.
82 O'Neill, A., Living with the Dingo, Envirobook.
83 Muir, K., Nomination of Populations of Dingo (Canus lupus dingo) for Schedule 1 Part 2 of the Threatened Species Conservation Act 1995, Colong Foundation for Wilderness.
84 Muir, K., Nomination of Populations of Dingo (Canus lupus dingo) for Schedule 1 Part 2 of the Threatened Species Conservation Act 1995, Colong Foundation for Wilderness.
Only when we put away the poison baits and concentrate on rehabilitating our environment as a whole, will our endangered species have any hope of survival.\textsuperscript{86}

\textsuperscript{86} O'Neill, A., \textit{Living with the Dingo}, Envirobook.
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**Legislation**


*Environment Protection and Biodiversity Conservation Act 1999* (Cth).

*Game and Feral Animal Control Act 2002* (NSW).


*Pesticide Act* 1999 (NSW).


*Wild Dog Destruction Act 1921* (NSW).