

## LEGISLATIVE COUNCIL

### Question On Notice

Tuesday, 14 May 2019

**2133. Hon Robin Chapple to the Minister for Environment; Disability Services; Electoral Affairs**

With reference to the *Biodiversity Conservation (Exemptions) Order 2018*, as printed in the *Western Australian Government Gazette*, No. 196, Friday 21 December, I ask:

- (a) is the Minister aware that the dingo (used here to refer to *Canis familiaris*; *Canis familiaris dingo*; *Canis lupus dingo*, or *Canis dingo*) is listed as a threatened species by International Union for Conservation of Nature;
- (b) if no to (a), why not;
- (c) is the Minister aware that under the gazetted subsidiary legislation to the *Biodiversity and Conservation Act 2016*, any individual may have lawful possession of a dingo, and the right to slaughter it;
- (d) if no to (c), why not;
- (e) is the Minister aware that under the gazetted subsidiary legislation to the *Biodiversity and Conservation Act 2016*, an individual is permitted to use prohibited devices (e.g. toothed traps, firearms) and/or methods (e.g. poisoning) to destroy a dingo;
- (f) if no to (e), why not;
- (g) is the Minister aware that under the gazetted subsidiary legislation to the *Biodiversity and Conservation Act 2016*, any individual may facilitate the import and export of a dingo, and may process the carcass of the animal, for commercial purposes, without a licence;
- (h) if no to (g), why not;
- (i) if yes to (g), can the Minister give reason as to why this has been provisioned in the legislation;
- (j) is the Minister aware that with other 'vulnerable species', failure to comply with the *Biodiversity and Conservation Act 2016* confers additional penalties;
- (k) if no to (j), why not;
- (l) could the Minister give reason as to why the dingo, confirmed as a threatened species, is not classed as such by the gazetted subsidiary legislation to the *Biodiversity and Conservation Act 2016*; and
- (m) if no to (l), why not?

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**Answer**

(a) – (b) I am advised by the Department of Biodiversity, Conservation and Attractions (DBCAs) that the dingo is listed as vulnerable by the International Union for the Conservation of Nature due to threats across its range which covers central and northern Australia and throughout Thailand. Dingoes may also occur in Cambodia, China, India, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, Papua New Guinea, Philippines and Vietnam. The dingo (*Canis familiaris dingo*) as defined in the *Biodiversity Conservation (Exemptions) Order 2018* (exemptions order) is not listed in Australia as a threatened species under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The Western Australian Government shares a common assessment method with the Australian Government to assess threatened species and as such it is also not listed as a threatened species in Western Australia.

(c) – (d) While the exemptions order provides an exemption from the offence of possessing a dingo without lawful authority under the *Biodiversity Conservation Act 2016*, this does not mean that any person can possess and slaughter a dingo. To be in lawful possession of a dingo, a person must be compliant with the *Dog Act 1976* as that Act applies to all dogs, including dingoes and their hybrids. Dingoes cannot be killed in ways that are inhumane as it is an offence to be cruel to an animal under the *Animal Welfare Act 2002* (Animal Welfare Act).

(e) – (f) The exemptions order provides that the use of prohibited devices or methods for taking or disturbing of dingoes are not offences under the Biodiversity Conservation Act. However, this does not mean that any devices and methods can be used to take dingoes (or any fauna), because a person using these methods without appropriate authorisation would be committing an offence under the Animal Welfare Act. The use of explosives is not an acceptable method for controlling dingoes. The use of firearms and poisons is strictly controlled by other legislation and these methods cannot be used without the appropriate licences or authorities. Nevertheless, I have asked for advice from DBCA to clarify the situation so that the use of prohibited devices and methods for taking and disturbing dingoes remains regulated under the Biodiversity Conservation Act.

(g) – (i) The exemptions order provides that activities that involve importing into or exporting from Western Australia and the dealing or processing of dingoes are not offences under the Biodiversity Conservation Act. A person exporting a dingo from Australia would need to comply with any relevant provisions of the Australian Government’s EPBC Act. I have also asked for advice from DBCA to clarify the situation so that the activities of dealing, processing, importing dingoes into or exporting dingoes from Western Australia remain regulated under the Biodiversity Conservation Act.

(j) – (k) I am aware that there are additional penalties for offences involving a native species (other than a cetacean) that is listed as vulnerable under the Biodiversity Conservation Act.

(l) – (m) The dingo is not listed as a threatened species in Western Australia under the Biodiversity Conservation Act or under the Australian Government’s EPBC Act. In 2017, the Australian Government assessed a nomination by the public for the dingo to be listed as a vulnerable species under the EPBC Act. At the time, the recommendation of the committee assessing the nomination was that “*population data for dingoes and dingo-dog hybrids are limited and currently insufficient to assess whether past, current and future rates of decline meet the thresholds required for listing.*” The Committee therefore recommended excluding the species from the 2017 Finalised Priority Assessment List. The Commonwealth Minister for the Environment accepted this advice. The common assessment method between the Australian and Western Australian Governments means that it is also not listed as a threatened species in Western Australia under the Biodiversity Conservation Act.



Hon Stephen Dawson MLC  
**MINISTER FOR ENVIRONMENT;  
DISABILITY SERVICES; ELECTORAL AFFAIRS**