



Steve Dimopoulos MP

Minister for Environment
Minister for Tourism, Sport and Major Events
Minister for Outdoor Recreation

Level 36, 121 Exhibition Street
Melbourne, Victoria 3000 Australia

Subordinate Legislation Act 1994

CONSULTATION CERTIFICATE (Section 12C)

DECLARATION OF THE DINGO TO BE UNPROTECTED WILDLIFE

I, Steve Dimopoulos, Minister for Environment, and I, Ros Spence, Minister for Agriculture, as the Ministers responsible for administering section 7A of the **Wildlife Act 1975** in respect of wildlife other than game, certify that there has been consultation in accordance with the guidelines made under the **Subordinate Legislation Act 1994** with:

- (a) Every other Minister whose area of responsibility may be affected by the proposed Declaration of the dingo to be unprotected wildlife Order and there is no overlap nor conflict with any other existing or proposed legislative instrument, other legislation or stated government policy; and
- (b) Traditional Owners listed below, being a sector of the public on which an economic or social burden may be imposed by the Declaration of the dingo to be unprotected wildlife, so that the need for, and the scope of, the Declaration of the dingo to be unprotected wildlife has been considered; and
- (c) DEECA also undertook targeted consultation with other key stakeholders (including livestock producers, environmental conservation groups, ecologists, agricultural peak bodies, land managers other jurisdictions) in relation to the broader review of dingo conservation and management in Victoria.

Traditional owners who have been consulted in relation to the Declaration of the dingo to be unprotected wildlife include:

- Barengi Gadjin Land Council;
- Bunurong Land Council Aboriginal Corporation;
- Barapa Land and Water;
- Dja Dja Wurrung Clans Aboriginal Corporation (DJARRA);
- Gunaikurnai Land and Water Aboriginal Corporation;



- Jaithmathang TABOO Aboriginal Corporation;
- Taungurung Land and Waters Council;
- Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation;
- Wadawurrung Traditional Owners Aboriginal Corporation; and
- Federation of Victorian Traditional Owners Corporation.

Dated: 16 / 09/ 2024



Steve Dimopoulos MP
Minister for Environment



The Hon. Ros Spence MP
Minister for Agriculture





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Minister for Environment
Minister for Tourism, Sport and Major Events
Minister for Outdoor Recreation

Level 36, 121 Exhibition Street
Melbourne, Victoria 3000 Australia



SUBORDINATE LEGISLATION ACT 1994

EXEMPTION CERTIFICATE

(Section 12F)

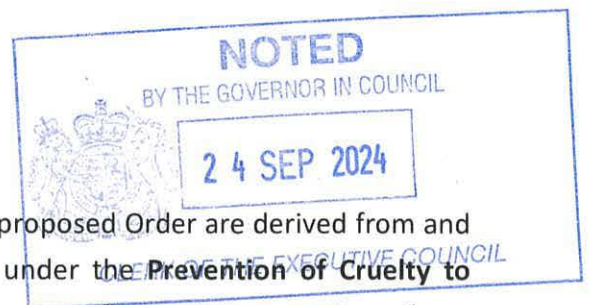
DECLARATION OF THE DINGO TO BE UNPROTECTED WILDLIFE

I, Steve Dimopoulos, Minister for Environment, and I, Ros Spence, Minister for Agriculture, as the Ministers responsible for administering section 7A of the **Wildlife Act 1975** in respect of wildlife other than game, certify under section 12F(1)(a) of the **Subordinate Legislation Act 1994** that in our opinion, the proposed declaration of the dingo to be unprotected wildlife (the proposed Order) does not impose a significant economic or social burden on a sector of the public. The reasons for forming this opinion are:

- The 'significance' of the economic and social burden entails a consideration of both quantitative and qualitative factors, based on the current state of knowledge.
- The assessment of the economic and social burden imposed by the proposed Order (subject to the conditions specified in the proposed Order) as set out below has been informed by a review of existing dingo conservation and management in Victoria and consultation with sectors of the public impacted by the proposed Order.

Enabling nature of the proposed Order and impacts on persons who rely on the Order

- The proposed Order is enabling in nature. Its purpose is to enable persons authorised under it to take or kill a dingo by specified methods, which would otherwise, without the proposed Order, be prohibited under the **Wildlife Act 1975**.
- Given it is not mandatory for any person to take or kill a dingo under the proposed Order, it does not give rise to a significant economic burden on any person who chooses to rely on it in order to take or kill a dingo.
- With the exception of trapping, any costs incurred from using one or more of the specified methods in the proposed Order are imposed by the relevant laws regulating



those methods. The trapping conditions in the proposed Order are derived from and broadly align with the regulatory framework under the **Prevention of Cruelty to Animals Act 1986**. As the trapping requirements reflect existing practice, those requirements are not expected to impose any additional burden on any person.

Limited scope of application and the need for the Order

- The proposed Order is limited in application to the Eastern part of Victoria. It is a response to damage to property and injury to livestock caused by dingoes in that area.
- Surveys conducted by the Department of Energy, Environment and Climate Action between 2021 and 2023 indicate that predation is consistently high in Eastern Victoria (where the proposed Order would apply to private land as well as certain public land). The average annual rate of livestock predation is understood to have remained relatively constant in the Eastern parts of the State, as specified in the Order, with approximately 1000 sheep per year confirmed as killed or maimed by predation across an average of 40 incidents (often involving multiple livestock) per quarter.
- By introducing measures to prevent injury and damage to livestock from predation by dingoes, the proposed Order avoids impacts on primary production. Attacks on livestock (e.g. sheep, cattle, goat, poultry) by dingoes impact production performance and reduce the market value of stock through permanent injury and stress to surviving livestock. In 2010, prior to the implementation of the current strategic and targeted approach to managing the negative impacts of wild dogs and dingoes (previously thought to be wild dogs) by the Wild Dog Program administered by the Department of Energy, Environment and Climate Action and predecessor departments, the opportunity cost of harm to property and livestock caused by wild dogs and dingoes in Victoria was estimated between \$13.2 and \$18 million per annum.
- The damage caused to livestock by dingoes includes mortality, maiming, loss of production as a result of harassment and stress. These impacts flow through to loss of income for farmers and price impacts at sale yards.
- Accordingly, the purpose achieved by the proposed Order is important, proper and legitimate, and it is specific to the area of the State specified in the proposed Order where it is necessary to prevent injury and damage to livestock from dingoes (except for that specified area, dingoes otherwise remain protected).

Impacts on Traditional Owners

- There is a cost for Traditional Owners in unprotecting dingoes which varies in the areas across the State.
- The assessment of a social burden intrinsically entails a complex balancing of social impacts based on the current state of knowledge, including whether the nature and

extent of that impact constitutes a burden. In the context of the proposed Order (subject to the conditions specified in the proposed Order) the exercise entails the balancing of important value judgements including about the value of each animal, their conservation as a threatened species, and their relationship to humans and the cultural, ecological and biodiversity value. Dingoes are statutorily protected wildlife and are a threatened species.

- Aboriginal persons and Traditional Owners bring their perspectives to connection of dingo to the culture and imposition of unprotection of the dingo on them, describing the dingo as intrinsic to their identity. The dingo has longstanding, multi-generational, kinship ties with Aboriginal persons and Traditional Owners, conferring on the dingo a distinctive meaning, character and connection. This sector of the public holds strong concerns about risks to reduction of dingo populations or risks of dingo extinction.
- Therefore, a particular social impact, on such a relational basis, arises in relation to Traditional Owners, as the proposed Order (subject to the conditions specified in the proposed Order) enables taking and killing dingoes in the specified area of the proposed Order.
- The social burden of the proposed Order (subject to the conditions specified in the proposed Order) includes the impact on Traditional Owners outside the specified area of the proposed Order (subject to the conditions specified in the proposed Order) due to longstanding cultural value and connection of the dingoes to Traditional Owners in Victoria and Australia. Submissions made by Traditional Owners regarding dingo have been considered. Consultation was undertaken with the following Traditional Owners:
 - Barengi Gadjin Land Council;
 - Bunurong Land Council Aboriginal Corporation;
 - Barapa Land and Water;
 - Dja Dja Wurrung Clans Aboriginal Corporation (DJARRA);
 - Gunaikurnai Land and Water Aboriginal Corporation;
 - Jaithmathang TABOO Aboriginal Corporation;
 - Taungurung Land and Waters Council;
 - Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation;
 - Wadawurrung Traditional Owners Aboriginal Corporation; and
 - Federation of Victorian Traditional Owners Corporation
- The impact across Traditional Owners is not uniform. Each group had its own perception of the impact of the proposed Order on them and their culture.
- Within the overall social burden, the highest point of the impact of the proposed Order, as a subset of the overall burden, is in the Eastern part of the State.



Balancing of competing factors

- In addition to consultation with Traditional Owners, consultation took place with other key stakeholders (including livestock producers, environmental conservation groups, ecologists, agricultural peak bodies, land managers and other jurisdictions) in the context of the broader review of dingo conservation and management in Victoria.
- The balancing of competing factors in assessing the overall social burden includes the protection of livestock (such as sheep) and the dingo.
- Based on the current state of knowledge, in considering the location, size, and population of both livestock and dingoes, and evidence of the injury and damage to livestock caused by dingoes, the proposed Order seeks to balance competing interests by limiting unprotection of the dingo to the specific area of the State specified in the proposed Order where it is necessary to prevent injury and damage to livestock from dingoes (except for that specified area, dingoes otherwise remain protected) and where the Order is unlikely to result in the extinction of the dingo population in the area.
- In considering the economic and social burden as a whole across the State, the imposition of the burden on a sector of the public, including through the impact and effect on Traditional Owners, is limited in time (until 1 January 2028) and area (unprotection of dingoes is limited to specified land in Eastern Victoria). The extent of the unprotection in the specified geographical area for a specified period is also subject to the conditions, limitations and restrictions specified in Schedule 2 of the proposed Order. These conditions are specifically directed to humane treatment of dingoes as threatened species. This is to ensure the proposed Order only imposes an impact to the extent necessary and proportionate to achieve the purpose of the Order and making the social burden as proportionate as possible. In this way, the proposed Order is intended to be specific, proportionate, reasonable and necessary.
- As the proposed Order (and subject to the conditions specified in the proposed Order) is limited and proportionate in scope to only unprotect the dingo in the Eastern part of the State because there is evidence that the dingo is causing injury or damage to a large number of livestock in that area, the impact is specific and concentrated in a proportionate way based on a rational and reasonable criteria of limits and controls, therefore there is no significant economic and social burden imposed by the proposed Order on a sector of the public. Any such burden imposed by the proposed Order is no more than is necessary and proportionate to acquit the legitimate purpose of the proposed Order and any such burden is below the threshold required to prepare a regulatory impact statement.



Review of proposed Order

- The proposed Order (subject to the conditions specified in the proposed Order), and therefore its burden, is time limited as the proposed Order lasts until 1 January 2028. This ensures the unprotection arrangements in the Eastern part of the State must be reviewed before that date, including being based on contemporaneous evidence and information at that time.
- The government will continue to work with Traditional Owners and other sectors of the public on which any burden may be imposed by the proposed Order to protect the dingo where its numbers are threatened in Victoria.

Accordingly, a Regulatory Impact Statement is not required for this Legislative Instrument.

Dated: 16/09/2024



Steve Dimopoulos MP
Minister for Environment



The Hon. Ros Spence MP
Minister for Agriculture





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Minister for Environment
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Minister for Outdoor Recreation

Level 36, 121 Exhibition Street
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Subordinate Legislation Act 1994

HUMAN RIGHTS CERTIFICATE

(Section 12D)

DECLARATION OF THE DINGO TO BE UNPROTECTED WILDLIFE

I, Steve Dimopoulos, Minister for Environment, and I, Ros Spence, Minister for Agriculture, as the Ministers responsible for administering section 7A of the **Wildlife Act 1975** in respect of wildlife other than game, certify that, in our opinion, the proposed declaration of the dingo to be unprotected wildlife (the proposed Order), to be made under section 7A of the **Wildlife Act 1975**, does limit a human right set out in the **Charter of Human Rights and Responsibilities Act 2006** as follows:

The proposed Order (subject to the conditions specified in the proposed Order) limits cultural rights of Aboriginal persons as set out in section 19(2) of the **Charter of Human Rights and Responsibilities Act 2006**. In our opinion, and having regard to the matters set out in section 7(2) of the **Charter of Human Rights and Responsibilities Act 2006**, the limitations on these rights are justifiable and reasonable for the reasons set out below.

The nature of the right limited and extent of the limitation

Section 19(2) of the **Charter of Human Rights and Responsibilities Act 2006** provides that Aboriginal persons hold distinct cultural rights and must not be denied the right, with other members of their community:

- (a) to enjoy their identity and culture
- (b) to maintain and use their language
- (c) to maintain their kinship ties
- (d) to maintain their distinctive spiritual, material, and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.



The views of Traditional Owners included in this certificate have been recorded by the Department of Energy, Environment and Climate Action through consultation with Traditional Owners which occurred from 4 September 2024 – 6 September 2024.

The proposed Order (subject to the conditions specified in the proposed Order) will allow the taking and killing of dingoes on private land and public land within 3km of private land in the East of the State. Some Traditional Owners experience the impacts on the dingo as a loss of a family member and a continuation of the impacts of colonisation. As such, enabling the taking and killing of dingoes may impact upon the right of Aboriginal persons to maintain their distinctive spiritual relationship with the dingo. To the extent such Aboriginal persons have spiritual connections to the dingo, it may also impact their right to enjoy their identity and culture.

Dingoes features heavily in the lore, creation stories, dreamtime and songlines for Victorian Traditional Owners. Dingoes are part of Aboriginal people's 'living cultural heritage' and carries significance for maintaining their connection to Country.

Traditional Owners have expressed concerns about the potential impact Orders made under section 7A of the Wildlife Act with respect to unprotecting the dingo are having on the survival of dingoes and are advocating for its protection with the desire for changed management practices, especially for an end to the lethal control of dingoes.

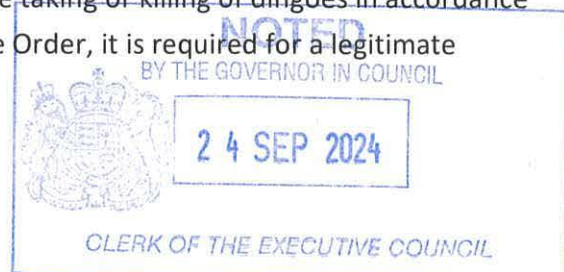
Dingoes were once widespread across Victoria and is now extinct in most of the State, however, persists in two geographically isolated populations in the Mallee region of North-West Victoria (confined to the Big Desert, and not the subject of the proposed Order) and Eastern Victoria. The dingo is a listed threatened species in Victoria under section 10(1) of the **Flora and Fauna Guarantee Act 1988**.

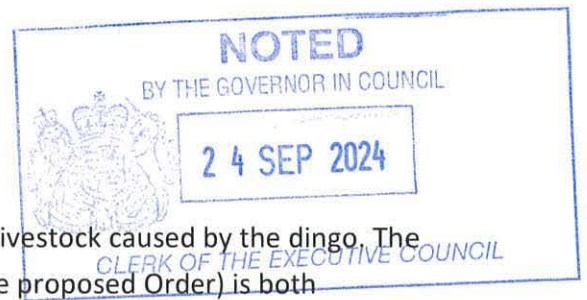
Traditional Owners have stated a strong desire to be involved in decisions and planning related to dingo conservation and management.

The proposed Order will authorise the lethal control of dingoes on Country of peoples represented by the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation, Bunurong Land Council Aboriginal Corporation, Taungurung Land and Waters Council and Gunaikurni Land and Waters Aboriginal Corporation.

Justification for the limitation and the importance of its purpose

Although the proposed Order (subject to the conditions specified in the proposed Order) limits Aboriginal cultural rights by authorising the taking or killing of dingoes in accordance with the limitations and conditions set out in the Order, it is required for a legitimate





purpose, namely, to protect against injury or damage to livestock caused by the dingo. The proposed Order (subject to the conditions specified in the proposed Order) is both temporally and geographically limited, and subject to conditions that limit the measures for dingo control, to ensure the proposed Order is for a proportionate and limited in time, area and scope for the specific purpose of protecting livestock (such as sheep) only to the necessary extent of its impact on a protected species of wildlife (the dingo).

Allowing measures to prevent injury and damage to livestock from predation by dingoes avoids impacts on primary production. Attacks on livestock (e.g. sheep, cattle, goat, poultry) by dingoes impact production performance and reduce the market value of stock through permanent injury and stress to surviving livestock. In 2010, prior to the implementation of the current strategic and targeted approach to managing the negative impacts of wild dogs by the Wild Dog Program administered by the Department of Energy, Environment and Climate Action (and predecessor departments), the opportunity cost of harm to property and livestock caused by wild dogs and dingoes in Victoria was estimated between \$13.2 and \$18 million per annum. The damage caused to livestock by dingoes includes mortality, maiming, loss of production as a result of harassment and stress. These impacts flow through to loss of income for farmers and price impacts at sale yards.

The average annual rate of livestock predation in the Eastern parts of the State is understood to be approximately 1000 sheep per year confirmed as killed or maimed by predation across an average of 40 incidents per quarter. The unprotection of the dingo as specified in the proposed Order (subject to the conditions specified in the proposed Order) is confined to the Eastern part of the State where the impacts of the dingo are significant and control of the dingo will not pose a risk of extinction. The proposed Order limits the taking or killing of dingoes on private land and public land within 3 km of those private lands in the East of the State.

The proposed Order is limited in duration, expiring on 1 January 2028.

Accordingly, we consider the purpose of the limitation is important and legitimate and the proposed Order is proportionate to achieve that purpose.

Less restrictive means are not reasonably available

On the basis of current knowledge, less restrictive means of achieving the purpose are not considered reasonably available at this stage.

In relation to the taking and killing of dingoes on private land and certain public land within 3km of private land in the East of the State, measures such as the use of non-lethal controls such as fencing are expensive and require significant lead time and maintenance. The

proposed Order, including the conditions specified in the proposed Order, are the most effective means available to address the livestock predation by dingoes in the specified area.

Dated: 16/09/2024



Steve Dimopoulos MP
Minister for Environment



The Hon. Ros Spence MP
Minister for Agriculture

