



## Questions and Answers on the ACT Kangaroo ‘Cull’

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### The Science

#### 1. Is ‘culling’ good/necessary for the environment?

No. ‘Culling’ kangaroos disrupts the processes which have developed in Australia over millions of years (1) to manage our periodic drought, rain and bushfire cycles.

‘Culling’ is an environmental disaster, not just for the kangaroos themselves but, because they are a keystone species for all the other species that depend on kangaroos at natural densities to maintain diverse grass levels, disperse seeds and manage bushfires. Even the ACT government’s own Kangaroo Management Plan (KMP) admits (and then ignores) this, citing numerous sources showing the multiple and complex contributions of kangaroos to the ecosystem (2).

Unlike sheep and cattle, kangaroos do not graze down to root stock or rip up plants by the roots (3), and they do not have heavy bodies and hard hooves that damage the soil (4). They use far less water than sheep or cattle (5). They are therefore Australia’s natural and ideal grassland managers.

#### 2. What about the reptiles – legless lizards and earless dragons? Doesn’t ‘culling’ help protect them?

No. The best thing for all grassland species is landscape diversity, some high grass, some low grass, some bare soil, and the full range of other species that inhabit them. In particular, the earless dragon needs patches of low grass and bare soil (6).

Kangaroos maintain this sort of landscape naturally. ‘Culling’ them results in too much high grass which is not good for any species in the long run. Even species that depend on high grass also depend on other species which depend on low grass. This is how ecosystems work. As a keystone species, kangaroos have evolved to provide the perfect mix of vegetation and therefore the perfect mix and variability of habitat for other species.

Evidence supporting this can be found in the Queanbeyan nature reserve – which is ecologically part of the same grassland system as the ACT. In this reserve, where kangaroo populations have never been ‘culled’ and have remained stable for decades, the local region’s threatened reptiles are making a major come-back (7).

Moreover, the ACT government ecologist admitted during the 2013 ACT Civil Administrative Tribunal (ACAT) hearing that the government’s assertions that kangaroo grazing is a danger to threatened species was just ‘PR’ (8).



### 3. If it's so bad for the environment, why have three ACAT hearings allowed the 'cull' to go ahead?

We can only assume complete incompetence perhaps combined with a failure of nerve on the part of the panel members who are, after all, appointed by the ACT government. This is pretty worrying for an institution which exists as a watchdog to review government decisions.

The evidence presented by independent expert ecologists at all three hearings was overwhelming. The three ACAT panels chose to ignore this evidence and accept instead the word of a single bureaucrat - incidentally the same bureaucrat who had recommended the 'cull' in the first place. They even admitted that the bureaucrat could not be considered an independent expert witness for the purposes of the Tribunal, but they accepted his evidence anyway, rejecting the evidence of the independent experts (9).

### 4. So what is wrong with the ACT government's science?

In a nutshell, there is no ACT government science.

#### (a) Ideal Kangaroo Densities

During the ACAT hearings the government's chief witness admitted that his model for estimating kangaroo densities on Canberra's nature reserves was nothing more than a 'best guess' (8).

The scientific basis for this 'guess' has never been explained and the government witness himself has described as 'wrong'. It is, in fact, up to ten times lower than CSIRO's estimate for sustainable kangaroo densities based on 'dry sheep equivalents' (3). ('Dry' sheep are female sheep that are not currently nursing young. It is a standard measure used in estimating grazing pressure on rural lands.)

This 'best guess' model is used to support the contention that kangaroos damage the environment because they eat grass, therefore their numbers should be reduced to less than one per hectare on every reserve every year, to stop them from eating as much grass (10).

In order to maintain kangaroo densities at less than one per hectare densities, the government claims it has to kill 30-40% of Canberra's kangaroo population in perpetuity (11).

#### (b) Kangaroo population growth

Kangaroos cannot give birth (except in rare instances when they have twins) to more than one joey a year. Female kangaroos take two years to reach reproductive age (12) and (if not killed prematurely) produce young for only about eight years. The mortality rate (to predation, mainly by foxes) of infant joeys is between 70-100% (13). If left alone, kangaroos establish stable populations (ie where their birth rate is equal to their death rate) in equilibrium with their environment (14, 15) (as seems to have occurred in the Queanbeyan Nature Reserve – see above.)

The maximum kangaroo population growth rate of a 'culled' or 'harvested' population (or any population that has been reduced below its normal, stable density, for any reason) is



about 10% a year (13). A 30-40% reduction per year therefore guarantees extinction of the population within a very few years.

The number of kangaroos on a reserve might increase due to kangaroos moving into the emptied reserves from farmlands, suburbs, unleased rural land, or escaping from 'culling' on other reserves, but the total population will still be dropping at an alarming rate.

### (c) Grass Biomass

The government's entire argument that killing kangaroos is good for the environment is based on the scientific fallacy that biomass (in this case meaning lots of grass) equates to biodiversity (16). In fact, biological diversity relies (as one would logically expect) on diversity of landscape. The uniformly high grass achieved by kangaroo 'culling' is disastrous for many grassland species, not only those that rely on some low grass or bare soil, but also those that prefer high grass. In an ecosystem, species that prefer high grass depend on other species which prefer low grass and *vice versa*. What all species living in kangaroo habitat require is the diversity of vegetation which kangaroos, at natural, stable densities maintain.

Therefore, mass killing of kangaroos reduces biodiversity. It does not protect it.

### 5. Were any ecological studies of the Canberra Nature Park undertaken, before the annual 'cull' commenced, to determine whether killing kangaroos was likely to be beneficial?

No. Prior to commencing its annual slaughter, the government appears to have undertaken no studies of biological diversity (including presence and numbers of kangaroos relative to other species), extent and diversity of groundcover, weed infestation, soil health and/or hydrology, or any other aspect of ecological health or ecological risk that would have enabled them to determine a baseline on how many kangaroos are needed to maintain local biodiversity.

### 6. Has the government ever reviewed the annual 'cull' to evaluate its success or otherwise in achieving its stated objectives?

No. The ACT government has published no evaluative work since annual 'culling' commenced in 2009. Enquiries with the Commissioner for Sustainability and the Environment would seem to confirm that none has been undertaken.

### 7. Wasn't there a peer review of the government's science done in 2014?

No independent peer review has ever been conducted in relation to the 'science' behind the ACT government's 'culling' program, or the effectiveness of the program in achieving any of its objectives.

When the ACT government claims its program has been 'peer reviewed', it is referring to a report on counting methods (17) which was financed by the ACT government and undertaken by Kurahaupo Consulting, a firm which identifies its business as 'pest management and eradication'. A consultant whose business is to facilitate and enhance the killing of animals cannot be regarded as independent when consulted on whether, why and how to kill animals.



This consultancy report was demolished at ACAT 2014 by Dr William Taylor, a retired CSIRO botanist with enormous expertise in the area of peer reviews.

**8. But isn't 'culling' necessary because, without Indigenous hunting and dingoes, kangaroos now have no natural predators?**

No. Foxes have fully replaced dingoes as the kangaroo's most significant predator. At least half of kangaroos born in any year are taken by foxes (13). There is no logical reason to believe that dingoes and Indigenous hunters ever took more.

Total kangaroo numbers are also being reduced by habitat loss, climate change, road deaths, pollution and harassment by domestic dogs, as well as by human 'culling' and 'commercial harvesting'.

The total death toll from this range of causes is many, many times higher than the death toll previously achieved by Indigenous hunting, combined with predation by dingoes.

**9. But there seem to be are hundreds of kangaroos everywhere?**

No, there are not. After eight years of annual mass slaughter, there are already hardly any left.

Before white settlement, hundreds of thousands of kangaroos along with a great diversity and abundance of other native grassland species, lived in equilibrium with the environment in the area that later became the ACT. Because much of this land has now been consumed for suburbs and farmland, populations of all these native species, including kangaroos, have crashed. Since the suburbs and farms are still here, a return to the pre-settlement diversity and abundance of all these species, including kangaroos, is no longer possible.

The kangaroos that are being 'culled' by the government are highly visible because they are the tiny remnants living in our urban areas. Kangaroo experts believe that eastern grey kangaroos, right across their range, are in steep and serious decline (12) like so many other species that have been smugly described as 'abundant' until the day they were suddenly extinct.

The best possible outcome for all species is to allow all species including the kangaroos (on whom most of the other species depend), to maintain themselves in natural (ie not "culled") equilibrium with the remaining habitat.

**10. But haven't there been studies by independent experts that support the government's contentions?**

No. Scientists working for the ACT government are, by definition, not independent. Those working for the agricultural or wildlife 'harvesting' or 'pest' management industries clearly have a vested interest in the continued killing of kangaroos and are not independent. Even researchers who receive money directly or indirectly, or in-kind benefit or are otherwise beholden to the government cannot be regarded as independent.

Even so, the worst that can be said of kangaroos on the basis of any research ever conducted, be it independent or partisan, is that, under certain environmental conditions, kangaroos may suppress some other native species while assisting others to proliferate. However, this is precisely the role of



a keystone species: to suppress some other natives when environmental conditions require it to be suppressed while encouraging others. In the long run, kangaroos benefit the ecosystem and everything in it.

### **11. Hasn't there been a second Kangaroo Management Plan recently?**

Yes. In 2017 the government released a revised Kangaroo Management Plan. As with the 2010 Kangaroo Management Plan, the new plan fails to provide any plausible science to support its case for an annual kangaroo slaughter. Many welfare and conservation organisations wrote submissions exposing the failure of the Plan to justify its killing program either scientifically or ethically. Three quarters of submissions received opposed the Kangaroo Management Plan, but none of their comments were taken on board in the final version. The ACT government declined to publish any of the submissions it received.

Unlike the 2010 KMP, the 2017 was proposed and has been accepted as a Controlled Native Animal Management Plan – which means its cruel and science-free pronouncements are now essentially law in the ACT.

## **The Cruelty**

### **12. Isn't there an Animal Welfare Act or a Code of Practice that prohibits cruelty in the killing of kangaroos?**

No. There is an Animal Welfare Act and there is a Code or Practice for Killing Kangaroos but neither prevents cruelty to kangaroos. The slaughter is conducted under a code of practice (18) which exists (see Section 20 of the ACT Animal Welfare Act 1992) (19) for no other purpose than to permit acts of cruelty which would otherwise be prohibited under the Act.

A recent review of agricultural regulation across Australia by the Productivity Commission (20) confirms that this is the standard purpose and usage of Codes of Practice for all animals across Australia.

#### **(a) Killing of mothers and joeys**

The ACT code of practice permits the killing (for 'management or ecological reasons') of mothers with joeys both in pouch and at foot (21).

The Code of Practice requires that pouch joeys be bludgeoned to death. The bludgeoning is supposed to bring about instant death (22) but there is no way to guarantee that this occurs.

At foot joeys are supposed to be shot 'as soon as possible' after the mother but this a meaningless platitude. Where mothers are killed in very large numbers, as they are in the ACT, 'as soon as possible' usually means 'not at all'. The government's own 'welfare' witness at the 2014 ACAT hearing admitted that every year the 'cull' results in an entire 'ghost' population of orphaned and abandoned young joeys at foot (23).

Anyone driving past a reserve on a night after 'culling' will see these orphaned babies lining the sides of the roads waiting for their dead mothers to claim them (24). Most of these youngsters will die of hunger, thirst, exposure, myopathy or car strike. If they are lucky, with



no mother to protect them they will be taken by foxes, probably the quickest of the available deaths.

A recent study funded by the Commonwealth government (25) confirms the inherent cruelty of the mass shooting of kangaroo mothers and joeys.

**(b) Continuous suffering of entire mobs**

Even if every kangaroo killed were killed instantly and painlessly, the suffering caused by the killing would still be incalculable. Family structures are destroyed. The mobs communal knowledge is lost or fragmented. Mobs are kept in a state of complete unnatural panic and terror, night after night, year after year.

**(c) Even this highly inadequate Code is ignored with impunity**

The Code requires that where an individual kangaroo is injured, no further animals may be shot until all reasonable efforts have been made to locate and kill the injured animal (26).

However, we have evidence from the government's burial pit for slaughtered kangaroos, found in 2012, that kangaroos are not always killed by the first shot. The autopsy report on one body found there showed the animal had been shot, stabbed and bludgeoned and then died of either suffocation or blood loss (27).

Blood trails left by wounded animals attempting to escape can often be found on the reserves after a morning of shooting.

**(d) Driving and trapping**

Until 2013, the ACT Code of Practice made it clear that kangaroos were not to be driven or trapped, recognising that driving kangaroos frequently causes distress, panic, injury and myopathy (28).

This provision was ignored, with complete impunity, during the 2008 slaughter of kangaroos at the Belconnen Naval Transmission Station (BNTS), but at least the clause existed. Contrary to the recommendations of the government's own Animal Welfare Advisory Committee (29), the current ACT Code no longer notes the cruelty of driving and trapping kangaroos, or refers to the cruelty of treating kangaroos in this manner.

There is evidence that this cruelty happens routinely during the government's killing on Canberra reserves. Oral eye witness reports indicate that the quad bikes ACT shooters use to collect bodies after shooting are also used to drive kangaroos into areas where they are easier to shoot them.

**13. If kangaroos are being reduced to these tiny remnants of grassland and woodland, aren't there too many for the available land? Don't they have to be 'culled' to stop them starving, especially in the droughts?**

No. No kangaroo population in the ACT has ever been found to be starving. The lie about kangaroos starving was first perpetrated during the Googong slaughter in 2004. FOI documents received following this slaughter show that the first and only basis for the 2004 Googong slaughter was pressure from farmers (30). Wildlife experts advised that there was no sign of starvation among the Googong kangaroos prior to the slaughter.



The same spin was trotted out during the slaughter at the Belconnen Naval Transmission Station in 2008. Again, wildlife experts advised that the kangaroos at BNTS showed no sign of starvation.

Even if starvation were an excuse for killing kangaroos in time of drought, there is no excuse in recent years when the grass on most reserves has been knee-deep and in some places shoulder-deep.

Even in time of drought, there can be no excuse for wholesale slaughter as carried out by the ACT government. Kangaroos are adapted to these cycles of drought and plenty. They can move very long distances to find food and water (31), and they adjust their breeding to the available feed on the available land. Instead of starving during periods of low feed, males simply do not form sperm and females do not conceive (32).

If feed gets very scarce, an individual animal, from time to time, may be beyond recovery. Additionally, very old kangaroos who have run out of teeth are at risk of starvation (3). Euthanasia is one gift we can give these occasional individuals to ease their inevitable deaths. But wholesale, non-selective slaughter, as carried out by the ACT government, screws up the natural selection processes which have, over fifteen million years, given kangaroo species an extraordinary ability to withstand and survive – and assist other species to withstand and survive - drought conditions.

#### **14. But aren't the kangaroos trapped in these reserves where they can't escape if the population does grow beyond the capacity of the reserve to sustain them?**

Not normally, no.

Except for the BNTS, kangaroos are not trapped in the urban reserves. Kangaroos move over and under reserve fences as a matter of course. Juvenile males routinely leave the home mob in search of mates, some finding their way to other pastures on farms or reserves or other unoccupied land. Some take up residence in suburbs, grazing on people's lawns. The barbed wire fences surrounding the reserves can be lethal to very young animals and to animals panicked by shooting or other harassment, but reserve fencing is normally no problem for adult kangaroos.

However, as urban expansion continues to encroach around the borders of reserves, there are ever more roads for the animals to cross in order to either utilise their full home range or to reach a new home range.

In 2016, higher, kangaroo proof fencing began to appear along some major thoroughfares. This fencing should reduce road deaths in some places, but could inhibit dispersal of young males, forcing them to travel further and cross even more roads to find their own space. If the fencing actually traps kangaroos in reserves or other grasslands, it will be impossible for kangaroos to expand their range when environmental conditions require them to do so. Should this occur, translocation to other nearby reserves would be easy, cruelty-free and inexpensive. We assume, however, that the government will use it as an excuse for further shooting.

What is needed to ensure that kangaroos are not either trapped by fences or endangered by roads is a series of inter-connective wildlife corridors, linking all reserves to other pastures, river corridors and ultimately to the nearby national parks.



To eliminate the risk of panicked or young animals getting caught on fences, all the barbed wire (which currently surrounds most reserves because the reserves used to be farmland) and all internal barbed wire needs to be removed from all reserve fences.

**15. Doesn't the ACT government have a 'culling season' expressly to reduce the suffering of joeys?**

The government claims that 'culling' kangaroos between March and August minimises the suffering of joeys. Yet, according to this same government's own Kangaroo Management Plan, most female kangaroos have both a pouch young and an at-foot young between April and August every year. The KMP, in fact, implies that the only time female kangaroos do not have both a pouch young and a young at foot is around October. However, kangaroo carers generally consider that there is no time of year when most female kangaroos do not have both a pouch and an at-foot young, so there is no time when killing a female will not also kill two dependent joeys.

**16. What about the car accidents involving kangaroos? Doesn't 'culling' kangaroos reduce the number of these accidents?**

No. It increases them. Car collisions with kangaroos will be more frequent during a 'cull' than before because of the vast numbers of kangaroos fleeing from the shooting. Additionally, there is always a huge population of orphaned young who are not yet old enough to have learned how to avoid cars. A cessation of all shooting of kangaroos on both private and public land would therefore result in an immediate and dramatic drop in kangaroo related accidents in the ACT.

The consumption of kangaroo habitat for development has escalated in the ACT over the last ten to twenty years. This has increased the number of cars, the number of suburbs built on kangaroo habitat, the number of roads bisecting kangaroo habitat, the width of roads the animals have to cross to reach safety, and the higher speed limits permitted as roads are widened. It is hardly surprising the number of kangaroos suffering car strike has increased.

Collisions with kangaroos are caused by people since they are the ones in control of the motor vehicles, not by the animals they kill, just as killing animals with guns is caused by people firing the guns, not by the animals they kill. Killing animals to protect ourselves from our own actions is immoral. Protecting animals from accidental death by deliberately killing them is the ethical nonsense.

## **The Alternatives**

**17. So what's the solution to the problems of urban development and increased traffic?**

In the short term, the solution to the problem of kangaroo road deaths is lower speed limits and greater road safety surveillance on roads near kangaroo habitat. In the long term, the solution is a complete re-think of urban infrastructure including a series of interconnecting wildlife corridors protected from motor vehicles. These would allow kangaroos, especially young males, to move safely to other reserves and pastures, and ultimately into the vast national parks surrounding the national capital. Regular visitors to these national parks report that large tracts of them have been virtually devoid of kangaroos since the fires of 2003.



Given that six lane highways have already been crammed between so many of the Canberra Nature Park Reserves, kangaroo proof fencing where highways border reserves are certainly needed but will be useful *only* if they are erected in conjunction with wildlife corridors including broad, vegetated overpasses or wide, high underpasses providing an unbroken car-free zone for wildlife across the entire Territory.

The best environmental and animal welfare outcomes for the Bush Capital is for broadacre clearing to cease altogether in the ACT. No more wildlife habitat should be destroyed. If it is necessary for further buildings to be constructed in the ACT (which has not been demonstrated), there are now excellent models for building much taller buildings in ways which improve the quality of life for humans and their companion animals, as well as avoiding causing further suffering to wild animals.

## **18. Are fertility control and translocation viable alternatives to killing?**

### **(a) Translocation**

If new roads and suburbs are to continue to rob kangaroos and other native wildlife of their habitat, translocation is an entirely viable and desirable alternative. In the early 1990s a translocation of a number of kangaroos from Government House proved to be both effective and humane. The ACT Wildlife Foundation monitored the fate of the relocated kangaroos, and reported no indication that they suffered as a result of the move.

Since then, translocation techniques have been perfected. A recent translocation of a substantial population of kangaroos from Mount Panorama Racecourse to a property some distance away has proven that translocation can be used for much larger numbers of kangaroos without any negative welfare impacts (33). Translocation is not only the preferred (and humane) method for safely removing kangaroos from any place where they are considered undesirable; it is also a ‘one-off’ expense thereby making it more cost-effective than shooting kangaroos in perpetuity (or until there are none left) which costs hundreds of thousands of dollars every year.

### **(b) Fertility control**

If reducing kangaroo populations were in any way desirable, yes, fertility control is a humane, effective and proven option. Even the government’s Kangaroo Management Plan admits that tests with the hormonal fertility control agent GonaCon Immunocontraceptive Vaccine, have proven highly successfully in reducing female kangaroo fertility (34). For small populations, capturing and vasectomising males remains a viable option (as also occurred at Government House).

The problem is that eastern grey kangaroo populations are already in steep and alarming decline, so reducing their birth rate is no better, from an ecological point of view, than increasing their death rate (through ‘culling’).

However, if kangaroo extinction is inevitable, fertility control should certainly be supported as a less inhumane way of achieving it.

## **The Government’s Misbehaviour**

### **19. Is the government allowed to shoot outside the reserves?**



The home range of a kangaroo mob may include part of a reserve, part of a farm, part of a suburb and/or part of a block of unleased public land. The Kangaroo Management Plan therefore includes kangaroos across all these areas when determining how many to kill (35) as part of a 'kangaroo management unit'. However, the government has never informed the public about proposed shooting on off-reserve land.

In 2015, off reserve killing came to light when eye witnesses observed that shooting was taking place on unleased public land outside a reserve, specifically the Rose Cottage Horse Paddocks (RCHP) outside Wanniasa Hills Nature Reserve. No signage was erected to warn the public about this shooting. According to the government, ACT Policing allowed this shooting to go ahead, despite its proximity to the suburb of Macarthur, and despite the fact that members of the public routinely use this land at night as it includes part of the Centenary Trail.

When information about licenses for shooting on unleased public land was requested under Freedom of Information, the licence relating to the RCHP was released. However, the FOI declined to provide any documentation as to whether shooting had taken place on any other unleased, non-reserve public land.

Unleased non-reserve public land is often managed by private contractors on behalf of the public. The FOI officer cited the 'commercial in confidence' nature (of the government's contractual arrangements with these private contractors) as an excuse to keep the shooting that takes place on this public land secret from the public.

For more information on this matter, please see the primary documents at: <https://warmandwildblog.files.wordpress.com/2016/08/dossier-final-b.pdf> (36).

## **20. Has the government ever deliberately deceived the public in relation to the killing of kangaroos?**

- The FOI documents released after the slaughter of 800 kangaroos at Googong Reserve in 2004 indicated that the kangaroo population there had already crashed well before the slaughter was authorised. The government's media release deceived the public by claiming that kangaroos were present in large numbers (30).
- The government further deceived the public by telling them that the kangaroos at Googong were starving, even though nothing in the FOI documents supported this assertion (30).
- The government continued to deceive the public by claiming the slaughter at Googong was to protect the reserve environment and Canberra's water supply. The FOI documents revealed that the real driver of the 2004 slaughter was in fact pressure from local farmers.
- Every year since the annual slaughter began the government has deceived the public by claiming in its media coverage that the slaughter is intended to protect threatened species. At the 2013 ACAT hearing the ACT government spokesperson admitted that this was just 'PR' (8).
- In 2017, the government implied (but did not claim outright) that it had killed 1186 kangaroos on the reserves of the Canberra Nature Park (CNP) which it had closed for shooting from 17 May to 5 July. APA counts on the CNP before the shooting began showed that far fewer than this number of kangaroos were still present across the entire CNP. Additionally, watchers at the reserves throughout the shooting period reported very little



shooting on the actual CNP, though several reports of shooting outside the CNP were received.

## **21. Has the government ever killed or issued licenses for killing kangaroos illegally?**

- The licence issued for the driving and trapping of kangaroos at the Belconnen Naval Transmission Station in 2008 both permitted and caused suffering to animals (see 12 (d) above) in a manner that was not exempt from prosecution under the Code of Practice that was in place at the time. By issuing the licence that permitted driving and trapping, the ACT government appears to have broken its own animal welfare law.
- While it does little else to protect kangaroos from cruelty, the Code of Practice now in place does at least require that, if a kangaroo is not killed instantly, it must be finished off before any further kangaroos are killed (37). In 2012, the body of the kangaroo found in a government burial pit (see 12 (c) above) indicated that the law had been breached and that the breach was not exempted from prosecution under the Code of Practice. The government failed to investigate the matter, and no-one was prosecuted.
- On numerous occasions, protestors watching the reserves during the kangaroos slaughter have heard the soft ‘euthanasia’ shots, presumably finishing off the wounded, long after the sounds of the killing and wounding shots have ended. Leaving an animal that has been wounded to suffer for hours is a breach of the Animal Welfare Act and, once again, not exempted from the Act by the Code (see previous dot points).
- In 2015, shooting was observed on a part of the Rose Cottage Horse Paddocks (RCHP) which was not, at the time, covered by any shooting licence. Once the illegal shooting was reported to the authorities by the protestors, the licence was amended to include this block, but no investigation of the previous illegal shooting was conducted (36).
- The shooting on public land (such as the RCHP) that was lawfully being used by members of the public at the time would also seem to be a breach of ACT firearms legislation (38).
- In 2016, it came to light that shooters were using silencers on their guns. This also breached the Firearms Act (39).
- In 2016, the appeal of a man convicted for blowing a whistle (see below) was upheld because the licence the Conservator had issued for shooting kangaroos was technically invalid (40, 41). It has not been determined how many previous licences issued for the killing of kangaroos in the ACT were invalid for the same reason.

## **22. Has the government ever placed human lives at risk while killing kangaroos illegally**

- In 2012, 2013 and 2014, anti-“cull” protestors claim they were present on the reserves and within metres of the shooters. The shooters were aware of them, yet continued shooting. This was a breach of the conditions of the shooters’ licence as well as a matter of public safety.
- In 2015, shooting took place on public land (Rose Cottage Horse Paddocks (RCHP)) that was lawfully being used by members of the public at the time. The lives of anyone on that land was put at risk (36).
- In 2015, no signage was erected to warn the public that shooting would occur on the RCHP (either before or after the entire area of the paddocks was included in the licence). This area



is frequented by members the public all year round, including well after dark on winter nights. Users of the Centenary Trail were especially vulnerable since that is where most of the RCHP shooting actually occurred (36).

- A police officer misinformed two members of the public that shooting would not occur on the RCHP. (36) This put the lives of the two members of the public, and anyone to whom they conveyed the advice at risk.
- In 2016, it came to light that shooters were using silencers on their guns. The use of silencers in public places puts the public at even greater risk because they have no warning that shooting is underway.
- In 2016, on the Isaac's Ridge Nature Reserve, anti-'cull' protestors claim that kangaroo shooting took place within 30 metres of Mugga Lane, risking the lives of passing motorists as well as protestors lawfully protesting outside the gates of the reserve.

**23. Has any action has been taken to make the government answer for any of these matters?**

As mentioned above, the legitimacy of the ACT government's kangaroo 'cull' has been challenged at three ACAT hearings. The challenges have failed, despite the absence of any plausible evidence from the government's spokespeople that the killing is necessary. (As mentioned above, ACAT members are appointed by the ACT government.)

The government's arrogant and dismissive attitude towards the Canberra community on the issue of kangaroos has been demonstrated on numerous occasions, most recently by completely ignoring 31 submissions regarding the draft Kangaroo Management Plan 2017 (three quarters of all submissions received) which voiced strong opposition to the Plan.

To date, there is still no evidence that shooting kangaroos for the past 8 years has had any value in ecological terms. Over this time, as well as the loss of thousands of innocent lives and immeasurable cruelty to animals, it has cost hundreds of thousands of taxpayers' dollars each year while other services such as health and education have been cut.

APA spent many months in 2015-16 writing numerous submissions to various relevant areas of the ACT government seeking a full and open investigation of both the illegal shooting and the licenced but dangerous shooting that took place in 2015 (see 20-22 above). Full details and the paper trail of this catalogue of evasion, deceit and irresponsible government behaviour can be found at: <https://warmandwildblog.files.wordpress.com/2016/08/dossier-final-b.pdf> (36).

## **So Why?**

**24. If the science does not support the ACT government's slaughter, why are they so committed to continuing to kill kangaroos every year?**

Groucho Marx described politics as 'the art of looking for trouble, finding it everywhere, diagnosing it incorrectly and applying the wrong remedies'. This would seem an apt description of the ACT government's persecution of kangaroos.



In fact, the blaming of innocent but powerless victims for either real or imaginary problems has always been a standard strategy of governments for distracting public attention away from real social issues.

We believe that one of the two major drivers of the ACT government's slaughter is pressure from developers. The government's revenue stream relies on land supply, land related taxes and rates. Most of the broadacre land available to be developed in the ACT is kangaroo habitat. Developing this land forces kangaroos and other wildlife into ever-diminishing fragments, where kangaroos are often highly visible to the public. It is then easy for the government to claim there are 'too many' of them, and that they need to be 'culled'.

The Government argues that it has increased the size of the Canberra Nature Park system, but it has, in fact, been progressively reducing the land surrounding the urban reserves. For example, the Solar Farm complex built along Long Gully Road has effectively cut off the passage that links Googong Reserve via West Hume from the Wanniasa Hills Nature Reserve.

The other major driver for the slaughter of kangaroos is pressure from rural lessees (see 20 above). Farmers in Australia have always wanted to eliminate the kangaroos in order to maximise the pasture available for their production animals. While opening its second front in the war on kangaroos by slaughtering thousands of them on public reserves, the government has also accelerated the war against them on rural land. Despite no recorded increase in the overall ACT kangaroo population over the last two decades, the number of kangaroos rural lessees are licensed to kill increased from 2966 in 1997 to 20722 in 2015 (42).

It seems likely the government also receives agistment rents for grazing livestock on reserves to keep the grass under control. However, this grazing by cattle does enormous damage to the reserves and would not be necessary for managing the biomass on the reserves grass if the kangaroos had been left in place to do the job they have always done.

In the past, the reserves have provided refuges and nurseries for kangaroos who also move in and out of adjacent rural and urban areas. If kangaroo killing continues on the reserves, other unleased Territory land and private rural leases, there will very soon be no kangaroos left anywhere to move in from anywhere else to replace those killed.

## **The Protest**

**25. If there are so many more kangaroos being killed on ACT farms in any given year than the government is killing on reserves, why make such a fuss about the killing on reserves?**

The APA is just as committed to ending the slaughter of kangaroos on rural properties as in Canberra's reserves. The difference is that 'culling' on reserves has to be made public knowledge because the reserves have to be closed – so we know about it. 'Culling' on rural properties is carried out in secret – so we do not know where or when it is occurring.

Reserves are meant to be refuges for species that are being persecuted in vast numbers elsewhere, especially on farms. Reserves are – or were – the only safe havens for eastern grey kangaroos. One day in the not so distant future, the kangaroos living in reserves and national parks may be the only hope for the continuation of the species.



**26. Isn't it dangerous going onto the reserves while the shooting is going on?**

As noted above, it is dangerous for anyone to be out at night when the government is shooting kangaroos, since it seems they are permitted to shoot anywhere on public land without public warning.

Any additional risk to those choosing to go onto the reserves to try to hinder the shooting is their own to take.

**27. Why was a protester arrested during the 2015 'cull'?**

A anti- 'cull' protester was arrested while lawfully protesting on the Rose Cottage Horse Paddocks outside Wanniasa Hills Nature Reserve. He was arrested because he blew a whistle to attract the attention of rangers in order to alert them to the cries of an injured kangaroo. The ranger called the police who charged the protester with hindering the head ranger in the performance of his duty. A second charge of hindering the shooter himself was added on the basis that the shooter was acting under contract to the government and therefore deemed to be a government official at the time.

**28. What was the outcome?**

The protester pleaded not guilty on both charges. He was found not guilty of hindering the shooter because the licence under which the shooter was shooting was found to be technically invalid, therefore the shooter could not have been performing his duty. However, he was found guilty of hindering the head ranger, because the ranger was not actually shooting, just overseeing the shooting. Therefore, the Magistrate deemed, the head ranger was therefore performing his duty despite the invalidity of the licence.

The protester appealed the verdict and the appeal was upheld in the Supreme Court in July 2016. The Judge found that the head ranger could not have been exercising his functions on the night he was overseeing the shooting because the licence was invalid and the shooting was therefore unlawful. As the judge expressed it, 'A person cannot unlawfully hinder an unlawful act' (41).

**29. Have anti-"cull" protesters ever committed any acts of vandalism**

As far as we know, no-one who has been involved in the kangaroo protection campaign has ever committed any act of vandalism.

In fact, the only people who stand to gain from acts of vandalism are the government itself and the pro-slaughter lobby. Alleging, without any evidence, that anti-"cull" protesters have committed acts of vandalism, and getting the news media to air those accusations, is an easy way of turning the public against both protesters and the kangaroos whose welfare the protesters represent.

The protesters themselves have been victims of vandalism, having had their cars damaged while standing watch at the reserves over the years. Those dark, lonely roads are vandal magnets. If any vandalism has, in fact, ever occurred there is no reason to think it had anything to do with the 'cull' - unless it was committed by agents provocateurs for the purpose of defaming or intimidating protesters.



30. **Will you continue to protest next year?**

Yes.

Some of us will continue protesting outside the reserves and others will continue engaging in civil disobedience by entering the reserves in order to thwart the annual massacre of kangaroos until one of the following happens:

- there is a successful public push to end the government's massacre;
- the law moves to prohibit the cruelty and environmental vandalism of the 'cull'; or
- there are no kangaroos left alive on our reserves.

Sadly, at the moment, the third alternative seems most likely.



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