



National Code of Practice for the Shooting of Kangaroos and Wallabies for Commercial Purposes: Public Consultation Draft - April 2019

Comments from the Animal Protectors Alliance (APA)

General comments

By its very existence, this Code would appear to endorse the killing of sentient beings for commercial purposes. This is ethically unacceptable. However, while the NSW government continues to permit this industry, a code of some kind is needed. This submission focuses on the inadequacies of the draft Code in terms of its own stated intention of minimising the suffering endured by kangaroos hunted and shot for commercial purposes.

1. The Code should explicitly state that nothing in the Code excuses in law any act of cruelty that would otherwise be a breach of the NSW Prevention of Cruelty to Animals Act.
2. The Code claims that slaughtering kangaroos joeys and (in some cases) wounded kangaroos by bludgeoning them is relatively humane. This is a preposterous and unacceptable assertion. The claim that neck-breaking or decapitation of furless joeys is humane because the nerve system has not yet fully developed remains speculation, as admitted in the Code's own words ("marsupial young – which are neurologically extremely immature at birth – may not have the capacity to experience pain the sensation of pain"). The only acceptable method of euthanasia, where an overdose of anaesthetic is unavailable, is a head shot at point blank range from a suitable firearm.
3. If the intention of the Code is to minimise the pain and distress of harvesting kangaroos, it should cover all aspects of the pain and distress of harvesting kangaroos, not just the pain and distress caused by shooting them. For example, it should prohibit intentionally driving and/or trapping kangaroos for the purpose of killing them because of the extreme risk of myopathy, panic-related injuries, and of separating mothers from their joeys. The authors should also consider the pain and distress inflicted on the kangaroos who are not shot, the survivors who have lost family and friends, the destruction of mob social structures and protections, and the long-term impacts of robbing mobs of their older (perhaps slower) kangaroos who are essential for passing on the "cultural wisdom" of the mob.
4. Even if this Code were adequate, it is essential that measures be put in place to ensure that commercial killers adhere to the Code and are prosecuted for any breaches. In our experience, the type of people who are willing to kill sentient beings for pay are generally unlikely to care much about the welfare of their victims.



Comments in detail

Preface

Paragraph 2: We are interested to know whether any of the animal welfare organisations allegedly involved in developing this code have actually endorsed this draft, and if so the names of those organisations.

Paragraph 4: "A consultant with expertise in kangaroo welfare was appointed to lead the review." This consultant must be named, so that the public can check his or her credentials. Given the appalling cruelty to animals endorsed in this code, it seems extremely unlikely that its development was led by any person with genuine animal welfare expertise.

Introduction

We dispute the assertion that there is anything "valuable" or "sustainable" about harvesting kangaroos as resource. The value of kangaroos as a resource is in their vital role as a keystone species in maintaining healthy grassland and open woodland ecosystem for the benefit of other animals and plants which share their habitat.

Kangaroo populations in NSW have already crashed to an estimated 11% of populations at the time of European settlement (Mjadwesch 2013), as a result of habitat loss and ferocious hunting. While kangaroo numbers do rise, fairly slowly, during good seasons, their numbers always remain limited by their reduced habitat. They are never "overabundant". Their numbers adjust quickly (primarily through cessation of breeding) to the limitations of habitat. Furthermore, in view the rigours of climate change it is unwise the assume that good seasons will ever again occur as frequently as they have in the past.

Purpose

This section states that the Code is intended to provide direction and guidance for kangaroo harvesters. Surely its purpose is also to provide guidance for police officers, magistrates, and other enforcement agencies.

Scope

"Fullest" is not a word.

Requirements

Lack of scientific research and unquantifiability should not be excuses for cruelty. Where these limitations are implied as the reason for a "should" rather than a "must" in relation to harming an animal, the word should be changed to "must".

Legislation

This section is the appropriate place to include the statement mentioned above under "General comments" that nothing in the Code excuses any act of cruelty that would otherwise be a breach of the NSW Prevention of Cruelty to Animals Act.



Definition and terms

Dependent young: this definition should make it clear that kangaroo joeys usually continue to require milk to meet their nutritional needs until they are about 18 months to two years old.

Kangaroo harvesting: this definition is in error. Kangaroo harvesting has nothing to do with "population management", and, to prove it, there is an entirely separate code covering killing kangaroos for non-commercial "management" purposes.

Unconsciousness: this definition is wrong. A shot animal may be unable to right itself without being unconscious. Human first aid courses teach that unconsciousness may normally be assumed if the person is lying still, eyes closed, and unresponsive loud noises close to their ears, but they are still breathing. The same applies to animals.

Section 1: Harvester responsibility and competency

Competency: Competency in animal welfare principles and practice should not be determined by a supervisor who is likely to be a fellow shooter, nor through a TAFE exam which is unlikely to include the detail of this particular Code.

Given that it is extremely unlikely that anyone who wishes to make a living robbing sentient beings of their lives is constitutionally capable of having the "attitude and behaviour" to adhere to the requirements of this Code, a much more structured, specific and independent mechanism for testing this attitudinal and behavioural aspect of competency is required.

Section 2: Shooting kangaroos and wallabies for commercial purposes

Firearms and ammunition (paragraph 2): Harvesting of kangaroos should be altogether prohibited in semi-urban areas.

Targeting and shooting animals (paragraph 2): A shooter should not under any circumstances be permitted to risk further non-lethal wounding of a wounded animal. The second shot must be accurate and lethal. Therefore this section should be amended to remove the permission for a shooter to shoot a wounded animal unless that animal is both stationary and clearly visible.

Targeting and shooting animals - boxed summary of "Requirements"

2.3: It is unacceptable to leave a wounded animal suffering while the shooter shoots two more animals. As noted above, wounded animals, as well as not those not yet shot, must be stationary and clearly visible before a shooter shoots again.

2.5: Animals should be checked after every shot is fired, not after every three shots, and certainly not only after he has succeeded in hitting three animals. Leaving a potential wounded animal to suffer while the shooter kills, or attempts to kill two more animals is ethically unacceptable.



Section 3: Euthanasia of dependent young and wounded or injured kangaroos and wallabies

Methods of euthanasia

The standard operating procedure for euthanasia of bludgeoning, neck-breaking and decapitation, as detailed in the Appendices, are totally unacceptable from a welfare point of view and should be deleted from this code everywhere they appear.

Instead, shooters, in addition to whatever gun they are using for shooting adult kangaroos, should be required to carry, and be qualified to use, a smaller rifle or handgun for the euthanasia of pouch young, young at foot and wounded adults at unmissable close range. Headshots only should be used for euthanasia. As noted above, wounded animals must be stationary and clearly visible, to avoid the risk of wounding them a second time.

Secondary euthanasia methods

Given the definition this code provides for "unconsciousness", these secondary methods of euthanasia for "unconscious" animals will often be used on conscious animals. Any excuse for using such cruel methods would be obviated completely if shooters carried a secondary firearm suitable for delivering a close range lethal headshot.

Euthanasia of pouch young

Paragraph 2: This states that "marsupial young – which are neurologically extremely immature at birth – may not have the capacity to experience pain the sensation of pain". If there is any doubt about this matter at all, painful methods of euthanasia should not be used on them.

These young have sufficient sentience at birth to be able to climb from the uterus to the pouch when they are born. They should surely be given the benefit of the doubt regarding their capacity to experience the full range of sensations.

Even for these very small young, the least inhumane method of euthanasia is clearly blasting it at point blank range with a suitable close range firearm.

Paragraph 4: This states that "when performed by skilled operators " bludgeoning an at-foot joey to death is an effective method of euthanasia. How likely is it that a commercial kangaroo shooter will have this particular skill? We would judge it to be very unlikely and even less likely that such a person would care enough to bother.

It is blatantly untrue to say that the "duration and extent of suffering is less than other currently available methods". As mentioned above, a headshot from an appropriate firearm at point blank range is certain, in the vast majority of cases, to cause less suffering than a blow to the head that is unskilled, mis-aimed, not forceful enough, or inaccurate.



Euthanasia of dependent young-at-foot

Paragraph 2: Shooting a wounded animal where the animal is not both stationary and clearly visible is unacceptable because it risks wounding rather than killing the animal a second time. Attempting to kill it with a blow to the head is unacceptable, because of the extreme suffering it is likely to cause if the first blow fails to kill it.

Paragraph 3: Nothing in this Code should be dependent "on the judgement of the harvester".

Euthanasia of wounded or injured kangaroos and wallabies

Paragraph 2: There are no circumstances where use of a suitable close-range firearm for euthanasia would be less practical than a blow to the head. There are no circumstances where use of a suitable close-range firearm for euthanasia would be less safe for the shooter than a blow to the head unless the shooter is totally incompetent.

Appendix 1 Assessment requirements for shooting accuracy

Our main comment on this appendix is that it appears to suggest that the only subject matter on which would-be harvesters are required to be assessed is shooting accuracy. There needs to be assessment of every shooter's understanding of animal welfare matters, and testing to ensure they have a 100% knowledge of this Code.

Furthermore, if the indisputably cruel "euthanasia" methods recommended by this Code are to remain in their current form, passing a competency test for bludgeoning animals to instant death with a single blow should be an absolute requirement. Replicas of appropriate breakability, rather than sentient beings, should be used in order for a shooter to attain competency, rather than live subjects either in the field or in a classroom.

Appendix 2: Developmental stages of kangaroo young

This appendix should assign age ranges to the stages described, and should inform readers that, under reasonable environmental circumstances, any female kangaroo is likely to have in her care both a pouch young and a young at foot, a year apart in age. She is also likely to be pregnant with another joey a year younger again. Prospective shooters should be aware that when they kill a female kangaroo they are, in most cases, robbing the mob of not one but four individuals.

Appendix 4: Standard operating procedure for shooting kangaroos and wallabies

Firearms and ammunition

Paragraph 1: As mentioned above, the only exception to the use of centrefire rifles should be for the use of suitable short range firearms for euthanasing wounded or injured animals. As mentioned above, there are no circumstances where use of a suitable close-range firearm for euthanasia would be less practical than a blow to the head. There are no circumstances where use of a suitable close-range firearm for euthanasia would be less safe for the shooter than a blow to the head unless the shooter is totally incompetent.

As mentioned above, all use of fire-arms, including kangaroo shooting, should be prohibited in semi-urban areas.



Targeting and shooting animals

Dot point 1: In the earlier section of "Firearms and ammunition", the Code states clearly that "Targeted animals must be killed with a headshot (unless they are wounded or injured)". In this appendix, this requirement has been downgraded to "the harvester must aim to hit the target kangaroo or wallaby in the head". If the shooter cannot be certain of the headshot, the shooter must not shoot. If the shooter claims to have been aiming for the head, but missed, he should lose his licence.

Dot point 3: This should read "Kangaroos that are moving must not be shot".

Dot point 5: This should read "Unless already injured or wounded, kangaroos or wallabies must not be shot unless they are standing upright".

Dot point 8&9: As mentioned above, the Code's notion of "acceptable methods" of euthanasia, are completely unacceptable.

Confirmation of death

Dot point 2: As mentioned above, this point should read "a second shot from the same or other suitable firearm must be applied".

Follow-up of wounded animals

Dot point 5: As mentioned above, neither a concussive blow to the head nor bleeding out are acceptable methods of euthanasia. It is always safe and practical to use a suitable short range firearm at point blank range.

Appendix 5: Standard operating procedure for euthanasia of pouch young

Application

Dot point 3: As mentioned above, this contradicts the assertion mentioned in the earlier section, "Euthanasia of pouch young", paragraph 2 which states that "marsupial young – which are neurologically extremely immature at birth – may not have the capacity to experience pain the sensation of pain". There is a world of difference between "may not have the capacity" and "are not yet able". The benefit of the doubt assumes that these joeys do feel pain, and indeed to assume that (having achieved an extraordinary feat of self-willed action at birth), that they have the full range of motivating sensations.

Dot point 4: As noted above, a "concussive blow to the head" that achieves instant death is unlikely to be achieved by a kangaroo harvester, and should therefore be prohibited.

Dot point 5: This reference to a captive bolt pistol is puzzling. There are many small, close-range firearms that are well-proven as capable of delivering instant death, that could be used without resorting to abattoir equipment.



Methods of euthanasia of unfurred pouch young

Paragraph 1: as mentioned above, cervical dislocation and decapitation are totally unacceptable methods of killing unfurred pouch which, as the Code itself has admitted that pouch young may (since they also "may not") be fully capable of experiencing pain.

Paragraph 3: as mentioned above, it is highly unlikely that kangaroo harvesters will ever perform either cervical dislocation or decapitation or bludgeoning correctly; therefore these methods should be prohibited.

Euthanasia of partially-furred to full-furred pouch young

As mentioned throughout this submission, a concussive blow to the head must never be used by kangaroo harvesters whose chances of killing the animal with a single blow are very close to zero. Kangaroo killers are unlikely to have either the will or the skill to apply this technique correctly. Therefore, this method of euthanasia should be prohibited.

Methods that should not be used in conscious animals

At the very least, this should read "methods that must not be used on conscious animals", and only then with a careful re-definition of "conscious" (please refer to our earlier comment under "Definitions").

In fact neither decapitation nor exsanguination should be used on any sentient being. EVER.

Appendix 6: Standard operating procedure for dealing with young-at-foot

Methods: euthanasia of YAF

Dot points 1 and 7: As mentioned above, a concussive blow to the head is an unacceptable method of killing any young because of the certainty that it will almost never be applied correctly by a kangaroo harvester (given that no kangaroo harvester is likely to have either the skill or the will to apply it correctly).

Dot point 2: The second sentence should read "YAF that are fleeing must not be shot..."

Dot point 5: The shooter needs to be answerable for his judgement. How, with this provision, will a court of law condemn a careless harvester for a blatantly cruel and careless decision?

Table 1: Welfare impacts on dependent young that are orphaned during harvesting and measures to preventing suffering

The word "reasonable" needs to be defined.

Once again the information in this table contradicts that provided in "Euthanasia of pouch young", paragraph 2 which states that "marsupial young – which are neurologically extremely immature at birth – may not have the capacity to experience pain the sensation of pain". The benefit of the doubt must assume that these joeys do feel pain.



Throughout this table, all reference to decapitation, cervical dislocation and concussive blow to the head should be deleted as recommended methods of euthanasia, since they all:

- (1) always cause pain, or
- (2) if conducted by shooters who are not expert in their application, are almost certain to cause pain, or
- (3) in the case of furless pouch young may cause pain.

Appendix 10: Summary of Code requirements

Section 1: Harvester responsibility and competency

1.2: How will the competency of the harvester and the supervisor be assessed to ensure they know this code inside out? How will the competency of the harvester and the supervisor be assessed to ensure that, in practice, they are competent to carry out the inherently cruel methods of euthanasia recommended by the code without causing the animal unnecessary suffering?

Section 2: Shooting kangaroos and wallabies for commercial purposes

2.2: As mentioned above, the authors of this Code must make up their minds. Are shooters required to shoot kangaroos and wallabies in the head or to merely "aim to shoot kangaroos and wallabies in the head"? The latter allows shooter to get away with merely claiming they were aiming for the head.

2.3: As mentioned above, there is no ethically acceptable reason for allowing shooters to shoot wounded animals when they are either not clearly visible or not stationary, because of the likelihood of merely wounding them again.

2.5: As mentioned above, animals should be checked after every shot is fired, not after every three shots, and certainly not only after the shooter has succeeded in hitting three animals. Leaving a potential wounded animal to suffer while the shooter kills, or attempts to kill two more animals is ethically unacceptable.

2.8: Given that the code does not require shooters to pass any tests of competence in these matters, we certainly do not object to a final check being made that animals are dead before their corpses are "processed". However, as mentioned above, harvesters should surely have confirmed that every shot animal is either alive or dead after every shot.

Section 3: Euthanasia of dependent young and wounded and injured kangaroos and wallabies

See our comments on the body of the report for our views on these matters. To reiterate, decapitation, cervical dislocation, concussive blow to the head and exsanguination are all ethically unacceptable methods of killing any animal in any circumstances.

If euthanasia of any animal is necessary because worse suffering is the alternative, and an appropriate euthanasia drug is unavailable (for example, during kangaroo harvesting), a point blank headshot with a suitable firearm is the only method that is certain to cause no pain.



Thank you for the opportunity to comments on the draft revised code.

Yours sincerely

Frankie Seymour
(on behalf of the Animal Protectors Alliance)

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