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Dear Dr Lewis

Urgent request that the Commissioner investigate the ACT Government's kangaroo management/killing program

On behalf of thousands of Canberra residents and thousands more people from other Australian jurisdictions and other nations, the Animal Protectors Alliance (APA) is requesting, urgently, a comprehensive investigation into every aspect of the ACT government's kangaroo "culling" program (the Program). We would expect this investigation to involve a moratorium on all killing of kangaroos on ACT government land, pending the outcomes of such an investigation, outcomes which would, in our view, certainly imply a permanent end to this annual slaughter.

We are seeking the engagement of the Commissioner for Sustainability and the Environment and the Auditor General on this matter because the ACT public have no other remaining avenue for demanding a review or reconsideration of any aspect of this the Program.

- Under the Ombudsman's Act, "action taken by the Territory or a territory authority for the management of the environment" is exempt from Ombudsman scrutiny*. Apparently this is true even when that action breaches the law, endangers public safety, inflicts unlawful cruelty on animals or is, in fact, directly destructive to the environment.
- Similarly, because the Kangaroo Management Plan (KMP) is now a legislative instrument, every aspect of the Program is exempted from scrutiny by the ACT Civil and Administrative Tribunal (ACAT), even in these same circumstances.
- The public do not even have recourse to the police on this matter because the police have now, so often, believed the misinformation given to them by government officials. Many Canberrans fear that it has now become a crime to report a crime.

* The ACT Ombudsman, approached about an incident of unlawful shooting by government shooters which put human lives at risk, advised that Section 5(2)(h) of the Ombudsman Act 1989 identifies an: ***action taken by the Territory or a territory authority for the management of the environment (not including action taken under the Utilities Act 2000, part 14 (Streetlighting and Stormwater) is as an action the Ombudsman is not authorised to investigate.***

A separate request for a complete audit of the program has been sent to the Auditor General.

Background

The ACT government has produced no evaluation or cost-benefit analysis of its kangaroo killing program since the routine annual killing started in 2009. Both an investigation of the Program, and an audit of its costs for the state of the ACT environment, animal welfare, human safety, human welfare, and democratic processes in the ACT, is now more than ten years overdue.

This submission is made on the basis of scientific facts and actual experiences, offering eye witness testimony and other documentation where needed. It explains in detail why such an investigation is necessary and urgent, and the scope of the investigation if it is to get to the truth of this matter.

We note that, in 2013, a 186 page (including attachments) dossier of evidence on this matter was submitted, by the Regional Friend of Wildlife (RFW), to the (then) ACT Commissioner for Sustainability and the Environment, Robert Neil. Some of those documents are cited in this current submission. The 2013 dossier is published online at:

<https://warmandwildblog.files.wordpress.com/2016/05/regional-friends-of-wildlife-submission-2013.pdf>. Mr Neil had commenced an investigation of some of the matters raised in RFW's

submission when he completed his term as Commissioner. None of his successors continued with the investigation.

For further context, we would also like to refer you the recently published book, *Injustice*, by Dr Maria Taylor, about Australia's ongoing war on its wildlife since white settlement. Two particular chapters, *Australian Applied Ecology* and *Burn the Heretic*, identify the ACT government's behaviour over the last two decades as a quintessential case study on how to con the public into accepting as "necessary" such a prodigious scale of wildlife slaughter. Taylor argues that, because the situation in the ACT is a microcosm of the wider Australian culture which has permitted and continues to permit the biggest on-land wildlife slaughter on the planet, the very fact that the ACT government has been able to get away with calling its annual kangaroo slaughter a "conservation cull", is now encouraging other jurisdictions to emulate the ACT's approach.

Because of the long history of abuse we have documented since the annual killing began, the Animal Protectors Alliance (APA) considers that the investigation must cover every aspect of the conduct of the government's kangaroo "culling" program, including:

- the processes for issuing licences for killing kangaroos prior to 2010;
- the processes for developing the two Kangaroo Management Plans (KMP 2010 and KMP 2017); and
- the conduct of the implementation of the two Plans since 2010, on both private and public land, but with a particular focus on public land, namely: the nature reserves of the Canberra Nature Park (referred to in this submission as the CNP or the Reserves) and other publicly owned lands such as (but not limited to) government horse paddocks.

Structure of submission

In our view, the investigation should examine the following matters, which we have used as headings for the Parts of this submission:

1. the former and current population status of kangaroos in the ACT, and the former and current state of ecosystems and species inhabiting the Canberra Nature Park, based on independent expert and eye witness evidence, and on critical evaluation of the assertions made in the two KMPs;
2. the current *Code of Practice for the Humane Shooting of Kangaroos (for non-commercial purposes)*, its predecessor (the *Code of Practice for the Humane Destruction of Kangaroos*), and the recorded instances and eye witness accounts of kangaroos suffering resulting directly or indirectly from the Program;
3. the recorded instances and the eye witness accounts of dangerous behaviour by government officials and shooters;
4. the suffering of Canberra residents who have been traumatised by the killing of kangaroos;
5. the probity and behaviour of the government and its officials in regard to the Program.

Part 5 (probity and behaviour) relates to actions of the executive government and/or its officials that have: harmed the environment; caused animal suffering; caused human suffering; endangered human life; and broken or abused ACT law. As such, it draws extensively on information included in the earlier Parts. It also devotes an extensive subsection to instances of assertions by the executive government and/or its officials which conveyed misinformation to the public, media or other parties, either inadvertently or deliberately.

Part 5 explains the need to investigate:

- whether the officials who were authors of the ACT Kangaroo Management Plans (KMP 2010 and KMP 2017), in compiling these documents, included, truthfully, fully and fairly all the relevant evidence available to them - especially given that, on the recommendation of those or other officials, KMP 2017 is now a legislative instrument, unassailable through normal administrative review and appeal channels;
- whether the government officials who recommended that KMP 2017 be made a legal instrument truthfully, fully and fairly represented the full implications of this decision to the Minister and Members of the Parliament;
- the probity and behaviour of government officials in authorising, overseeing and conducting the Program, for example (but not limited to), whether they have:
 - adhered to all relevant laws and legal instruments;
 - utilised relevant laws and legal instruments appropriately;
 - acted responsibly in terms of protecting public safety;
 - acted responsibly in terms of protecting the public from injury (including both physical and psychological injury);
 - acted responsibly in terms of protecting animals from cruelty and unnecessary suffering;
 - been truthful with the public about the reasons for, and conduct of the Program;

- benefitted improperly, in any way, from any aspect of the development of the KMPs or the conduct of the Program.

Part 6 of this submission raises a number of further questions the Commissioner may wish to consider.

APA has concluded that (absent of any plausible conservation motive for the killing) the real driver of the ACT's kangaroo slaughter is the government's perceived imperative to cover ever more wildlife habitat in suburbs, roads, industry etc.

Part 7 suggests an alternative way forward on this matter.

Part 1: The former and current population status of kangaroos in the CNP and the former and current state of ecosystems and species in the CNP

1.1 No baseline or ongoing scientific justification for the Program

Proper wildlife management requires an understanding not only of numbers per hectare (actual direct counts, not guesses based on a desk-top calculator program) on each and every Reserve where management is planned, but also, before and after any management action:

- distribution across known habitat;
- age classes;
- sex ratios;
- fecundity;
- natural death rates;
- longevity;
- behavioural data; and
- each mob's social structure.

It also requires a detailed understanding of the similar data across every other plant and animal species with whom the species targeted for "management" shares the habitat.

The ACT "cull" was commenced on the basis of zero baseline data on any of these matters. The government began its annual killing of vast numbers of healthy, free-living kangaroos without any information whatsoever on either:

- how many kangaroos were present in the ACT; or
- what number of kangaroos was a normal and healthy (for both the kangaroos and their ecosystems) population in the Reserves.

Government spokespeople admit that they still have no idea how many kangaroos are left in the ACT, or on the state of other species on the Reserves following 12 years of annual slaughter.

On the other hand, the government does have data on exactly how much kangaroo habitat had been lost in the ACT as at 2014. After four years (2009-2013) of annual slaughter, expert evidence provided at ACAT 2014 revealed that, due to land use changes (city/urban areas, and heavily modified rural landscapes), Eastern Grey Kangaroos were already extinct across 26.6% of the ACT, and under pressure across 29.9% of the ACT, due to agricultural activities including loss of habitat (including pine plantations), shooting on private rural leases, and shooting in reserves (*Ray Mjadwesch, ACAT, 2014*, drawn from publicly available government data sources).

There has been no independent review (nor even any internal review, as far as the public have been advised) of the effectiveness of the Program in achieving any of its (alleged) environmental objectives, since it began. There has certainly been no peer review of the government's counting methodology for estimating kangaroo population (now entrenched as part of a legislative instrument). A recent citizen science project which is, without doubt, the most thorough and extensive field survey of Eastern Grey Kangaroos ever conducted in the ACT (Robinson J and Grace J, 2022, *Eastern Grey Kangaroos in Canberra Nature Park, Population estimates and culling history 2009 – 2021*), reveals that the government's population estimates have been monumentally flawed. This report is at Attachment A.

Notably, the NSW government's very similar methodology for counting kangaroos for "harvesting" purposes was also exposed as monumentally flawed during the recent NSW Parliamentary Review of the wellbeing of kangaroos in NSW:
(<https://www.parliament.nsw.gov.au/lcdocs/inquiries/2707/Report%20No%2011%20-%20PC7%20-%20Health%20and%20wellbeing%20of%20kangaroos%20and%20other%20macropods%20in%20NSW.pdf?msclid=465b974cbc6011ec91bfad2affea3b56>).

If either of the KMPs was ever subject to a scholarly peer review, no such review, nor any information from it (except vague suggestions that it may have occurred), has ever been published. Consequently, members of the public have no way of knowing whether the comments the reviewer (if there was one) made on either KMP were favourable or not, nor whether any criticisms were taken on board in the finalisation of either KMP.

The Kurahaupo "review" of the Program must be dismissed in its entirety. It was undertaken by a New Zealand based commercial company that makes its money from lethally "managing" animals. Aside from having a vested commercial interest in the philosophy of killing wild animals, this NZ based company has zero expertise concerning either kangaroos as a species or their critical keystone role in maintaining Australian ecosystems.

Against this backdrop of a total absence of data or research to support either the commencement or the continuation of "culling" must be set the 27,950 kangaroos that have been killed by government contracted shooters, in the Canberra Nature Park alone, since 2009. Thousands more pouch joeys have been bludgeoned to death or decapitated, and dependent at-foot joeys orphaned to slower death from hunger, dehydration, hypothermia and myopathy.

Sixty thousand more kangaroos (not counting joeys) were killed by ACT land holders and land managers (including the Department of Defence) under licences issued by the ACT government between 2009 and 2015, with the number rising steadily every year except 2012. The government has not released figures on numbers killed under licence between 2015 and 2022.

It is important for the ACT public to know whether this ongoing massacre of tens of thousands of healthy, wild-living sentient beings has achieved any of its stated objectives, particularly in view of the numerous reports (see Attachment B) of direct and indirect cruelty routinely inflicted on these animals. (Note: since 2021, Section 4A (1) (a) of the ACT's Animal Welfare Act, 1992 has recognised all vertebrate animals as sentient beings.)

1.2 Scientific errors on which the Program is revealed to have been based

1.2.1 Biomass is used incorrectly as an indicator of environmental condition

The ACAT hearing on kangaroos in 2013 revealed (on the public record) that the only argument on which the government bases its assertion that kangaroo grazing is impacting on the environment of the Reserves is quantity of biomass, and has nothing to do with the health, richness or diversity of the organisms comprising that biomass.

Since kangaroos eat grass, the government spokespeople argue, kangaroos must damage the environment. That was it, the entirety of their argument: kangaroos eat grass, therefore they reduce biomass, therefore they damage the environment.

By contrast with this, all reputable science attests that kangaroos eating grass (among other services they provide) contributes a keystone service to the environment. Even the KMP 2017 admits that this is the case (p12), though it does so without examining the implications of this keystone status for the government's proposed killing program.

A thorough, independent review of this bizarre government assertion that eating grass, in the absence of any other evidence, damages ecosystems is essential, especially in relation to a species that has co-evolved with all other native plant and animal species in its environment, and played a critical role in managing those other species, for at least five million years. (Eastern Grey Kangaroos as a species are believed to have been present in Australia for about five million years, while herbivorous ancestral kangaroo species may have been present for more than forty million years).

1.2.2 The government's legislated target kangaroo density has no basis in science

On the basis of non-existent baseline data, nor any subsequent data on kangaroo numbers, nor any subsequent data on the ecological condition of the Reserves, the government claims that kangaroos are persistently present in the Reserves at densities sufficient to damage other native species of plant and animal. Yet, the only data that has been collected and analysed since the annual slaughter began shows the opposite.

Material released to the media under the Freedom of Information ACT in 2017 included CSIRO's 2014 *Final report for ACT Environment and Sustainable Development Directorate: Relationships between vegetation condition and kangaroo density in lowland grassy ecosystem of the northern Australian capital territory: Analysis of data 2009, 2012 and 2013*.

This CSIRO analysis was undertaken at public expense, at the request of the ACT Government, based on the Directorate's own data. The analysis found no evidence of kangaroo grazing having any deleterious impact on any reserve of the Canberra Nature Park. These findings were completely ignored in the development of the 2017 KMP which does not even reference this government funded project.

In defiance of this finding (noting again that it was based on the government's own data), KMP 2017 claims that that 1.0 to 1.5 kangaroos per hectare is, according to "current knowledge" a desirable

density of kangaroos to maintain. However, Dr Don Fletcher, who later became the ACT's Senior Ecologist, and an architect and official advocate for the Program (including for the "1.0 to 1.5 per hectare" assertion) had found (while still independent of the ACT government) in his unpublished PhD thesis that local kangaroos lived without damaging pasture or starving, at densities of five (not 1.0 to 1.5) per hectare (quoted by Sheila Newman, Conference Paper, 2016).

The above-mentioned CSIRO report found no damage at three kangaroos per hectare and no evidence of more than three per hectare on any Reserve.

Furthermore, at ACAT 2013, Dr Fletcher stated that the "one per hectare" notion was "a guess" and "undoubtedly wrong". Yet, on the basis of no new evidence, the 1.0 to 1.5 per hectare "wild guess" somehow got promoted to "current knowledge", despite being "undoubtedly wrong".

1.2.3 Mistaking kangaroo population replenishment by inward migration for a high breeding rate

The KMP asserts that kangaroo population growth in the ACT can be as high as 40 per cent per year. All other sources (including Dr Fletcher at ACAT 2013) agree that, given the time it takes a kangaroo to reach reproductive maturity, their average lifespan, their limitation to bearing only one joey a year, and their high infant mortality rate (especially in Canberra, due to fox predation), it is not possible for kangaroo populations to grow faster than 10 per cent a year, even in ideal conditions.

In fact, longitudinal studies have shown that when kangaroo populations are left alone to mature, disperse and populate naturally, even within a geographically limited habitat, their population stabilises in equilibrium with their environment (Coulson G, Alviano P, Ramp D, Way S 1999 *The kangaroos of Yan Yean; history of a problem population in Proceedings of the Royal Society of Victoria* 111(1): 121-130).

At the ACAT hearing on the licencing of the Department of Defence to kill 9000 kangaroos in 2009, Dr Dan Ramp pointed out that killing 9000 kangaroos on Defence Force Land would achieve nothing because 9000 more kangaroos would quickly move into the "vacuum" to replace those killed. Government data had already shown that, following ACT government "cull" at Googong in 2004, the kangaroo population on Googong Reserve had recovered completely a few months after most of those kangaroos present at the time of the "cull" had been killed. This was possible only by inward migration from surrounding farms.

When it was pointed out to Dr Fletcher at ACAT 2013 that the government's estimated populations of kangaroos on some Reserves were biologically impossible by reproduction, Dr Fletcher confirmed that the population growth was by inward migration.

In fact, in suburban Canberra, kangaroos have no choice but to migrate into the Reserves because they are being driven out of the surrounding habitat by rampant ongoing development which is rampaging right up to the very fences of the Reserves all over the ACT.

It is critical to comprehend that this migration can continue to occur only as long as there are kangaroos outside the reserves to drain into them. Once there are no more migrating in, because there is no remaining habitat left outside the Reserves, the last of the ACT's native kangaroos will be extinct.

1.2.4 No evidence for the government's assertions of kangaroo grazing impacting on threatened species

At ACAT 2013 Dr Fletcher declined to endorse the government's claims that the Program was aimed at protecting a number of threatened species (listed in numerous government press releases), describing it as "spin".

This dismissal of the threatened species assertions is supported by the fact that none of the threat abatement plans or recovery plans for any of the species listed in the Directorate's press releases (nor for any other species) even mention any possible threat from kangaroo grazing.

1.2.5 Narrow, irrelevant, misrepresented and potentially partisan academic sources for all the KMP's/government's "scientific" assertions

The only data and/or research the government uses to justify its assertions that kangaroos on the Reserves are at densities high enough to damage the environment are eight papers from a group of five ANU academics, most of them cowritten among themselves.

The critical analysis, *Roogate*, by Dr David Brooks (https://districtbulletin.com.au/wp-content/uploads/2016/05/bulletin-MAY-2016_archive-ROOGATE.pdf?msclkid=1ddb6e91baa611ec877bfe351f1571c2), published as a supplement in the *District Bulletin* (a local newspaper which covers the capital region environment), makes a number of points about this group of papers, three of which are by only one of the authors, himself a former Parks and Conservation employee, and several of which are co-written by Don Fletcher himself.

Firstly, Dr Brooks notes the extreme narrowness of this group of academics in terms that amount to "marking their own homework". Secondly, he notes that they are all in some way likely to be beholden to the ACT government, and therefore cannot be regarded as altogether independent authorities. Thirdly, he notes that none of these papers actually say what the government claims they are saying anyway.

1.2.6 Failure to consider other independent expert opinion

Expert opinion and research on kangaroos was provided by several prominent ecologists (Dr Dan Ramp, Dr Dror Ben Ami and Mr Ray Mjadwesch) at ACAT hearings in 2009, 2013 and 2014. Irrespective of ACAT's decisions on these challenges (we comment on these decisions later in this Part of our submission), this opinion and research was valid, peer reviewed science, and arguably based on far more rigorous research than any opinion or research the ACT government used in developing its killing plan. None of it was included in either KMP.

1.3 Current observable state of the Reserves and current status of remaining kangaroo populations

After thirteen years of annual killing, very few kangaroos are to be seen now, on any of the "culled" reserves. If there are any left, they have retreated to more hidden or heavily wooded areas of the Reserve where they are no longer visible to passing traffic.

Because "nature abhors a vacuum", kangaroos from outside the Reserves routinely move into the emptied habitat, often to escape ongoing development up on the borders of Reserves. Consequently, assuming no major decline in the health of the habitat, there are usually new mobs, more or less equivalent to those present during previous years to be found on the Reserves just in time for the

government's next annual "cull". These populations represents the number that each Reserve can comfortably support.

However, since these populations are present by migration rather than reproduction, this process can only continue as long as there are kangaroos outside the Reserves available to "drain" into them. The vastly reduced populations to be found on some Reserves this year signals clearly that the draining process is running down as the remnant population outside the Reserves runs out.

While kangaroos are now hard to find, what is, on the other hand, extremely visible on all the Reserves at the moment is a massive infestation of weeds, hectares of them, mainly saffron thistle, Scotch thistle and blackberry brambles. The government will no doubt blame this vast and ubiquitous infestation on a long drought followed by two years of good rain. This explanation is invalid. Kangaroos, of various species, have been managing Australia's landscapes through dry and wet years for around five to forty million years. Furthermore, introduced weeds have been naturalised in Australia for over 200 years. Notably, it is only since the removal of kangaroos *en masse* from the Canberra Nature Park that this *en masse* infestation has occurred.

It is now quite difficult to see kangaroos anywhere in urban Canberra. Residents near Reserves such as Mount Ainslie complain that well-known, friendly individual kangaroos who used to routinely visit their yards and mow their lawns for them haven't been seen for several years – probably because they have been shot by the government. Soon, the only place visitors will be able to see kangaroos in the ACT will be at Tidbinbilla where the government, having cornered the market, now charges tourists money for it.

1.4 Development a major threat to both the Reserves and ACT kangaroos

If the purpose of the Program really were protection of biodiversity, it has to be asked: why is this purpose not reflected in any other aspect of ACT government policy? Why is the government continuing to allow development into every remaining scrap of native wildlife habitat in the ACT? Below are some examples of developments over the last two decades that have destroyed remnant off-reserve wildlife habitat adjoining or close to the Reserves, and further fragmented the Reserves from each other:

- the suburb of Googong which appeared after the ACT government's 2004 "cull" on the Googong Dam Reserve (this is in NSW, but managed by the ACT government);
- the suburb of Lawson which appeared after the 2008 "cull" at the Belconnen Naval Transmission Station;
- the suburb of Throsby which backs onto Goorooyaroo which is routinely "culled";
- the suburb of Crace which backs onto the Crace Grasslands which is routinely "culled";
- extension of the industrial suburb of Hume, near the East and West Jerrabomberra Nature Reserves, both of which are routinely "culled";
- the Molonglo development which backs onto Kama Nature Reserves which is routinely "culled";
- the Arboretum which closes off movement by wildlife living on Mt Painter and The Pinnacle Nature Reserves, both of which are routinely "culled";

- the extension of Mugga Lane Tip near Isaacs Ridge, Mount Mugga Mugga and Callum Brae Nature Reserves, all of which are routinely "culled";
- the extension of the Mugga Lane Quarry near Isaacs Ridge, Mount Mugga Mugga and Callum Brae Nature Reserves;
- a private crematorium proposal for land that backs onto Callum Brae Nature Reserve;
- the Long Gully Solar Farm on the Rose Cottage Horse Paddocks (which has been "culled") near Wanniasa Hills Nature Reserve which is routinely culled;
- the proposed Southern Memorial Park and new cemetery on the Rose Cottage Horse Paddocks near Wanniasa Hills Nature Reserve; and
- the Majura Parkway and the Majura solar park backing onto Mount Majura Nature Reserve.

1.5 The Program itself is actively damaging the Reserves

1.5.1 Loss of keystone ecological services

The Program has depleted kangaroos in the ACT on a massive scale, and local extinction, not only of the kangaroos but of the other native species that depend on the kangaroos' ecological services, is now inevitable unless the killing stops.

The keystone species status of kangaroos is well established and is even noted in the KMP (though without any analysis of its implications for the Program). The Eastern Grey Kangaroo species has a critical role in maintaining the health, richness and biodiversity of native ecosystems. Their grazing patterns and preferences, their low water consumption, their mobility and a method of locomotion that minimises damage to the environment have evolved symbiotically with the native plants and other native animals that share their habitat. Without them, the Reserves will lose other native plants and animals, along with the ecological services those other plants and animals provide.

Large areas of some reserves are being further deprived of kangaroo grazing services by kangaroo exclusion fencing erected, ironically, for the alleged and implausible purpose of protecting the biodiversity within the exclusion zones.

1.5.2 Further damage done by livestock grazing on Reserves

Livestock are being grazed in some of the Reserves where kangaroos have been eradicated, allegedly to compensate for the shortfall in kangaroo grazing. In fact, this so-called "ecological grazing" can only make the condition of the Reserves worse, not better. Kangaroos (unless forced by confinement or extreme drought conditions) do not graze down to rootstock as sheep do, nor do they rip plants out by the roots, as cattle do. The hard hooves and heavy bodies of these water-guzzling, methane-belching, exotic domestic animals are lethal to any small native animals and plants that might yet survive on the Reserves, and destructive to the banks of water courses and dams.

Notably, kangaroos use only a fraction of the water consumed by sheep and cattle (Munn, A J, Dawson, T J, McLeod, S R, Croft, D B, Thompson, M B, and Dickman, C R, 2009) and emit only a fraction of the methane (Vendl C, Clauss M, Stewart M, Leggett K, Hummel J, Kreuzer M, Munn A, 2015).

1.5.3 Weed infestations on Reserves

The loss of kangaroo keystone ecological services has utterly disrupted the Reserve ecosystems and is almost certainly responsible for the massive weed infestations now occupying many of the Reserves.

Notably, sheep and cattle have co-existed symbiotically with these same exotic weeds in their shared lands of origin for millions of year, each benefitting the other, just as kangaroos and native plants and animals have evolved to benefit each other. Not surprisingly, these exotic animals are inherently incapable of preventing or managing this massive infestation of the very different ecosystems of the Reserves.

These hectares of head-high infestation not only limit the return of the kangaroos themselves but also deny habitat to other native animals and plants.

1.5.4 Fire risk

These hectares of head-high thorny weeds are highly flammable and also pose a distinct fire risk not only to any wildlife surviving on the Reserves but also to surrounding suburbs.

In fact, a number of members of the public have suggested to the APA that these weed infestations are intentional – that the government is hoping that fires will wipe out any remaining ecological value that may yet be preserved in the Reserves, so that the Reserves themselves, having no further value, can be rezoned for development.

1.5.5 Vehicles

Shooters routinely drive heavy vehicles through the Reserves, searching for mobs to shoot (searching ever further as the mobs become fewer and harder to find), crushing as they go the very native plants and threatened species the government claims to wish to protect. Even heavier vehicles crush the life out of the Reserves as they move through them searching for bodies of shot kangaroos to collect and remove.

1.6 Questions to be addressed regarding Part 1

1. Is there any convincing evidence (as mentioned above in 1.2.5, and explained in detail in *Roogate*, the eight papers referenced in KMP 2017 fall far short of providing any convincing evidence for killing kangaroos) that kangaroos ever have or are ever likely to be present in the ACT at densities capable of damaging vegetation or other biodiversity (including but not limited to any threatened species) on the Reserves? Or is this assertion, as Dr Fletcher admitted at ACAT 2013, based on a simplistic assumption that volume of biomass, generally measured as length of grass (or weeds), is a plausible indicator for biological health, richness and diversity?
2. If there is any such evidence, has there ever been any evidence that the Program could ever be seriously expected to reduce kangaroo populations on the reserves of the Canberra Nature Park for more than a few weeks or months at a time, until such time as kangaroos outside the Reserves disappear entirely? Or does the evidence suggest that the "vacuum" created by removing kangaroos routinely draws in kangaroos from outside the reserves to replace all that have been killed – and will continue to do so until kangaroos are locally extinct?

3. If there is any evidence that kangaroos have been or ever could be present at densities high enough to damage the environment of CNP, what research has been undertaken to establish whether this damage exceeds the damage that would be done, or has been done, by the Program itself by: removing critical numbers of this keystone species from the Reserves; by introducing livestock; by vehicles; by weed infestation; and (potentially) by wildfire?
4. Is there any basis for considering that the government's methodology for counting kangaroos on the Nature Reserves is plausible, especially in view of the comprehensive citizen science work (Attachment A), and the recent findings regarding counting methods of the recent NSW enquiry into the commercial killing of kangaroos.
5. On what scientific basis does the KMP 2017 assert that "current knowledge" estimates that 1.0 to 1.5 kangaroos per hectare is a desirable density of kangaroos, especially in view of:
 - CSIRO's evidence to the contrary;
 - evidence to the contrary in Dr Fletcher's thesis; and
 - Dr Fletcher's evidence at ACAT 2013 that "one per hectare" was "a guess" and "wrong?"

Part 2. The current *Code of Practice for the Humane Shooting of Kangaroos for non-commercial purposes*, its predecessor, (*Code of Practice for the Human Destruction of Kangaroos*) and the recorded instances and eye witness accounts of kangaroos suffering resulting directly or indirectly from the Program

2.1 The role, history and content of the *Code of Practice for the humane shooting of kangaroos for non-commercial purposes*

The ACT kangaroo “cull” is inherently inhumane precisely because it is governed by a Code of Practice which exists for the express, legislated purpose of permitting acts of cruelty.

A review of agricultural regulation across Australia by the Productivity Commission confirms that this is the standard purpose and usage of Codes of Practice for all animals across all Australian jurisdictions (Australian Government Productivity Commission *Regulation of Australian Agriculture Productivity Commission, Inquiry Report No. 79, 15 November 2016* p208).

Under Section 20 of the Animal Welfare Act, adherence to a code of practice exempts a person from prosecution for cruelty offences that would otherwise be prohibited by the Act. For example, the ACT's Code of Practice for shooting kangaroos not only permits but mandates the bashing to death or decapitation of pouch joeys. Obviously no one subjecting a puppy or a kitten, or even a lamb or a calf, to this kind of cruelty would be automatically excused from prosecution; but a kangaroo shooter is not only permitted to do it to a kangaroo baby; he is required to do it.

In 2014, the current Code of Practice (*ACT Code of Practice for the Humane Shooting of Kangaroos (non-commercial)*) replaced ACT's former *Code of Practice for the Humane Destruction of Kangaroos*, which had been developed in the early 1990s.

The former Code was specifically tailored to ACT conditions and its high urban kangaroo population. The current Code, by contrast, duplicates, unaltered, the national model *Code of*

Practice for the Humane Shooting of Kangaroos (non-commercial). As such, it has removed, weakened and narrowed numerous provisions that were present in the older Code.

The older Code identified a range of unacceptable methods of treating and/or killing macropods. For example it identified driving or trapping kangaroos as unambiguously cruel. Because the current Code covers only shooting, shooters under the current Code have no reason to refrain from driving kangaroos to locations where they can more easily be shot and trapping them there.

The current Code was accepted by the government as the ACT's new Code in 2014, against the advice of the ACT government's own Animal Welfare Advisory Committee (AWAC).

In fact, any Code that permits large-scale shooting of entire mobs of highly social and socially dependent animals that are known to be particularly susceptible to myopathy (a physically painful and debilitating impact of stress), remains inherently cruel, even if it were to actively prohibit cruelties such as bashing, decapitating, driving and trapping.

2.2 The recorded instances and eye witness accounts of animal suffering resulting directly or indirectly from the Program

Aside from the cruelty actively permitted or required by the Code of Practice (see 2.1, above), ACT shooters routinely breach the Code (see also Attachment B), either because:

- shooting routinely occurs without oversight by independent vets, wildlife experts and/or welfare experts; and/or
- the institutions with the authority to prosecute acts of cruelty (ie the Police and the RSPCA) decline to take action when unlawful cruelty is reported.

The Police are simply not trained in animal welfare law, (perhaps) consider it too hard, or beneath their dignity, and are all too willing to believe the assertions of Parks and Conservation officials. The RSPCA are terrified of offending the ACT government on whom they rely for funding. In the case of the Belconnen Naval Transmissions Station (see 2.2.1 below), the RSPCA were, additionally, revealed to have completely misunderstood the role of the Code of Practice.

2.2.1 The Belconnen Naval Transmissions Station

Although, conducted under contract to the Defence Department, rather than as part of the ACT Government's own slaughter on the Reserves of the Canberra Nature Park (conducted since 2009), the slaughter of kangaroos at the Belconnen Naval Transmission Station (BNTS) was authorised by the ACT Government. At the time, the Code of Practice that was in force was the old *Code of Practice for the Humane Destruction of Kangaroos*, under which driving and trapping of macropods was identified as unacceptable.

For this slaughter, hundreds of kangaroos were driven into temporary corrals, and trapped there. Among other distress, mothers were separated from joeys. Once in the corrals, one by one, the trapped kangaroos were immobilised with anaesthetic darts, then killed by lethal injection.

The kangaroos, as anyone knowing anything about kangaroos would have predicted, panicked. They hurled themselves against the fences and suffered mid-air collisions in their efforts to escape. This whole process was lawfully witnessed by many members of the public and numerous news media representatives who documented, filmed and broadcast this act of mass cruelty all around the world.

None of the dozens of people who witnessed it first hand, or the thousands more who saw the footage, will ever forget it.

On that occasion, the RSPCA was contacted by Animal Liberation ACT. The person who answered the phone informed the caller, erroneously, that the RSPCA could do nothing because the killing was covered by a Code or Practice. Even when it was explained to the RSPCA representative that the Code excuses acts of cruelty only when they comply with a Code of Practice, and had the relevant clauses of both the Act and the Code read out to her, the RSPCA representative maintained her misinformed belief that it was the existence of a Code of Practice, not compliance with a Code of Practice that exempted the cruelty perpetrated at the BNTS from prosecution.

2.2.2 The body in the burial pit

In 2012, a large pile of dead kangaroos were unearthed in a government burial pit at Gorooyarroo Nature Reserve after “culling”. An autopsy report on one of the kangaroos, by a respected wildlife vet, Dr Howard Ralph ([Attachment C](#)), showed that the kangaroo had been stabbed, shot and bludgeoned before dying of suffocation or blood-loss.

2.2.3 Direct cruelty

Routine witnessed cruelties that breach the Code include the following.

- Orphaned at-foot young are abandoned to slow death by dehydration, hypothermia and myopathy, or quicker (but by no means always instant) death by car strike.
 - This matter of "ghost populations" of orphaned joeys was admitted under cross-examination at the ACAT hearing on the kangaroo "cull" in 2014 by an expert witness and well-known advocate for lethal control of kangaroos, Dr George Wilson.
 - Dr Wilson's evidence has been corroborated by numerous members of the general public who have witnessed these legions of orphaned babies lining the surrounding roadsides of the Reserves with their own eyes.
- Shooting often takes place in adverse weather conditions such as heavy rain, fog or high winds, all of which risk a high non-lethal wounding rate.
- Direct eye-witness accounts from Reserve watchers have reported long time lags between the cessation of normal shooting and the commencement of euthanasia shooting (see also [Attachment B](#)). This means that wounded kangaroos are left alive to die of their wounds or suffer for hours before "mercy-shots" are delivered.

2.2.4 Indirect/absentee cruelty

Indirect cruelty to kangaroos occurs when terrified, fleeing animals impale themselves on barbed wire fences or become entangled in regular fences, or trapped inside or outside or underneath internal kangaroo exclusion fences, or bound into the path of motor vehicles, or into dams, or into other unexpected lethal obstacles resulting from recent development on the borders of the reserves.

The exclusion fencing itself, along with the current thorny weed infestation on many of the Reserves, and the development up to the borders of the Reserves, causes further suffering to kangaroos by excluding them from ever more of their remnant habitat.

A fire in the highly flammable thistle and blackberry infestations currently covering many Reserves would cause unthinkable further suffering to kangaroos and other resident animals (not to mention humans living along the borders of the Reserves).

2.2.5 Summary of direct and indirect suffering inflicted on kangaroos by the "cull" and related human activity

- Tens of thousands of healthy, free-living animals have been robbed of their lives prematurely, unnaturally and by no means without pain.
- Mob structure, collective mob knowledge, and critical social relationships have been destroyed.
- Social, sentient (as recognised in the ACT Animal Welfare Act) beings have been subjected to panic, terror and unremitting emotional trauma, night after night, recurring year after year.
- Uncounted thousands of pouch joeys have been bludgeoned to death or decapitated.
- Entire ghost populations of at-foot joeys have been orphaned to suffer slow and painful death.
- It remains illegal in the ACT to rescue and rehabilitate orphaned or injured Eastern Grey Kangaroos.
- Kangaroos have been herded through Reserves by vehicles, despite accepted knowledge that this causes extreme suffering to macropods, through injury and myopathy.
- Kangaroo habitat has been destroyed and fragmented by development, and the development is continuing right up to the fences of the Reserves.
- Although it has been well-demonstrated that kangaroos can be safely and humanely (ie without any pain or stress) relocated, it is illegal in the ACT to translocate Eastern Grey Kangaroos to alternative locations such as properties, in either the ACT or surrounding NSW, who would love to take them.
- Kangaroos fleeing the shooting in panic have impaled themselves on barbed wire fences, or become hopelessly tangled in or under other fences, or rushed into the path of oncoming traffic to be struck and usually (since the shooting happens at night) left to die on the roadside. At least one kangaroo with her joey fled into a dam where she could not escape and drowned, along with her baby.
- Extensive kangaroo exclusion fencing has been erected inside several Reserves, further reducing the kangaroos' remnant habitat.
- Additionally, by blocking their escape routes, this fencing traps the kangaroos when they are hunted by shooters or dogs, increasing their chances of becoming trapped in fences or fleeing into the path of high speed traffic on the surrounding roads.
- Although this exclusion fencing is supposed to exclude kangaroos, hundreds of kangaroos have become trapped inside it from time to time, causing panic and injury. At least two kangaroos have become trapped trying to squeeze out underneath this fencing, and at least one of these died in the attempt.

- Shooting is not monitored. It is therefore to be expected that many kangaroos are not killed instantly by the first shot, as required by the Code. One example of extreme cruelty was the kangaroo found in a government burial pit on Goorooyarroo Nature Reserve in 2012 (see 2.2.2, above, and [Attachment C](#)).
- Witnesses have also frequently reported hearing softer "euthanasia" shots being delivered more than an hour after the initial shooting has finished. This, again, is in defiance of the Code which requires that no further kangaroos be shot until any wounded kangaroo is dispatched.
- Shooting has taken place in adverse weather conditions such as fog, heavy rain and high winds, all of which guarantee a high wounding rate, again in defiance of the Code.
- The current weed-infested state of the Reserves and other public land in the ACT (which we believe would not be in this state if kangaroo population had been left intact) now poses a further threat of suffering to any surviving kangaroos (and other native animals, including threatened species) on the Reserves, by further reducing their habitat.
- Additionally, these plants are highly flammable. A fire on any of the Reserves would cause untold further suffering to any kangaroos or other animals that are still able to live there, and to residents living on the edges of the Reserves.

For year by year details of instances of cruelty or suffering resulting from the Program, we refer you again to [Attachment B](#).

2.3 Questions to be addressed regarding Part 2

1. What, if any, outcomes would the ACT public consider important enough to justify the suffering the Program demonstrably inflicts on kangaroos?
2. What evidence would the ACT public consider adequate to indicate such outcomes have been achieved.

Part 3. The recorded instances and the eye witness accounts of dangerous behaviour by government officials and shooters

3.1 Documented and recorded instances

The Program has put human lives at risk. A list of these incidents, by year, is provided at [Attachment D](#).

In particular, we draw your attention to the formally documented incident in 2015 when shooting took place near the Centenary Trail in the Rose Cottage Horse Paddocks (RCHP). (Note: this incident is discussed further, in other contexts, in several places below, and in [Attachment D](#)).

In June 2015, shooting took place, without any signage, not on a Reserve but on the RCHP. The shooting occurred very close to the Centenary Trail where dog walkers and cyclists (as well as protestors) were lawfully present. A protestor reported the dangerous shooting to the ACT Police who declined to take any action to ensure human safety.

Since then, numerous other incidents of dangerous behaviour by the government's kangaroo shooters have been witnessed by APA members and other concerned citizens, not just shooting while members of the public were present on the Reserves but numerous instances, year after year, of shooting within 30 metres of traffic and pedestrians on Mugga Lane.

Witnesses report that complaints to the relevant government agencies about some of these incidents have met, even in the face of full documentation (such as the Centenary Trail shooting in 2015), with obfuscation or denial.

Sadly, since the events of 2015, most witnesses are now afraid to call the police when they feel their lives are in danger, fearing they will be wrongfully arrested themselves. There is a perception among lawful protestors and people who live near the Reserves that reporting a crime has somehow now become a crime.

A further serious and potentially lethal impact of the Program on ACT citizens is the extremely high risk of motor vehicles colliding with kangaroos on nights of shooting, when kangaroos fleeing the Reserves plunge straight onto the major roads that surround the Reserves.

3.2 Questions to be addressed regarding Part 3

1. What, if any, outcomes would the ACT public consider important enough to justify the risking of human lives?
2. What evidence would the ACT public consider adequate to indicate such outcomes have been achieved.

Part 4. The suffering of Canberra residents who have been traumatised by the killing of kangaroos

4.1 Causes of human suffering

Risk to human lives is not the only impact the Program inflicts on ACT citizens. Many members of the public are suffering from post traumatic stress as a direct result of the shooting on the suburban nature reserves.

Those affected are not only those who have chosen to bear witness to what they see as a crime against animals and the planet. Residents who live next to the Reserves, and who are (or were) personally acquainted with the kangaroo mobs and individuals who used to live on those Reserves, have had to endure the sound of the shooting through the night, night after night, as the lives of animals they have known as friends for years have been blasted away; sobbing, unable to sleep until the shooting stops.

Children who fed kangaroos on the Reserves during the last terrible drought and 2020 bushfires have been shattered to learn that the same kangaroos they believed they had saved have now all been shot. One elderly couple complained that the shooting was taking place just outside their backyard and the shooters even shone their lights into their house. Another man was traumatised to find a great pile of kangaroo bodies dumped outside his backyard awaiting collection.

Several of these people have been driven to seek medical help for anxiety, grief and depression, heart palpitations, the shakes, nausea, flashbacks and persistent nightmares and other standard

symptoms of trauma and post-traumatic stress. It is important to note that this trauma is not just a one-off; it has become an expected, sustained and recurring annual trauma for thirteen years now.

For local Indigenous people who value kangaroos as a sacred totem animal and, for some, as members of their family, the situation may be even worse. Some have told us the killing is disrupting Songlines and dreaming tracks that are essential to maintaining Country, that Country will die, without their kangaroos.

The protestors who, seeing it as a sacred duty, continue to bear witness to the cruelty by maintaining their presence on and around the Reserves every year throughout the shooting, are also victims of this trauma.

The trauma for people who routinely visit the Reserves, and have become personally acquainted with individual kangaroos and mobs there, may be marginally less than for those who have to listen to the killing night after night, but it is nevertheless human suffering that needs to be considered.

4.2 Questions to be addressed regarding Part 4

1. What, if any, outcomes would the ACT public consider important enough to justify inflicting this suffering on innocent human beings?
2. What evidence would the ACT public consider adequate to indicate such outcomes have been achieved?

Part 5. The probity and behaviour of the government and its officials in regard to the Program

5.1 Probity of the official in the compiling the KMPs

The first question in relation to the probity and behaviour of officials is: did the authors of the ACT Kangaroo Management Plans (2010 and 2017), in compiling these documents, truthfully, fully and fairly include all the relevant evidence available to them? This is especially important given that, on the recommendation of these or other government officials, 2017 KMP is now a legislative instrument, unassailable through normal administrative review and appeal channels.

The answer to this question is clearly a resounding negative, given both the 2014 CSIRO findings (see 1.2.2) that were omitted from KMP 2017 in their entirety, and the absence of any other data presented in the KMPs that plausibly support either the commencement or the continuation of the Program.

Considerable expert opinion and research on numerous matters relating to kangaroos, was provided by several prominent ecologists at ACAT hearings in 2009, 2013 and 2014. Much of this opinion was based on valid, peer reviewed research, and much of it was agreed by Dr Fletcher, speaking at the hearing as a government spokesperson.

For example, Dr Fletcher agreed that the government's alleged kangaroo numbers of some Reserves indicated a population growth rate above 10% and that this was possible only through inward migration. It was not, therefore actual population growth at all, but rather redistribution of kangaroo populations. Yet KMP 2017 still went ahead and stated that kangaroo population growth rates of 40% are possible in the ACT. This appears to have been intentionally misleading.

Additionally, KMP 2017 lies outright when it describes as "current knowledge", without any supporting authority or data, its assertion that 1.0 to 1.5 kangaroos per hectare is a desirable density. The CSIRO report (see 1.2.2) confirms this "current knowledge" is, as described by Dr Fletcher at ACAT 2013, indeed, a "wrong guess". KMP's reference to it as "current knowledge" must therefore be a deliberate deception.

5.2 Probity of officials in recommending KMP 2017 as a legislative instrument

A further critical question in the context of the current legal status of KMP 2017 is whether the government officials who recommended that KMP 2017 be made a legal instrument truthfully, fully and fairly represented the implications of this decision to the Minister and Members of the Assembly.

It seems unlikely that the Members of the Legislative Assembly who agreed to "allow" KMP 2017 to become a Controlled Native Animal Management Plan (ie a legislative instrument) fully realised the implications of this decision, in terms of revoking the public's right to challenge any aspect of the Program's administration, including the conduct of the actual killing.

Not only has this allowed the killing to proceed, unchallenged, on the basis of the incomplete and erroneous information included in the KMP, with calamitous outcomes for the ACT kangaroo populations, the condition of the Reserves, and the ACT's lost opportunities for tourism income. It has also rendered the administration of the Program unchallengeable on the basis of animal cruelty, human suffering, and risk to human life.

The making of KMP 2017 as a legal instrument renders the kangaroo killing program unassailable in its entirety, and in the mandates it imposes irrespective of whether and how often the instrument is revealed to be flawed in what it reports as "science".

5.3 Probity of officials and decision makers in authorising, overseeing and conducting the Program

5.3.1 Adherence to all relevant laws and legal instruments

The ACT government has permitted several demonstrably unlawful activities to take place in the course of kangaroo shooting over the last thirteen years, primarily breaches of killing licences prior to 2017. Since 2017, the allowance of KMP 2017 as a legislative instrument has dispensed with the need for the government to impose any conditions on itself for the purposes of killing kangaroos; therefore there are no longer any licences for shooters to breach.

Killing native animals without a valid licence

In 2015, a week after the dangerous shooting on the RCHP in June 2015 (see 3.2, above), a protestor was arrested for "hindering" the shooting on Wanniasa Hills Nature Reserve (which adjoins the RCHP). At the ensuing court case, in 2016, the ACT Magistrate's Court, found that the licence according to which the government's "culling" on ACT Reserves had been conducted in 2015 and was being conducted in 2016 was invalid. This was agreed by the Supreme Court when the case was appealed. The Supreme Court set the precedent that a person cannot unlawfully hinder an unlawful activity. (Further details of this incident are provided in different contexts under 5.3.1 and 5.3.3.)

Notably, the same clause on which both Courts ruled that the licence was invalid was also included in at least one other (private) licence to kill kangaroos in 2015, and quite possibly in all private and government licences issued between 2008 and 2016. Furthermore, even after the ruling, the

government continued to conduct the 2016 “cull” in defiance of the Magistrates Court’s having ruled that the licence was invalid.

In fact, the court cases which found the government’s licence invalid, examined only one of several challenges to the validity of the licence at the time.

This issue speaks directly to both the competence and conscientiousness of the officials managing the Program. The public are entitled to know exactly how many mistakes were made in the preparation of the licences under which kangaroos were killed between 2008 and 2016.

The technical illegality, as identified in the court cases, of the licence that had been issued for shooting on the Reserves in 2015 and 2016 was not revealed till halfway through the following year's slaughter. It is, however, a matter of public record that the shooting which took place on 24 June 2015 was confirmed to be illegal the day after it was reported. Kangaroo shooting was conducted on a block (Block 1693) of the RCHP for which there was, in fact, no licence to kill kangaroos. This was the same shooting that took place within metres of the Centenary Trail which was open to the public and in use by dog walkers and cyclists, every day, late into the night.

A licence for shooting on other blocks of the RCHP had been issued to Territory Agistment Pty Ltd. This licence was extended to include Block 1693 only on the day after the government was informed that the illegal shooting had taken place there (documentation available).

However, the shooters on the RCHP continued to breach the conditions of the licence even after Block 1693 was added to the licence because appropriate signage was not provided to warn the public about it. No signage at all was provided on the Macarthur side of the horse paddocks, and inaccurate signage was provided on the Long Gully Road side. The signage on the Long Gully side said: "Reserve closed for shooting". The shooting was taking place on the agistment paddocks, not the adjoining Wanniasa Hills Nature Reserve. No one entering the paddocks from either side had any warning that shooting was taking place on the paddocks themselves.

In each of the years from 2015 to 2017 (after which the government no longer needed to issue itself a licence or impose any conditions on itself), further illegal shooting took place on the Reserves themselves. Members of the public have reported that the shooting took place within metres of passing traffic on public roads, and even closer to people standing outside the reserves. The licence conditions prior to 2017 specifically prohibited shooting while members of the public were either present on the Reserves or otherwise dangerously close to the shooting.

Direct law breaches

In 2016, it came to light through the media that silencers had been used illegally on guns during kangaroo killing. It appears that, instead of taking action against those who broke the law by using silencers, the government simply legalised silencers, with all the further risk to human life which that entails. This does not seem to us an appropriate response to a breach of a law which is intended to protect public safety.

Code of Practice breaches

The two well-documented incidents mentioned (see 2.2.1, 2.2.2 and at Attachment B), the killing at the BNTS in 2008 and killing of the autopsied kangaroo found in the burial pit in 2012, were not only unambiguously cruel. Being contrary to the Code of Practice in place at the time, they were also offences under the Animal Welfare Act.

- At the BNTS in 2008, the cruelty was caused by driving and trapping kangaroos. As noted above (see 2.2.1), the approved Code of Practice at the time was the *Code of Practice for the Humane Destruction of Kangaroos and Wallabies in the Australian Capital Territory*. This Code identified driving and trapping kangaroos as placing the animals at a "high risk of injury" and that trapping kangaroos "is stressful for these kangaroos and includes the risk of leg breakages and capture myopathy causing death".

This Code, therefore, did not exempt or provide a defence for the cruelty perpetrated against the kangaroos at the BNTS. Because it was a cruelty for which there was no legal defence or exemption, this cruelty was clearly unlawful.

Nevertheless, the ACT government authorised it, and ACT Policing and the RSPCA permitted it to proceed.

- As noted above (see 2.2.2), in 2012, a kangaroo found in a government burial pit after a "cull" on Gorooyaroo Nature Reserve was taken for autopsy. The autopsy report (Attachment C), showed that the kangaroo had been stabbed, shot and bludgeoned before dying of suffocation or blood-loss. This would clearly breach the approved Code of Practice at that time (*Code of Practice for the Humane Destruction of Kangaroos, Section 3.3*) which recommended that, to achieve immediate death, a shot directly into the brain as required. This failure to adhere to the Code once again constituted an offence of cruelty under the ACT Animal Welfare Act, 1992.

The Australian Society for Kangaroos (ASK) reported the crime to the ACT Police (through Crime Stoppers). The Police respondent replied that he did not consider it to be in the public interest for the police to investigate the matter. (Further information on ASK's report and the police response may be available directly from ASK),

The much weaker current Code the *Code of Practice for the Humane (Non-Commercial) Shooting of Kangaroos*, introduced in 2014, still requires either a head shot or a heart shot (Section 2.5 pp 3-4) to kill a kangaroos with as little pain as possible. Even if this had been the Code in force at the time, the treatment of the kangaroo found in the burial pit would still have been a breach of the Code, and therefore a breach of the Act.

Since then, direct eye-witness accounts from reserve watchers have reported long time lags between the cessation of normal shooting and the commencement of euthanasia shooting. Such delays similarly breach the relevant Code of Practice (see 2.2.3) and, there being no defence or exemption under Section 20, they consequentially also breach the ACT Animal Welfare Act.

Eye witnesses have also reported shooting taking place in adverse weather conditions. This also breaches the Code because of the high risk of failing to achieve instant death with every shot.

Blood puddles and blood trails found on Reserves after shooting (see Attachment B) indicate that kangaroos have sometimes lived long enough after being shot to hop or drag themselves some distance before dying of their wounds or being dispatched. This bears further witness to breaches of the Animal Welfare Act resulting from failures of shooters to adhere to the Code.

5.3.2 Officials' utilisation of relevant legal instruments and offices

As well as losing access to any of the usual means to challenge either the existence or the conduct of the Program (ie through the ACAT and the Ombudsman), the public have also found that other government and legal instruments are being used to frustrate attempts to expose or stop the unlawful, cruel or dangerous behaviour of government officials.

The Nature Conservation Act

Government officials have cynically used clauses of the Nature Conservation Act, intended for preventing the harming of native animals, to impose preposterously high penalties on people protesting against the harming of native animals, and people attempting to monitor the killing.

Other legislation has also been misused to prevent lawful protest action, namely arresting a protestor for "hindering a government official". In 2015 it was used against a protestor for no more than blowing a whistle to alert the shooters to his entirely lawful presence within metres of the shooting. (He was standing in the RCHP observing the shooting which was taking place just inside the fence of the Wanniasa Hills Nature Reserve.) Further details of this incident are related below under 5.3.3.

It should be clearly noted, again, that this is not the same incident on the RCHP mentioned in 3.1, above, when the same protestor called the police to the shooting on Block 1693, the shooting that was dangerously close to the Centenary Trail, and which turned out to be unlicensed. That incident took place when the shooting was taking place on the horse paddocks, not the Reserve, a week earlier than the incident when the same protestor was arrested .

The ACT Police and the Police Ombudsman

A further significant failure by government officials, in this case, ACT Policing and the Police Ombudsman, resulted directly from the misinformation provided to the Police by ACT Parks and Conservation officials.

This matter refers back to the night of the shooting near the Centenary Trail. As mentioned in 3.1, the protestor called the ACT Police to an off-reserve block of public land where shooting was taking place, because he believed the shooting was both unsafe and illegal. The police officers who attended believed the incorrect assertion of an ACT official who was present at the time that the shooting was legal (it turned out it was not) and left again without addressing the safety issue.

The matter was referred to the Police Ombudsman who dismissed the complaint on the grounds that the matter had been dealt with in "a recent court case". The Police Ombudsman had apparently confused the reporting of the shooting on the RCHP with the arrest of the same man who had reported it, a week later (when the shooting was on Wanniasa Hills Nature Reserve). If the Police Ombudsman had bothered to examine the documentation that accompanied the complaint, he would not have made this error but, clearly, instead of examining the documentation, he just accepted the account of the same police officers who had failed to address the illegal and dangerous shooting in the first place.

Nothing relevant to the matter of the illegal and unsafe shooting near the Centenary Trail on the date it was reported had even been raised during that court case about the later incident. The Police Ombudsman's response was, therefore, not only misinformed but completely inappropriate and irresponsible.

The Freedom of Information Act

Officials misused of the Freedom of Information (FOI) Act after ACT Parks and Conservation neglected to advise the public that shooting was occurring not only on the Reserves (which were closed to the public at night with appropriate signage) but also on other publicly owned and utilised land, without any signage.

Both the government FOI officer and the FOI review officer declined to release information about any other licences for shooting on public land. The grounds they gave for this refusal were that the licences had been issued to private companies contracted to manage the land (on behalf of the public, at public expense) and were therefore considered to be commercial-in-confidence.

APA contends that commercial companies who are being paid by the public to act on behalf of the public should be answerable to the public, and that actions taken on all public land should be known to the owners of the land (ie public).

This decision by the FOI officers means that members of the public who lawfully enter non-reserve public land while shooting is underway continue to unknowingly put their lives at risk.

ACAT

Many members of the public feel that, in 2009, 2013, and 2014, the ACAT itself (while it was still accessible for complaints from the public on the kangaroo issue) failed the people, animals and the environment of the ACT. This has brought the ACAT into local, national and international disrepute.

The expert evidence that was placed before the Tribunal members at the kangaroo hearings in 2009, 2013 and 2014 was rejected despite stunning revelations by the government spokespersons including Dr Fletcher. At ACAT 2013, Dr Fletcher revealed that:

- the Directorate's claim that an objective of the kangaroo killing was to protect threatened species was "spin" and "PR";
- the sworn evidence that Dr Fletcher had given to ACAT in 2009 that kangaroos are sedentary and do not move around much was, in fact, wrong;
- Dr Fletcher's own (and consequently the government's) belief that "overgrazing" by kangaroos was damaging the Reserve ecosystems was based in its entirety on an assumption that taller grass provides "better structure" for biodiversity than shorter grass (an assumption that was proved incorrect by the CSIRO Report, see 1.2.2, the following year).

The reason the Tribunal gave for ruling in favour of the government in 2013 was the fact that, while Mr Mjadwesch, an independent expert witness giving evidence at that hearing, had been making his living as a field ecologist for fourteen years, he did not have a PhD, whereas Dr Fletcher did. The fact that Dr Fletcher's evidence to ACAT in 2013 contradicted his own PhD thesis (on the matter of how many kangaroos a hectare of Reserve can viably sustain), did not seem to occur to them.

More importantly, the Tribunal did recognise that Dr Fletcher was appearing as a government spokesperson, not an expert witness; but this did not stop the Tribunal from accepting his evidence over that of the only expert witness who gave evidence at the hearing (ie Mr Mjadwesch).

Many members of the public feel the ACAT challenges were lost before they began because the panel president in 2009 and 2013, Bill Stefaniak, should have recused himself, having admitted that he had, himself, sometimes shot kangaroos.

Notably, the ACAT Tribunal in 2014 gave no reasons at all for its decision in favour of the government other than a blanket (and highly offensive) rejection of the credibility several widely respected expert witnesses who gave evidence at that hearing.

5.3.3 Behaviour of officials in terms of responsibly protecting the public from death and injury (including both physical and psychological injury)

As noted above (see 5.3.1 and 5.3.2), in June 2015, government shooters shot kangaroos, without any signage, outside the (closed) Wanniasa Hills Nature Reserve and very close to the Centenary Trail where dog walkers and cyclists (as well as protestors) were lawfully present. A series of complaints, attaching full documentation, followed, and was stonewalled at every turn.

A government official who was present at the time lied to the police who attended the complaint about the legal status of the shooting. The police officers who attended took no action to end the dangerous shooting. The Police Ombudsman dismissed the complaint because he failed to read the documentation sent to him and assumed it referred to another incident entirely. The government FOI officer and the FOI Review officer refused a request for information on other off-reserve public land where shooting was occurring, on the grounds that the contract with the land managers who were acting at public expense on behalf of the public were somehow not answerable to the public.

We believe the civil Ombudsman's office would have taken action if it had had the power to do so, but was stymied by the interesting loophole in the Ombudsman's Act (see our introduction above).

A further complaint to the (then) Commissioner for Sustainability and the Environment brought only a promise of more appropriate shooting signage in future, no action (as far as we know) to investigate how and why the threat to public safety had occurred in the first place.

The most serious consequence of all these official failures to protect public safety has been that the government shooters now seem to feel free to routinely shoot kangaroos while members of the public are within metres of them. Members of the public report that, every year since 2015, the shooting on Isaacs Ridge Nature Reserve has taken place within metres of passing traffic on Mugga Lane, and even closer to people standing outside the reserves. A year by year list of such incidents is provided at [Attachment D](#).

In addition to putting lives at risk, we have reports of residents whose properties back onto the Reserves being terrorised and traumatised by shooters, in particular a report of shooters shining their lights into a private home and dumping a load of bodies outside their back gate.

5.3.4 Behaviour of officials/decision makers in terms of protecting animals from cruelty and suffering

Part 2, above, lists the many types of suffering the Program inflicts on kangaroos. The decision makers who authorise and support the Program itself are irresponsibly failing to protect animals from cruelty and suffering, and must ultimately be held accountable for this cruelty.

Without any suggestion that bludgeoning or decapitating babies or, indeed, that any killing of healthy, wild-living sentient beings, is conscionable, if we focus only on cruelties that breach the Code, the most serious routine, direct cruelty is the orphaning of dependent at-foot joeys. The Code on this is clear. Further shooting should not proceed while a single at-foot joey is still out there, hiding in the bushes in shock and terror, cold and hunger, after his mother is shot. The numbers of these motherless children observed lining the streets after a night of shooting shows that both the shooters and their government overseers are failing to act responsibly in this matter.

Similarly, the witnessed incidents of shooting during adverse weather conditions and of "euthanasia" shots being delivered hours after the initial shooting, especially given the corroborative evidence of

blood puddles and blood trails, are breaches of the Code and would not be occurring if government officials and their hired guns were behaving responsibly.

The fact that barbed wire is still present on the Reserve fencing is another government failure, while the erection of kangaroo exclusion fences inside Reserves (see 1.1.5, 2.2.4 and 2.2.5, above) is yet another cruelty both because it further reduces the habitat of these desperately beleaguered animals and because it sometimes traps them: inside the fencing causing panic, injury and myopathy; outside the fences cutting off escape routes from danger; and underneath them causing the horrible death endured by the kangaroo at Gungaharra.

Decisions that allow development approvals which destroy remnant habitat around and between Reserves is no less irresponsible, not just to kangaroos but to all the other native species that still manage to live there.

We refer you again to the list of witnessed incidents of direct and indirect cruelty, by year, provided at [Attachment B](#).

5.3.5 Veracity of government spokespeople about the reasons for and conduct of the Program

This is the longest subsection of this submission because there are so many examples, and because much of the government's untruthfulness relates to other matters we have discussed above which need to be revisited in the context of the government's claims about them.

The underlying lie: the reasons for the slaughter

In Part 1 of this submission, we note the absence of any baseline or subsequent data that supports a "need" to kill kangaroos on the CNP. On this basis, we regard the government's claim that its killing Program is a "conservation cull" as an outright lie. As discussed at length in Part 1, whatever the government's reasons for killing kangaroos on the CNP, it has never been about protecting the ecosystems or other species with whom the kangaroos share (or shared) the Reserves. In fact it is harming them.

The threatened species lie

There is no evidence to support the government's claim in numerous press releases that kangaroo grazing impacts negatively on any of the other species on the Reserves. None of the recovery plans or threat abatement plans for the long list of threatened species the government has named even mentions kangaroo grazing as a threat.

In fact, based on the 2014 CSIRO report (see 1.2.2), the vegetative species (which provide habitat to all the fauna) of the Reserves are richer and more diverse where kangaroos are present at up to three per hectare (the most counted on any Reserve at the time).

As Dr Fletcher said at ACAT 2013, the claim that the kangaroos are impacting on threatened species is "spin" and "PR".

The one per hectare "current knowledge" lie

KMP 2017 claims that "current knowledge" suggests that the ideal kangaroo population density is around 1.0 to 1.5 kangaroos per hectare. That this is "current knowledge" is an outright lie.

Fletcher himself described this figure as "a guess" and "wrong" at ACAT 2013, and no new data are cited in KMP 2017 to suggest it has ever graduated into anything else.

The only reference cited in the KMP for this "current knowledge" assertion is Fletcher's unpublished PhD thesis which says nothing of the sort. As noted above (at 1.2.2), it says up to five per hectare do no damage to the environment. The CSIRO report on vegetative richness and diversity, based on the Directorate's own data, which was available to the authors of the KMP at the time, also reveals the "current knowledge" assertion to be untrue.

The government's wildly exaggerated kangaroo counts

Even if the 1.0 to 1.5 density had some basis in science, there is no plausible reason to accept the government's figures, in any year since the annual slaughter started, on numbers of kangaroos present on the Reserves prior to commencement of the killing.

The counting method varies not only from Reserve to Reserve but also from year to year, ensuring that there is no meaningful time series data either for any Reserve, nor comparative data between Reserves. It is very difficult to believe the officials of Parks and Conservation themselves could have taken such a haphazard and unrealistic method of estimating numbers seriously.

These counts have resulted in fantastically inflated population estimates and consequential inflated "cull" targets. The recent citizen science project ([Attachment A](#)), based on direct actual counts (ie not estimates) across every corner of every Reserve where killing has occurred (and others where it has not), confirms the sustained misrepresentation of the government counts.

The KMP's misleading assertion about population growth rates

As discussed above (see 1.2.3 and 5.1), KMP 2017 asserts that kangaroo population growth in the ACT can be as high as 40 per cent per year, but clearly this is possible only by inward migration (see 5.1), which can continue only while any kangaroo habitat remains in open land surrounding the Reserves.

Yet this population growth rate is a factor in the government's "estimates" of the number of kangaroos to be "culled".

In fact, kangaroos move naturally and routinely between Reserves and in and out of surrounding habitat (at least until the surrounding habitat disappears). Fluctuations resulting from these movements cannot scientifically, or honestly, be treated as population "growth".

Reversing arguments to ensure kangaroos are killed either way

As noted above (see 1.2.3), at ACAT 2009, Dr Dan Ramp had suggested it was pointless to kill 9000 kangaroos on Defence Force Land, because 9000 more kangaroos would quickly move into the "vacuum" to replace those killed (see 5.1). Dr Fletcher, on that occasion, dismissed this argument, claiming that kangaroos are loyal to their home range and do not relocate themselves, and the Tribunal accepted Dr Fletcher's opinion and the slaughter went ahead.

However, at ACAT 2013, having agreed to the 10 per cent per year maximum kangaroo population growth rate, Dr Fletcher was asked to explain how the government's current population estimates on some Reserves (given the number present before killing and the number killed on the Reserve the previous year) could be biologically possible. Dr Fletcher now contradicted his 2009 evidence by attributing the otherwise impossible population estimates to inward migration.

To support this, he cited the ACT government "cull" at Googong in 2004, when the population on Googong Reserve had recovered completely a few months after most those kangaroos present at the time of the "cull" had been killed. This indicated that he was, or should have been, well aware that Dr Ramp's assertion that a "culled" population would be quickly replaced by inward migration, at the time he (Fletcher) gave his contrary evidence in 2009.

To be clear: Dr Fletcher had asserted that inward migration does not occur, in order to support killing kangaroos in 2009, and then that inward migration does occur in order to support killing kangaroos in 2013. Two bob each way.

Government's cynical catch-all for killing kangaroos in all environmental conditions

Often, during the recent droughts, the government has attempted to convince the public that the "cull" was being conducted for animal welfare reasons, claiming that the kangaroos were "starving". Then, in times of plenty, the government has claimed that kangaroos have to "culled" because they are doing well and suddenly there are too many of them.

In other words the government is arguing that kangaroos need to be "culled" all the time, irrespective of the environmental conditions. The government's cynicism in this matter is all the more evident given that the actual science tells us that kangaroos manage their own populations (see 1.2.3).

It is true that kangaroos carry very little body fat, but this is because they do not need to. Their highly energy efficient method of locomotion allows them to travel great distances to new pastures with very little water or calorie expenditure. It is also true that elderly kangaroos often end up starving to death but, like most other mammalian grazing animals, this is because they run out of teeth, not because they run out of food. (Sadly this is also true for vast numbers of elderly humans.)

Aside from the cynicism of this "catch-all" argument, there has never been any evidence that kangaroos in the ACT region have ever either starved in large numbers as a result of exhausting their food supply, nor multiplied rapidly enough to cause environmental damage.

The lie that the Code of Practice ensures the massacre is humane

In numerous media interviews over the last 12 years, various government spokespeople, including Daniel Iglesias, have claimed that the "cull" is humane because it complies with the relevant Code of Practice (*ACT Code of Practice for the Humane Shooting of Kangaroos (non-commercial)*).

As discussed above (see 2.1) this is wilfully misleading. The purpose of a code of practice (under Section 20 the Animal Welfare Act) is not to prevent cruelty but to exempt from prosecution acts of cruelty that would otherwise be prohibited by the Act.

Defaming and endangering opponents of the slaughter

In their efforts to defend the program from public criticism, government spokespeople have published in the mass media numerous false accusations that opponents of the slaughter have taken direct protest actions that have harmed animals. Opponents have been accused of cutting fences which protected recently released bilbies from predators, and opening horse paddock gates, causing horses to bolt away down main roads.

The purpose of these assertions have clearly been to discredit, both with the public and with their own members, people whose sole purpose is to protect animals from harm.

In fact, as a result of these assertions, some of our members have been harassed and threatened by members of the public, and sometimes by the police who have apparently believed the government's accusations. On some occasions our own cars have been vandalised.

Misrepresentation of the actual numbers killed on Reserves

The government's claims of numbers killed on the Reserves since 2009 is, on the one hand, hugely understated because it does not include pouch young who are bashed to death or decapitated, nor dependent at-foot young who escape only to die of dehydration, hunger, hypothermia, myopathy or car strike.

On the other hand, for some years, the numbers of adults allegedly killed on the targeted Reserves have been implausible because the number directly counted on the same reserves by concerned citizens prior to commencement of the "slaughter" has been exceeded by the number the government later has claims to have killed there.

The reasonable conclusion to be drawn from this latter point is that the government's killing has not been restricted to the Reserves but has encompassed both public and private land adjoining or near the Reserves.

Misleading representation of public opinion

The ACT government has conducted at least one survey of public opinion allegedly to determine the level of public support for the "cull". This survey was loaded with hypothetical questions that could not fail to do give the government the answers it wanted, no matter how fiercely respondents objected to the Program. It asked general questions about people's support for humane and conservation-based culling, but never once asked whether respondents thought the ACT killing program was humane, or conservation based, or even, in fact, a cull.

The reality of public opinion appears to be very different from the government's claims of support for the Program. More than two thirds of the public submissions regarding the draft KMP 2017 opposed the killing of kangaroos.

A petition against the "cull" collected 90,000 signatures in less than 12 months, and an earlier petition collected more than 100,000 signatures. All of this national and international community feedback has been ignored in the development of both KMPs.

Misrepresentation of the Kurahaupo review as an academic peer review

Government spokespeople have frequently referred to the "review" of the Program by Kurahaupo (a commercial animal killing company based in New Zealand) as a "peer review". In that it is a review of killers by fellow killers, it probably is, in some perverted sense, a "peer" review, but the accepted meaning of the term "peer review" in the minds of the general public is a review of an academic paper by fellow academics. This is something to which the Kurahaupo document bears no resemblance. It is yet another matter on which the government is deliberately misleading the ACT public.

The lie of "ecological" grazing

As mentioned above (1.5.2), the government is now allowing farmers to graze livestock on Reserves or other public land that has been emptied of kangaroos by "culling". Officials put up signs calling this "ecological grazing", claiming it is necessary for preventing bushfires.

This claim is cynical in the extreme. For the reasons explained, grazing livestock on the Reserves can only exacerbate the harm already done. Most of these places were farms long before they became reserves and are still suffering the legacy impacts of decades of livestock grazing, now compounded by vast reductions in their keystone species, the kangaroos.

They are now surrounded by busy roads which take a steady toll on all native animal species. They are also surrounded by suburbs and at risk from all the usual impacts (in addition to motor vehicles) that urban life entails: polluted water, polluted air, humans who do not know how to treat wildlife, companion animals following their natures, introduced urban wildlife, exotic garden plants; and ever accelerating urban expansion – not to mention an increasingly unstable climate. Is this not enough pressure, without bringing back the devastating pressures of livestock?

5.3.6 Public suspicions that government officials may be benefitting improperly from the conduct of the Program

Given the absence of any conservation reason for killing kangaroos on the CNP and the innumerable untruths government spokespeople have told to try to justify it, one has to speculate as to the real reasons for the dedicated, and now nearly total eradication of kangaroos on the CNP.

From the executive government's point of view, the motive may be nothing more than its obsession with selling and developing every scrap of remnant wildlife habitat in the ACT to generate revenue. Or it may be that the Members and Ministers of the ACT Assembly have been successfully conned by the bureaucrats, and honestly believe this cruel and relentless massacre of nearly thirty thousand sentient beings (to date) really is a "conservation cull".

Which begs the question, "What's in it for the bureaucrats?" Could it really just be the nearly \$1m per year they claim to need for conducting the slaughter?

While we have no evidence of government corruption in this matter beyond searching for reasons behind the numerous lies government spokespeople have told in their attempts to defend what appears to be an indefensible Program, many members of the public are convinced that corruption must be behind the Program.

For example, APA has received numerous hear-say reports that government officials have received kick-backs from farmers for grazing livestock on Reserves and other public land that has been denuded of kangaroos by the annual "cull". We do know from FOI material that the "cull" at Googong in 2004, at least, originated with a request from local sheep farmers.

Given that the government has repeatedly claimed to have killed more kangaroos on Reserves than were independently counted there prior to the commencement of the year's "culling", it seems quite possible that farmers on properties adjoining the Reserves, in order to save themselves the bother and expense of organising their own contract with shooters, may be allowing the government shooters to either (1) shoot on their land or (2) drive the kangaroos off their land onto the Reserves to be shot. It is not impossible that some farmers might be willing to pay for this service.

Another plausible source of personal benefit for government officials might be from fast-tracking approvals of ecologically damaging development proposals such as those listed above (see 1.4). All these developments have resulted in further devastating reduction and fragmentation of kangaroo habitat (wildlife habitat generally), and have forced wildlife to cross ever more dangerous roads infested with speeding vehicles. Developers clearly have an incentive to save themselves the bad PR of killing kangaroos on their proposed development land, and may be very glad to get the government to do it for them under the pretense of a "conservation cull".

As mentioned above (see 1.5.4), another theory that has been brought to APA is that the current weed infestation of the Reserves is deliberate. As these (mostly deciduous) weeds die back in the winter, or are poisoned by Parks and Conservation officials, they will be ripe fuel for wildfire, come the next El Nino event (expected later this year, we believe). A fire would annihilate any remaining conservation value on the affected Reserves, leaving no reason not to rezone the land for further development.

A further opportunity for corruption is the illegal sale of kangaroo bodies to the pet food market. As mentioned above (1.1), some 27,950 kangaroos, not counting joeys, have been killed on the Reserves since 2009. This represents over a million kilograms of kangaroo meat. Other than the burial pit found in 2012 (see 2.2.2), we have not been able to establish where these animals have been buried – or even where they could have been buried without the mass graves being noticed by someone. It seems quite plausible that at least some of the ACT's dead kangaroos may have been sold, under the counter, to pet food suppliers.

There is a further suspicion of corruption going in the opposite direction, perhaps in-kind deals done, relating to the government's relationship with the local news media. For some years now, the Canberra news media has published government press releases and other stories from persons with a vested interest in killing wild animals, as though they were matters of undisputed fact.

They have done this without even referring to the plethora of press releases, letters and submissions these media outlets have received and continue to receive from scientists, wildlife carers, welfare experts, animal rights advocates, traumatised people who live near Reserves and general concerned members of the public, questioning or refuting the government claims. All these public objections to published stories from killing advocates seem to be studiously ignored.

Given that it is normally in the commercial interests of a media outlet to generate rather than suppress controversy, we have to speculate about how the government is managing to get the ACT media to act against the media's own interests in this matter.

5.4 Questions to be addressed regarding Part 5

1. Why was any reference to the CSIRO report (ie the only actual data on the impact of kangaroos on the Reserves) omitted from KMP 2017?
2. Why was KMP 2017 permitted to state that a kangaroo population growth rate of 40% per year has been recorded in the ACT without also stating clearly that this is impossible other than due to kangaroos moving around?
3. Why, in the absence of any new data other than the contrary data provided by the CSIRO Report, was the "wrong" figure of 0.1 to 1.5 as a desirable kangaroo density promoted to the status of "current knowledge" published in KMP 2017?

4. Was each and every member of the Legislative Assembly fully briefed, when they were asked to allow the Kangaroo Management Plan to become a Controlled Native Animal Management Plan (ie a legal instrument), that this would permanently deny the public all access to appeal or redress against any aspect of the Program, including cruelty to animals, cruelty to humans, and risk to human life?
5. What measures will ACT Parks and Conservation take to try to prevent in future, the breaches of law and code (see 5.3.1) that have been witnessed and documented in the in the past? Simply denying that they occur or have occurred (ie the usual response) is wearing thin with the public as ever more members of the public bear witness to these breaches.
6. Will the government ensure, in future, that the ACT Police are fully briefed and the public informed on exactly where on public land shooting of kangaroos (or any other animal) is authorised?
7. Will the government ensure, in future, that the ACT Police are fully briefed on the application of the Animal Welfare Act and the relevant Code of Practice?
8. What measures will the government take to amend the Nature Conservation Act 2014, the Animal Welfare Act 1992, the Freedom of Information Act, 2016, the Ombudsman Act 1989, and the ACT Civil and Administrative Tribunal Act 2008 to ensure that, in future, they operate according to the spirit of the legislation and cannot be abused or loopholed?
9. What measures will the government take to prevent the witnessed and documented instances of shooters putting human lives at risk, and of terrorising and traumatising residents who live near Reserves?
10. What measures will the government take to minimise the cruelty the Program and associated activities (eg exclusion fencing, remnant barbed wire) is inflicting on kangaroos.
11. Will the government acknowledge, correct and apologise for the lies it has told in its efforts to defend an indefensible massacre including (though there may be others we have failed to mention) acknowledging that:
 - the Program is not and has never been a "conservation cull";
 - the government has always known kangaroo grazing poses no threat to any threatened species;
 - the government's claim that "current knowledge" indicates that 1.0 to 1.5 kangaroos per hectare is a desirable density is incorrect, and the government has always known it was incorrect;
 - the government's estimates of kangaroo populations have always been wildly exaggerated;
 - kangaroo populations, when left alone, eventually stabilise in equilibrium with their environment and cannot grow faster than 10% per year; increases by more than 10% can occur only as a result of kangaroos moving between reserves;

- there has never been any evidence of widespread starvation of kangaroos on the ACT Reserves even during recent extended droughts;
 - the Code of Practice for killing kangaroos does not ensure the killing is humane; in fact it ensures the reverse;
 - there is no evidence that any protestor against the kangaroo slaughter has ever taken any action that has harmed or risked harm to any other animal; the government's allegations or innuendos to this effect were published for the purpose of discrediting opponents of the Program;
 - the government has misrepresented numbers killed (whether in fact killed on Reserves where the government claims they were killed, or not) by omitting numbers of pouch joeys bludgeoned or decapitated, and dependent at-foot joeys orphaned to certain death;
 - the government has designed its surveys of public opinion regarding the kangaroo slaughter to give misleading results;
 - the government has misrepresented the Kurahaupo review as a peer review; and
 - the grazing by exotic domestic livestock is not and never could be ecologically beneficial in Australia.
12. Is the government aware of the widespread public suspicions of corruption and the reasons for them?
13. What explanation can the government offer for its dedication to an indefensible Program, given that it is not a "conservation cull"?

Part 6: Other questions the Commissioner may wish to consider

1. Have the measures taken by the government to defend the annual slaughter, and implemented by government officials, significantly eroded the democratic rights of the ACT public?
2. What are the consequences of these measures for public confidence, the ACT's reputation, and the rule of law?
3. Given the scale of the deception that surrounds the Program, is there sufficient suspicion of actual corruption to refer the matter to the Integrity Commission?
4. Was any risk assessment undertaken on the program before it commenced, and has any report against such an assessment ever been undertaken?
5. Is it appropriate that a Code or Practice for "animal welfare" should become a legal instrument against the advice of the government's own Anima Welfare Advisory Committee?
6. Is it appropriate that a Code of Practice should exempt from prosecution acts of cruelty that would appal the average citizen?

7. Is it appropriate that thousands of sentient beings should be killed without any independent oversight of the killing to ensure that it adheres to the Code, such as it is?
8. Is it appropriate that the government should allow barbed wire to continue to be present on nature reserves?
9. Is it appropriate that kangaroo exclusion fencing should be erected on Nature Reserves?
10. Is it appropriate that Nature Reserves should be surrounded and divided by dangerous roads without any means for wildlife to safely cross to another Reserves or (while any remain) other areas of remnant habitat?
11. Is it appropriate to prohibit wildlife carers from rehabilitating and releasing Eastern Grey Kangaroos that have been orphaned or injured?
12. In locations where development or other human activity is destroying kangaroo habitat, or where the government (for whatever reason) wants fewer kangaroos, is it appropriate to prohibit well-proven alternatives to killing, such as translocation to private rural properties who are eager to take the animals?
13. What is the impact on the ACT as a tourist destination if the only places that remains where the public can see kangaroos are essentially zoos (eg Tidbinbilla), where the public will have to pay for the privilege?
14. What are the potential costs to the ACT community if so much as a single human life is lost as result of irresponsible behaviour by shooters?
15. What is the potential cost to the ACT government of a class action by Canberra citizens who have suffered trauma and continue to suffer post-traumatic stress and other medical conditions directly resulting from the ACT government's slaughter of kangaroos.

Part 7: Suggested remedies

It has been suggested (by both proponents and opponents of the slaughter) that the Program is, in fact, being driven by an unstoppable cycle of development: you develop more land for people to live in, you then need extra services and industry to supply those extra people, you then need more people to supply those services, and more development to service them; and so it goes on.

We suggest that, as Commissioner for Sustainability and the Environment, you already understand that this process, as it is occurring in the ACT, is merely a microcosm of the same process operating at the global scale. If we do not choose to stop it, it will nevertheless be stopped, and not in any way we would like, by the inherent limitations of a finite planet and the impact of climate change.

We urge you to use every tool at your disposal to stop the ACT government from devouring every scrap of remaining wildlife habitat (including the Reserves whose days, as we have mentioned, may be numbered), and from eradicating not only the last of our kangaroos but also every other wild native plant and animal that still survives in the ACT.

The following recommendations might show a way to begin that process.

- Refuse all further applications for developments on remnant wildlife habitat in urban Canberra, and extend the CNP to include this land. This will break the self-perpetuating cycle of development, people, services, development, people services, development etc.
- Repeal KMP 2017 as a Controlled Native Animal Management Plan, and repeal the section of the Nature Conservation Act that allows for the making of Controlled Native Animal Management Plans as legislated instruments.
- Repeals Section 20 of the Animals Welfare Act.
- Replace the *Code of Practice with a Code for the Humane Shooting of Kangaroos (non-commercial)* with a new code which provides guidance for non-violent coexistence with kangaroos and other wildlife, including mandatory clauses regarding the euthanasia of mortally sick or injured kangaroos.
- End all killing of native wildlife in the ACT, for any reason other than euthanasia of suffering individuals who have no hope of recovery.
- Enable relocation of unwanted kangaroos to safe properties where they are still valued, both inside and outside the ACT.
- Enable wildlife carers in the ACT to rescue, rehabilitate and release Eastern Grey Kangaroos.
- Remove all internal and external barbed wire from both the Reserves and any other remnant wildlife habitat.
- Remove all internal kangaroo exclusion fencing from the Reserves.
- Impose strict speed limits and install speed cameras and traffic calming devices on all roads bordering Reserves.
- Build a network of effective wildlife corridors (ie wide, vegetated overpasses and underpasses) to link all the Reserves in an unbroken chain, enabling wildlife to migrate and disperse safely throughout the Canberra Nature Park.
- Erect kangaroo exclusion fencing around the borders of Reserves only where it will be effective in funnelling wildlife away from the roads and towards the safe crossings.
- Promote the linked network of the Canberra Nature Park as a world class tourist attraction for Australian and international tourists. Imagine being able to walk the length and breadth of urban Canberra without crossing a single road!

As you can see by the length and detail of this submission, the ACT public (and other interested parties all over Australia and around the world) have very sound reasons to expect that the government's kangaroo "management" Program should be investigated in every aspect. We would be grateful if you would read our submission thoroughly and let us know your response.

Yours sincerely

Frankie Seymour
on behalf of the Animal Protectors Alliance

Attachments

Attachment A: Kangaroos in ACT Nature Parks - Citizen Science, Robinson and Grace, 2021-2022

Attachment B: Documented incidents of direct and indirect cruelty to kangaroos observed by eye witnesses during the ACT government's kangaroo killing 2012 to 2021, compiled by Frankie Seymour, 2022

Attachment C: Autopsy report by Dr Howard Ralph on kangaroo found in a government burial pit, 2012

Attachment D: Documented incidents of dangerous behaviour by government shooters and officials, during the ACT government's kangaroo killing 2012 to 2021, compiled by Frankie Seymour, 2022

Links

Dossier of evidence, compiled by Regional Friends of Wildlife and provided to the Sustainability and Environment Commissioner, Robert Neil, in 2013:

<https://warmandwildblog.files.wordpress.com/2016/05/regional-friends-of-wildlife-submission-2013.pdf>

NSW Parliamentary Inquiry into the Health and wellbeing of kangaroos and other macropods in New South Wales, 2021:

<https://www.parliament.nsw.gov.au/lcdocs/inquiries/2707/Report%20No%2011%20-%20PC7%20-%20Health%20and%20wellbeing%20of%20kangaroos%20and%20other%20macropods%20in%20NSW.pdf?msclkid=465b974cbc6011ec91bfad2affea3b56>

CSIRO Plant Industries Report on the relationship between vegetation and kangaroo densities, 2014: [CSIRO-Rel-btw-vegetation-condition-and-kangaroo-density-2014.pdf \(act.gov.au\)](#)

Roogate, by Dr David Brooks: (https://districtbulletin.com.au/wp-content/uploads/2016/05/bulletin-MAY-2016_archive-ROOGATE.pdf?msclkid=1ddb6e91baa611ec877bfe351f1571c2)

Note: The author of this submission, Frankie Seymour, has advocated on issues of animal wellbeing and protection in the ACT for 37 years, and served on the ACT government's Animal Welfare Advisory Committee for nearly 18 years. A social and environmental scientist by training, she served in the Commonwealth Department of the Environment for 15 years, developing indicators, analysing data and evaluating scientific reports for Ecologically Sustainable Development and State of the Environment Reporting.