



APA's request for a full investigation of the ACT Government's kangaroo management/killing program and a moratorium on the killing while the matter is investigated

Executive summary

The request for an investigation is made on behalf of thousands of Canberra residents and thousands more people from other Australian jurisdictions and other nations. All the information provided in this submission is based on matters of recorded historical fact, reasoned analysis, eye witness accounts and/or scholarly sources.

Given that ACAT is no longer accessible on this matter, and the Ombudsman is legislatively prevented from investigating misbehaviour by government environmental officers, the Commissioner for Sustainability and the Environment and the Auditor General are the only remaining avenues for the public to demand a review or investigation of any aspect of the ACT government's kangaroo killing program (the Program). We have sent a separate submission to the Auditor General.

The ACT "cull" commenced on the basis of zero baseline data regarding (1) how many kangaroos were present in the ACT at the time, or (2) the condition of the ecosystems in the Canberra Nature Park (CNP) at the time, or (3) the population/density of kangaroos that was a normal and healthy for both the kangaroos and the ecosystems of the CNP.

No scholarly peer review of the "science" supporting either the 2010 or 2017 Kangaroo Management Plan appears to ever have been conducted.

The ACT government has produced no evaluation or cost-benefit analysis of its kangaroo killing program since the routine annual killing started in 2009.

Some 27,950 kangaroos 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.

The submission divides the issues requiring investigation into five Parts with numerous sub-sections. Most of the issues recur, in different contexts, in more than one Part (for example the animal cruelty issues are examined in their own right, again in the context of officials, including shooters, breaching the Code of Practice, and again in the context of government spokespeople lying to the public about the role and function of the Code of Practice.) Each Part concludes with a list of questions arising.

Part 1: Matters of science and environment raised are:

- the insupportable use of biomass as the government's only indicator of environmental condition;
- a legislated target density of kangaroos that has no basis in science;
- mistaking kangaroo population replenishment by inward migration for a biologically impossible breeding rate;

- the absence of any evidence for the government's assertions that kangaroo grazing is impacting on threatened species;
- the narrow, misrepresented and potentially partisan academic sources that are cited for all the KMP's/government's "scientific" assertions;
- the failure to consider other independent expert opinion including at least one critical report by CSIRO based on the government's own data;
- the current observable state of the Reserves and current status of remaining kangaroo populations;
- the importance of urban development as a major threat to both the CNP and ACT kangaroos; and
- the damage the program itself is doing to the CNP including: loss of the keystone ecological services formerly provided by kangaroos; further damage done by livestock grazing on CNP; weed infestations on CNP; fire risk resulting from the weed infestation; and the reckless use of government vehicles on the CNP.

Part 2: Matters of animal cruelty raised (details by date are provided in an attachment) are:

- the role, history and content of the *Code of Practice for the Humane Shooting of Kangaroos for Non-Commercial Purposes* and its predecessor, *the Code of Practice for the Humane Destruction of Kangaroos*;
- documented and recorded instances and eye witness accounts of animal suffering resulting directly or indirectly from the Program;
- the kangaroos at the Belconnen Naval Transmissions Station who suffered panic, distress and injury as a result of being herded and trapped, in direct defiance of the Code of Practice in place at the time;
- the dead kangaroo found in the government burial pit in 2012, who had been shot, stabbed, bludgeoned, and died of suffocation or blood loss (the veterinary report is provided in an attachment);
- a summary of direct and indirect suffering inflicted on kangaroos by the "cull" and related human activity.

Parts 3: Matters of human safety and human wellbeing (details by date provided in an attachment) are:

- shooting taking place without signage on open public land;
- shooting taking place close to the Centenary Trail while it was in use by members of the public;
- shooting taking place while protestors were within metres of the shooters, either on or just outside a CNP reserve;
- shooting taking place, several years running, within 30 metres of traffic passing on Mugga Lane.

Part 4: Matters of human suffering as a direct result of the killing include:

- Canberra residents who live near the reserves traumatised by the killing of kangaroos they had known for years; by bodies dumped outside their back fences; by shooters spotlight/headlights invading their homes;
- local Indigenous people who value kangaroos as a sacred totem animal and, for some, as members of their family, and who believe the killing is disrupting Songlines and dreaming tracks that are essential to maintaining Country;
- protestors who, seeing it as a sacred duty, continue to bear witness to the cruelty by maintaining their presence on and around the CNP every year throughout the shooting;
- people who routinely visit the CNP, and have become personally acquainted with individual kangaroos and mobs there who have now been destroyed.

Part 5. Matters relating to the behaviour of the government and its officials in regard to the Program

- The mistakes, misrepresentations and glaring omissions of the KMPs (use of biomass as an indicator of biodiversity, desirable densities, breeding rates, threatened species, the narrow research alleged to support the killing, and the omitted government data and research that definitely did not support the killing) are mentioned above. The first subsection of this Part of the submission explains why these appear to be deliberate untruths rather than honest or even careless mistakes.
- The next subsection questions whether the briefing supplied by the officials who recommended that the KMP 2017 become a legislative instrument fully explained to the Minister and members of the ACT Assembly the consequences of passing (or, actually, failing to disallow) this legislation.
- Probity of officials and decision makers in authorising, overseeing and conducting the Program. This includes subsections relating to:
 - breaches of relevant laws and legal instruments, including: killing native animals without a valid licence, direct law breaches, and Code of Practice breaches;
 - failures of relevant legal instruments and offices, including: failure of the ACT Police and the Police Ombudsman to take appropriate action; Departmental officers misusing loopholes in the Freedom of Information Act; and (while ACAT was still available to the public on this matter) inappropriate decision making by an ACAT Tribunal, namely ruling in favour of the evidence provided by a partisan government spokesperson over the evidence provided by the only independent expert who gave evidence at the hearing (this failure has brought the ACAT institution into serious disrepute with members of the public throughout Australia);
 - failure of officials in terms of responsibly protecting the public from death and injury (including both physical and psychological injury);
 - failure of officials and/or decision makers to protect animals from cruelty and suffering;
 - apparent untruthfulness of government spokespeople about the reasons for and conduct of the Program; and
 - public suspicions that government officials may be benefitting improperly from the conduct of the Program.

Incidents of untruthfulness by government spokespeople about the reasons for and conduct of the Program are:

- the utter implausibility (in the light of all the other available evidence) that the reasons for the slaughter have anything to do with conservation or protecting the environment;
- the unsupported assertion that any threatened species are threatened by kangaroo overgrazing;
- the outright lie that one per hectare is a desirable kangaroo density, and that this is "current knowledge";
- the government's wildly exaggerated kangaroo counts;
- the KMP's misleading assertion of kangaroo population growth rates which are biologically impossible;
- the government spokesperson's reversal of sworn evidence on kangaroo movements, claiming that they do move around when it supported arguments for killing, and claiming that they do not move around when it supported arguments for killing;
- Government's cynical catch-all for killing kangaroos in all seasonal and environmental conditions on the grounds (unsupported by any evidence) that they are either "starving" or "overpopulating";
- the lie that the Code of Practice ensures the massacre is humane when, in fact, the Code's legislative purpose is the opposite: to permit acts of cruelty that would otherwise be prohibited by the Animal Welfare Act;

- falsely accusing opponents of the slaughter of crimes against animals, in order to discredit organisations and endanger protestors;
- misrepresentation of the actual numbers killed on CNP;
- misleading representations of public opinion;
- misrepresentation of the Kurahaupo review as an academic peer review; and
- the ecological nonsense that replacing slaughtered kangaroos with hard-hoofed, heavy bodied, water guzzling, methane belching, exotic, adjusted livestock who gnaw groundcover down to rootstock or rip it out by the roots while trampling the banks of surface water sources, can be described as "ecological" grazing.

Part 6 of the submission is a list of further questions the Commissioner may wish to consider. Part 7 is a list of suggestions for a more humane, environmentally sound and effective approach to wildlife management in the ACT.

A list of the four attachments and of links to other cited documents is provided at the end of the submission along with a short note about the author's credentials.