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Cc (*by email only*)

- Standing Committee on Public Accounts (Elizabeth Kikkert, Michael Pettersson, Andrew Braddock)
- Standing Committee on Environment, Climate Change and Biodiversity (Dr Marisa Patterson, Jo Clay, Leanne Castley)

21 April 2022

Dear Mr Harris

Urgent request that the ACT Government's kangaroo management/killing program be thoroughly audited.

The Animal Protectors Alliance (APA) is requesting, urgently, a comprehensive audit of 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 development of the two Kangaroo Management Plans (2010 and 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 (the Reserves) and other publicly owned lands such as government horse paddocks.

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 audit is necessary, and the scope of the audit if it is to get to the truth of this matter.

This submission has five parts:

1. Reasons for this request;
2. A summary of the suggested scope of the Audit;
3. Supporting arguments for suggested scope;
4. A summary of the environmental, social and economic costs of the ACT government's kangaroo killing program (the Program); and
5. Factual matters requiring consideration in order to properly evaluate the benefits (if any) of the Program, and the many costs.

There will, necessarily, be some overlap in issues raised between these five parts.

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 ACT Commissioner for Sustainability

and the Environment, Robert Neil. Some of those documents are cited in this 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.

We would also like to refer you to 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 as a quintessential case study on how to con the public into accepting a killing culture – the culture which has permitted and continues to permit the world's greatest on-land wildlife slaughter.

1 Reasons for this requesting this audit

1.1 The ACT government has produced no evaluation or cost-benefit analysis of its kangaroo killing program since the routine annual killing started in 2009. An audit of the costs, especially the social and environmental costs, in the light of any alleged benefits of this program, is now more than a decade overdue.

- The "cull" was commenced on the basis of zero baseline data. The government began its annual killing of vast numbers of kangaroos without any information whatsoever of 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 ACT.
- The government admits that it still has no idea how many kangaroos are left in the ACT.
- 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 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 be monumentally flawed. This report is at [Attachment A](#).
- 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?msclkid=465b974cbc6011ec91bfad2affea3b56>.
- If either of the KMPs (2010 or 2017) was ever peer reviewed, 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.

- 1.2 An audit of probity and of costs and benefits is, in fact, the only remaining option for critiquing the Program. Since 2017 (when the option of taking the matter to ACAT was removed), no other mechanism for ensuring transparency and accountability in this program has been available to the public. Even the Ombudsman is legislatively prevented from investigating allegations of gross misbehaviour by government officials working in ACT Parks and Conservation.
- 1.3 Some 27,950 kangaroos have been killed by government contracted shooters, in the Canberra Nature Park alone, since 2009, along with thousands more pouch joeys 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.
- 1.4 It is important for the ACT public to be informed of 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.)
- 1.5 In their efforts to defend the program from public criticism, government officials (and Ministers presumably quoting from briefs written by government officials) have made numerous untrue statements to the news media, to the ACT Police, as well as directly to the public through the government website and face-to-face meetings. These statements can be, at best, described as "misinformed", particularly in relation to:
- the stated reasons for the "cull";
 - the alleged impact of kangaroo grazing on other species (including threatened species) on the Reserves;
 - the alleged densities of kangaroos on the Reserves;
 - the population growth rate of kangaroos on the Reserves;
 - the movement of kangaroos in and out of Reserves;
 - the alleged condition of the kangaroos on the Reserves;
 - the actual numbers of kangaroos killed on the Reserves; and
 - the humaneness of the "cull".
- 1.6 Government spokespeople have also lied outright in their efforts to defend the Program, by falsely accusing (in general terms) opponents of the Program of anti-social behaviour. The purpose of this particular misinformation campaign seems to have been to undermine the

credibility of animal protection organisations. These false allegations have also resulted in incidents of personal harassment, threat and vandalism to property belonging to members and supporters of these organisations.

- 1.7 In 2014, a member of the public called the ACT police to report that the government's kangaroo killing was putting human lives at risk. The police attended but, on the basis of false information provided by a government official, left again, having done nothing to stop the dangerous shooting. Since then, the government's shooters seem to consider their misbehaviour unassailable and have routinely continued shooting kangaroos when members of the public are within metres of them.
- 1.8 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 believe to be an intentional extermination campaign (not a cull). The condition is even worse for residents who live near the Reserves, who are forced to listen, night after night, to the sound of individual animals they have known and loved for years having their lives blasted away. Several of these people have been driven to seek medical help for anxiety, grief and associated physical impacts, as well as psychological damage such as flashbacks and persistent nightmares.
- 1.9 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 unoccupied habitat, often to escape ongoing development up on the borders of Reserves. Consequently, there are always new mobs to be found on the Reserves just in time for the government's next annual "cull". But, since this population is present by relocation rather than reproduction, this process can only continue as long as there are kangaroos outside the Reserves available to "drain" into them.
- 1.10 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. However, it should be recalled that 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.
- 1.11 A number of legislative instruments have been introduced or used in relation to the kangaroo killing program that erode democratic processes in the ACT. While we understand that actions of Parliament are outside the terms of reference of the Audit Office, the misuse of such instruments by officials is not.

Nor, we would argue, is the advice provided by the officials on the basis of which Ministers and Members of the Assembly signed off on these legislative instruments. At the very least, the fact that such advice was given casts yet another shadow over the behaviour of the relevant officials. Some examples of the ways in which the killing program has been used to erode democratic processes are listed below.

- By creating an exemption for Parks and Conservation officials from Ombudsman scrutiny, the Government has set a precedent for further exemptions.

- By creating the Kangaroo Management Plan as a legislative instrument in order to exempt actions taken under it from ACAT scrutiny, the Government has set a precedent for exempting other government actions in the same manner.
- The government has 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.
- The Government has misused other legislation to prevent lawful protest action, such as arresting a protestor for "hindering a government official" for no more than blowing a whistle to alert the shooters to his entirely lawful presence within metres of the shooting.

1.12 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 that have destroyed remnant off-reserve wildlife habitat, and further fragmented the Reserves:

- the suburb of Googong which appeared after to the ACT government's 2004 "cull" on the Googong Dam Reserve (which 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 Gorooyarroo 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, 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 near Wanniasa Hills Nature Reserve which is routinely culled;
- the proposed Southern Memorial Park and proposed 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.

1.13 We understand it is not the role of the Audit Office to investigate matters of government corruption. However, since many members of the public are convinced that government corruption is behind the Program, we would ask you to bear the possibility in mind as a plausible explanation for a killing campaign which is impossible to justify on environmental grounds, and which has been so savagely and deceitfully defended by the government

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 also know from FOI material that the "cull" at Googong in 2004 originated with a request from local farmers who (as farmers so often do) claimed that the kangaroos were "taking" grass from "their" sheep during a drought.

Another credible source of personal benefit for government officials might be from fast-tracking approvals of ecologically damaging development proposals such as those listed above. 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 are probably very glad to get the government to do it for them under the pretense of a "conservation cull".

A further opportunity for corruption is the illegal sale of kangaroo bodies to the pet food market. As mentioned above, 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 below), 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 possibility of corruption, 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 undisputed matters of 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.

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.

2. Suggested coverage of the audit

The audit we are requesting should not be limited to monetary costs. It should also take account of costs of the Program to the condition of Reserve ecosystems and the general ACT environment, costs in terms of human and animal suffering, and the potential costs of the risk the Program routinely poses to human life.

In our view, such an audit should examine the following matters.

- whether the officials who were authors of the ACT Kangaroo Management Plans (2010 and 2017), in compiling these documents, truthfully and fairly included all the relevant evidence available to them - especially given that, on the recommendation of those officials, 2017 KMP is now a legislative instrument, unassailable through normal administrative review and appeal options;
- whether the government officials who recommended that KMP 2017 be made a legal instrument truthfully and fairly represented the implications of this decision to the Minister and Members of the Parliament;
- the probity of government officials in authorising, overseeing and conducting the Program, for example, whether they have:

- adhered to all relevant laws and legal instruments;
- utilised relevant legal instruments appropriately;
- been truthful with the public about the reasons for and conduct of the Program;
- acted responsibly in terms of protecting the public from death and injury (including both physical and psychological injury);
- acted responsibly in terms of protecting animals from cruelty and suffering;
- benefitted improperly, in any way, from any aspect of the development of the KMPs or the conduct of the Program.

On the basis of factual material, reasoned arguments, testimony by eye witnesses and complaints by other concerned citizens, the Audit should evaluate the environmental, social (including animal welfare) and economic costs of the Program, along with any benefits that can be demonstrated to have been achieved over more than a decade of “culling”.

3. Supporting arguments for suggested coverage

3.1 Was the KMP based on all the available evidence?

3.1.1 Material released to the media under the Freedom of Information ACT 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 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 comprehensive analysis.

3.1.2 The KMP 2017 claims that one to 1.5 kangaroos per hectare is, according to "current knowledge" a desirable density of kangaroos to maintain. In fact, Dr Don Fletcher, who later became the ACT’s Senior Ecologist, architect and official advocate for the Program (including the "one to 1.5 per hectare" assertion) had (while still independent of the ACT government), found in his PhD thesis that local kangaroos lived without damaging pasture or starving, at densities of five (not one to 1.5) per hectare (Sheila Newman, Conference Paper, 2016).

The CSIRO report (see 3.1.1 above) 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 "one to 1.5 per hectare" wild guess has somehow been promoted to "current knowledge".

3.1.3 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 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.

3.1.4 Expert opinion and research on kangaroo biology was provided by several prominent ecologists at ACAT hearings in 2009, 2013 and 2014. Irrespective of ACAT's decisions on these challenges, this opinion and research was valid, peer reviewed science, and arguably based on far more rigorous research than any other opinion or research the ACT government used in developing its killing plan.

The evidence given at the 2009 ACAT should have informed the officials when they developed KMP 2010 and the evidence from ACATs 2013 and 2014 should have informed them when they revised the 2010 version into KMP 2017 with the intention of imposing this Plan on the ACT public as a legislative instrument.

It should be noted here that the ACAT's decisions on these matters remain unfathomable to members of the public who attended those hearings or read the material published about it thereafter. The expert evidence that had been placed before the Tribunal members was clearly better researched and more cogently argued than that of the government spokespeople. The Tribunal members appeared to not have heard Dr Fletcher's admissions that: the government's "threatened species" claim was "spin"; that the only evidence for the government's assumption of "too many kangaroos" was lower grass height where kangaroos were present than where they were absent; and that he (Dr Fletcher) was contradicting his own sworn evidence four years earlier on the issue of kangaroo movements. In fact, the only basis the Tribunal gives in its "reasons" for its decision was an inclination to accept the conclusions of the government spokesperson over those of the independent experts.

Irrespective of whether the Tribunal members had the scientific competence to rule on these matters in any case, the panel president in 2009 and 2013 should probably have recused himself after admitting that he had, himself, sometimes shot kangaroos.

3.1.5 Expert evidence provided at ACAT 2014 further revealed that, as at 2014, Eastern Grey Kangaroos were already extinct across 26.6% of the ACT, due to land use changes (city/urban areas, and heavily modified rural landscapes), and under pressure across 29.9% of the ACT, due to agricultural activities including loss of habitat (pine plantations), shooting on private rural leases, and shooting in reserves (*Ray Mjadwesch, ACAT, 2014*).

3.1.6 More than two thirds of the public submissions regarding the draft KMP 2017 opposed the killing of kangaroos. Several of these cited extensive expert opinion to support their arguments. All were ignored in their entirety in the final KMP of 2017.

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 community feedback has been ignored in the development of both KMPs.

3.2 Did the officials' advice to the Minister and the Assembly truthfully and fairly explain the implications of KMP 2017

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) 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 suffering, human suffering and risk to human life.

The making of KMP 17 as a legal instrument renders the kangaroo killing program unassailable in its entirety, irrespective of whether and how often the instrument is revealed to be flawed in what it reports as "science" and in the mandates it imposes on the basis of its numerous flawed assertions.

3.3 Probity of the government officials in conducting the “cull”

3.3.1 Adherence to 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 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 none to breach.

Licence breaches

In 2016, the ACT Magistrate’s Court, upheld by the Supreme Court, found that the licence under which the government’s “culling” on ACT reserves had been conducted in 2015 and 2016 was invalid.

Notably, the same clause on which the Court 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. The APA considers that the ACT public are entitled to know exactly how many kangaroos were killed under invalid licences between 2008 and 2016.

The government conducted the 2016 “cull” in defiance of the Magistrates Court’s ruling that the licence was invalid.

The relevant court cases which found the government’s licence invalid, in fact, examined only one of several challenges to the validity of the licence at the time. The public are entitled to know exactly how many other mistakes were made in the licences under which kangaroos were killed between 2008 and 2016.

Aside from the technical illegality of the 2015 licence to kill, which was not revealed till the following year, it is a matter of public record that, on 24 June 2015, kangaroo shooting was conducted on a block (Block 1693) of the Rose Cottage Horse Paddocks (RCHP) for which there was, in fact, no licence to kill kangaroos. (This shooting, in fact, 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 – see below).

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 the day after the government was informed that the illegal shooting had taken place. However, the shooting on the RCHP continued to breach the conditions of 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 2020, further illegal shooting took place. Members of the public 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 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 laws which are intended to protect public safety.

Code of Practice breaches

In 2012, a kangaroo was found in a government burial pit after a “cull”. An autopsy report 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. This would clearly breach both 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. A failure to adhere to the Code constituted an offence of cruelty under the ACT [Animal Welfare Act, 1992](#).

The much weaker (and still not mandatory) 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). 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 both the relevant Code of Practice (Section 2.5 on p 4) and the ACT [Animal Welfare Act](#).

3.4 Misuse of legal and administrative instruments

Government officials have utilised legal instruments and misinformed other government institutions in a manner inconsistent with the purpose of these instruments and institutions. These instruments include the *Nature Conservation Act*, the *Code of Practice for the Humane (Non-Commercial) Shooting of Kangaroos*, and the *Freedom of Information Act*. The institutions that have been misinformed by government officials are the police and the police ombudsman. These issues are further discussed below (3.5).

The misuse of the Freedom of Information (FOI) legislation involved the misinterpretation of one of the Act's exemption clauses. It occurred when Parks and Conservation neglected to advise the public that shooting was occurring not only on the Reserves (which were closed to the public for the duration) but also on other publicly owned and utilised land adjacent to a Reserve. Both the government FOI officer and the FOI review officer declined to release information about other licences for shooting on public land. The grounds they gave for this refusal was 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 acting on behalf of the public are answerable to the public and actions taken on all public land should be known to the public. More importantly, this decision by the FOI officers meant that members of the public lawfully entering this non-reserve public land

while shooting was/is underway had, and continue to have no idea that they are putting their lives at risk.

A significant failure by ACT Policing, and of the Police Ombudsman resulting from this misinformation is illustrated by the following sequence of events.

In June 2015, a member of the public called the ACT Police to an off-reserve block of public land where shooting was taking place in the presence of members of the public, including dog walkers and cyclists on the Centenary Trail (see above) who were lawfully present.

Government officials present during the killing that night assured the police officers who attended that the off-reserve shooting was legal, and incorrectly claimed the licence had been issued to an organisation who (when asked) strenuously denied having any such licence.

It turned out that a licence had been issued to another party altogether (Territory Adjustment), but that licence did not include the block where the reported dangerous shooting was taking place (see above under *Licence breaches*). However, the police did not require the government official or the shooters to produce the relevant licence. Instead the police officers declined to act to prevent further shooting and began intimidating the protestors who were lawfully present, including the protestor who had called them about the illegal shooting.

A complaint to the Police Ombudsman brought no action to redress the unlawful shooting, The Police Ombudsman claimed that the matter had been dealt with in a court case the government brought (on a different date, and for a different reason) against the same protestor who had complained to the police about the illegal shooting. Nothing relevant to the matter of the illegal shooting near the Centenary Trail had been raised during that court case, so the Police Ombudsman's response was completely inappropriate and irresponsible.

A further complaint about the same illegal shooting was brought to the civil Ombudsman who 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.***

We feel certain, whatever the original reason for this exemption, its purpose was not to give the Territory's appointed environmental managers *carte blanche* to knowingly put human lives at risk. The ACT government's environmental managers are clearly exploiting this loophole in order to continue with their dangerous, cruel, environmentally devastating and irresponsible killing program.

A further complaint to the Commissioner for Sustainability and the Environment brought only a promise of more appropriate shooting signage in future.

3.5 Have officials been truthful about the reasons for, or conduct of the Program

This issue was mentioned in the above section on the reasons why APA believes this audit is needed. Some assertions by officials have been misleading or knowingly false are listed below:

- the stated reasons for the "cull";
- the alleged impact of kangaroo grazing on other species (including threatened species) on the Reserves;
- the alleged densities of kangaroos on the Reserves;
- the population growth rate of kangaroos on the Reserves;
- the movement of kangaroos in and out of Reserves;
- the alleged condition of the kangaroos on the Reserves;
- the actual numbers of kangaroos killed by government shooters on the Reserves;
- the humaneness of the "cull";
- allegations of misbehaviour by opponents of the "cull";
- a rigged public survey;
- claims implying that the Program has been academically peer reviewed;
- misrepresentation of the reasons for grazing livestock on Reserves where the kangaroos have been wiped out.

The above deceptions are explained in more detail below.

3.5.1 Misleading government assertions about the reasons for killing and impacts of kangaroos

Point 1 of our suggested coverage of the audit (ie whether the KMPs were fairly and truthfully based on the available information), has established that the government assertion that the "cull" is necessary for environmental reasons was unsupported by any data. The 2014 CSIRO Report (see above) confirms that KMP 2017's "common knowledge" that one (or one to 1.5) kangaroos per hectare is a desirable density is indeed a "wrong guess".

Point 1 also mentions Dr Fletcher's admission that the government's assertion that kangaroo grazing negatively impacts on a long list of threatened species is "spin" and not supported by any other documentation or research relating to these (or any other) threatened species.

Furthermore, ACAT 2013 revealed that the only data on which the government bases its assertion that kangaroo grazing is impacting on the environment is quantity (not health, richness or diversity) of biomass. Since kangaroos eat grass, the government officials conclude that kangaroos must damage the environment. By contrast, reputable science attests that kangaroos eating grass 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 its proposed killing program.

Independent review of this bizarre 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.

A simplistic kangaroo killing program is not wildlife management. Proper wildlife management requires an understanding not only of numbers per hectare (actual direct counts, not guesses based on a desk-top calculator program) but also, both before and after a slaughter, distribution, 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 for every other plant and animals species with whom the species targeted for "management" shares the environment.

The science underpinning the government's alleged reasons for conducting the Program are characterised by a flagrant disregard for independent science, and constant recycling of the views of a very narrow and partisan group of scientists. 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*, (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.

3.5.2 Government officials' contradictions regarding densities, population growth and movements of kangaroos

The KMP asserts that kangaroo population growth in the Act can be as high as 30-40 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.

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). In other words, they achieve zero population growth.

At ACAT 2009, Dr Dan Ramp had asked what was the point of killing 9000 kangaroos on Defence Force Land, given that 9000 more kangaroos would quickly move into the "vacuum" to replace those killed. Dr Fletcher, on that occasion dismissed this argument, claiming that kangaroos are loyal to their home range and do not relocate themselves.

However, at ACAT 2013, having agreed to the 10 per cent per year 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, even at the time he 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.

As mentioned above (under our reasons for believing an audit is necessary), a further concern with this issue is that it is a certainty that kangaroo populations do migrate into Reserves, because they have no choice. They are driven there by the rampant ongoing development on non-Reserve land that was, until very recently, kangaroo habitat (see 1.12 above).

But 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.

3.5.3 Government officials' cynical catch-all for killing kangaroos in all seasons

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 "cull" because they are doing well and there will soon be too many of them. In other words the government is arguing kangaroos need to be "cull" 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 3.5.2 above, along with numerous studies that show that, when feed is short, kangaroos simply stop breeding).

Aside from the cynicism of this "catch-all" argument, there has never been any evidence that kangaroos in the ACT region have ever been either starving or multiplying rapidly enough to cause environmental damage.

3.5.4 Government officials' 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 seemed 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 claimed to have killed there. The reasonable conclusion to be drawn from this 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.

3.5.5 Government officials' misrepresentation of humaneness of the "cull"

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)*). This is wilfully misleading. The purpose of a code of practice (under Section 20 the Animal Welfare Act) is to exempt from prosecution acts of cruelty that would otherwise be prohibited by the Act. (See also Attachment B)

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).

Specifically, the ACT's Code of Practice for shooting kangaroos not only permits but mandates the bashing to death or decapitation of pouch joeys.

Additionally, by omitting any mention of driving or trapping kangaroos (identified as cruel and unacceptable under the ACT's former *Code of Practice for the Humane Destruction of Kangaroos*, prior to 2014), it allows shooters to subject kangaroos to these recognised cruelties. It should be noted that this clause identifying driving and trapping as an act of cruelty was omitted from the new (2014) Code against the advice of the government's own Animal Welfare Advisory Committee (AWAC, of which the author of this submission was a member at the time).

In fact, any Code that permits largescale 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.

3.5.6 Government's false allegations against opponents of the "cull"

Government spokespeople have published in the mass media 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 this deception seems to have been to discredit, with the public and 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 lie. On some occasions our own cars have been vandalised.

3.5.7 The rigged survey of public opinion

Early in the history of the Program, the ACT government conducted a 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.

For example, to a question like "do you support conservation culling", a respondent might wish to answer: *yes, if conservation "culling" means the gentle and stress-free singling out for humane euthanasia of starving or moribund individuals, in order to benefit the other members of a highly food-stressed population.* Yet respondents answering "yes" to questions like this gave the government the ammunition to falsely claim that the public supports a kangaroo killing program that is anything but humane and has nothing to do with conservation.

3.5.8 Government officials' misrepresenting 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 a sense, a "peer" review, but the general implication 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.

3.5.9 Government officials' lie about cattle providing "ecological" grazing

The government describes the grazing of cattle on reserves or other public land that has been emptied of kangaroos by "culling" as "ecological grazing", claiming it is necessary for preventing bushfires. This claim is cynical in the extreme because it implies that grazing heavy-bodied, hard-hoofed, water-guzzling, methane-belching, exotic domestic livestock in nature reserves could somehow be more ecologically beneficial than the grazing of kangaroos who, along with their direct ancestral species, have co-evolved, over 40 million years, with the plants and other animals of the land that is now the ACT.

These exotic domestic animals, having co-existed amicably with exotic weeds in their shared lands of origin for millions of years, have entirely failed to prevent the massive weed infestation which has made the reserves more susceptible to bushfires than they have ever been before. This infestation would not have occurred if the kangaroos had been left to do their job of managing the landscape, to the benefit of native plants and animals, as kangaroos have always done.

3.6 Have government officials acted responsibly in terms of protecting the public

We noted above the dangerous shooting that took place near the Centenary Trail in 2014. Since then numerous other incidents of dangerous behaviour by the government's kangaroo shooters have been witnessed by APA members and other concerned citizens. A list of these incidents, by year, is provided at [Attachment D](#). 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 2014 – see above), with obfuscation or denial.

Sadly, since the events of 2014, 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 that reporting a crime has somehow now become a crime.

Risk to human lives is not the only impact the Program inflicts on ACT citizens. 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, as the lives of animals they have known as friends for years have been blasted away, sobbing, unable to sleep until the shooting stops.

Some of these people have reported seeking medical help for depression, anxiety, heart palpitations, the shakes, nausea, recurring 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 taken into account in evaluating the costs of the Program.

Of less serious but still significant impact on citizens, is the closure of the Reserves for most of the winter at the very times of day when working people, either before work or when they get home from work, use the Reserves for exercise or walking dogs.

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

3.7 Have government officials acted responsibly in terms of protecting animals from cruelty?

Aside from the cruelty actively permitted by the Code of Practice (see above), ACT shooters routinely breach the Code because shooting is not routinely monitored by independent vets, wildlife experts or welfare experts.

Routine 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 roadsides 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.
- Wounded kangaroo are left alive to die of their wounds or suffer for hours before "mercy-shots" are delivered.

As well as ongoing loss of habitat, indirect cruelty to kangaroos occurs when terrified, fleeing animals impale themselves on barbed wire fences or become entangled in regular fences, or trapped 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. This suffering results from the following government mistakes and failures.

- When the Reserves were resumed from farmland, to be declared nature reserves, all internal and external barbed wire should have been removed from them. Most of it is still there.
- The internal kangaroo exclusion fencing that has been erected on some reserves has deprived the resident kangaroos of even more of their already devastatingly reduced habitat.
- The exclusion fencing has also effectively trapped the kangaroos by blocking their natural escape routes from shooters and dogs.
- Kangaroos have sometimes been trapped inside the exclusion fencing, and at least one of them has died horribly while trying to escape.
- The government has created a series of nature reserves across the length and breadth of suburban ACT but has failed to provide an appropriate network of effective wildlife corridors (ie vegetated overpasses and underpasses) linking the reserves of the Canberra Nature Park. Instead, it has allowed the Reserves to be separated by busy, deadly arterial roads.

- The government has authorised and encouraged unremitting development on both private and public land up to the very fences of the reserves.

A list of incidents of direct and indirect cruelty, by year, is provided at [Attachment B](#).

4. Costs of the program (environmental, social and economic) in the light of any benefits achieved

One purpose of the requested audit is to assess whether there are any benefits from the ACT government's ongoing kangaroo killing program that could justify the environmental, social, animal welfare and economic damage the Program is costing the residents of the ACT.

The APA is unaware of any benefits this Program could conceivably have delivered to the ACT public, other than for private businesses (developers and farmers) at the cost of animals, humans and the environment.

If there are any environmental benefits from the Program, assessing them would require a comprehensive assessment of the condition of the Reserves and other native species where "culling" has taken place, and an equally thorough assessment of the resulting condition of ACT kangaroo populations.

Both these assessments should, logically, compare current condition with condition prior to commencement of the shooting - but, since no baseline data on these matters was ever collected, such a comparison would be difficult.

Consequently, the Audit Office would have little choice but to compare the lack of any demonstrable public benefits against the following long list of public costs.

4.1 Costs in animal suffering

These include the following. Some but not all are included above, in relation to whether government officials have acted responsibly in terms of protecting animals from cruelty. For year by year details, we refer you again to [Attachment B](#).

- 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.
- Kangaroos have been herded through Reserves by vehicles. This is known to cause 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.
- Extensive kangaroo exclusion fencing has been erected inside several Reserves, further reducing their remnant habitat.
- By also blocking their escape routes, this fencing also traps the kangaroos when they are hunted by shooters or dogs, often forcing them into the path of high speed traffic on the surrounding roads.

- Although this 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 Gorooyaroo Nature Reserve in 2012 (see 3.3.1, above, and Attachment C). The kangaroo had been shot, stabbed and bludgeoned before dying of either suffocation or blood loss. 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.
- 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.
- Kangaroos fleeing the shooting in panic have impaled themselves on barbed wire fences, become hopelessly tangled in other fences, and rushed into the path of oncoming traffic to be struck and usually (since it 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 joey.
- The current weed-infested state of the Reserves and public land in the ACT (which we believe would not be in this state if kangaroo populations 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 be lethal to any kangaroos or other animals or native plants that are still able to live there.

4.2 Environmental costs

The environmental cost of a Program that is demonstrably eradicating rather than managing the ACT's kangaroo population are as follows.

- The keystone species status of kangaroos is well established and is even noted in the KMP. The species has a critical role in maintaining the health, richness and biodiversity of native ecosystems. The Program has depleted this species 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.
- 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.
- As a result of the decline in kangaroo grazing, the Reserves are now covered in weed infestations that limit the presence of both kangaroos and other native animals and plants.
- Livestock are being grazed in some of the Reserves where kangaroos have been eradicated, allegedly to compensate for the shortfall in kangaroo grazing. However, this so-called "ecological" grazing can only make the condition of the Reserves worse, not better. Their hard hooves and heavy bodies are lethal to small native animals and plants that might yet survive on the Reserves, and to the banks of water courses and dams.

Additionally, 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. 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).

- Shooters routinely drive heavy vehicles through the Reserves, searching for mobs to shoot, 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 shot kangaroos to collect and remove.

4.3 Costs in human suffering and potential costs of risk to human lives

These are listed above (1.7, 1.8, 3.6 and Attachment D). Only a brief summary is needed here.

- The Program has put human lives at risk. If and when a human life is lost as a result of this irresponsible behaviour by shooters, the cost to the ACT public will, of course, be much higher.
- The Program has inflicted pain and trauma on residents who live near Reserves, Indigenous people, people who frequently visit the Reserves and protestors who feel compelled to bear witness to the cruelty of the Program every year.
- The Program routinely inconveniences people who use the Reserves for recreation.

4.5 Costs to ACT reputation, public confidence in the government, and in the rule of law

Costs in terms of the ACT's reputation arise from the loss of Canberra's once proud title as "the Bush Capital". Our single greatest natural asset as a tourist destination - as a place where visitors can see kangaroos living wild without having to go into the outback or a zoo - has been demolished.

It is now quite difficult to see kangaroos anywhere in urban Canberra. Residents near Reserves like 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.

The cost to the ACT in terms of the public trust is much more serious, for the following reasons:

- public outrage at the erosion of democratic processes, such as the failures by ACAT and other “watchdog” agencies to properly deal with legitimate public complaints;
- blockage of even the ACAT avenue of challenge since KMP 2017, with no recourse even to the Ombudsman.
- the many incidents of misinformation and outright lies the government has used to defend the Program (listed above in the context the probity of government officials), has destroyed any semblance of trust among the citizens who have been paying attention to this issue.

Many people have described the ACT government's attitude to kangaroos as arrogant, complacent and uncaring. There are many less moderate descriptions.

Even members of the public who are unaware of the cruelty of the killing and of the government's deceit in defending it, are nevertheless convinced that the real purpose of the “cull” is to clear land of kangaroos prior to development, and/or to ingratiate farmers.

There is a sound basis for the view that the Program is really about keeping the good will of farmers. Documents provided under FOI from the 2004 ACT government slaughter at Googong Reserve (licensed by the NSW government and administered by the ACT government) revealed that the request for that “cull” had, in fact, originated from local farmers.

Notably, documents released under that FOI revealed that that “cull” was conducted in defiance of strong advice by Dr Don Fletcher who was, at that time, independent of the ACT government. Dr Fletcher pointed out that recent data revealed that the kangaroo population at Googong had already plummeted. The government went ahead with the slaughter anyway.

Rumours also abound that officials may be receiving kickbacks from farmers for getting rid of the kangaroos on adjoining reserves. A further suspicion is that, given the impossible numbers of kangaroos the government claims to have killed on Reserves, many of those killed were either: killed on adjoining farm land; or herded onto the Reserves from adjoining farm land to be killed. It is widely assumed that farmers are paying government shooters on the sly to either kill kangaroos on their own farms or herd kangaroos off their farms into the Reserves to be killed. There are also allegations that farmers are paying government officials to allow their livestock to be adjisted on Reserves where kangaroos have been removed.

There is also a sound logic for the view that the true motive for the slaughter is to clear the way for development (see 1.12 for the long list of developments that have already displaced kangaroo habitat and further fragmented the Reserves). Developers might well be concerned that they will be blamed for the deaths of kangaroos and other wildlife their projects will displace. Getting the government to do the killing, claiming "conservation reasons", might well be a service the developers consider worth paying for.

However, other plausible reasons for the killing program have been suggested by members of the public, such as the illegal sale of kangaroo bodies to the pet food market.

4.6 Economic costs

An assessment of the economic costs of the Program to the ACT public should include (but not be limited to) the monetary costs of:

- staff time spent developing two KMPs and associated consultancy fees;
- staff time and materials involved in conducting the cull (the costs of both contract shooters, rangers and administrators, as well as vehicles and other equipment);
- staff time required for developing documents intended to justify the “cull” to the public;
- official and Ministerial time spent attempting to justify the “cull”;
- staff (official and police) time spent enforcing the exclusion of members of the public from the reserves;
- court costs of prosecuting those who ignore such prohibitions;
- costs of backburning and slashing and other wildfire control needed as a result of loss of kangaroo grazing services.

It should also include:

- opportunity costs lost to Canberra's residents and businesses as a result of the eradication of Canberra's single most valuable natural tourism asset;
- opportunity costs lost to Canberra tourism as a result of missing the opportunity to construct world-class overpasses and underpasses to allow free, safe movement of wildlife throughout the Canberra Nature Park;

- opportunity costs lost to Canberra citizens as a result of around \$1m per year (as per FOI 2019, published in the *Bulletin*) spent on killing kangaroos that could otherwise have been spent for the public benefit, such as health, education and the arts;
- an assessment of the potential cost of increased risk to motorists and motor vehicles when kangaroos are fleeing onto roads during the annual slaughter;
- an assessment of the potential cost if so much as a single human life is lost as result of irresponsible behaviour by shooters;
- consideration of the potential cost of a class action against the government 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.

5. Factual matters necessary for determining the environmental, social (including animal welfare) and economic costs of the program

Particular questions of science and policy, some of which (however erroneous) are now dictated by the KMP, require investigation and factual review to enable a meaningful audit of the costs and benefits of the killing program as we have set them out in this submission. To support a fair and truthful assessment of the “cull”, the auditors should consider interviewing eye-witnesses and welfare, wildlife and ecology experts who are neither professional animal killers nor the five collaborative authors on whose extremely limited perspective the government has based its KMP. APA can provide a list of people who are willing to give evidence on these matters.

1. Is there any convincing evidence 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 (see 3.5.1 above)? 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 was ever 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 (see 1.9 above)? Or does the evidence suggest that the government was well aware 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 could ever be present in densities high enough to damage the environment of Canberra Nature Park, 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, along with damage done by government vehicles etc (see 4.2 above)?
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, and the recent findings regarding counting methods of the recent NSW enquiry into the commercial killing of kangaroos (see 1.1 above, and Attachment A)
5. On what scientific basis does the KMP 2017 assert that "current knowledge" estimates that one to 1.5 kangaroos per hectare is a desirable density of kangaroos, especially in view of CSIRO's evidence to the contrary and Dr Fletcher's evidence at ACAT 2013 that one per hectare was "a guess" and "wrong" (see 3.1.2 and 3.5.1 above)?
6. Is the shooting program cruel to kangaroos? What is the evidence that it is (see 3.3.1, 3.5.5, 3.7 and 4.1 above, and Attachment B)? What is the evidence that it is not?
7. Is the shooting program cruel to humans (1.8 and 3.6 above)? What is the evidence that it is? What is the evidence that it is not?

8. Is the shooting program dangerous to humans? What is the evidence that it is (see 3.4, 3.6 and Attachment D)? What is the evidence that it is not?
9. What is the basis in science or policy for the government's refusal to licence wildlife carers to rehabilitate and release Eastern Grey Kangaroos that have been orphaned or injured? (This prohibition is now mandated by the KMP 2017.)
10. In locations where development or other human activity is destroying kangaroo habitat, or where the government (for whatever reason) wants fewer kangaroos, what is the basis in science or policy for the government's refusal to licence well-proven alternatives to killing, such as translocation to private rural properties who are eager to take the animals? (This prohibition on relocating kangaroos is now mandated by the KMP 2017.)
11. 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 (see 1.11 and 4.5 above)?
12. How much of the misinformation distributed by the government officials to the media and the public on this issue constitutes wilful deception (see 1.5, 1.6 , 3.4 and 3.5 above)?
13. What were the officials' motives for this deception? Are some merely victims of a cultural mindset which forces them to defend the indefensible, in order to save their jobs or to enable them to live with themselves for decisions in which they are already complicit? Or are some actively benefitting from the deception (see 1.13 and 4.5 above)? Should the Integrity Commissioner be involved?
14. Was any risk assessment undertaken on the program before it commenced? If so, the audit should examine the Program's risk register and risk response plans.

As you can see by the length and detail of this submission, the ACT public have very sound reasons to expect that this costly program should be audited 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)