



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

This history was compiled by Frankie Seymour, one of the eye witnesses who is willing to give sworn testimony to incidents reported in this document.

1. Background

Killing of healthy kangaroos is inherently cruel because, even if every shot were to bring instantaneous death to every immediate victim:

- it inflicts trauma, grief, terror and myopathy on the family and mob-mates of the slain;
- it destroys social structure, eradicates learned mob wisdom, and reduces genetic diversity;
- it disrupts the ecosystems which support both the kangaroos themselves and other animal species; and
- it deprives sentient beings of their lives against their will.

However, this document is not about this inherent cruelty. It is about the additional cruelties, both lawful and unlawful, that are routinely inflicted on kangaroos during the ACT governments annual kangaroo massacre.

Section 20 of the ACT's Animal Welfare Act permits acts of cruelty that would otherwise be offences under the Act, providing those cruelties are "in accordance with an approved Code of Practice". In this case, the relevant Code is the *National Code of Practice for the Humane Shooting of Kangaroos and Wallabies (Non-Commercial)*, which was made as an ACT legislative instrument in 2014.

It is Section 20 of the Act, in tandem with this Code, which provides the blanket exemption that makes it lawful:

- to bludgeon pouch joeys to death or decapitate them; and
- (since 2014) to drive and trap kangaroos, despite the extreme suffering (through injury and myopathy) this is known to inflict on macropods.

Aside from the cruelty actively permitted or required by the Code of Practice, this Code is routinely breached because the shooting is not routinely monitored by independent vets, wildlife experts and/or welfare experts. Furthermore, members of the public are prevented from close observation of operations by the threat of absurdly disproportionate fine for entering land that is closed for shooting. Even those who are unfortunate enough to bear witness to cruelty from outside the close land have no recourse to the ACAT, the Ombudsman, nor to any other means of appeal. Members of the public are afraid to report cruelty or unlawful shooting to the police for fear of being arrested themselves.

Routine cruelties that breach the Code

These include:

- orphaned at-foot young abandoned to slow death by dehydration, hypothermia and myopathy, or quicker (but by no means always instant) death by car strike;
- shooting taking place in adverse weather conditions such as heavy rain, fog or high winds, all of which risk a high non-lethal wounding rate; and
- wounded kangaroo left alive to die of their wounds or suffer for hours before "mercy-shots" are delivered.

Shooting accuracy is further reduced because the ACT shooters seem to have decided to shoot in almost total darkness, relying on red dot sights to target their victims. Red dot sights have been found to be subject to point-of-aim deviation and to be especially inaccurate in cold weather (ie all the time the government's shooting is taking place). Chances of hitting the head or the heart with the first shot much reduced by this targeting method.

Indirect cruelty

Indirect further cruelty occurs when terrified, fleeing animals impale themselves on barbed wire fences, or bound into the path of motor vehicles or dams or other unexpected lethal obstacles.

These indirect cruelties result from the following government actions and failures:

- the failure to remove all internal and external barbed wire from nature reserves;
- the erection of kangaroo exclusion fencing on some reserves depriving the kangaroos of even more of their already devastatingly reduced habitat;
- although intended to exclude them, kangaroos are often found trapped and panicking inside these "exclusion" areas;
- the failure to provide an appropriate network of effective wildlife corridors (ie vegetated overpasses and underpasses) linking the reserves of the Canberra Nature Park - which are, instead, separated by busy arterial roads;
- the unremitting development on both private and public land up to the fences of the reserves.

Documented incidents of cruelty to kangaroos

The following specific reports of direct or indirect cruelty to kangaroos are listed, year by year, since 2012. The eye witnesses to these incidents are willing to give evidence in a court of law or any other official forum. Other incidents are already on the public record.

These additional cruelties would have constituted cruelty under the *Animal Welfare Act*, but for Section 20.

2008

- 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. It needs to be mentioned here because it broke the law.

This slaughter was lawfully witnessed by members of the public and numerous news media representatives who documented, filmed and broadcast acts of mass cruelty all around the world. The kangaroos were driven into small corrals and trapped there where, in panic, they hurled themselves against the fences and suffered mid-air collisions in their efforts to escape.

Section 20 of the Animal Welfare Act (see above) provides a defence or exemption for acts of cruelty to animals only when those acts of cruelty are "in accordance with an approved Code of Practice". 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* (ie not the current Code).

This Code stated that "*Kangaroos cannot easily be driven like sheep or cattle and for the larger species there is a high risk of injury... Trapping is stressful for these kangaroos and includes the risk of leg breakages and capture myopathy causing death.*"

This Code, in place at the time, 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.

2012

- An ACT government's kangaroo burial pit was found on Goorooyarroo Nature Reserves. Photographs were taken of the bodies, and one body was taken for autopsy. Highly respected wildlife veterinarian, Dr Howard Ralph, provided the autopsy report on this corpse. The young kangaroo, killed on 3 June, had been stabbed, bludgeoned and shot before dying of either asphyxiation or blood loss.

A complaint, along with the documentation, was lodged with the ACT Crime Stoppers, but the police responded that it was "not in the public interest to investigate".

Since then, ACT Policing have repeatedly declined to take any action in response to reports of cruelty to kangaroos.

2013 (commencement of shooting delayed till 11/7/2013 due to ACAT hearing)

- Eye witnesses reported motherless, at-foot joeys on the verges of Mugga Lane after shooting on Callum Brae Nature Reserve.

- On several mornings after shooting had occurred, fresh blood puddles and blood trails were found on Callum Brae Nature Reserve, indicating that some kangaroo/s had been wounded and tried to escape before dying of their wounds or being shot dead.

2014 (commencement of shooting delayed till 16/6/2014 due to ACAT hearing)

- The ACT Minister for Territory and Municipal Services, Shane Rattenbury, signed off on the new code of practice for killing kangaroos, *the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-Commercial Purposes*. Although neither the old nor the new code was, itself, mandatory, both codes provided the usual defence or exception (under Section 20) for actions that would otherwise be offences under the Animal Welfare Act.

A notable clause that was prominent in the old Code and omitted from the new Code, was the identification of driving or trapping kangaroos as a serious welfare issue for macropods (see *Background*, above).

Driving and/or trapping were therefore, *prima facie*, offences under the Animal Welfare Act because they were identified as causing stress and injury. Under the pre-2014 Code, they were not defensible or exempted under the Code. By omission from the new Code, this cruelty has, since then, been permitted.

- ACAT 2014: George Wilson, was called to give evidence at the ACAT hearing by the ACT government as an "animal welfare witness". He admitted, under cross-examination, that an entire "ghost population" of at-foot joeys is orphaned and abandoned every year because they are not counted as either "kangaroos" or "joeys".
- On all the nights of June and July, when shooting took place on Callum Brae and Wanniasa Hills Nature Reserves, there were further eye witness reports of motherless at-foot joeys along the verges of Mugga Lane and Long Gully Road.
- 28 June: Shooting took place on West Jerrabomberra/Callum Brae Nature Reserves despite heavy rain.
- 14 July: A kangaroo fleeing the shooting on Callum Brae Nature Reserve, with a pouch joey and an at-foot joey, was struck and killed by a quarry truck. The pouch joey was rescued but died on the way to care. The at-foot joey (only about 30 cm tall) stayed beside his dead mother until her body was moved off the road but could not be found to be rescued.
- A dead kangaroo was found impaled on an internal barbed wire fence on Callum Brae Nature Reserve, apparently killed while fleeing the shooting earlier that week.

2015

- 25 May: Eye witness reports of dozens of motherless at-foot joeys (not just an occasional orphan, anymore) on the verges of Mugga Lane and Long Gully Road after shooting on Callum Brae and Wanniasa Hills Nature Reserves.

One group of nine joeys, none more than 40 centimetres tall, narrowly escaped being hit *en masse* by oncoming cars on both sides of the road while trying to cross Mugga Lane.

- 4 June: The body of a dead kangaroo with a wound to its head was found trapped under one of the government's experimental kangaroo exclusion fences on Gungaharra Nature Reserve. The front part of the kangaroo was outside of the fence, the hindquarters trapped inside. It had apparently died while trying to squeeze out of the enclosure.

ACT Parks and Conservation director, Daniel Iglesias told 666 ABC Canberra that the kangaroo had been placed under the fence, claiming that the scene had been "staged for the purposes for discrediting" the government's killing program. However, placing the animal there would have been virtually impossible, since there was no way of lifting the heavy, bolted fence high enough to drag a dead kangaroo under it.

In a similar incident on East Jerrabomberra Nature Reserve in 2020, the fence had (thankfully) not yet been bolted at the top so it could easily be lifted off the trapped kangaroo. Had it been bolted in place (as it was few weeks later), that animal would have died a similar horrible death to the kangaroo on Gungaharra five years earlier.

- Not long after the death of the kangaroo under the fence in 2015, a large mob of kangaroos was observed trapped inside the same enclosure area on Gungaharra Nature Reserve, and visibly panicking in their desperate efforts to escape. This trapping of macropods would have been *prima facie* unlawful the previous year (see above), before the current Code for shooting kangaroos replaced the earlier code.

By confirming that kangaroos were indeed being trapped inside the enclosure, this observation of trapped kangaroos in the same enclosed area on Gungaharra, debunks Iglesias' claim that the kangaroo had been placed there as a stunt. Clearly, it had trapped itself in its efforts to escape just like the one on East Jerrabomberra did five years later.

- 16 June: Shooting took place on Wanniasa Hills Nature Reserve in dense fog.
- 1 July: A kangaroo protection activist alerted ACT government rangers to the distress cries of a wounded kangaroo on Wanniasa Hills Nature Reserve, a sound he recognised from a previous road-side experience. The wounded kangaroo was never found.

2016

- May: A young male kangaroo was hit by a car while fleeing shooting on Isaacs Ridge Nature Reserve. The grass he had been grazing was still in his mouth. Still alive, he was taken to veterinary care but he was dead on arrival.
- Eye witnesses again reported dozens of motherless at-foot joeys lining both sides Mugga Lane after shooting on Callum Brae and Isaacs Ridge Nature Reserves.
- May (throughout the month), witnesses reported soft "euthanasia" (head or heart) shots being delivered more than an hour after the main shooting had finished.

2017

- 16 June: An eye witness reported kangaroos being herded by vehicles from the top of Isaacs Ridge Nature Reserve down to the more open stretches of the reserve near Mugga Lane.
- 17-18 June: The morning after shooting, fresh blood puddles and blood trails were found on Isaacs Ridge Nature Reserve, indicating that some kangaroo/s had been wounded and tried to escape before dying of their wounds or being shot dead.
- 17-23 June: Further eye witness reports were received of dozens of motherless at-foot joeys lining both sides Mugga Lane after shooting on Isaacs Ridge Nature Reserve.
- June: Another dead kangaroo was found impaled on the remote corner of the fence between Callum Brae Nature Reserve and the Mugga Quarry. The body was badly decomposed suggesting it had been there for some time. The fence on which it had been trapped was too low to have impeded the movement of a kangaroo unless it was injured or fleeing in panic. It is likely the body had been there since the shooting on Callum Brae in 2016.
- 21 June: On this night of shooting, a kangaroo and her joey fled in panic into a dam on Wanniasa Hills Nature Reserve where both drowned.
- The new ACT Kangaroo Management Plan was declared as a Controlled Native Animal Management Plan, making it a legal instrument. This rendered the ACT government's annual slaughter immune to any further appeal to ACAT on any grounds, including animal welfare grounds.

2018

- Throughout the shooting, there were sporadic further eye witness reports of motherless at-foot joeys on the verges of Mugga Lane after shooting on Isaacs Ridge Nature Reserve.
- There were further reports of kangaroos being driven from the top of Isaacs Ridge Nature Reserve down to the more open stretches of the reserve near Mugga Lane.
- 20 May: A few days after intensive shooting on Gorooyarroo Nature Reserve, a kangaroo was found dead there, impaled on an internal barbed wire fence.
- 26 May: A kangaroo with a pouch joey was killed fleeing onto Long Gully Road during shooting on Isaacs Ridge Nature Reserve. The joey was rescued but did not survive.

2019

- Sporadic further eye witness reports were received of motherless at-foot joeys on both sides Mugga Lane after shooting on Callum Brae and Isaacs Ridge Nature Reserves. (Note: only a fraction of the usual number of kangaroos were independently counted on these reserves in 2019).

- Shortly before the shooting commenced in this year, vast areas of East Jerrabomberra Nature Reserve were being closed off with internal fencing similar to the fencing under which the kangaroo was trapped in 2015. This was a work in progress. The fencing was being moved around different parts of the reserve, some of it was still lying flat on the ground prior to being erected. The enclosures had padlocked gates that could be opened and closed by someone with a key. Some of these gates were open, some closed.

Signage indicated the purposes of the fencing was to study the difference in the condition of the vegetation where kangaroos were and where they were excluded. However, one day in June, around 200 kangaroos were observed trapped inside one of the exclosures. This was reported to the ACT government by the Animal Protectors Alliance. The government officer who took the call said "that's not meant to happen". The next day there were no kangaroos in the same exclosure. However, the animals must have been terrified while their imprisonment lasted.

- 20 June to 18 July: Further eye witness reports were received of (fewer) motherless at-foot joeys on both sides Mugga Lane after shooting on Callum Brae and Isaacs Ridge Nature Reserves. (Note: once again, only a fraction of the usual number of kangaroos were independently counted on these reserves in 2020).
- 13 July: shooting took place on Isaacs Ridge Nature Reserve during a heavy fog and high wind.
- 14 July: shooting occurred on Callum Brae Nature Reserve despite 45 kph winds.
- 18 July: after a night of shooting on East Jerrabomberra Nature Reserve, a juvenile male kangaroo was found trapped, exhausted and severely dehydrated, under one of the internal exclusion fences. His head and shoulders were outside the fence, his lower body still inside, so there was no doubt he had been trying to get out rather than in.

He had dug a deep hole (photo attached below) in his efforts to escape. Unlike the trapped kangaroo at Gungaharra, this youngster was still alive and conscious. Thankfully, the fence posts had not yet been bolted into the place, and were easily lifted off him. He was sedated and carried on a stretcher by two people for over a kilometre in order to be ferried to veterinary attention. Thankfully, he survived his ordeal.



Hole dug by a young kangaroo trapped under kangaroo exclusion fencing
on East Jerrabomberra Nature Reserve

2021

- 21 June: A dead kangaroo that had been shot through the eye (exit wound in the back of the head) and was still dripping blood, was found on the side of Northcote Road after shooting Mount Ainslie Nature Reserve the night before. Either the animal was shot on the road or roadside, which would have been illegal, or it had survived an agonising gunshot wound long enough to get out of the reserve and onto the roadside, indicating that the shooters breached the Code.

The least uncharitable explanation might be that the animal fell off the back of the corpse collection truck, but even this would indicate a high degree of carelessness on the part of the collectors in terms of covering and securing their load. What if the body had fallen off in traffic and caused a serious motor accident?

2022

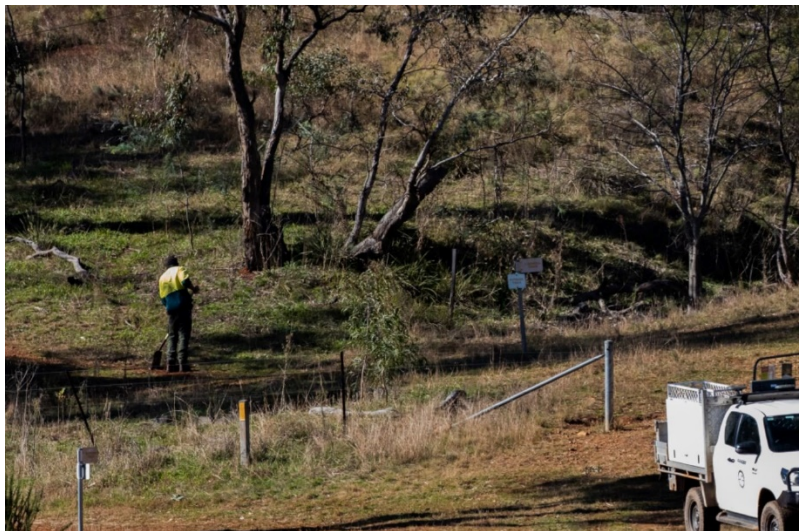
- 23-26 May and 6 June: At least 102 shots were counted at Red Hill Nature Reserve, and probably many more were fired. The heavily wooded terrain and violent winds would have made clear shots virtually impossible, while the freezing weather, heavy on wind chill, would have severely reduced the accuracy of the red dot targeting. A high non-lethal (or not immediately lethal) wounding rate would have been guaranteed in such conditions.
- 10-11 June: Extensive blood trails, as shown in the images below, were left by wounded kangaroos and several dead kangaroos were found on Red Hill Nature Reserve near the golf course.
- 15 June: A mother kangaroo and her young-at-foot, fleeing onto the road from the shooting on Majura Nature Reserve, were both killed by vehicles. Thankfully, her pouch young was rescued in time and survived.
- 28 June: More blood trails left at Red Hill Reserve off Glasgow Street. This time the trails were both inside and outside the reserve fence.



Map of extent of blood trails, on Red Hill Nature Reserve, 10 June 2022



Blood trail Red Hill Nature Reserve, 10 June 2022



Government cleaner covering blood trails at Red Hill Nature Reserve, 10 June 2022



Dead Kangaroo found on walking track between Red Hill Nature Reserve and the golf course on 10 June 2022