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Dr Marisa Paterson
Ms Jo Clay
Ms Leanne Castley

Standing Committee on Environment, Climate Change and Biodiversity

Email: LACommitteeECCB@parliament.act.gov.au

11 July 2022

Dear Dr Paterson, Ms Clay and Ms Castley

We note that, under ‘Standing Committees—Establishment’, the role of the Committee includes “to enable the citizens of the Territory to engage and to participate in law-making and policy review, to enable financial scrutiny of the Executive’s budget proposals and to review annual reports of taxpayer funded agencies”.

On behalf of the vast Canberra community of citizens who object to the ACT government’s kangaroo killing program on a wide range of grounds (debunked science, animal cruelty, risk to human life, wellbeing and amenity, and misbehaviour by government officials), we advise the Committee that the kangaroo “cull” is a matter of great concern to the ACT community generally. Since this matter is covered by your Committee, and falls directly within your area of responsibility, we request that the Committee self-refer all matters relating to and resulting from the kangaroo “cull” for your examination, and report publicly on your findings.

We note that the NSW Parliament has recently conducted an Inquiry into kangaroo wellbeing. Among many other alarming findings, the NSW inquiry found that the NSW method of counting kangaroos, which is very similar to the method used in the ACT (while counts were still being routinely conducted here), was seriously flawed.

This miscounting has resulted in very significant overcounts in NSW and it has now been confirmed to have resulted in similar significant overcounts in the ACT. The only actual direct and comprehensive count of kangaroos ever conducted on the Canberra reserves has revealed the total remaining population to be only about one fifth of the government’s 2022 population estimate. This means that the government’s “cull” target this year comprises some forty per cent of the entire population of kangaroos remaining on the Canberra Nature Park as at May 2022.

We also note that the following matters of readily verifiable fact:

- Before the commencement of the annual slaughter, there was no baseline data on how many kangaroos were present in the Canberra Nature Park, or what number was necessary for maintaining the keystone services known to be provided by kangaroos.
- There is no scientific basis, nor any citation at all in the Kangaroo Management Plan (KMP) for the assertion that “current knowledge” suggests that that one kangaroos per hectare is a desirable kangaroo density. This assertion had in fact been disproved by CSIRO in 2014, well before the 2017 KMP was written and enshrined in law.
- There is no basis in any threatened species threat abatement or recovery plan to support the Directorate’s frequent assertions that any of the named threatened species (nor any other threatened species) is at risk from kangaroo grazing in the ACT (or anywhere else).
- As recently as June this year, the ACT Conservator admitted that the government’s entire claim that kangaroos are/were overgrazing and/or damaging the environment is some absurd notion that a high biomass is indicative of high biological diversity.

The absurdity referred to in this last dot point warrants further explanation. ”Biomass” means the weight of organisms in a given area or volume. In this context, it refers to weight of vegetation. The highest weight of vegetation that occurs in grasslands or open woodlands (ie kangaroos’ preferred habitat) occurs when tall forests of grass or weeds grow where insufficient kangaroo grazing has occurred.

This towering, homogenous mass of vegetation denies water, nutrients and space to grow to other plants while precluding sunlight from reaching vast areas of the ground, and air from circulating properly. This denial of everything needed for life precludes survival of the many other plants and animal species that would normally inhabit the grasslands. High biomass on Canberra reserves therefore indicates low biodiversity, not high biodiversity.

Suggested terms of reference

The matters underpinning public complaints about the killing program, include but may not be limited to the following.

1. **The Kangaroo Management (Controlled Native Animal Management) Plan:** The Committee should consider whether it is appropriate for a Native Animal Management Plan to be legislated such that it requires the slaughter of healthy, wild-living native animals, every year, even when the Plan is revealed to include many errors of fact and assumption; and, indeed, even when there are literally no animals of that species left to slaughter.
2. **The kill calculator:** The Committee should consider whether it is appropriate for a computer program to be legislated such that it requires the slaughter of an arbitrary number of healthy, wild-living native animals, every year, irrespective of how flawed the assumptions underlying the development of the calculator are demonstrated to be.
3. **The science:** Public concerns and supporting evidence (see above dot points for some of these) about the paucity of the science underpinning the government’s kangaroo killing policy, the KMP, and the killing program, need to be properly and independently reviewed.

4. **The animal welfare issues.** The pain and distress suffered by the ACT's kangaroos require careful and compassionate examination. Issues include:
- the impact of the *ACT Code of Practice for the Humane Shooting of Kangaroos (non-commercial)* which mandates the bludgeoning or decapitation of pouch joeys;
 - the fact that there is no independent oversight of the killing;
 - documented witnessed instances of the failure of shooters to adhere to even the few protections provided by the Code of Practice (such as the requirements not to shoot in adverse conditions or in any situation where the first shot will fail to bring instant death);
 - numerous reports (confirmed by Dr George Wilson at ACAT 2014) of entire “ghost populations” of at-foot young left to die of hypothermia, dehydration, starvation, myopathy or car strike after their mothers have been killed;
 - the direct and indirect impacts of the kangaroo killing program on the families of those killed and the structure of their mobs;
 - the impact on kangaroos and other wildlife of the ongoing development of the remaining non-reserve wildlife habitat in the ACT;
 - the arterial roads that fragment the habitat of the reserves, placing kangaroos (and other wildlife) at constant risk of high speed car strike as they move around their ranges (extensive ranges, in the case of kangaroos);
 - other matters that impact directly on kangaroos such as barbed wire fencing, kangaroo exclusion fencing, weed infestation and resulting fire risk;
 - the broader impact on kangaroos arising from the desensitisation of the public conscience, as a result of the government's propaganda campaign to demonise these native animals as environmental “pests”; this appears to have led to instances of intentional cruelty and brutality.
5. **Risks to human life and wellbeing:** These matters, which could result in huge compensation costs to the ACT government, include:
- reports of shooting: within 50 to 100 metres of houses; within 30 metres of busy roads; and within five metres of people walking dogs, cycling or protesting on or near reserves;
 - trauma reported by residents near reserves who speak of having to endure hearing mobs and individuals they have known and loved for years being shot, night after, year after year, and having to explain the disappearance of favourite kangaroos, and the trails of blood on the reserves, to their children;
 - trauma experienced by opponents of the slaughter who feel ethically obligated to bear witness to it in order to gather evidence of cruelty and other misbehaviour, only to have their sworn evidence ignored by the authorities, year after year.
6. **Probity of officials.** Many false or misleading statements have been made by government spokespeople regarding the kangaroo slaughter. These may have been intentional deceit or just a result of believing assertions made by bureaucrats, without checking their truthfulness against any independent source. Either way, they merit detailed investigation.

The attached submission, on behalf of the Animal Protectors Alliance, Animal Liberation ACT and the *Save Canberra's Kangaroos* movement, details the depth of evidence that has been compiled on the above matters since the annual killing began.

Yours sincerely

Frankie Seymour
on behalf of the Animal Protectors Alliance

Carolyn Drew
on behalf of Animal Liberation ACT

Jane Robinson
On behalf of *Save Canberra's Kangaroos*

Credentials of endorsing groups and author

Animal Liberation ACT (Inc) was established in 1980 to advocate for the rights, protection and wellbeing of animals in the ACT. Its nominees have served on the ACT government's Animal Welfare Advisory group (AWAC) since 1992, and, before that, in the 1980s, on the Animal Welfare Working Group which developed the Animal Welfare Policy on which the Animal Welfare Act of 1992 was based. Animal Liberation ACT initiated and led (*inter alia*) the successful ACT campaigns against the use of battery cages, and against the use of exotic animals in circuses.

The Animal Protector Alliance was formed in 2014, initially as a banner under which unaligned opponents of the kangaroos slaughter could protest, but also for the purpose of compiling and publishing documentary evidence relating to the ACT government's kangaroo killing policy. While APA does promote other animal advocacy issues, locally, nationally and internationally, and has given evidence on issues such as battery hens at Parliamentary hearings, its primary concern remains the Canberra kangaroos.

Save Canberra's Kangaroos is a loose affiliation of ACT residents, including scientists, environmentalists, animal advocates, wildlife carers and people who live near Canberra reserves and/or use them for recreation. These are all people who have been outraged and deeply wounded by the massacre of Canberra's kangaroos. This group includes members of all three political parties whose tri-partisan commitment to the bureaucracy's ill-informed policy of killing kangaroos in the Canberra Nature Park has led this urgent need for review.

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

Submission to the Standing Committee on Environment, Climate Change and Biodiversity

Prepared by: Frankie Seymour, on behalf of the Animal Protectors Alliance
Endorsed by: Carolyn Drew, on behalf of Animal Liberation ACT; and
Jane Robinson, on behalf of *Save Canberra's Kangaroos*

This submission alerts the Committee to the urgent need for:

- an immediate cessation of all killing of kangaroos on ACT reserves;
- repeal of the ACT Kangaroo Management (Controlled Native Animal) Management Plan, and all associated legislative instruments;
- a full review of the alleged basis of the killing program;
- a full review of the conduct of the killing program, including environmental impacts, animal welfare impacts, human impacts and the behaviour of government officials; and
- a comprehensive inquiry into how such a debacle has been allowed to continue unchecked for 13 years.

It urges the Committee to self-refer this matter for urgent investigation.

1. The science debunked

About kangaroos

Being vertebrate animals, kangaroos are recognised in the ACT as sentient beings. They are also highly social and emotional beings, heavily dependent on family ties and mob structure. They grieve for loss of family and friends, as other mammals do. They depend on their mothers for education and their dominant males for protection and security. They are highly susceptible to myopathy (a physically painful and debilitating impact of stress).

Female kangaroos take two years to reach full sexual maturity and males five years. Kangaroos bear only one young a year and only in good seasons. Most young die during infancy or as juveniles, mainly taken by predators (predominantly foxes since white settlement). In the urban reserves of the ACT, juvenile mortality by car strike is likely to be higher (not lower) than elsewhere because of the arterial roads that separate and fragment the Canberra Nature Park.

Studies suggest that their populations cannot grow faster than 9-12 per cent per year under normal conditions ((1) Arnold GW, Grassia A, Steven DE, Weeldenburg JR 199, Population ecology of western grey kangaroos in a remnant of Wandoo Woodland at Bakers Hill, southern Western Australia Wildlife Research 18(5) 561-575, CSIRO Publishing, Melbourne; (2) Banks PB, Newsome AE, Dickman CR 2000 Predation by red foxes limits recruitment in populations of eastern grey kangaroos, Austral Ecology 25; 283-291).

No growth rate as high as 30 per cent, let alone the 40 per cent, as claimed on page 25 of the ACT's Kangaroo Management Plan, 2017 (KMP 2017), cited to nothing more than an ACT government propaganda sheet, has ever been observed in the field, even during exceptional seasonal conditions.

As noted even in the KMP itself (page 11), Eastern Grey Kangaroo joeys are physically dependent on their mothers for at least 18 months. There is therefore no time, within any 12 month period, where a female kangaroo will be less likely to have both a pouch joey and a dependent at-foot joey, than at any other time of year. Thus the KMP itself argues against assertions by government spokespeople that female kangaroos are less likely to have dependent at-foot young in their care during the May through July killing season. Notably, wildlife carers report that juveniles remain socially dependent on their mothers for several years after weaning.

Longitudinal studies show 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 ((1) Arnold et al 1991 *ibid*; (2) 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). Essentially they achieve Zero Population Growth.

Unless forced by confinement or extreme drought conditions, kangaroos do not graze down to rootstock as sheep do, nor do they rip plants out by the roots, as cattle do. They can travel vast distances on very little food or water, and their method of locomotion and extensive home ranges not only minimise damage to groundcover, shallow soils and surface water sources. By contrast, the hard hooves and heavy bodies of water-guzzling, methane-belching, exotic domestic animals are lethal to small native grassland and woodland animals and plants, and destructive to the banks of water courses and dams, which further impacts on aquatic ecosystems.

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).

Because of the way they graze (biting rather than gnawing or uprooting the grass) and because they routinely travel over wide ranges, kangaroos maintain a highly heterogenous vegetative landscape (ie long grass, short grass, medium grass and small patches of bare ground, maximising opportunities for other plants and animals to thrive (Ray Mjadwesch ACAT 2013). This role of kangaroos as ecosystem engineers is the reason they are identified as a keystone species even in the KMP:

The kangaroo is a true 'keystone species' whose presence appears vital to a number of other species that may disappear in its absence (KMP 2017, page 12)

This role in maintaining vegetative diversity in the Canberra Nature Park was confirmed by CSIRO in 2014 (Vivian LM & Godfree RC (2014) *Relationships between vegetation condition and kangaroo density in lowland grassy ecosystems of the northern Australian Capital Territory: analysis of data 2009, 2010 and 2013*. CSIRO, Australia) which found greater vegetative biodiversity and richness where kangaroos were present than where they were absent.

In the ACT, an individual kangaroo's home range may encompass several nature reserves, farms, horse paddocks, undeveloped land and suburban yards, but mobs, as distinct from individuals, tend to have a preferred "common room" (eg a valley, hillside, streambank) within the home range where they spend most of their time. Because their ranges are large and shared with other small family mobs, groups from different preferred "common rooms" can often be found grazing or sheltering together. Families also like to "mob up" into significantly larger groups at certain times a day.

As with other mammals (including humans) and many birds, juvenile male kangaroos disperse from the family mob as they become sexually mature. Sometimes, some of the females in the family choose to go with the males. Mostly, the breakaway group will settle elsewhere in the extensive home range; other times they may be forced to move further afield (Aldenhoven, J & Carruthers G, 1992, *Faces in the Mob*).

Because of these interactive behaviours between individuals, families and mobs, a simplistic kangaroo counting method, such as the linear transect, can easily result in double or triple or quadruple counting of the same individual kangaroos.

No baseline data supporting a slaughter, no new evidence to support it, and no review

The ACT "cull" was commenced in 2009 on the basis of no baseline data whatsoever on either:

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

Since 2009, the ACT government has produced no evaluation or cost-benefit analysis of its kangaroo killing program. Government spokespeople admit that they still have no idea how many kangaroos are left in the ACT, nor about the status of other species on the reserves following twelve years of annual slaughter of the nation's keystone native grazing animal.

There appears to have been no peer review of the government's counting methodology for estimating kangaroo population (now entrenched as part of the legislative instrument). A recent citizen science project which is, without doubt, the most thorough and extensive field survey of Eastern Grey Kangaroos ever conducted in the ACT (Robinson J and Grace J, 2022, *Eastern Grey Kangaroos in Canberra Nature Park, Population estimates and culling history 2009 – 2021*), reveals that the government's population estimates have been monumentally flawed. This report is at [Attachment A](#).

[An Attachment to this report](#) elaborates on the precise ways in which the government counts differ from the actual numbers counted, explaining all the ways in which the Directorate's methodology has managed to get its estimates so horribly wrong; so wrong, in fact, that they hired guns currently killing kangaroos in the ACT have been authorised to kill 1650 kangaroos. This is forty per cent of the entire actual population of kangaroos remaining in the Canberra nature reserves.

Notably, the NSW government's very similar methodology for counting kangaroos for "harvesting" purposes was also exposed as wildly inaccurate during the 2021 NSW *Parliamentary Review of the Health and Wellbeing of Macropods* 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?msckid=465b974cbc6011ec91bfad2affea3b56>).

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* (Brooks, David, *Roogate, 2016*, supplement to *The District Bulletin*), published in the *District Bulletin* (a local newspaper which covers the capital region environment), makes a number of points about this group of eight 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 independent authorities.

Thirdly, and most importantly, he notes that, in any case, none of these papers actually say what the government claims they are saying.

In response to representations regarding the kangaroo slaughter last year, Minister Vasserotti sent out, along with her usual unhelpful form letter, a set of additional papers, none of which addressed the concerns raised in the representations.

Kangaroos per hectare

At ACAT 2013, Dr Fletcher had described the idea that 1.0 per hectare is a desirable density of kangaroos as "a guess" and "wrong". In 2017, KMP 2017 promoted this wrong guess to "current knowledge" without any citation of a source for this change of status. The only new evidence to come to light between 2013 and 2017 was the CSIRO Plant industries analysis in 2014 (Vivian LM & Godfree RC, 2014, *ibid.*) which debunked the assertion.

This study, which used the Directorate's own data, found that:

- few of the sites where data were collected had more than three kangaroos per hectare;
- three kangaroos per hectare appeared to have no greater impact on the vegetative ecosystem than one per hectare; and
- the vegetation on the reserves where there was at least one kangaroo per hectare was richer and more diverse than where there were no kangaroos.

It should also be noted that the "per hectare", as interpreted by the Directorate, is based on the area covered by a reserve in a two dimensional map, rather than based on the topography. By way of illustration of the significance of this error, we note here that the surface area of Tasmania is greater than that of NSW because Tasmania is so much more mountainous.

Mistaking kangaroo movements for a high breeding rate

The KMP asserts that kangaroo population growth in the ACT can be as high as 40 per cent per year, and factors this into its estimates of numbers of kangaroos present and its mandated numbers to be killed.

At ACAT 2013, Dr Fletcher agreed that this growth rate, along with several of the government's 2013 population estimates for some of the Canberra reserves, was biologically impossible by reproduction alone. He attributed the increased numbers recently counted on some reserves to "inward migration" - in other words to kangaroos moving around the landscape (see above).

This double, triple and quadruple counting of kangaroos is probably the main reason for the government's wild overestimates of numbers present and numbers to be killed (see below). They have counted more kangaroos along their transect line than they counted last year, and attributed this to population growth, whereas; if they bothered to check, they would find there has been a corresponding drop in the population in an adjoining reserve, or farm, or off-reserve habitat.

Wildly exaggerated kangaroo counts

Even if the 1.0 to 1.5 density had some basis in science, and even if the flawed and simplistic linear transect counting method had any credibility for kangaroos, there is no plausible reason to accept any of the government's estimates of kangaroo populations on the reserves since the killing started.

The counting methods, even when any are/were used, varied not only from reserve to reserve but also from year to year, ensuring that there were no meaningful trend (time series) data for any reserve, nor any means of comparing data between reserves. It has been a very haphazard and unrealistic method of estimating wild animal populations.

Since 2017, kangaroo population estimates and consequential numbers to be killed have been based (by law), not on any kind of count, but on figures produced by a desktop calculator program. This program presumably includes the erroneous parameters mentioned above, for example, the biologically impossible (up to 40% per year) population growth rates suggested in the KMP, the failure to take topography into account in the number of hectares comprising a reserve, and the “wrong guess” of a 1.0 per hectare “desirable” density.

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

Assertions of overgrazing

At ACAT 2013, it was revealed (on the public record) that the sole basis for the government's assertion that kangaroos need to be “culled” to prevent overgrazing is that kangaroos, being grazing animals, do, in fact graze.

Grazing, Fletcher argued to ACAT, reduces biomass, and more biomass equals more “structure” which equals more biodiversity. This is utter nonsense. Biomass cannot be used an indicator of biodiversity. Mass (ie weight) of a tonne of organisms tells us zero about the diversity within that tonne of organisms.

In fact, it would be difficult to think of a more illogical argument. Yet the Conservator repeated this same illogical argument in a public statement in June this year.

It is especially reprehensible that this outrageous assertion is still being made when an actual study, using meaningful indicators of biodiversity (ie comparative diversity and richness of vegetation present across studied sites with various densities of kangaroos present), has been undertaken on the Canberra Reserves (Vivian LM & Godfree RC, 2014, *ibid*). As noted above, this study found that:

- “few sites had kangaroo densities that exceeded 3 per ha”;
- “richness and diversity tended to be highest when at least some kangaroos were present” – ie not where tall vegetation (associated with lower kangaroo densities) was present;
- it “could not identify any upper limit of kangaroo density beyond which vegetation richness, diversity and overall condition declines”.

No threat to any threatened species

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

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

Current situation

Deaths to date

Against this backdrop of a total absence of data or research to support either the commencement or the continuation of "culling" must be set the 30,000 kangaroos that have been killed by government contracted shooters, in the Canberra Nature Park alone, since 2009. Thousands more pouch joeys have been bludgeoned to death or decapitated, and dependent at-foot joeys orphaned to slower death from hunger, dehydration, hypothermia and myopathy.

Sixty thousand more kangaroos (not counting joeys) were killed by ACT landholders 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.

From publicly available ACT government data sources (cited by Mr Mjadwesch at ACAT 2013), we know that, due to land use changes (city/urban areas, and heavily modified rural landscapes), Eastern Grey Kangaroos were at that time already extinct across at least 26.6% of the ACT; and under pressure across 29.9% of the ACT, due to agricultural activities including loss of habitat (including pine plantations), shooting on private rural leases, and shooting in reserves.

Current state of the Reserves

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 from the reserve trails or nearby roads.

While kangaroos are now hard to find, what is, on the other hand, extremely visible on many reserves at the moment is a massive infestation of weeds, hectares of them, including saffron thistle, Scotch thistle and blackberry brambles. Notably, it is only since the removal of kangaroos *en masse* from the Canberra Nature Park that this *en masse* infestation has occurred. This is not surprising given the role of kangaroos as a keystone native grazing animal.

It is also now quite difficult to see kangaroos anywhere in urban Canberra. Residents near Reserves such as Mount Ainslie, Isaacs Ridge and Farrer Ridge 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.

Other and consequential threats to the reserves, kangaroos and other native wildlife

As well as the government's ongoing kangaroo extermination campaign, and the resulting weed infestations and associated fire risk, the major threats to both the reserve ecosystems and the scant remaining kangaroos who still survive there are:

- urban development close up to the reserve fences;
- fragmentation of reserve systems by road networks;
- barbed wire fences;
- internal kangaroo exclusion fences;
- shooters' vehicles churning up the reserves;
- replacement of appropriate grazing regimes by kangaroos with inappropriate grazing regimes by cattle.

Fencing and motor vehicles appear to take their worst toll on kangaroos and other wildlife during the government slaughter when terrified animals impale themselves on barbed wire, become trapped trying to dig their way under exclusion fencing, or escape the reserves only to plunge into the path of cars zooming along the surrounding roads.

Below are some examples of developments over the last two decades that have destroyed remnant off-reserve wildlife habitat adjoining or close to the Reserves, and further isolated the reserves from each other:

- the suburb of Googong which appeared after the ACT government's 2004 "cull" on the Googong Dam Reserve (this is in NSW, but managed by the ACT government);
- the suburb of Lawson which appeared after the 2008 "cull" at the Belconnen Naval Transmission Station;
- the suburb of Throsby which backs onto 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, all of which are routinely "culled";
- the extension of the Mugga Lane Quarry near Isaacs Ridge, Mount Mugga Mugga and Callum Brae Nature Reserves;
- a private crematorium proposal for land that backs onto Callum Brae Nature Reserve;
- the Long Gully Solar Farm on the Rose Cottage Horse Paddocks (which has been "culled") near Wanniasa Hills Nature Reserve which is routinely culled;
- the proposed Southern Memorial Park and new cemetery on the Rose Cottage Horse Paddocks near Wanniasa Hills Nature Reserve;
- yet another proposed housing development at Red Hill (where tame and trusting kangaroos are being slaughtered, as part of the mass slaughter, across the CNP for the first time this year); and
- the Majura Parkway and the Majura solar park backing onto Mount Majura Nature Reserve.

Shooters routinely drive heavy vehicles through the reserves, searching for mobs to shoot (searching ever further as the mobs become fewer and harder to find), crushing as they go the very native plants and

threatened species the government claims to wish to protect. Even heavier vehicles crush the life out of the reserves as they move through them searching for bodies of shot kangaroos to collect and remove.

Suffering and distress

The role of the Code of Practice

Any program that involves large-scale shooting of entire communities of highly social and socially dependent animals that are known to be particularly susceptible to myopathy, remains inherently cruel. However, in Australia, it is the Codes of Practice that ensure a scale of cruelty that would otherwise be prohibited under animal welfare law.

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).

Attachment B explains the role of the Code or Practice in both allowing and mandating acts of cruelty, such as bludgeoning joeys to death, that would otherwise be cruelty offences under the Animal Welfare Act.

Attachment B also notes the further weakening, in 2014, of the already weak protections provided under the ACT's former Code of Practice for killing kangaroos (*Code of Practice for the Humane Destruction of Kangaroos*), which was developed in the early 1990s. Against the advice of the ACT government's own Animal Welfare Advisory Committee (AWAC), the Minister replaced the older Code with the National Model Code of Practice (*ACT Code of Practice for the Humane Shooting of Kangaroos (non-commercial)*).

National Codes are generally characterised as the “lowest common denominator” of consensus across all state governments. They are not intended for unamended or uncritical acceptance by all jurisdictions, but rather for adaptation to local conditions (short of weakening the provisions).

As noted above, kangaroos are very prone to myopathy especially when chased or trapped. The old ACT Code of Practice identified driving and trapping kangaroos as cruel and unacceptable. The 2014 Code fails to prohibit the driving and trapping of kangaroos. The cruelty of driving kangaroos has been witnessed many times on ACT reserves during the government slaughter, especially on Isaacs Ridge Reserve (see Attachment B).

Direct cruelty

A year-by-year account of the suffering of kangaroos witnessed or recorded by members of the public during the government's slaughter since it began is at Attachment B. This includes accounts of the highly visible cruelty that took place during the slaughter at the Belconnen Naval Transmission Station (BNTS) in 2008; and the young kangaroo found in the government burial pit in 2012 who had been stabbed, shot and bludgeoned before dying of suffocation or blood-loss. The autopsy report, by a respected wildlife vet, Dr Howard Ralph (Ralph, H, 15 June 2012, *Report Pertaining to Eastern Grey Kangaroo*) is at Attachment C.

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

- shooting routinely occurs without oversight by independent vets, wildlife experts and/or welfare experts; and/or
- the institutions with the authority to prosecute acts of cruelty (ie the Police, the RSPCA, the magistrates who have the authority to call injunctions) decline to take action when unlawful cruelty is reported. This is partly because none of them are properly trained in animal welfare law, and partly because of the two layers of evidence required to prosecute a cruelty offence: a breach of the Code and a breach of the Act.

The Police are simply not trained in animal welfare law, or (perhaps) consider it too hard, or beneath their dignity. They are all too willing to believe the assertions of Parks and Conservation officials. For reasons never explained, in the case of the autopsied body from the burial pit at Goorooyaroo Nature Reserve in 2012, ACT Policing arbitrarily decided it was “not in the public interest” to investigate the crime.

The RSPCA are terrified of offending the ACT government on whom they rely for funding. In the case of the BNTS, the RSPCA were, additionally, revealed to have completely misunderstood the role of the Code of Practice.

Orphaned babies

Attachment B reports year-by-year eye witness accounts of dozens of at-foot joeys waiting on roadsides and along reserve fences after their mothers have been shot. Almost impossible to catch, these babies suffer slow death by dehydration, hypothermia and myopathy, or quicker (but by no means always instant) death by car strike.

At ACAT 2014, Dr George Wilson, who owns a business engaged in the commercial killing of kangaroos, was called as an expert witness for the government’s case. Wilson confirmed (under cross-examination) that entire "ghost populations" of orphaned at-foot joeys are left to die every year because they are classified as neither kangaroos or joeys.

Shooting in adverse conditions

Attachment B lists, by date, instances where shooting has taken place in adverse weather conditions such as heavy rain, fog or high winds, all of which risk a high non-lethal wounding rate. According to the Code of Practice, shooting in adverse conditions “must not occur” (Section 2, paragraph 1). Accurate shooting is further impeded in woodland where getting a clear shot at any target is almost impossible.

To make accuracy even more unlikely, the 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 (Green Eye Tactical, 2017 *Comparative Study of Red Dot Sight Parallax*). Chances of hitting the head or the heart with the first shot, as required by the Code of Practice (Section 2.5 (i)), are much reduced by this targeting method.

In view of all this, it is not surprising that direct eye-witness (or rather “ear witness”) accounts from reserve watchers have reported long time lags between the cessation of normal shooting and the commencement of euthanasia shooting. This means that wounded kangaroos are left alive to die of their wounds or suffer for hours before "mercy-shots" are delivered.

During this year's slaughter during violent winds in the heavily wooded terrain of Red Hill Nature Reserve, the non-lethal (or not immediately lethal) wounding rate was apparently so high that blood trails were left across a substantial portion of the reserve. The blood was so extensive the government sent in workers to clean it up before cyclists and walkers arrived for their morning exercise.

Indirect cruelty

Attachment B lists a number of instances of indirect cruelty to kangaroos. These have occurred when terrified, fleeing animals impale themselves on barbed wire fences or become entangled in regular fences, or trapped inside or outside or underneath internal kangaroo exclusion fences, or bound into the path of motor vehicles, or into dams, or into other unexpected lethal obstacles.

In 2015, 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. He had been trapped inside the exclusion fence, not outside it.

Similarly, in 2020, 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 enclosure, his lower body still inside, so there was no doubt he had been trying to get out rather than in. Thankfully, this fellow was rescued in time and survived his ordeal.

Attachment B also relates several incidents where kangaroos, apparently fleeing in panic, have been found after shooting - impaled on barbed wire fences (three instances), drowned in dams (one instance), or hit by cars just outside the reserve (numerous instances).

Impact on humans

Risk to human life

The government's killing program has often put human lives at risk. A list of these incidents, by year, is provided at Attachment D.

In particular, we draw your attention to the formally documented incident in 2015, which is explained in detail in the Attachment. On this occasion, shooting took place illegally near the Centenary Trail in the Rose Cottage Horse Paddocks (RCHP). The ACT Police declined to take any action to ensure human safety because they were misinformed by a government ranger that the shooting was legal. Consequently, the dangerous shooting continued.

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

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

The protestor who had reported the illegal shooting was arrested a week later for blowing a whistle to warn the shooters (who, on that occasion, were actually in the reserve) that they were shooting too close to the reserve fence. Since then, most eye witnesses to dangerous shooting are now afraid to call the police when they feel their lives are in danger, fearing they will be wrongfully arrested themselves. There is a perception among lawful protestors and people who live near the reserves that reporting a crime has somehow now become a crime.

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

Impacts on human wellbeing

Risk to human lives is not the only impact the government's killing program inflicts on ACT citizens. Many members of the public are suffering from trauma and post-traumatic stress as a direct result of the shooting on the suburban nature reserves.

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

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

Several people have been driven to seek medical help for anxiety, grief and depression, heart palpitations, the shakes, nausea, flashbacks and persistent nightmares and other standard symptoms of trauma and post-traumatic stress. It is important to note that this trauma is not just a one-off; it has become an expected, sustained and recurring annual trauma for thirteen years now.

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

Probity and truthfulness of bureaucrats and politicians

Early instances of deceit

A substantial part of our submissions to the Commissioner and the Auditor General relate to the misinformation, contradictions and outright lies government spokespeople have published and repeated in defence of the government's slaughter. This began long before the annual slaughter commenced, at Googong Reserve (managed by the ACT), in 2004. Government spokespeople claimed that kangaroo overgrazing was damaging the Googong Dam water supply.

A vast quantity of material, including numerous emails between government officers and other parties was released to Animal Liberation ACT under FOI. This information revealed that there was no documented evidence of damage by kangaroos, whose population had already crashed during the drought; and that the impetus for the slaughter was, in fact, from local sheep farmers who believed kangaroos from the reserve were moving onto their properties and taking scant pasture they wanted to keep for their sheep (ACT government, 2004, Freedom of Information material).

Animal Liberation ACT analysed this information and brought their conclusions to the attention of the Chief Minister who, as usual, declined to address the issues raised but sent the usual form letter in reply.

Prior to the slaughter at the BNTS in 2008, government spokespeople claimed the kangaroos inside the Station enclosure were starving. The kangaroos were essentially trapped inside kangaroo-proof fencing, enclosed between three major highways. However, they had an abundant water supply, and a still green corridor surrounded the creek.

The animals were observed closely by experienced animal welfare experts and wildlife carers, all of whom concluded that the animals, though obviously suffering (as all wild animals do) from the prolonged drought, seemed to be in generally good condition.

The slaughter proceeded, despite numerous offers by kangaroo-friendly local landholders to take the kangaroos. Some bureaucratic excuse about not letting ACT kangaroos cross the border (like kangaroos don't do it by themselves every day) was used to reject a flawless translocation and soft release proposal prepared by Wildcare Queanbeyan, a group with extensive experience in translocating kangaroos from development sites.

Since then, the government has used the "starving" lie to justify killing kangaroos during adverse environmental conditions when kangaroo populations are crashing naturally (largely due to cessation of breeding rather than starvation), then toggled to the "too many of them, damaging the environment" lie whenever the drought breaks and conditions improve.

This cynical catch-all is used to justify the killing of kangaroos any time the Directorate wants to kill kangaroos.

Probity of officials in the compiling the KMPs

Given that, on the recommendation of government officials, KMP 2017 is now a legislative instrument, unassailable through normal administrative review and appeal channels, it is important to identify the false assertions that appear in the KMP itself. We apologise if this repeats information presented in other contexts in this submission.

1. KMP 2017 asserts, without any citation to a source, that 1.0 kangaroos per hectare is a desirable density of kangaroos, characterising this a "current knowledge" (Page 45, Section 5.3).

However, by 2017, the authors of the KMP had access to the only study ever undertaken in the ACT on the actual impact of kangaroos on biodiversity, namely the CSIRO report of 2014 (see above), commissioned by the Directorate itself, based on the Directorate's own data.

The CSIRO report found that up to three kangaroos per hectare (no more than three per hectare having been found on any reserve) had no greater or lesser impact on vegetative diversity and richness than one per hectare.

The authors of KMP 2017 were therefore well aware that their one per hectare assertion was wrong when they included and published it.

2. Page 25 (Section 6.9.1) of KMP 2017 asserts that kangaroo population growth rates in the ACT can be as high as 40 per cent.

As mentioned above, at ACAT 2013, Don Fletcher admitted that this was biologically impossible and that the apparent growth in population on some reserves was due to kangaroos moving around, between reserves, and between a reserve and off reserve habitat.

The authors of KMP 2017 were therefore well aware of this admission, when they published the impossible figure of 40 per cent in KMP 2017.

Probity of officials in recommending KMP 2017 as a legislative instrument

One critical question the ACT MLAs themselves should be asking is whether the government officials who recommended that KMP 2017 be made a legal instrument truthfully, fully and fairly represented the implications of this decision to the Minister and Members of the Assembly.

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

It is the MLAs who passed the legislation allowing this disaster who will be held accountable by history for this tragedy.

Breaches of licences

The ACT government has permitted several demonstrably unlawful activities to take place in the course of kangaroo shooting over the last thirteen years, primarily breaches of killing licences prior to 2017.

The killing licence used in 2015 was ruled to be invalid by the Magistrates Court in 2015, and the ruling confirmed by the Supreme Court in 2016. While this invalidity was almost certainly an innocent mistake, the fact that the government commenced killing under the same invalid licence in 2016, after the magistrate's ruling, and continued killing under it after the Supreme Court ruling in 2016, is indicative of the arrogance and heedlessness of the decision makers in the Directorate.

It is also possible that the omission of the largest block (Block 1693) of the Rose Cottage Horse Paddocks (RCHP) from the licence for shooting on the RCHP in 2015 (see [Attachment D](#)) was an oversight. But it seems more likely Block 1693 was intentionally omitted because this block includes part of the Centenary Trail which is well used by the public, even on winter nights (often the only opportunity working people and dogs have for exercise).

Nevertheless, when shooting was reported to have occurred on this Block, the Directorate's response was – the very next day – to simply amend the licence to include Block 1693 (ACT Government,

Freedom of Information material). Given the ongoing risk to humans (and dogs) using the Centenary Trail, this was a completely irresponsible response to an unambiguous mistake.

Since 2017, the allowance of KMP 2017 as a legislative instrument has dispensed with the need for the government to impose any conditions on itself for the purposes of killing kangaroos; therefore there are no longer any licences for shooters to breach.

Direct law breaches

In 2016, it came to light through the media that silencers had been used illegally on guns during the kangaroo killing. It appears that, instead of taking action against those who broke the law by using silencers, the government - again - simply legalised silencers, with all the further risk to human life which that entails. Again, this was an irresponsible and an inappropriate response to a breach of a law which is intended to protect public safety.

Code of Practice breaches

The Directorate appears to be just as irresponsible and uncaring in relation to breaches of the Code of Practice.

1. At the BNTS in 2008, the Code of Practice in place at the time identified driving and trapping kangaroos as placing the animals at a "high risk of injury" and stated that trapping kangaroos "is stressful for these kangaroos and includes the risk of leg breakages and capture myopathy causing death".

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

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

2. The killing of the kangaroo found in a government burial pit after being stabbed, shot and bludgeoned and finally dying of suffocation or blood-loss, clearly breached 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 is required.

This failure to adhere to the Code, resulting in extreme cruelty to an animal, once again constituted an offence of cruelty under the ACT Animal Welfare Act, 1992.

Nevertheless, ACT Policing decided that it was not in the public interest to investigate the crime.

3. 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 Section 3.3 of the Code of Practice. There being no defence or exemption under Section 20, they consequentially also breach the ACT Animal Welfare Act.
4. Eye witnesses have repeatedly reported shooting taking place in adverse weather conditions and in wooded (low visibility) landscapes (eg Red Hill, Mount Ainslie, and Mugga Mugga Nature

Reserves). This shooting breached Section 2, paragraph 1 of the Code of Practice prohibiting shooting in adverse weather conditions, and also Section 3.3 of the Code because of the high risk of failing to achieve instant death with every shot.

5. Blood puddles and blood trails found on reserves after shooting (see Attachment B), most recently this year on Red Hill Nature Reserve, indicate that kangaroos have sometimes lived long enough after being shot to hop or drag themselves some distance before dying of their wounds or being dispatched. This bears further witness to breaches of the Animal Welfare Act resulting from failures of shooters to adhere to Section 3.3 of the Code.

Misuse and failure of legal instruments

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

1. *Nature Conservation Act*: Government officials have cynically used clauses of the Nature Conservation Act, intended for preventing the harming of native animals, to impose preposterously high penalties on people protesting against the harming of native animals, and people attempting to monitor the harming of native animals.
2. *Criminal Code*: In 2015, this was misused to arrest and prosecute a protestor for no more than blowing a whistle to alert the shooters to his entirely lawful presence within metres of the shooting.
3. *ACT Policing*: In 2015, dangerous and unlawful shooting on the RCHP that had been reported to the police continued because an ACT Parks and Conservation official misinformed the police that the shooting there was legal.
4. *The Police Ombudsman*: The failure of the police to act to end the illegal and dangerous shooting on the RCHP in 2015 was referred to the Police Ombudsman, who dismissed the complaint on the grounds that the matter had been dealt with in "a recent court case". In fact, nothing relevant to the matter had ever been raised during any court case.

Even though the information provided to the Police Ombudsman was extremely clear, he had apparently confused the reporting of the shooting on the RCHP with the arrest of the same man who had reported it, a week later, when the shooting was on Wanniasa Hills Nature Reserve, not the RCHP.

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

Both the government FOI officer and the FOI review officer declined to release information about any licences (other than the one for the RCHP which, by then, has already been reported in the media) for shooting on open (non-reserve) public land. The grounds they gave for this refusal were that the licences had been issued to private companies contracted to manage the land (on behalf of the public, at public expense) and were therefore considered to be commercial-in-confidence.

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

Additionally, this decision by the FOI officers has meant that members of the public might, lawfully and unwarned, enter non-reserve public land while shooting is underway, unknowingly putting their own lives at risk.

6. *The Commissioner for Sustainability and the Environment*: the Commissioner in 2014, Mr Robert Neil, was responsive to a comprehensive dossier of information provided to him by Regional Friends of Wildlife, regarding the government's killing program; but Mr Neil moved to another job before managing to elicit any useful response from the Directorate. Subsequent Commissioners have been arrogantly dismissive of all requests on matters relating to the kangaroo killing, providing glib and misinformed responses to the issues raised.
7. *The Auditor General*: the Auditor's Office has twice rejected public request for an urgent audit (2017 and 2022) of the government's kangaroo killing program, claiming that its quota of reviews for the coming year is already full. Surely, in the five years since the Office was first put on notice about this matter, there has been ample time for the Auditor's Office to have slotted this desperately urgent and highly controversial matter into even the tightest agenda.

Failures of administrative review process

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

The expert evidence that was placed before the Tribunal members at the kangaroo hearings in 2009 and 2013 was rejected in favour of the evidence provided by the government spokespersons, including Dr Fletcher, despite some remarkable revelations.

At ACAT 2013, Dr Fletcher revealed that:

- the Directorate's claim that an objective of the kangaroo killing was to protect threatened species was "spin" and "PR";
- the sworn evidence that Dr Fletcher had given to ACAT in 2009 that kangaroos are sedentary and do not move around much was, in fact, wrong;
- the Directorate's claim that 1.0 kangaroos per hectare was a desirable density was "a guess" and "wrong";
- Dr Fletcher's own (and consequently the government's) belief that "overgrazing" by kangaroos was damaging the Reserve ecosystems was based, in its entirety, on an assumption that taller grass provides "better structure" for biodiversity than shorter grass (see discussion above).

Notably, at ACAT 2009, Fletcher had asserted, to support killing kangaroos, that kangaroos do not move around much. In 2013 he used the opposite assertion, that they do move around (a lot), once again to support killing kangaroos.

On this occasion, Fletcher quoted data gathered after the Googong slaughter in 2004 in support of his reversal of position. Yet, since the data from 2004 was available to Fletcher in 2009, it is unfathomable to us that it did not inform his evidence to the 2009 ACAT.

ACAT allowed him to get away with all this contradiction and sophistry.

The Tribunal recognised that Dr Fletcher was appearing as a government spokesperson, not an expert witness, but this did not stop the Tribunal from accepting his evidence over that of the only expert witness who gave evidence at the hearing (ie Mr Ray Mjadwesch). Mr Mjadwesch is a professional ecologist, holding a BA App Sci (Environmental Technology) with a double major in chemistry and biology, who makes his living as an environmental consultant, and who had 15 years experience doing so at the time of the hearing. Clearly it should not have been a question of whether Dr Fletcher was (technically) more highly qualified (holding a PhD) because Dr Fletcher should have been disqualified by his role as a government spokesperson.

Additionally, many members of the public believe that the ACAT challenges were lost before they began because the panel president in 2009 and 2013, Bill Stefaniak had admitted that he had, himself, shot kangaroos.

If anything, the behaviour of the ACAT Tribunal in 2014 was even worse than the 2013 Tribunal. The 2014 Tribunal gave no reasons at all for its decision in favour of the government other than a blanket (and highly offensive) rejection of the credibility of several widely respected expert witnesses who gave evidence at that hearing.

Misleading claims that the Code of Practice ensures the massacre is humane

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

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

In any case the Directorate takes no action to enforce the provisions of the Code (such as they are).

Defaming and endangering opponents of the slaughter

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

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

In fact, as a result of these false assertions, some of our members have been harassed and threatened by members of the public, and sometimes by the police who have apparently believed, without evidence, the government's accusations. On some occasions our own cars have been vandalised.

Misrepresentation of the actual numbers killed on reserves

The government's claims of numbers killed on the reserves since 2009 is, on the one hand, hugely understated because it does not include pouch young who are bashed to death or decapitated, nor dependent at-foot young who escape only to die of dehydration, hunger, hypothermia, myopathy or car strike (ACT government, 2021, Freedom of Information material).

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

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

Misleading representation of public opinion

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

The reality of public opinion appears to be very different from the government's claims. More than two thirds of the public submissions regarding the draft KMP 2017 opposed the killing of kangaroos. No changes were made to the draft document as a result of any of these submissions.

An Internet petition against the "cull" collected 90,000 signatures in less than 12 months, and an earlier petition collected more than 100,000 signatures (note, this is worldwide, but still significant). This year, a hardcopy petition collected over 800 handwritten signatures of ACT residents in only three weeks.

Misrepresentation of the Kurahaupo review as an academic peer review

The government has cynically touted its Kurahaupo "review" of the government's killing program as a peer review. This document was even sent out by Minister Vasserotti, last year, to members of the public in response to complaints about the government's kangaroo killing program - as though it had some credibility or relevance to their complaints.

The accepted meaning of the term "peer review" in the minds of the general public is a review of a scholarly paper by fellow scholars. This is something to which the Kurahaupo document bears no resemblance.

This so-called review 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 public acceptance 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.

Misleading claim of cattle providing "ecological" grazing

The government is now allowing farmers to graze livestock on reserves or other public land that has been emptied of kangaroos by "culling". Officials have put up signs calling this "ecological grazing", claiming it is necessary for preventing bushfires.

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

Has anyone benefitted improperly from the government's killing program

Given the absence of any conservation reason for killing kangaroos on the CNP and the innumerable untruths government spokespeople have told to try to justify it, many members of the public are speculating as to the real reasons for the government's kangaroo killing program.

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

If the MLAs have been conned, it begs the question: "What's in it for the bureaucrats?" Could it really be just the nearly \$1m per year the Directorate receives for conducting the slaughter?

Many members of the public have suggested alternative possible explanations which may be plausible enough to warrant closer examination.

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

Given that the government has repeatedly claimed to have killed more kangaroos on reserves than were independently counted there prior to the commencement of the year's "culling", it seems quite possible that farmers on properties adjoining the Reserves, in order to save themselves the bother and expense of organising their own contract with shooters, may be allowing the government shooters to either (1) shoot on their land or (2) drive the kangaroos off their land onto the reserves to be shot.

Another plausible source of personal benefit for government officials might be from fast-tracking approvals of ecologically damaging development proposals such as those listed above. 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 may have an incentive to save themselves the expense and bad PR of

killing kangaroos on their proposed development land, and may be very glad to get the government to do it for them under the guise of a "conservation cull".

Another (much wilder) theory that has been brought to APA is that the current weed infestation of the reserves is deliberate. As these (mostly deciduous) weeds die back in the winter, or are poisoned by Parks and Conservation officials, they will be ripe fuel for wildfire, come the next El Nino event. Fire would annihilate any remaining conservation value on the affected reserves, leaving no reason not to rezone the land for further development.

A further opportunity for corruption is the illegal sale of kangaroo bodies to the pet food market. As mentioned above, some 27,950 kangaroos, not counting joeys, had been killed on the reserves from 2009 and 2021. This represents over a million kilograms of kangaroo meat. Other than the burial pit found in 2012, we have not been able to establish exactly where these animals have been buried or otherwise disposed. 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.

Suggested remedies

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

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

We urge you to use every tool at your disposal to stop the ACT government from devouring every scrap of remaining wildlife habitat, and from eradicating not only the last of our kangaroos but also every other wild native plant and animal that still survives in the ACT.

The following recommendations show a way to begin that process.

- Refuse all further applications for developments on remnant wildlife habitat in urban Canberra, and extend the CNP to include this land. This will break the self-perpetuating cycle of development, people, services, development, people, services, development etc.
- Repeal KMP 2017 as a Controlled Native Animal Management Plan, and repeal the section of the Nature Conservation Act that allows for the making of Controlled Native Animal Management Plans as legislated instruments.
- Repeal Section 20 of the Animals Welfare Act.
- Replace the *Code for the Humane Shooting of Kangaroos (non-commercial)* with a new code which provides guidance for non-violent coexistence with kangaroos and other wildlife, including mandatory clauses regarding the euthanasia of mortally sick or injured wild animals.

- Prohibit all killing of native wildlife in the ACT, for any reason other than euthanasia of suffering individuals who have no hope of recovery.
- Enable relocation of unwanted kangaroos to safe properties where they are still valued, both inside and outside the ACT.
- Enable wildlife carers in the ACT to rescue, rehabilitate and release Eastern Grey Kangaroos.
- Remove all internal and external barbed wire from both the reserves and any other remnant wildlife habitat.
- Remove all internal kangaroo exclusion fencing from the reserves.
- Impose strict speed limits and install speed cameras and traffic calming devices on all roads bordering reserves.
- Build a network of effective wildlife corridors (ie wide, vegetated overpasses and underpasses) to link all the reserves in an unbroken chain, enabling wildlife to migrate and disperse safely throughout the Canberra Nature Park.
- Erect kangaroo exclusion fencing only around the borders of reserves and only where it will be effective in funnelling wildlife away from the roads and towards the safe crossings.
- Promote the linked network of the Canberra Nature Park as a world class tourist attraction for Australian and international tourists. Imagine being able to walk the length and breadth of urban Canberra without crossing a single road!

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

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)

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- ACT government, 2021, Freedom of Information material

