

Dr Varvaro's thesis evaluates how the ACT Government manages kangaroos through the New Public Management (NPM). Below is a link to NPM and whether it works. Put simply NPM imposes the business model of efficiency and cost-effectiveness on the public service. The PS has much broader responsibilities than just making a profit. The so-called “efficiency dividend” is a good example of NPM being imposed on the PS and after 40 years hasn’t worked!

The link says “the most notable example is the experience of the Nordic countries, which show that respecting core public values like impartiality and equity is not only compatible with incorporating managerial values like efficiency and efficacy, but they may be complementary”. Like the Federal Government, the ACT Government has simply lost sight of core public service values in pursuit of profit sharing with developers.

<https://anzsog.edu.au/insights/has-new-public-management-improved-public-services>

With a thesis of 434 pages, I recommend reading the Chapter 8 Conclusions as it provides a good summary of the work Kathy did. Below are my points across the entire thesis.

- Early research into kangaroo management originated from researchers closely aligned with the commercial kangaroo culling industry. A model was developed for the animal-industrial complex to maximise the production of pasture.
- Centrally positioning agriculture as the frame through which to view wildlife management has reinforced the historical construction of kangaroos as either pests or resources.
- Key ecologists who support the killing of kangaroos in the ACT are also strong advocates for the commercial culling industry more broadly and for transforming the ACT’s operations into profitable ventures.
- More recent knowledge concurs that pasture growth is minimal below 8°C. The average lowest temperatures in the ACT fall below 8°C from April to October, with the lowest temperatures (under 1.5°C) occurring from June to August (Bureau of Meteorology, 2024). June and July are important months when the rural lessees need pasture as lambs are born and commence suckling. The availability of grass is crucial from September to November to ensure lamb growth rates peak in preparation for their slaughter. This information as well as shooting at night may explain why the shooters operate over winter.
- Carcass utilisation - drug companies to benefit.
- Rural lessees, close ties to the housing industry and urban developers whose profits are shared with the ACT Government are to main drivers for killing kangaroos
- Citational practices that enabled ACT Government staff to construct reports in a manner that advanced the ACT Government’s preferred approach to kangaroo management. This was achieved by incorrectly referencing primary sources, creating complex citational chains that obfuscated or misrepresented the original sources, and altering claims made in texts without providing substantiating references.
- Government and research documents before the killing commenced in 2009 listed the key changes and threats as being pastoral and agricultural development, urban and infrastructure development, weed invasion, changed and inappropriate fire regimes, and other forms of disturbance, which included grazing by ‘introduced’ animals, physical disturbance, the use of fertilisers and other soil ameliorants, inappropriate mowing and slashing practices, herbicide use, the collection of grass seed and the salinisation of soils.

Kangaroos were minimally referenced in these documents but were acknowledged as being an 'integral part' of the ACT's threatened ecological communities, which evolved under their grazing.

- The ACT Government receives revenue from urban development through profit-sharing joint ventures.
- The KMP 2014 & 17 demonstrate how knowledge that ran counter to the ACT Government's preferred approach to kangaroo management was incorporated into government reports in ways that ultimately affirmed the government's preferred approach.
- Cutting out or erasing by removing from consideration the ecologically deleterious impacts of human actions. These activities remain hidden in plain sight.
- By blending an ecologist's report with unnamed departmental staff reports and presenting it as the opposite of what the ecologist had said enabled Dr Maxine Cooper to endorse the ACT Government's approach to kangaroo management. P.155. then restricting access by the public to the documents.
- Singling out kangaroos cuts out the three most threatening processes linked to humans: weeds, inappropriate mowing regimes, and overgrazing by stock.
- Thesis traced how Cooper "processed" the Grassland Strategy and Hodgkinson's report to produce a conclusion of the ecological threats posed by kangaroo grazing that was not present in the original documents.
- ACAT were 'obligated' to approve the licence to kill kangaroos so as not to prevent them (that is kangaroos) from being 'added to the list of damaging influences.
- The need to remove evidence of deleterious impacts of human actions at the site to support a more organisationally acceptable decision and ensured the persistence of the dominant approach to kangaroo management.
- 'politics of distraction' - away from ecologically damaging economic interests, particularly urban, agricultural and infrastructure development, which are profitable to the ACT Government and other powerful interests. (P.137)
- Thesis found the remaining areas of lowland native grassland in the ACT have survived largely by chance.
- Clearance [of natural temperate grassland] has occurred as a result of urban, rural and infrastructure development. The conservation value of remaining areas has been reduced by changes to soils and drainage patterns, by plant introductions, and inappropriate defoliation practices. These activities, in particular, continue to pose threats to remnant areas.
- In Australia, other animals have been used to direct attention away from profitable but ecologically damaging practices associated with agriculture and habitat destruction, including 'feral' cats and 'wild dogs'/dingoes).
- While Cooper did not ignore the ecological impacts of development, she placed killing kangaroos, and those at the Majura Training Area (MTA) in particular, at the top of her 'urgent recommendations'. Similarly, in the 2009 hearing, the ACAT panel members did not accept that the military training exercises carried out at the MTA caused 'any significant detrimental environmental impact'.
- Cooper distinguished kangaroos from other threatening processes, thereby separating them from such processes and constructing an urgency.
- Smoke and mirrors - a scheme or trick intended to incriminate or deceive someone.
- "I no longer have any illusions about what consultants do except work for their client."

- Blatant use of double standards - ACAT panel scrutinised Applicant's expert witnesses CVs but Respondent (ACT Government) expert witnesses did not provide their CVs and this was not raised by the ACAT panel.
- Conflict of interest - Fletcher was an expert witness as well as advisor to the ACT Government.
- While both Ben-Ami and Mjadwesch demonstrated numerous flaws in Fletcher's evidence, many of which were acknowledged by the ACAT panel members and by Fletcher himself, it did not detract from the ACAT panel's endorsement of Fletcher's evidence. (P.227-229)
- Dissenters fight against unfair and arbitrary use of public power.
- Misrepresenting, too narrow a focus dangerously limits us as thinkers and researchers.
- P.257 - Removed original references in the draft version of the ACT KMP that acknowledged there had been no research into the impacts of kangaroo grazing on almost all the species of flora and fauna listed.
- How sheep and/or cows were agisted to control vegetation levels at a number of sites, while kangaroos were killed to reduce the impacts of their grazing. "Ecological grazing" of sheep and cattle in urban reserves supports the contentious issue that kangaroos compete with other species for food.
- P. 36 - removing and altering documents to suit government approach.
- P.38 - legitimised the positioning of kangaroo grazing, not human activities, as an ecological problem.
- P.40 - how the comments made by the dissenters on the Draft ACT KMP were used by government staff to further the ACT Government's preferred approach to kangaroo management and disempower the projects of its detractors.
- ACT Government carrying on as "business as usual". Assumptions and assertions and no justification or evidence has been provided.
- Original references such as "For most of the species listed below, specific kangaroo impacts have not been studied; therefore, a precautionary approach is an appropriate management response" in the draft version of the ACT KMP 2009 were removed that acknowledged there had been no research into the impacts of kangaroo grazing on almost all the species of flora and fauna listed.
- Information challenging the ACT Government's preferred approach to kangaroo management was not addressed but transformed, replaced, or removed. Approach to editing the Draft ACT KMP was replicated and extended in other ACT Government documents. In doing so established processes of presenting and erasing information about kangaroos in ACT Government documents
- P263-268 - Fletcher's famous line admitting that some of the Government's scientific information was PR.
- Over the span of the three ACAT hearings (2009-2014) the ACT Government's 'sloppy' science and 'bad' science' were processed into Fletcher's 'P.R.' science then transformed into an 'evolving' and 'not an exact science' to finally be affirmed 'solid' science before Daniel Iglesias confirmed it represented 'best science'.
- Pages 270-273 explains how the whole of the ACT Government (including the ACAT) conspired to cover-up its misdeeds by excluding dissenters, removing contested information (ie submissions) from the public in order to distract attention away from the ecologically destructive impacts of urban, infrastructure, and agricultural development, as well as other human actions. The ACT Government's approach to kangaroo management is closely intertwined with commercial interests through urban development and rural lessees beliefs.

- ACT Government facilitated and extended public participation while simultaneously constraining it and criminalising dissent.
- ACT Government staff specified the times the dissenters' input was welcomed, the topics that would be covered, and the circumstances under which such events would occur.
- The Nature Conservation Act 2014, was widely promoted by the ACT Government as improving accountability and transparency, resulting from extensive consultation and reflecting community expectations, however the NC Act 2014 radically constricted democratic processes and expanded punitive measures by applying the Criminal Code 2002 to all offences.
- Before making the licences disallowable instruments, the ACT Government started by extending the validity of the shooting licences from a couple of months to two (2) years. Ostensibly to end the cost of yearly defences at ACAT. However when the Nature Conservation Act 2014 came into effect in 2015, disallowable instruments were expanded to stop further administrative reviews of decisions to issue licences to kill kangaroos at ACAT.
- The Nature Conservation Act 2014 introduced and expanded upon several provisions that effectively criminalised dissent by substantially increasing the number and type of offences. The significance of this decision is that it renders some infringements as 'absolute liability' offences. thereby removing the right to be presumed innocent until proven guilty. These provisions breach the ACT Human Rights Act 2004 which provides that 'everyone charged with a criminal offence has the right to be presumed innocent until proven guilty according to law'.
- The ACT Government claimed 'protection of the environment' had more 'value to society' than the 'presumption of innocence' and positioned the purpose of the provisions as existing 'not to punish wrongdoing but to protect the environment'. This language resonated with the ideals of prioritising 'efficiencies' and 'effectiveness' over basic human rights.
- Of great concern is that strict liability offences apply not only to acts that have been committed but to ones that are believed might be committed at some point in the future. This enables a person to be charged with an offence if a conservation officer believes on reasonable grounds that they are about to commit an offence that either breaches a nature conservation licence or are about to engage in conduct that may place at risk threatened or protected species ecological communities. These are also 'strict liability' offences which legally assume guilt with no option for the accused to present a case of innocence.
- Dr Varvaro noted no instances where the ACT Government attempted to 'collaborate' with the public, and its efforts to 'consult' or 'involve' them were constrained and conditional. This is particularly the case with the development of alternatives and the identification of the preferred 'solution' that fell short of the mark in practice.
- Another second area of work is how Minister Simon Corbell and ACAT President Bill Stefaniak dutifully completed their accountability circuits but did so in ways that compromised public participation and reinforced ruling relations. Stefaniak's approach facilitated processes of exclusion in opposition to ACAT President Linda Crebbin's approach to ensure community groups were able to participate in administrative reviews. However, Dr Varvaro has yet to locate studies investigating multiple people conducting the same type of work using the same document but to vastly different ends, as was the case with Crebbin and Stefaniak.
- The thesis noted the 'web of accountability' as positioned in administrative law to enable 'informed participation in democratic processes' and to protect the public against the government's 'unfair and arbitrary use of public power' was, in many instances, removed with the enactment of the Nature Conservation Act 2014.

- Stefaniak and Corbell ensured their work remained accountable to the authorising rules and to the efficiencies of the ACT Government. Their shared and multifaceted methods of marginalising and excluding dissenters and ultimately criminalising dissent. It created a veneer of valuing and facilitating ‘public participation’ while radically constraining it. It also enabled the ACT Government’s preferred approach to kangaroo management to continue to develop without external scrutiny, and for dissent to occur at great risk to the individuals involved.
- In exploring accountability circuits, its ability to illuminate alternative possibilities and junctures at which other decisions could have been followed. We see this in the lengths to which Crebbin went to enable participation by community groups in a ‘meaningful’ process. She accounted for her decisions through a discourse of enablement and empowerment rather than the cost- effectiveness and efficiencies upon which Stefaniak and Corbell focused. While the latter’s efforts served to suppress the ongoing conflicts, Crebbin’s earlier efforts indicated that other paths were possible that didn’t require constraining democratic processes.
- The thesis found that FOI applications about how the ACT Government managed kangaroos have been managed in a way that has strengthened the ruling government. It is part of a broader, more complex web of legal instruments that have been developed that not only foreclosed public participation, compromised the transparency of government decisions and criminalised dissent, but also functioned to protect economic interests.
- Ultimately the thesis found continuing to kill kangaroos came at the cost of lives, justice and democratic processes. The thesis made the links and connections between seemingly disparate arms of the ACT Government. Dr Varvaro’s research detailed how the work of many individuals situated in disparate arms of the ACT Government has contributed to maintaining and strengthening the organisation’s preferred approach to kangaroo management.
- The three key changes were - Cooper’s 2009 report (section 4.4.3), Stefaniak’s advice on licensing and legislative changes to prevent further administrative reviews (section 7.4.3.2), and Minister Corbell’s subsequent introduction of the wholly revised Nature Conservation Act 2014.
- Scrutiny of the knowledge base that has informed wildlife management decisions is inadequate. This was apparent in the abundance of errors and misrepresentations that the dissenting witnesses illuminated in the ACT Government’s evidence, which was acknowledged and accepted by the ACAT panel members.

I have read your PHD thesis and want to thank you for exposing the conspiracy and cover-up around the ACT Government’s kangaroo killing program. I am also pleased that your thesis shines a light on the corrupt behaviour of people such as Maxine Cooper, Bill Stefaniak and Simon Corbell, not to mention Don Fletcher, Danial Igeliase and Bren Burkevics.

Yours thesis raised two issues for me:

Why you mentioned that at the beginning of your research you supported the killing of kangaroos, do you still believe this to be the case now?; and

Your statement on p.338 “While the Nature Conservation Act 1980 would have been updated irrespective of the ACAT hearings, one can only wonder whether the protests or the hearings influenced the radical constriction of democratic processes and human rights ushered in by the new

Act.” Could it not also be the case that had Linda Crebbin remained as Chair of the ACAT panel for the substantive hearing, the outcome may have been in favour of ALNSW?

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