Attention: Warren Dunstan, Chief Inspector

As discussed at the meeting with Tara Ward, Animal Defenders Office, Lara Drew, Animal Liberation ACT, Frankie Seymour, Environmental Scientist and myself from the Animal Protectors Alliance, you invited reserve watchers to provide the RSPCA with cruelty reports during the ACT Government's 2026 kangaroo "cull".

The following regulations set out the framework for all cruelty reports submitted to the RSCPA during the kangaroo "cull"

Animal welfare offences

1. As you know, cruelty to an animal is an offence under section 7 of the *Animal Welfare Act 1992* (ACT) (**AW Act**).

2. An act of cruelty that causes serious injury or death to an animal is an offence of aggravated cruelty if the person is reckless about causing the death of, or serious injury to, the animal (AW Act s 7A).

3. These offences apply to wild kangaroos because 'animal' is defined in the AW Act's Dictionary to include '(a) a live member of a vertebrate species, including— (iv) a mammal (other than a human being)'. This includes wild macropods such as Eastern Grey Kangaroos.

4. 'Cruelty', in relation to an animal including a kangaroo, is defined in section 6A of the AW Act to include: doing, or not doing, something to an animal that causes, or is likely to cause, injury, pain, stress or death to the animal that is unjustifiable, unnecessary or unreasonable in the circumstances

Exceptions

5. The cruelty offences in sections 7 and 7A of the AW Act do not apply to conduct that occurred in accordance with an approved code of conduct (s 20). The *Animal Welfare (Humane Shooting of Kangaroos and Wallabies) Code of Practice 2014 (No 1)* (**the Code**) is approved under section 22 of the AW Act and therefore applies to the shooting of kangaroos in the ACT.[1] This means that conduct that may otherwise constitute an act of cruelty is not an offence if the conduct was in accordance with the Code.

6. It is, however, arguable that the exception under section 20 does not apply in some cases because the conduct, for example shooting kangaroos in high winds, rain and fog or shooting kangaroos in a way that causes them to bleed profusely, would not be in accordance with the Code. This means that the relevant conduct could constitute an act of cruelty under the AW Act. This view is based on the parts of the Code discussed below.

Code of practice

[1] https://www.legislation.act.gov.au/di/2014-23/.

7. The Code states clearly that: 'Where the conditions are such as to raise doubts about achieving a sudden and humane death, **shooting must not be attempted**.'[2]

8. The Code further states that: …the shot pattern should be centred on the brain or heart of the target animal. The shooter must be able to place a clear shot into one of these target areas whether the animal is moving or stationary. **If this is not possible, the attempt must be abandoned.**[3]

9. The Code sets out various mandatory conditions for the shooting of kangaroos and states: **Where the conditions set out below cannot be met, or where there is any doubt about achieving a sudden and humane death, shooting must not be attempted**.[4]

10. This is because the Code specifies that: When shooting a kangaroo or wallaby, **the primary objective must be to achieve instantaneous loss of consciousness and rapid death without regaining consciousness**. For the purposes of the Code, this is regarded as a sudden and humane death.[5]

T*he complaint - Farrer Nature Reserve*

Attached is a map of the location where gunshots were heard by reserve watcher AB on the night of 11 June 2026 - one at 8.47pm and another shot at 9.01pm, together with photos of deep blood puddles taken by AB the next day at the same location.

11. If it can be shown that:

    (a) There were puddles of blood in the approximate area in which the shooting took place;

    (b) The puddles are consistent with an animal such as an adult kangaroo bleeding while still alive;

    (c) It is likely that the animal was 'misshot', ie not shot in one of the 'target areas' (head/ heart) prescribed in the Code, and bled out because of being misshot; and

    (d) It is likely that the animal suffered while bleeding out;

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[2] The Code p 6, emphasis in original.

[3] The Code p 7, emphasis in original.

[4] The Code p 8, emphasis in original.

[5] The Code p 9, emphasis added.