



Manager
Conservation Research
Environment, Planning and Sustainable Development Directorate
PO Box 158
Canberra ACT 2601

Email: environment@act.gov.au

24 March 2017

Dear Sir/Madam

SUBMISSION—EASTERN GREY KANGAROO: DRAFT CONTROLLED NATIVE SPECIES MANAGEMENT PLAN

On 23 February 2017 the Animal Defenders Office (ADO) received an invitation from the Conservator of Flora and Fauna to comment on the *Eastern Grey Kangaroo: Draft Controlled Native Species Management Plan* (the draft plan). The consultation period closes on 24 March 2017. We note the short timeframe for providing comments on a subject as important and complex as managing a wild animal species.

About the Animal Defenders Office

The ADO is a non-profit, community law practice that specialises in animal law. The ADO is run by volunteer lawyers and law students. We raise community awareness about animal protection issues, and work to advance animal interests through law reform. The ADO is based in Canberra and services the ACT and NSW.

About this submission

The ADO has the following concerns about the draft plan and its regulatory context:

1. The lack of consultation and accountability in the declaration of Eastern Grey Kangaroos (EGK) as a controlled native species.
2. The ethical concerns with adopting ongoing lethal and often inhumane measures to ‘control’ a local wild animal species.
3. The lack of consideration of human factors threatening local biodiversity.
4. The overreliance on unsupported assertions and out-of-date or irrelevant information to support the draft plan’s policy positions.
5. The research bias towards studies that support the draft plan’s positions and ignoring areas of research that could lead to non-lethal control measures or review of the need for measures.
6. Serious omissions in the draft plan such as evaluation and reporting requirements.
7. The failure to consider animal welfare in any meaningful way.
8. The lack of information about the new regulatory framework of authorisations.
9. The inadequate consideration of social impacts of the draft plan’s preferred lethal control measure.

Our concerns are set out in detail below.

1. Declaration of EGK as controlled native species

On 6 February 2017 the Minister for the Environment and Heritage, Mr Mick Gentleman MLA, declared EGKs to be a controlled native species (the declaration).¹ The declaration took effect on 8 February 2017.

The Minister's decision fundamentally changes how the government can treat kangaroos, and the government's obligations to be accountable for decisions to kill them. Until the declaration took effect, a person (including the government) wanting to kill a native animal in the ACT had to apply for a licence. As a consequence of the declaration, the government no longer needs to apply for a licence to kill EGKs. From now on, the government can decide when and how it will kill EGKs on public land without being accountable to the public.

Under the previous regulatory framework, a decision to grant the licence was reviewable by any entity whose interests were affected by the decision.² This fundamental right to seek review of decisions to allow healthy wild animals to be killed in their thousands has now been arbitrarily and undemocratically taken away by the government. Moreover, the right was removed by a single ministerial declaration that became law with no parliamentary scrutiny or public consultation.

The ADO submits that fundamental civil and human rights have been compromised by the making of the declaration. According to the *Human Rights Act 2004* (ACT), everyone has the right to have rights and obligations recognised by law 'decided by a competent, independent and impartial court or tribunal after a fair and public hearing' (s21(1)). Courts have held that this right extends to matters of public law.³

Decision-makers must be accountable for the decisions they make. This is a fundamental principle of our democratic society. The ADO submits that removing mechanisms in place to test the merits of government decisions, and to do so without any public consultation, is extremely anti-democratic. There was no justification to remove such a fundamental right in this context. The proper and humane treatment of native wildlife is, and always has been, a matter of significant public interest, and the merits of a government's decision to kill wildlife must be able to be tested by an 'impartial tribunal' in a 'fair and public hearing'.

The ADO notes that ACT courts and tribunals have already found significant aspects of the government's kangaroo culls to be unlawful. For two years the government killed kangaroos under a licence that the ACT Supreme Court subsequently held to be invalid.⁴ Since 2009 EGKs have been shot during government culls with devices that the ACT Civil and Administrative Tribunal found to be illegal.⁵ Now more than ever the Government's decisions to kill EGKs on public land should be open to public scrutiny.

¹ <http://www.legislation.act.gov.au/di/2017-13/current/pdf/2017-13.pdf>

² *Nature Conservation Act 2014* (ACT) and *ACT Civil and Administrative Tribunal Act 2008* (ACT).

³ *Capital Property Projects (ACT) Pty Limited v Australian Capital Territory Planning & Land Authority* [2008] ACTCA 9.

⁴ <http://www.abc.net.au/news/2016-07-21/canberra-kangaroo-cull-in-2015-was-unlawful-justice-says/7648890>.

⁵ <http://www.canberratimes.com.au/act-news/no-action-to-be-taken-on-illegal-use-of-silencers-in-kangaroo-cull-since-2009-20170113-gtqtfz.html>.

Recommendation:

- 1.1 That the declaration be repealed and that stakeholders and the general public be consulted before the legal status of EGKs in the ACT is altered.

2. Ethical concerns regarding the adoption of ongoing lethal control measures

There is a growing international movement to incorporate ethics and animal welfare into contemporary conservation practice, with a view to improving conservation outcomes.⁶ This is known as ‘compassionate conservation’. The ADO adopts this approach to conservation.

The draft plan attempts to dismiss the concerns of ‘animal rights campaigns’ as being concerned only with kangaroos and not with other, less visible animals in the same ecosystem (page 7). This is a complete misrepresentation of those who oppose the kangaroo culls in nature reserves. Animal advocates campaign to stop direct threats to the lives of animals. The government’s culls involve killing thousands of healthy wild animals, inflicting untold pain and suffering on young kangaroos, and fracturing kangaroo mobs. There is simply no such immediate threat to the lives of other animals in the same ecosystem. It is nonsensical to suggest that animal rights advocates only care about certain types of animals. An animal rights position means valuing individual animals’ inherent worth, and campaigning to stop human beings from abusing and killing these individuals. For this reason, animal rights advocates will often campaign to protect ‘unpopular’ animals such as introduced cats and foxes threatened by painful poisons, or mice and rats used in animal experimentation. If there are examples of immediate harm inflicted by humans on other animals in the kangaroos’ ecosystem, the draft plan should point this out.

The draft plan acknowledges the role of ethics in kangaroo management (page 27). This is, however, completely undermined by the assertion that ‘[s]hooting is the most humane and cost-effective technique to reduce kangaroo density’ (page 55). The ADO submits that it is unethical to adopt a method of control that involves killing individual healthy indigenous animals, and in a way that can inflict considerable pain and suffering on individuals and the broader social groups to which the individuals belong. This view is particularly relevant in relation to the proposition that EGKs could be culled to reduce competition with domestic stock (page 24) and horses being agisted (page 25). It is inappropriate in a ‘bush’ (not farm) capital to be killing native animals for these purposes. It is also inappropriate to have a leisure establishment for introduced species (agisted horse paddocks), taking precedence over local native animals.

Non-lethal measures are clearly more humane than killing individual animals in traumatic circumstances for the victim and those left behind (ie being shot in front of other members of the same mob).

The draft plan appears to prioritise ‘cost-effectiveness’ over ethical and animal welfare considerations. The ADO submits that this prioritisation is unethical and should be reversed.

⁶ <http://thinkkangaroos.uts.edu.au/compassionate-conservation.html>.

Recommendation:

2.1 That the principles of compassionate conservation be adopted by the draft plan, and that ethical and animal welfare considerations be prioritised.

3. Human factors threatening local biodiversity

The EGK is a wild indigenous species. The draft plan is based on the premise that EGKs are having a negative impact on local biodiversity. The draft plan adopts ongoing lethal ‘control’ measures (ie shooting) to reduce the EGK’s alleged impact.⁷

The draft plan admits, however, that there is a range of other factors that adversely affect biodiversity in the ACT. The most significant is human activity that results in alienation and fragmentation of habitat. The draft plan states that of the ‘estimated original ACT lowland grasslands, 95% has been alienated and about 5% remains’ (page 13⁸).

This shows that human activity is the biggest threat to the conservation of species and ecosystems. The draft plan lists nine species that are in danger of extinction due to overgrazing of the habitat by EGKs (Table 5, pages 20–21). Official Commonwealth and other government material regarding these species lists human-initiated activities as the key threats to the species. None lists kangaroo grazing as a key threat. Only one lists kangaroo grazing as a possible minor threat. Details about the government material surveyed is set out in Attachment A.

The draft plan also summarises the ‘significance of kangaroo grazing impacts’ on threatened flora species in the ACT (Table 6, pages 22–23). Yet the summary reveals that kangaroo grazing is not a threat, with clear statements such as ‘no evidence’, ‘not currently threatened by kangaroo grazing’, ‘not known if kangaroo grazing has a deleterious impact’.

The ADO submits that the ongoing application of lethal, inhumane control measures to a single indigenous animal species is unwarranted and inappropriate when:

- the draft plan acknowledges that the major threats to biodiversity are due to human activities; and
- the draft plan and other government material confirms that the impact of kangaroo grazing is minimal or non-existent.

The ADO also queries whether ongoing lethal inhumane control measures are appropriate when the conservation goals of the draft plan are vague and (as far as can be ascertained) unrealistic.

The draft plan states that:

Ongoing management will always be required to substitute for the elements and processes that **are now missing from the system... Maintaining and restoring the**

⁷ See for example pages 35 and 55 of the draft plan.

⁸ See also page 17: ‘The Grassland Earless Dragon only occurs in Natural Temperate Grassland, an endangered ecological community. The **remaining patches** of this habitat are **so small and isolated** there is no prospect for the species to naturally recolonise areas where it has died out.’ [emphases added].

ecological integrity of these grassy ecosystems and therefore habitat for threatened species, as well as other grassland dependent species, is the primary reason for reducing grazing pressure (page 6; emphases added).

However, the draft plan also states that:

...ecosystems are characteristically complex, dynamic, interactive and liable to be responding to lag effects from former conditions. In addition, **all grassland areas have been subject to degrading disturbances** (for example, weed invasion) and have **lost the type of natural disturbances that maintained them in the past** (for example, bandicoot diggings) (page 14).

Over the past 200 years, many Australian ecosystems have been altered, reduced and fragmented to the extent **they no longer retain all the ecological processes that existed before European settlement** (page 16).

The draft plan should clarify what exactly it is trying to achieve by killing EGKs on an ongoing basis. Is it to return endangered grasslands to pre-European settlement conditions? Is this achievable when habitat alienation and fragmentation continues unabated and only small pockets of conservation areas exist?

The ADO submits that the ongoing killing of healthy native wild animals in pursuit of unattainable conservation objectives is unwarranted. Moreover, the suggestion that EGKs be killed to remove them from greenfield development sites is particularly objectionable. The major role of habitat loss and fragmentation in extinction processes is accepted by the draft plan. To consider killing local indigenous animals to allow this key threatening process for biodiversity to continue is unconscionable. The ADO submits that if local habitat continues to be lost, fragmented and alienated (despite this being the major threat to biodiversity in the ACT), then non-lethal measures must be adopted to deal with local EGK populations.

Recommendations:

3.1 That the draft plan reject ongoing lethal control measures for EGKs on the grounds that:

- human induced habitat loss, fragmentation and alienation is the key threatening process for biodiversity in the ACT; and
- kangaroo grazing plays a much smaller role, if any at all.

3.2 That the draft plan clarify its overarching conservation objectives so that the community can properly assess whether ongoing lethal control measures for EGKs are appropriate relative to those goals.

4. Overreliance on unsupported assertions and out-of-date information

The draft plan adopts shooting as the main ‘control’ measure for EGKs.⁹ Shooting healthy local indigenous animals has serious ethical and welfare concerns. The draft plan should therefore be based on solid evidence and information supported by peer-reviewed research wherever possible.

⁹ See for example pages 35 and 55 of the draft plan.

The ADO is concerned that the draft plan relies heavily on unsupported assertions, out-of-date information, and non-peer-reviewed research. Some examples are set out below.

Out of date information

The impacts of EGKs are taken from the 2010 ACT Kangaroo Management Plan (the 2010 plan) (Table 2, page 12) that was produced over seven years ago. As the impacts are the justification for killing EGKs, it is imperative that the impacts be continually assessed, evaluated and revised.

The assertion that '[g]razing by high density populations of Eastern Grey Kangaroos can have effects on whether other species persist on a site' is from a 1989 source (page 16).

The table showing the relationship between grassland earless dragons and EGKs stops at 2009, the year in which a major cull took place at that location (page 18).

The summary of impacts on fauna species is from the 2010 plan (page 21). It is reasonable to expect that the key justification for killing EGKs (their impacts on fauna species) would have been reviewed and updated since the 2010 plan.

The information provided to support the draft plan's goals, principles and policies (Part 4), is based on the 2010 plan (page 28). Again, it is reasonable to expect that the goals and policies would have been reviewed and updated after seven years and multiple culls.

The policy not to allow hand-rearing of EGKs is based on sources from 2003 and 1997 (page 32). There is no evidence that this policy has been reviewed in light of more up-to-date information.

The draft plan states that the information on fertility control 'has been reviewed and updated since appearing in the 2010 plan.' (page 37). Inexplicably, however, the sources cited are from 2000 and 2006, both of which pre-date the 2010 plan.

Non-peer-reviewed material

The draft plan states that 'the kangaroo population count methods, the count results and the method of determining the number of kangaroos to cull ... and the science behind the relevant parts of the 2010 Kangaroo Management Plan' were 'independently reviewed' (page 4). There is no evidence, however, that this review was itself peer-reviewed. The document contains no information about the consultancy firm that undertook the review, although internet searches reveal it is connected with pest eradication and hunting activities.¹⁰

Anecdotal evidence from a local bird group and sources that are almost 30 years old are used to support the contention that local EGKs are threatening bird species (page 16).

¹⁰ https://www.researchgate.net/profile/John_Parkes2; <http://www.bcl.kiwi/testimonials/>;

Arguments in favour of a ‘precautionary management response’ to ‘avoid overgrazing’ are based on unpublished data (page 20).

Unsupported assertions

The draft plan states the 2010 plan ‘was independently reviewed by eminent ecologist Professor Dr Graeme Coulson from the University of Melbourne’, yet is unable to provide a date or other reference information in support of this assertion (page 5).

No evidence or reference is cited in support of the controversial contention that ‘[t]o reduce, rather than maintain the kangaroo population, a higher proportion must be culled’ (page 25¹¹).

Arguments justifying the culling of EGKs at horse paddocks are not referenced, and therefore must be viewed as unsupported assertions (page 25).

Recommendation:

- 4.1 That the draft plan be extensively reviewed so that its contentions are properly supported by reliable, independent, up-to-date and, wherever possible, peer-reviewed information.

5. Research bias towards studies that support the draft plan’s positions

The draft plan has a strong research bias towards studies that support the draft plan’s positions. At the same time the draft plan ignores or downplays areas of research that could lead to non-lethal control measures, or review the need for control measures altogether.

The draft plan supports the use of livestock grazing on endangered grasslands for certain purposes (page 24). Yet there is little evidence of research into the potentially deleterious effects of livestock on endangered grasslands.

The draft plan reaffirms the 2010 plan’s policy of not allowing EGKs to be translocated to different sites. There is no evidence that this policy has been reviewed in light of recent research, or that research into the viability of this non-lethal measure is supported. This is particularly frustrating given that the draft plan’s arguments against translocation (‘large numbers of kangaroos (hundreds or perhaps thousands, depending on the specific site) would need to be translocated annually’ (page 33)) apply equally to shooting (being the draft plan’s preferred control measure, the alleged viability of which requires the annual killing of thousands of kangaroos).

Research into fertility control as a non-lethal control measure does not appear to be a priority, with no viable outcomes despite years of supposed investigation (page 38).

There is no evidence that research into the viability of other non-lethal alternatives such as fencing is a priority.

¹¹ See also page 36: ‘When culling is not carried out annually, the result is that more animals will need to be killed per year on average’ (no reference).

The draft plan acknowledges that ‘[s]cientific knowledge in a field such as ecology is never complete, so policy must be formulated in the face of uncertainty’ (page 29). Yet the draft plan seems highly selective in what ‘scientific uncertainty’ it accepts and which it rejects. For example, there is no discussion of the potentially devastating impacts of culling on the psychological wellbeing of kangaroo individuals and family groups, yet this is an emerging area of investigation and could have serious animal welfare consequences.¹²

Recommendations:

- 5.1 That the draft plan support and commit to research into the positive effect of EGKs on biodiversity.
- 5.2 That the draft plan support and commit to research into the negative physical and psychological impacts of kangaroo culls on individuals and family groups.
- 5.3 That the draft plan prioritise research into non-lethal measures of control such as fencing and fertility control.
- 5.4 That the draft plan support and commit to research into the viability and comparative animal welfare benefits of translocation.

6. Omissions—evaluation and reporting

The draft plan does not provide any evaluation or reporting requirements for EGK culls carried out on public land.

These are serious omissions. Good administration of any public program, and especially one involving the annual killing of thousands of healthy indigenous wild animals, relies on robust monitoring, evaluation and reporting. Yet these are not required by the draft plan. In fact, it explicitly states that much of its policies and positions are based on those outlined in the 2010 plan, which was compiled over seven years ago. There is little evidence that the culls that have been carried out in the period between the 2010 plan and the draft plan have been evaluated to determine whether the culls are achieving their stated conservation objectives. Without evaluating the results, it is impossible to have confidence in the draft plan’s assertions regarding the need for the culls.

Similarly, the draft plan does not state how Land Management Agreements or ‘total grazing pressure’ calculations on rural leases will be monitored and evaluated.

Recommendations:

- 6.1 That the draft plan require the government to evaluate and report annually on the outcomes of culls in terms of conservation objectives, as well as

¹² See for example Professor S Garlick and Dr R Austen, ‘Post-Traumatic Stress Disorder in Kangaroos’, Conference Paper, Australian Wildlife Rehabilitation Conference, Tasmania, 2014.

measures it has taken to reduce and replace lethal measures of control.

6.2 That the draft plan require ongoing monitoring, evaluation and reporting of the ‘total grazing pressure’ concept used to cull EGKs on rural leases.

7. Failure to consider animal welfare

The draft plan states that its purpose includes ‘ensuring’ the welfare of EGKs (page 6), and that animal welfare is a ‘primary consideration’ (page 28) and ‘primary factor’ (page 31).

The relevance of animal welfare to EGK culls on public land was confirmed in *Animal Liberation ACT v Conservator of Flora and Fauna* [2014] ACAT 35 (ACAT 2014). The applicant (Animal Liberation ACT) submitted to the Tribunal that animal welfare was a relevant consideration in decisions to grant a licence to kill kangaroos. After adjourning the hearing to consider the submission, the Tribunal agreed with the applicant. This was a significant milestone in holding the government to account in relation to its EGK culls.

Yet the draft plan completely undermines its claims regarding the primacy of animal welfare, by endorsing lethal methods of ‘control’ with serious welfare concerns. Shooting EGKs at night can never guarantee a clean head shot resulting in an ‘instantaneous loss of consciousness and rapid death without regaining consciousness’.¹³ The draft plan also considers poisoning EGKs (pages 36–37). Poisoning local indigenous wildlife is completely unacceptable from an ethical and welfare perspective and should be rejected as a potential control measure.

The draft plan does not require regular checks and monitoring of EGK kills. Nor does it require shooters to film the shooting of EGKs in the field. Technology now exists for small cameras to be mounted onto rifles, or the telescopic sights of rifles, to record shooting activities at night. The uninterrupted footage could be provided to a regulatory authority on demand or at regular intervals for spot checks. These measures could go some way to minimising the pain and suffering inherent in any lethal control measure.

The draft plan acknowledges that EGK culls have serious animal welfare consequences for young kangaroos (page 30). Young joeys still living in their mother’s pouch must be taken from the pouch. This is often difficult to accomplish as the young joey is firmly attached to his or her mother’s teat. The *National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes* (the Code of Practice), as adopted in the ACT, requires pouch young to be killed by a blow to the head (page 13).

The Code of Practice recommends that young at foot kangaroos be shot at close range in the head or heart. The problem is, however, that because these juveniles are mobile, they often flee when their mothers are shot and are not retrieved by shooters. As the juveniles are dependent on their mothers’ milk for food, they are then left to die a slow painful death from starvation, dehydration or predation.

¹³ This is the definition of a ‘sudden and humane death’ under the *National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes* (2008), page 9.

The inhumane outcomes for young at foot kangaroos was accepted by the Tribunal in the ACAT 2014 case, after the government’s veterinary surgeon acknowledged that:

it would be likely that there would be some orphaning of young at foot as a result of the culling. It could be inferred from his evidence that eventual death of a number of semi independent young at foot would be a probable consequence of a cull, and that this was an undesirable outcome. [48]

The draft plan’s assertion that the ‘conviction that a “ghost population” comprising suckling young at foot kangaroos is orphaned during culling’ is ‘mistaken’ (page 34) is difficult to understand. Is the draft plan asserting that the Tribunal was mistaken? Or that the government’s own witness was mistaken? The draft plan also tries to assert that all orphaned young at foot would have been counted during culls. There is, however, a logical flaw in this argument, in that it is impossible to count what is not there. As the Tribunal accepted, young at foot are orphaned during culls, and die an ‘eventual death’—that is, they are not killed as part of the culls. The draft plan’s attempt to deny this phenomenon is extremely concerning, as it demonstrates a failure to accept the serious animal welfare consequences of the culls, as accepted by the ACT Civil and Administrative Tribunal and the government’s own vet.

Recommendations:

- 7.1 That the draft plan demonstrate its commitment to animal welfare by advocating non-lethal control measures (eg fencing, wildlife corridors) rather than lethal measures.
- 7.2 That, while the draft plan continues to advocate shooting EGKs, it require regular monitoring of kills on public and private land and filming of kills.
- 7.3 That the draft plan acknowledge the particularly harmful impact of culls on young at foot kangaroos.

8. Lack of information about the new regulatory framework authorising killing of EGKs

As a result of the declaration that EGKs are a controlled native species, persons wishing to kill EGKs no longer need to apply for a licence. This is a fundamental change to the regulation of the killing of wildlife in the ACT. Yet the draft plan contains little information about how this new regulatory regime will operate.

It appears that the Conservator or ‘land custodian’ (which is not defined in the draft plan), will be able to authorise persons to kill EGKs. It is not clear how these ‘authorisations’ are different from the licences that were previously required, other than persons affected by their grant will no longer be able to seek review of the Conservator or land custodian’s decision. Thus, the main objective of the new regulatory framework seems to be to remove accountability and scrutiny, both fundamental features of good government decision making.

The draft plan implies that this denial of procedural fairness and accountability is justified because previous decisions to grant licences to kill EGKs were challenged.

The draft plan states that ‘appeals against conservation culling licences were lodged in the ACT Civil and Administrative Tribunal in 2009, 2012, 2013 and 2014 but were unsuccessful’ (page 4). It does not reference these ‘appeals’ (or more accurately, applications for administrative review) so it is difficult to verify what the draft plan is actually referring to in relation to each of the four alleged ‘appeals’. It is also inaccurate to say that the cases that went to hearing were ‘unsuccessful’. As previously mentioned, the ACAT 2014 case made significant gains. For the first time the Tribunal in that case accepted that animal welfare was a relevant consideration in decisions to grant licences to kill wild animals. The applicant in that case also successfully argued that culls have considerable negative animal welfare outcomes for young at foot kangaroos. Similarly, the 2013 ACAT case¹⁴ successfully argued that the government’s EGK densities were wrong, resulting in a reduction in the numbers of kangaroos to be shot.

The draft plan does not clarify how the new regulatory framework will affect killing EGKs on rural leased land. This is important as the number of EGKs shot on rural leases far exceeds the number shot on public land (Table 9, page 53). The draft plan needs to clarify what monitoring and reporting requirements will apply to kangaroo shooters on rural land, and how they will be enforced. The draft plan should also clarify these matters in relation to government culls on public land. It needs to clarify how the public can have confidence that correct and lawful decisions are being made in relation to the killing of thousands of healthy wild native animals. This is particularly important given recent court and tribunal decisions that have highlighted serious errors in the government’s administration of the culls.¹⁵

Recommendation:

- 8.1 That the draft plan clarify how the new ‘authorisation’ process will operate, including how it is different from the previous licensing regime, and the reasons for the change.

9. Social impacts of EGK culls

The draft plan claims that there is growing acceptance by the ACT community of the government’s culls as a way of dealing with perceived conservation issues (page 4). This claim is based on three surveys that were undertaken in 2008, 2011 and 2015. The ADO notes that each survey interviewed a very small sample (600 people). The 2008 and 2011 surveys both commenced with several questions regarding vehicle collisions with kangaroos, thereby associating the concept of reducing kangaroo numbers with a reduction in costly vehicle collisions. The 2015 survey highlighted the persistent mistaken belief that wild kangaroos regularly starve, with most support for culls being specifically to deal with starving kangaroos (question 7). There is clearly a great deal of misunderstanding and misinformation surrounding kangaroo culls in the ACT, as highlighted by these surveys.

The draft plan also fails to consider the impact of the culls on those who oppose the killing. Each year many Canberrans are deeply distressed, even traumatised, by the shooting of thousands of healthy wild kangaroos in nearby nature reserves. Many

¹⁴ AT 13/41 *Australian Society for Kangaroos, Inc v Conservator of Flora and Fauna* [2013].

¹⁵ See footnotes 4 and 5 above.

residents have a close relationship with their local kangaroo mobs. The relentless killing and disruption of local mobs affects the mental and physical wellbeing of these residents. This in turn can have negative economic impacts when they require medical attention or withdraw from the workforce or regular social interactions.

Recommendation:

9.1 That the draft plan acknowledge the significant negative social and economic impacts of ongoing EGK culls on residents who oppose the culls.

Conclusion

In summary, the ADO does not support the implementation of the draft plan in its current form.

Thank you for the opportunity to comment on the draft plan.

Regards


Executive Director
Animal Defenders Office

ATTACHMENT A

Commonwealth and NSW Government Information regarding threatened fauna in ACT grasslands

Grassland Earless Dragon

- The Department of the Environment and Energy (DEE) lists kangaroos as only ‘other threats’ and not a ‘key threat’.¹⁶

Striped Legless Lizard

- The DEE does not mention specifically that the kangaroo is a threat. Rather, it lists the main threats as Habitat Loss, Fire and Predation.¹⁷
- The Office of Environment and Heritage (OEH) does not state that the ‘kangaroo’ is a threat.¹⁸

Golden Sun Moth

- The DEE states that the threats to the Golden Sun Moth are the loss and degradation of Wallaby Grass.¹⁹
- They argue that the ‘habitat degradation’ is mainly caused by ‘European land uses’.
- There is no mention of kangaroos being a threat.
- The draft plan highlights how Wallaby Grass is grazed by kangaroos and that this benefits the Golden Sun Moth.²⁰

Perunga Grasshopper

- There is no DEE webpage – rather, an information sheet from (2006 – over 10 years) by Environment ACT.²¹
- This sheet does not specifically say that kangaroos are a threat.
- It just says that ‘changed grazing intensity’ is a threat.

Pink-tailed Worm Lizard

- The DEE say that its threats are habitat loss and fragmentation, habitat degradation, removal of rocks, inappropriate fire regimes and predation.²²
- The draft plan states that the kangaroos’ presence has ‘probably’ had the most impact on the species’ loss and explicitly states that kangaroo grazing has not been

¹⁶ http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=66727

¹⁷ http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=1649

¹⁸ <http://www.environment.nsw.gov.au/threatenedSpeciesApp/profile.aspx?id=10211>

¹⁹ http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=25234

²⁰ Page 20.

²¹ http://www.environment.act.gov.au/_data/assets/pdf_file/0005/576464/Perunga_Grasshopper.pdf

²² http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=1665

‘specifically identified’ as a threat.²³

Hooded Robin

- There is no DEE webpage – information is sourced from the OEH.²⁴
- On the OEH webpage, it says how the habitat is being destroyed by the grazing and compaction by ‘stock’
- Kangaroos are wild, native animals and are not generally referred to as a ‘stock animal’
- The draft plan says that the ‘main’ grazing is done by kangaroos.²⁵

Brown Treecreeper

- There is no DEE webpage – information is sourced from the OEH.²⁶
- OEH – threats include the loss of ground litter from compaction and overgrazing and loss of understory habitat
- However, no mention that this is due to kangaroos.
- Again, the draft plan only says that the grazing is ‘mainly’ done by kangaroos²⁷
- The draft plan also does not confirm the required habitat for the Brown Treecreeper – that means there is doubt that the kangaroos are actually harming the habitat of the Treecreeper.

White-winged Triller

- There is neither a DEE or OEH webpage for information
- Information is from Environment ACT fact-sheet, dated 2005 (over 10 years old)²⁸
- Threats refer to ‘grazing’ but again it is by ‘livestock’ – not kangaroos.
- “In the **Canberra** region **the species is an uncommon**, breeding, summer migrant, and **numbers vary from year to year**”
- Same ‘mainly’ argument in draft plan as other animals.

Superb Parrot

- DEE²⁹ – ‘grazing by stock’.
- OEH³⁰ – no mention of ‘grazing’ per se.
- They list many threats but neither sources mention ‘kangaroos’.
- Draft plan only says that the grazing “could” derive from kangaroos but also lists stock and rabbits as options.

²³ Page 21.

²⁴ <http://www.environment.nsw.gov.au/threatenedspeciesapp/profile.aspx?id=10519>

²⁵ Page 21.

²⁶ <http://www.environment.nsw.gov.au/threatenedspeciesapp/profile.aspx?id=10171>

²⁷ Page 21.

²⁸ http://www.environment.act.gov.au/data/assets/pdf_file/0004/576481/white-winged_triller.pdf

²⁹ http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=738

³⁰ <http://www.environment.nsw.gov.au/threatenedspeciesapp/profile.aspx?id=10645>