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Research and Planning
Parks, Conservation and Lands
Department of Territory and Municipal Services
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11 May 2009

Dear Sir/Madam,

Submission on the ACT Kangaroo Management Plan

New South Wales Young Lawyers is grateful for the opportunity to make a submission to the Department of Territory and Municipal Services regarding the draft ACT Kangaroo Management Plan ("KMP"). In our submission we have commented on a number of aspects of the KMP which include the scope of content included in the KMP, the euthanasia of pouch young and enforcement of the *Code of Practice for the Humane Destruction of Kangaroos*. We have also included recommendations in relation to those aspects.

New South Wales Young Lawyers is an Australian professional organisation based in Sydney, made up of law students, and legal practitioners who are in their first 5 years of practice or under the age of 36. Hundreds of members participate on a volunteer basis in committees specific to particular areas of law. This submission was authored by members of the Animal Law Committee of New South Wales Young Lawyers. The Animal Law Committee is concerned with a range of animal law related issues in both Australia and abroad and aims to raise awareness and provide education to the legal profession and wider community on these issues. The Animal Law Committee is concerned with educating and raising awareness in the community and the legal profession about the importance of protecting animals from abuse and neglect.

If you have any questions in relation to the matters raised in this submission, please contact Stephen Lee, Chair of the Animal Law Committee (alc.chair@younglawyers.com.au).

Yours faithfully,



Stephen Lee
Chair, Animal Law Committee
New South Wales Young Lawyers

NSW Young Lawyers Animal Law Committee

Submission on the ACT Kangaroo Management Plan March 2009 (Public Consultation Draft)

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The Committee's position

The NSW Young Lawyers Animal Law Committee ("the Committee") does not condone the killing of kangaroos or any wildlife for that matter¹. Based on ecological, anthro-sociological and legal principles, research on hunting of kangaroos and government policy², the Committee asserts that the proposed slaughter of kangaroos exposes them to unnecessary pain and suffering and the possibility of extinction.

It is well-established that the non-commercial killing of kangaroos is fraught with inherent cruelty due to, among other things, lack of enforcement, issues with shooter competency and inaccuracy in recording the numbers of kangaroos killed. However, as long as the slaughter of kangaroos continues, all steps must be taken to ensure that the millions of killings are humane and that economic imperatives, such as those outlined in the ACT Kangaroo Management Plan ("KMP"), do not eclipse animal welfare concerns and principles of ecological sustainability³.

The Committee maintains its position that⁴:

- the existing damage mitigation licensing system, such as pest control, be phased out;
- the killing of kangaroos be undertaken, or at least overseen by professional commercial shooters in all instances;
- the use of shotguns be prohibited (or at least prohibited for non-commercial shooters);
- females carrying visible pouch young not be killed;
- if females carrying pouch young are to be killed, then more humane and effective methods of killing the pouch young be included in the *Code of Practice for the Humane Destruction of Kangaroos in the ACT* ("Code"); and
- the Code be amended to allow for the optional transfer of young to wildlife carers.

General Comments on the KMP

The Committee is concerned by the statement on page 11 of the KMP which reads:

"The kangaroo management plan does not contain detailed prescriptions or operational procedures regarding proposed courses of action for particular areas. Techniques, methods, procedures, protocols, standard operating procedures and codes of practice for field operations are generally well-established and are reviewed as necessary."

This statement conflicts with the 'Welfare Policy' outlined on page viii of the KMP which reads:

"The Code of Practice for the Humane Destruction of Kangaroos in the ACT (1994) will be revised in relation to changes to national codes of practice for the humane shooting of kangaroos and wallabies, advances in technology and any other relevant considerations" (emphasis added).

¹ Committee's March 2008 Submission to the NRMCC Working Group on the draft *National Code of Practice for the Humane Shooting of Kangaroos and Wallabies*

² Ibid.

³ The Committee's March 2008 Submission

⁴ The Committee's October 2004 Submission to the NRMCC Working Group on the *National Code of Practice for the Humane Shooting of Kangaroos*

The Committee submits that the “standard operating procedures and codes of practice for field operations” are in fact not well-established; they are constantly evolving in light of emerging research, local policy changes and changes to national policies and codes of practice. As these “techniques, methods, procedures, protocols” are not well-established, the Committee submits that they should be included in the KMP in the interest of transparency, to enhance public awareness and to allow submissions on the KMP to be based on a broader understanding of the status quo. It is not enough for the public or any stakeholder group to make an educated decision on the KMP when details of the most controversial aspects of the management plan are discounted as irrelevant.

If the Department of Territory and Municipal Services intends to have an honest and open public consultation about this issue, detailed and accurate information is required to understand how the KMP will translate to ACT residents and their neighbourhood⁵.

Killing of Pouch Young

The Committee is concerned by the assertion that the ability of tiny naked pouch young to perceive pain is evidently low⁶. The committee is of the opinion that this is simply a justification for the implementation of inhumane methods of destruction. Another area of great concern is the assertion that the ACT Government does not consider pouch young less than 8 months of age as worthy of animal welfare concern. The Committee submits that large numbers of pouch young will continue to be subjected to inhumane deaths due to the lack of empirical research to justify these assertions⁷.

If kangaroo welfare and their humane treatment is a primary consideration in all kangaroo management⁸, the Committee submits that policies dealing with small pouch young, in the absence of empirical data, be drafted on the side of caution as the ACT Government currently risk an embarrassing contradiction. The Committee submits that all kangaroos irrespective of age be treated equally. Further, the Committee asserts that more rigorous research be undertaken to explore more humane and effective methods of dispatching pouch young and young-at-foot and that the KMP take these matters into account.

Enforcement

The Committee understands that enforcement of animal welfare standards in Australia and the ACT is unique in the sense that it relies on charitable organizations such as the RSPCA to police compliance, even though breaches of these standards can amount to a criminal offence. Whilst the KMP notes which legislation exists and the appropriate body of enforcement⁹, it fails to address the effectiveness of such enforcement measures. The RSPCA’s 2002 report notes that non-compliance with animal welfare

⁵ Rosslyn Beeby “Get Serious on Roo Plan”, The Canberra Times, <http://www.canberratimes.com.au/news/opinion/editorial/general/get-serious-on-roo-plan/1485475.aspx> viewed on 30 April 2009

⁶ Page 77 of the KMP

⁷ The Committee’s 2004 Submission; RSPCA Australia *The Kangaroo Code Compliance Report: A survey of the extent of compliance with the requirements of the Code of Practice for the Humane Shooting of Kangaroos*, prepared for Environment Australia, July 2002 <http://www.deh.gov.au/biodiversity/trade-use/publications/kangaroo-report/summary.html#71>

⁸ Page (vii) of the KMP

⁹ Page 74 of the KMP

legislation is especially high in the context of non-commercial shooting, where “clean kills” were significantly lower than the commercial context where professional shooters are engaged¹⁰.

The Committee submits that information regarding the effectiveness of enforcement measures in the ACT be included in the KMP as part of the public consultation process. Furthermore, it would be prudent of the Department of Territory and Municipal Services (“TAMS”) to include statistics on the number of recorded cases of inhumane conduct engaged in by shooters together with TAMS’ response to that conduct in the KMP¹¹, rather than the statement on page 78: “Such events (illegal killing) are not common in the ACT”.

Environmental Considerations

It is noted that pages 7-8 of the KMP state that “While there are animal ‘right to life’ campaigns regarding kangaroos, there are no equivalent ‘right to life’ campaigns for the protection of... small grassland animals, some of which are critically endangered”. The Committee notes that while the overriding justification for kangaroo culling is “to reduce the impact of kangaroo populations on ... grassy ecosystems¹²” with particular consideration given to managing grazing pressure¹³, the Committee submits that the grazing pressure presented by kangaroos is overstated and that kangaroos do not cause sufficient damage to the environment to warrant the reduction in kangaroo densities in the ACT to 60-150 per square kilometre, which is well below current estimates of 450-510 per square kilometre¹⁴.

The KMP also states that an intensive level of disturbance to native grassy ecosystems has occurred through sheep and cattle grazing, pasture improvement, agriculture, use of fertilizers or other soil ameliorants and the accidental and deliberate introduction of plants that are now weeds¹⁵. The Committee submits that the KMP fails to provide compelling evidence in relation to the “excessive grazing pressure” of kangaroos.

Given that the dominant disturbance agent is grazing stock and not kangaroos¹⁶, the Committee submits that the purported environmental justifications for kangaroo culling have been devised in an attempt to offset the impact of grazing stock. Further critique of this issue can be found at page 11 of the Committee’s 2001 Submission.

Based on the above, the Committee submits that the proposal to reduce kangaroo densities by up to 88% is manifestly excessive.

Conclusion

The Committee has identified some deficiencies in the KMP which may result in acts of cruelty towards kangaroos being undetected and unpunished¹⁷. The Committee has made a number of

¹⁰ Supra, note 7

¹¹ The Committee’s 2001 Submission on the *Draft Kangaroo Management Program*

¹² Page (iii) of the KMP

¹³ Page (v) of the KMP

¹⁴ Supra note 11

¹⁵ Page 37 of the KMP.

¹⁶ Supra note 11; Olsen P & Braysher M, ‘Situation Analysis Report: Current State of Scientific Knowledge of Kangaroos in the Environment, Including Ecological and Economic Impact and Effect of Culling’ 2000

[http://www.npws.nsw.gov.au/news/exhibition/Kangaroo mp/Scireview.pdf](http://www.npws.nsw.gov.au/news/exhibition/Kangaroo_mp/Scireview.pdf)

¹⁷ Supra note 11

recommendations aimed at minimizing the incidence of cruelty, and which it hopes will be considered by TAMS in preparing the final KMP. The Committee would welcome the opportunity to contribute to any further discussion in this regard.