

Submission on the Draft Threat Abatement Plan for Competition and Land Degradation by Unmanaged Goats

21 February 2024

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The NSW Young Lawyers Animal Law Sub-Committee (**Sub-Committee**) makes the following submission on **the Draft Threat Abatement Plan for Competition and Land Degradation by Unmanaged Goats**

NSW Young Lawyers

NSW Young Lawyers is a Committee of the Law Society of New South Wales that represents the Law Society and its members on issues and opportunities arising in relation to young lawyers i.e. those within their first five years of practice or up to 36 years of age. Through its 15 sub-committees, each dedicated to a substantive area of law, NSW Young Lawyers supports practitioners in their professional and career development by giving them the opportunity to expand their knowledge, advance their career and contribute to the profession and community.

The Sub-Committee comprises a group interested in laws regulating the treatment of animals. The Sub-Committee aims to raise awareness and provide education to the legal profession and wider community, while increasing understanding about the importance of protecting animals from abuse and neglect. A common theme amongst the Sub-Committee is a passion and desire to use their legal skills and the law to improve protections for animals.

The Sub-Committee welcomes the opportunity to make a submission on this review, and makes comments on objectives and actions 2, 3, 4, 5 and 6 of the Draft Plan.

Summary of Recommendations

The Sub-Committee submits that:

1. The use of lethal methods has often proven ineffective as a long-term, permanent means of controlling or removing invasive species:
 - a. Lethal methods of population control are unlikely to deliver a long-term solution for feral goat management.
 - b. Even sustained programs do not guarantee success in reducing populations.
 - c. Often-used lethal control may also increase the risk of harm to native wildlife which is sought to be prevented.

The Sub-Committee is of the view that the above limitations of lethal methods of population control are not adequately addressed in Objective 6 of the draft plan.

2. The Sub-Committee supports research into goat impacts on threatened species and ecological communities, particularly in relation to:
 - a. refining existing methodologies for rapid assessment of goat impacts in the field at a regional scale, as outlined in Action 2.1 of the Draft Plan; and
 - b. considering the impact of environmental settings on the suitability of various management methods as addressed in Actions 2.2-4 of the Draft Plan.
3. The Sub-Committee supports maintaining up-to-date information on unmanaged goat distribution and abundance and encourages standardised monitoring, as addressed in Objective 3 of the Draft Plan.
4. The Sub-Committee supports the investigation and consideration of methods to address human behaviours that may be creating or contributing to negative outcomes associated with feral goats, some of which are discussed in Objective 5 of the Draft Plan.

5. The Sub-Committee supports investing in the development and implementation of more sophisticated, non-lethal control methods, aimed at delivering long-term outcomes including continuous improvement on animal welfare codes of practice and standard operating procedures for goat control.

The use of lethal methods with the view to eradicating invasive species has proven ineffective

1. The Sub-Committee submits that a number of repeatedly used methods of invasive species management, such as the use of lethal baits and trapping mentioned in Objective 4, have proven ineffective, and that new methods ought to be investigated.
2. Lethal methods of population control typically fail to deliver a long-term solution for invasive species management.¹ Eradication of major invasive species is unlikely to be achieved by lethal methods, except within confined areas such as in enclosures and on islands; in Australia's long history of reliance upon such methods, no introduced species has ever been eliminated from the mainland.²
3. Even sustained programs do not guarantee success in reducing populations; feral camels have steadily increased in number and in range despite consistent attempts at control by lethal methods.³
4. Often-used lethal control may actually increase the harm to the native wildlife sought to be protected by such methods of control. For example, an analysis of malleefowl conservation programs dependent on fox baiting showed that baiting did not significantly impact fox populations. It was further discovered that fox presence was even conducive to malleefowl conservation.⁴ In another instance, long-term baiting of foxes in Western Australia successfully reduced population densities, but at some sites, this resulted in higher predation of threatened mammals by cats.⁵ While these examples are not specific to goats, they illustrate that it is a barrier to effective management to only assess the effectiveness of invasive species management by reference to the reduction of population numbers, rather than reduction of negative impacts associated with invasive species.

¹ Sophie Riley, 'Model Codes for Humane Treatment of Animals: Australian Law and Policy on Lethal Control of Pests' (2015) 18:4 *Journal of International Wildlife Law & Policy* 276, 280 – 281.

² Quentin Hart, Mary Bomford, 'Australia's Pest Animals: new approaches to old problems', *Science for Decision Makers* – Bureau of Rural Sciences (2006), 2; 5.

³ Australian Department of Sustainability, Environment, Water, Population & Communities, *National Feral Camel Action Plan: A National Strategy for the Management of Feral Camels in Australia* (2010) 16, cited in Riley, above n 1, 282.

⁴ J.C. Walsh, K.A. Wilson, J. Benshemesh, H.P. P Possingham, 'Unexpected Outcomes of Invasive Predator Control: the importance of evaluating conservation management actions' (2012) 15 *Animal Conservation* 319.

⁵ P.J. De Tores & N.J. Marlow, 'The relative merits of predator-exclusion fencing and repeated fox baiting for protection of native fauna: five case studies from Western Australia' in M.J. Sommers & M.W. Hayward (eds), *Fencing for conservation: restriction of evolutionary potential or a riposte to threatening processes?* (Springer, New York), 21-42, cited in Tim S. Doherty, Euan G. Ritchie, 'Running head: Rethinking invasive predator management'(Unpublished Manuscript, *Territorial Ecosystems*), 5.

5. Existing methods can also present a more direct risk of harm to non-target species. A study which investigated the uptake of 499 poisonous 1080 baits by non-target animals in eastern Australia identified that 13 non-target species were at high risk of mortality from consuming the baits.⁶
6. Furthermore, even methods that are not designed to kill target species can have serious consequences for non-target animals. Data collected on soft-catch leg-hold trapping aimed at capturing feral cats at six Western Australian sites over 18 years revealed that 431 non-target individuals were captured, including 232 belonging to native species. Amongst native fauna, severe injuries were observed in 33% of birds, 21% of reptiles and 12% of mammals captured.⁷
7. The recently approved Felixer grooming trap attempts to overcome risk of harm to non-target species by using laser, cameras and artificial intelligence to identify cats and spray them with toxic gel.⁸ However, it is far from infallible – one study found that feral cats were successfully identified by the Felixer in just under half of the instances in which cats passed the unit (48.1%), whilst Tasmanian devils and common wombats were targeted in 23.1% and 12% of passes respectively.⁹ The Sub-Committee therefore has concerns about approaches to invasive species management that seek to further develop or re-purpose lethal control measures, rather than exploring other alternatives (addressed in more detail later in this submission).
8. Recently, more aggressive, aerial-based poison baiting and shooting programs were adopted in 2020 in the wake of summer bushfires.¹⁰ While the justification is understandable, with native species in a vulnerable state (reduced population, diminished habitat, less food availability), these are the same reactive methods that have been used for decades without the desired result, the shortcomings of which have been addressed above.
9. A key barrier to the effective management of invasive species is the lack of research into and application of, alternative non-lethal methods of control. The Sub-Committee submits that there is a strong need to

⁶ Bronwyn A Fancourt, Christine Zirbel, Peter Cremasco, Peter Elsworth, Glen Harry and Matthew N. Gentle, 'Field assessment of the risk of feral cat baits to nontarget species in eastern Australia' (2021) 18(1) *Integrated Environmental Assessment and Management* 224, 1.

⁷ Chantal Surtees, Michael C. Calver, Peter R. Mawson, 'Measuring the Welfare Impact of Soft-Catch Leg-Hold Trapping for Feral Cats on Non-Target By-Catch' (2019) 9 *Animals* 217, 1.

⁸ 'Felixer grooming trap to be rolled out as part of Australia-first strategy to control feral cats', *Australian Broadcasting Corporation* (Web Page, 28 June 2023) <<https://www.abc.net.au/news/2023-06-28/deadly-tool-unveiled-as-part-of-crackdown-in-australia-first/102535300>>.

⁹ Holly Rickards, John L. Read, Chris N. Johnson, Menna E. Jones, Matthew D. Pauza, Joss Bentley, Andry Sculthorpe, Morgan Humphrey and Rowena Hamer, 'Is the Felixer cat control device safe for marsupial carnivores' (2022) 50(5) *Wildlife Research* 356, 360.

¹⁰ Department of Planning, Industry and Environment, *Wildlife and Conservation Bushfire Recovery - Immediate Response* (January 2020).

investigate such alternatives in light of the serious limitations of lethal methods, which are outlined above. Further comments are made on this issue later in this submission.

10. As such, the Sub-Committee submits the following:¹¹

- a. Lethal methods of population control will not deliver a long-term solution for feral goat management;
- b. Even sustained programs do not guarantee success in reducing populations; and
- c. Often-used lethal control may also increase the harm to native wildlife which are sought to be protected (either directly or indirectly).

Research into goat impacts on threatened species and ecological communities

11. The Sub-Committee supports research into goat impacts on threatened species and ecological communities, particularly in relation to:

- a. refining existing methodologies for rapid assessment of goat impacts in the field at a regional scale, as outlined in Action 2.1; and
- b. considering the impact of environmental settings on the suitability of various management methods as addressed in Actions 2.2-4.

Re-evaluating goals and approaches to feral goat management

12. The Sub-Committee submits that whilst the above observations regarding the limitations of lethal methods were made in respect of invasive species management generally, these limitations are also relevant to the matters the subject of this Draft Plan, given that such methods have been, and are still, used as methods of feral goat management.

13. The Sub-Committee submits that those limitations can only be addressed by re-evaluating goals and approaches to feral goat management. The Sub-Committee would, therefore, urge the Australian Government to:

¹¹ Massei G. Fertility, 'Control for Wildlife: A European Perspective' (27 January 2023) *Animals (Basel)*13(3):428 <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9913817/>>.

- a. improve the quality and quantity of available data by ensuring that all feral goat management programs comprehensively monitor outcomes (e.g. threatened species) as well as assets (e.g. agriculture), including by monitoring a non-treatment area as a control;
- b. investigate and aim to address human behaviours that may be creating or contributing to negative outcomes associated with feral goats. For example, the Sub-Committee recommends the application of responsible pet ownership principles to goats that are considered to be a resource or assets by landowners, including microchipping, desexing and suitable containment (such as fencing).¹² In particular, the status of goats as feral or domestic is often unclear.¹³ By way of example, some 'feral' goats are also 'owned' in the sense that they 'go with the land', but are not restrained, desexed or identified and receive no active care.¹⁴ As such, the Sub-Committee submits that where landholders consider feral goats to be a resource or asset, the landowners ought to take responsibility for managing the goats as livestock whereby the rules for managing livestock, such as maximum stocking rates, as well as well-established best practice regarding issues like appropriate fencing, should apply.¹⁵

Investing in the development and implementation of more sophisticated, non-lethal control methods

14. The Sub-Committee is of the view that Objective 6 of the draft plan does not adequately address the limitations of lethal methods of eradication. The Sub-Committee supports investing in the development and implementation of more sophisticated, non-lethal control methods, aimed at delivering long-term outcomes (some examples of which are referred to in the Draft Plan) including continuous improvements in animal welfare and enhancement of standard operating procedures for goat control.
15. Animal welfare codes of practice provide general information on best practice management for different animal species, control strategies, animal biology and impact and also a summary of the humaneness, efficacy, cost-effectiveness of the control method.¹⁶ The model code of practice for the humane control of

¹² 'AVA Management of cats in Australia', *Australian Veterinary Association* (Web Page, 15 July 2022) <<https://www.ava.com.au/policy-advocacy/policies/companion-animals-management-and-welfare/management-of-cats-in-australia/>>.

¹³ Australian Wildlife Management Society, *AWMS POSITION STATEMENT Management of Feral Goats* (March 2013) <<https://www.awms.org.au/management-of-feral-goats>>.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ Trudy Sharp, 'Model code of practice for the humane control of feral goats. Code of Practice' (2012, Webpage) *PestSmart* <<https://pestsmart.org.au/toolkit-resource/code-of-practice-feral-goats>>.

feral goats (**the model code**) highlights the importance of affecting a minimum number of individuals and the sustainability of the control methods.¹⁷

16. The model code recognises that feral goat control techniques have the potential to cause animals to suffer, and that there is an expectation that any suffering will be minimised.¹⁸ As such, humane techniques that cause the least amount of pain and suffering to the target animal with the least harm or risk to non-target animals, people and the environment ought to be used. The Sub-Committee is of the view that this approach should be taken in the Draft Plan.
17. Regarding minimising unintended impacts on non-target species, the Sub-Committee encourages the DCCEEW to consider research into developing forms of reproductive control that are cost-effective and suitable for widespread propagation.¹⁹
18. By way of example, the Sub-Committee cites the successful studies of testing a contraceptive vaccine Gonacon in Wales, UK on a population of feral goats.²⁰ The results suggested that vaccination of females significantly reduced their breeding success for two years.²¹
19. The Sub-Committee submits that consideration should be given to the impact of environmental settings on the suitability of various management methods.²² That is, whether certain management methods may be effective (or ineffective) in certain settings, but not in others. By way of example, the Sub-Committee cites successful studies of non-lethal measures focused on neutering existing populations of feral cats in certain urban settings, in circumstances where such approaches are historically not preferred by the responsible Department or Council.²³

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Massei G. Fertility, 'Control for Wildlife: A European Perspective' (27 January 2023) *Animals (Basel)*13(3):428 <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9913817/>>.

²⁰ Ibid.

²¹ Ibid; Cowan D.P. et al., 'Adaptive management of an iconic invasive goat *Capra hircus* population' (22 January 2020) *Mammal Review* <<https://onlinelibrary.wiley.com/doi/abs/10.1111/mam.12176>>.

²² Trudy Sharp, 'Model code of practice for the humane control of feral goats. Code of Practice' (2012, Webpage) *PestSmart* <<https://pestsmart.org.au/toolkit-resource/code-of-practice-feral-goats>>.

²³ Rand, Lancaster, Inwood, Cluderay and Marston, 'L. Strategies to Reduce the Euthanasia of Impounded Dogs and Cats Used by Councils in Victoria, Australia' *Animals* (2018, 8, 100) <<https://doi.org/10.3390/ani8070100>>.

Concluding Comments

NSW Young Lawyers and the Sub-Committee thank you for the opportunity to make this submission. If you have any queries or require further submissions please contact the undersigned at your convenience.

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