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18 December 2025

Dear Conservator

SUBMISSION—EASTERN GREY KANGAROO: DRAFT CONTROLLED NATIVE SPECIES MANAGEMENT PLAN 2025

On 6 November 2025 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 draft plan is made under the *Nature Conservation Act 2014 (ACT) (NC Act)*. The consultation period closes on 18 December 2025. This is the minimum timeframe specified in the NC Act.¹ The ADO notes the limited time for providing comments on this important and complex subject and that the consultation period ends barely a week before Christmas which is a busy time of year for most people.

About the Animal Defenders Office

The ADO is a nationally accredited community legal centre that specialises in animal law. The ADO is run by volunteer lawyers and law students. The ADO provides pro bono legal services to the community and works to advance animal interests through law reform. The ADO is based in the ACT and operates nationally.

About this submission

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

1. The ethical concerns with adopting ongoing lethal and often inhumane measures to ‘control’ a local wild animal species.
2. The lack of consideration of human factors threatening local biodiversity.
3. The overreliance on unsupported assertions and out-of-date or irrelevant information to support the draft Plan’s policy positions.
4. The draft Plan’s bias towards studies that support its positions and ignoring areas of research that could lead to non-lethal control measures or a review of the need for measures.
5. Serious omissions in the draft Plan such as evaluation and reporting requirements.
6. The failure to consider animal welfare in any meaningful way.
7. The lack of information about the new regulatory framework of authorisations.

¹ The NC Act specifies the public consultation period for a draft controlled native species management plan must be ‘*at least* 6 weeks after the day it is notified’ (emphasis added).

8. The inadequate consideration of social impacts of the draft Plan's preferred lethal control measure.

The ADO notes that this list of concerns is based on an almost identical list from the ADO's submission on the 2017 draft plan.² Frustratingly, not much has changed in the intervening 8 years.

Our concerns are set out in detail in the table below and refer to parts and sections of the draft Plan.

² 'ADO Submission on the Eastern Grey Kangaroo: Draft Controlled Native Species Management Plan', 24 March 2017, p 1; available [here](#).

Draft Plan reference	Themes	Draft Plan text	ADO comments	Recommendation
1. Introduction, p4.	Cultural engagement	<p><i>The term 'Buru' is used throughout this document when referring to animals on Ngunnawal Country</i></p>	<p>The appropriation of a local indigenous term for the species known in the ACT as Eastern Grey Kangaroo³ (EGK) is not cultural engagement but a gross example of cultural tokenism. The draft Plan is an inherently colonial and non-indigenous document. It adopts an approach to nature that is anthropocentric and hostile, rather than harmonious and with a wholistic outlook (a ‘oneness with <i>all</i> of this universe’*). Appropriating terms in this way is colonial hypocrisy masquerading as cultural sensitivity. It is not cultural awareness. Acknowledging different attitudes and learning from them is. The ADO will not adopt the tokenistic and disingenuous use of local indigenous terms in these submissions about this inherently colonial and oppressive document. The ADO will show respect for local indigenous cultures and animals by reserving the use of local indigenous terms for animals in documents that celebrate those animals and propose ways of living in harmony with them, rather than destroying them and their families with lethal violence.</p> <p>Moreover, the ADO notes that the Nature Conservation (Controlled Native Species (CNS)) Declaration which underpins the draft Plan refers only to ‘the Eastern Grey Kangaroo (<i>Macropus giganteus</i>)’.⁴ To be legally consistent, the species that is declared to be a CNS should be</p>	<p>The draft Plan should use the same term to describe the species declared to be a CNS that is used in the CNS declaration (a legislative instrument).</p> <p>The draft Plan should properly acknowledge our colonial history rather than engage in cultural tokenism. As an indigenous scholar put it:</p> <p>* ‘Two hundred years later and these whitefellas are just as greedy and destructive. Most of my mob have since learned the whitefella ways...then have turned back to what we know is right and true: to a oneness with <i>all</i> of this universe. Whitefellas don’t know anything about the country they invaded: not a thing – can’t speak the language, and have no real knowledge of the plants and birds and animals and fish and insects and earth. But they think they know everything, and since they have power, they experiment with that knowledge: children.⁵</p>

³ ‘Kangaroo’ is itself reputed to have come from an indigenous term ‘gangurru’, first recorded by James Cook in 1770 in scientific descriptions of the animal.

⁴ *Nature Conservation (Controlled Native Species – Eastern Grey Kangaroo) Declaration 2017*, clause 3: ‘I declare the Eastern Grey Kangaroo (*Macropus giganteus*) to be a controlled native species.’ Available at <https://www.legislation.act.gov.au/di/2017-13/>.

⁵ Kakkib li’Dthia Warrawee’ a, ‘The Kangaroo Betrayed’ in *Kangaroos. Myths and Realities*, ed Maryland Wilson and David B Croft, 2005 (3rd ed), p 96. Emphasis in original.

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			the species that is referenced in the CNS plan.	
1. Introduction, p4.	Animal welfare not a priority	<i>The frequency of shooter competency retesting has been revised from every 2 years to every 3 years.</i>	The lengthening of the interval between shooter competency tests with the associated risks to animal welfare shows that shooter convenience has been prioritised over animal welfare.	Reinstate a requirement for shooter competency retesting every 2 years.
2. Purpose of the management plan, p5.	Alleged impacts of EGKs	<i>The purpose of the controlled native species management plan is to set out the approach to be adopted in ... managing their negative environmental, economic and social impacts</i>	<p>The reference to ‘negative environmental, economic and social impacts’ is based on the declaration of EGK as a controlled native species (CNS) made almost 10 years ago (8 Feb 2017).⁶ It has not been amended or remade since that time.</p> <p>The ADO fundamentally disagrees with the proposition that a local native wild animal can have ‘negative’ impacts. EGKs are part of the environment, not a factor working against it. This is an inherently colonial anthropocentric outlook.</p>	The 2017 declaration of EGK as a CNS should be subject to review in line with review requirements for CNS management plans, which is at least once every 5 years: NC Act s 168.
2.1. The context, p7	Environmental welfare	<i>Buru populations in lowland nature reserves have been managed regularly for environmental welfare reasons since 2009 ... Here, the persistence of threatened species and ecosystems faces many threats including fragmentation from urban expansion and habitat degradation from various causes.</i>	<p>By ‘managed regularly’ the ADO presumes the draft Plan means ‘killed’. The ADO submits that the draft Plan should clarify what exactly it is trying to achieve by killing EGKs on an ongoing basis. The ADO suggests that ‘environmental welfare’ cannot be achieved when habitat fragmentation and degradation continue unabated and only small pockets of conservation areas exist.</p> <p>The ADO submits that the ongoing killing of healthy native wild animals in pursuit of unattainable conservation objectives is unethical and unjustifiable.</p>	<p>The draft Plan should:</p> <ul style="list-style-type: none"> • clarify what the environmental goals of the plan are. • clearly state how ongoing killing of EGKs has affected threatened species in terms of their recovery, with details about particular species and their numbers, and whether the status of ‘threatened’ or ‘vulnerable’ of any species has changed due to the ongoing killing of EGKs.

⁶ *Nature Conservation (Controlled Native Species – Eastern Grey Kangaroo) Declaration 2017*, <https://www.legislation.act.gov.au/di/2017-13/>.

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3. Principles and Policies of the Plan, p 8	Animal welfare – not a priority	<i>Buru welfare is a primary consideration in all Buru management, and all Buru are to be treated humanely</i>	The ADO submits that animal welfare is not a priority in the draft Plan	The draft Plan should acknowledge that economic considerations take precedence over animal welfare considerations in the Plan and that it aims for the least inhumane treatment.
3. Principles and Policies of the Plan, p 9	Transparency	<i>Communication of the Plan's goals, outcomes and activities is essential for program transparency and to maintain public access to, and confidence in, the management programs</i>	Dictating or predetermining what is to happen to native wild animals does not enable public access to the management program. The ADO submits that allowing members of the public to seek independent review of decisions regarding the killing of EGKs is essential in ‘maintaining public access to, and confidence in, the management programs’. Yet the fundamental right to seek review of decisions ⁷ to kill CNS was arbitrarily and undemocratically removed by the government under the NC Act. ⁸ Decisions to authorise killing of CNS are not reviewable decisions. The ADO submits that 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 is anti-democratic. The ADO notes that ACT courts and tribunals have found significant aspects of the government’s kangaroo culls to be unlawful. ⁹	Decisions to authorise killing of native wild animals under a CNS Management Plan should be reviewable decisions under the NC Act (Sch 1).

⁷ 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: *Capital Property Projects (ACT) Pty Limited v Australian Capital Territory Planning & Land Authority* [2008] ACTCA 9.

⁸ Under the previous NC Act (1980), a decision to grant a licence to kill was reviewable by any entity whose interests were affected by the decision.

⁹ For two years the ACT government killed kangaroos under a licence that the ACT Supreme Court subsequently held to be invalid: <http://www.abc.net.au/news/2016-07-21/canberra-kangaroo-cull-in-2015-was-unlawful-justice-says/7648890>. Since 2009 EGKs were shot during government culls with devices that the ACT Civil and Administrative Tribunal found to be illegal:

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3.1 Legislation and management plans, p 9	Animal welfare - humane washing	<i>All activities listed within the Plan are in accordance with the ACT Animal Welfare Act 1992</i>	<p>The ADO submits that this assertion is misleading, and part of the draft Plan's humane washing which refers to the misleading labelling of an animal management practice deceptively giving the impression that the animals have been or will be treated humanely.</p> <p>The activities adopted or contemplated in the Plan such as shooting, blunt force trauma to the head and poisoning would come within the definition of 'cruelty' in the <i>Animal Welfare Act 1992</i> (ACT) (AW Act) s 6A and as such could constitute a breach of the offence of committing an act of cruelty to an animal (s 7). The only reason these activities are legal is because conduct that is in accordance with an approved code of conduct (such as the non-commercial shooting code) is exempted from the offence (s 20).</p>	The draft Plan should clarify that the activities it prescribes would meet the definition of 'cruelty' under the AW Act but are permitted if undertaken in accordance with an approved code of practice.
3.1 Legislation and management plans, p 9	Animal welfare - not a priority	<i>all shooting is undertaken in accordance with the relevant Code of Practice</i>	This statement is an unsupported assertion and cannot possibly be verified because shooting happens at night in closed nature parks and is not subject to regular monitoring at the point of kill or unannounced welfare checks.	This statement should be amended to clarify that shooting in accordance with the relevant Code of Practice is a goal of the Plan.
3.4. Implementation of the management plan, p11	Transparency	<i>The plan itself does not require or permit a leaseholder to undertake Buru culling on their land. A separate authorisation issued by the Conservator will be required.</i>	The ADO submits that the authorisation process under the NC Act and which underpins the draft Plan is not a transparent process. Pre-existing review rights for the equivalent process under the NC Act 1980 have been removed, which is the antithesis of open and transparent government decision-making. Reliance on the authorisation process undermines claims to transparency in the draft Plan.	Decisions to authorise killing of native wild animals under a CNS Management Plan should be reviewable decisions under the NC Act (Sch 1).
3.4. Implementation of the	Animal welfare - not a priority	<i>The Macropod Management Steering</i>	The ADO notes that there is no animal welfare representative on this committee, which	An animal welfare representative (other than a veterinarian)

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management plan, p11		<i>Committee includes...</i>	emphasises that animal welfare is not a priority in the draft Plan.	should be included in this Committee.
Table 1. Buru management methods and policy position for the ACT	Animal welfare – humane washing	<i>Shooting...the most humane ... technique currently available</i>	The ADO submits that shooting cannot be regarded as humane. The word humane is defined as 'characterised by tenderness and compassion for the suffering or distressed' (Macq Dictionary). Using a violent method of killing vulnerable defenceless animals cannot possibly be considered humane.	The draft Plan should refer to shooting as the 'least inhumane' technique.
Table 1. Buru management methods and policy position for the ACT	Transparency	<i>Shooting of Buru to achieve land management objectives will be authorised subject to consideration of... compliance with relevant codes of practice...</i>	There is no transparency in the authorisation process as it is not subject to merits review so there is no way for the public to be able to verify whether shooting will be authorised in accordance with these factors. Also, the reference to shooting being authorised subject to 'compliance with the relevant codes of practices' is unclear. Does it mean that authorisations will be granted subject to consideration of the holder's past compliance with the relevant COP? Or with the condition that the holder of the authorisation must comply with the relevant COP in the future?	The reference to the considerations for shooting authorisations should be clarified in relation to compliance with relevant COPs.
Table 1. Buru management methods and policy position for the ACT	Animal welfare – humane washing	<i>or humane killing with a penetrating captive bolt device</i>	The ADO submits that the use of the phrase 'humane killing' is misleading and an exercise in humane washing. Killing a sentient animal with such a device is inherently violent and therefore does not meet the ordinary dictionary definition of 'humane'.	The word 'humane' should be omitted from this sentence on the grounds it is unnecessary, and potentially misleading and deceptive.
Table 1. Buru management methods and policy position for the ACT	Transparency	<i>Capture darting followed by lethal injection or ... killing with a penetrating captive bolt device may be approved as a culling technique in the ACT, subject to compliance with relevant legislation and guidelines.</i>	The ADO submits the process of approving a culling technique is not transparent. How will it be done? Who will 'approve' it? And what does 'subject to compliance with relevant legislation and guidelines' mean? That persons will be permitted to use these techniques provided they are used in accordance with relevant legislation and guidelines? If so, this says nothing more than that the activity will be undertaken according to law, which should be a given with any activity undertaken under the draft Plan.	This statement should be amended to clarify who will approve the technique (ie not use the passive voice), and the reference to 'compliance with relevant legislation and guidelines' should be clarified or removed for being otiose.

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Table 1. Buru management methods and policy position for the ACT	Animal welfare – humane washing	<i>Poisoning will not be approved as a Buru culling technique in the ACT unless humane, safe, target-specific and environmentally benign techniques are developed...</i>	It is unconscionable that the draft Plan is contemplating poisoning EGKs given the inherent harm and suffering that the poison would inflict on the animal. It is inconceivable that poisoning EGKs can be called 'humane'. The ADO submits that the use of this term in this sentence is misleading and an exercise in humane washing.	The word 'humane' should be omitted from this statement as it is misleading.
Table 1. Buru management methods and policy position for the ACT	Animal welfare - not a priority	<i>GonaCon Immunonocontraceptive Vaccine will continue to be implemented ... to assess if this method is a cost-effective approach to decrease population growth and reduce the amount of culling required</i>	This research has been going on since 1998 (draft Plan p39). The ADO notes it is referred to as a means of reducing the number of EGKs killed under management plans. The ADO submits that this demonstrates that fertility control would have better welfare outcomes because animals would not be killed and existing family groups decimated. However, the ADO notes the glacial pace of this research and the priority given to how 'cost-effective' it is, and submits that this demonstrates the low priority given to animal welfare in the draft Plan.	Priority should be given to this research to improve welfare outcomes for EGKs subject to the draft Plan.
Table 1. Buru management methods and policy position for the ACT	Animal welfare - not a priority	<i>Based on animal welfare concerns, ... and the expense and logistical requirements involved, translocation ... is not considered to be an appropriate management technique</i>	This statement shows that genuine animal welfare is not a priority under the draft Plan. If it were, translocation would be prioritised as an area of research. Instead, it is rejected on spurious animal welfare grounds and due to costs, showing that lethal methods are preferred for economic rather than welfare reasons.	Research into the viability of translocation as a non-lethal, and therefore less inhumane, management tool should be prioritised.
Table 1. Buru management methods and policy position for the ACT	Animal welfare - not a priority	<i>Licences will not be issued for the rehabilitation and release of any Buru in the ACT.</i>	There is no rational justification for the refusal to grant licences to rehabilitate EGKs in the ACT. Rehabilitation is separate and distinct from releasing. Even if the release of EGK in the ACT is not permitted, there is no reason why EGKs could not be rehabilitated in the ACT, especially orphaned or injured young. This would save these animals from having to be exported to NSW immediately after rescue when they are at	The rehabilitation of rescued and orphaned kangaroos in the ACT should be permitted.

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			their most vulnerable and chances of survival are low, as is currently the practice in the ACT. Once rehabilitated in the ACT, the relevant licence could require that the animal be exported to NSW for release. Maintaining the current policy of no rehabilitation of EGKs in the ACT results in adverse animal welfare outcomes.	
Table 1. Buru management methods and policy position for the ACT	Research – unsupported assertions	<i>to reduce the risk of injuries to humans from large male Buru that were originally hand reared...</i>	The ADO notes that this assertion is not referenced. More details to support the assertion should be provided eg when is the last time it occurred? What information is it based on?	This statement should be omitted from the draft Plan because it is not evidence-based.
Table 2. Buru management objectives and policies for ACT land tenures, p17	Animal welfare - not a priority	<i>Urban development sites... Consideration should be given to culling... In development sites adjoining high conservation grassy ecosystems Buru populations will be managed to achieve grassland target densities. In other development sites ... populations will be managed to achieve the best welfare outcome for the Buru.</i>	Culling with its inherent welfare and ethical concerns should not be an option in this context (urban development) where the cause for the problem is entirely anthropogenic. The welfare of local native wildlife including EGKs should be factored in at the planning stage and, if required, non-lethal measures adopted and costed in. The ADO submits that the purported ‘best welfare outcome’ approach mentioned here for ‘other development sites’ could be applied to every urban development site while still achieving desired environmental outcomes. The current approach demonstrates that animal welfare of EGK is not a priority. This also applies to ‘other land’ (Table 2).	Culling should be removed from this section and the ‘best welfare outcome’ approach should apply to all urban development sites.
Table 2. Buru management objectives and policies for ACT land tenures, p18	Animal welfare - not a priority	<i>The aim ... is to maintain free-ranging Buru populations at densities that do not seriously impact on the economic viability of rural properties.</i>	The ADO submits that EGK welfare should not be at risk or sacrificed because of the use of animals entirely unsuited to our environment and a substantial contributor to greenhouse gases and global warming. ¹⁰ EGKs should not be killed due to alleged grazing competition with introduced animals – to do	The draft Plan should adopt the policy that local EGKs will not be killed due to alleged grazing competition with introduced animals, or the draft Plan should acknowledge that the welfare of EGKs is

¹⁰ FAO. 2023. *Pathways towards lower emissions – A global assessment of the greenhouse gas emissions and mitigation options from livestock agrifood systems*. Available at: <https://doi.org/10.4060/cc9029en>.

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			so confirms that positive animal welfare outcomes for EGKs are not prioritised in the draft Plan. The ADO submits that the densities of introduced farmed animals should be regulated so as not to adversely affect or impact the welfare of kangaroos.	secondary to the profitability of animal agriculture in the ACT.
Table 2. Buru management objectives and policies for ACT land tenures, p18	Transparency	<i>Policies – Authorisation holders are required to submit annual returns on numbers ... culled. These records will be maintained and aggregate data made publicly available</i>	The ADO submits that all relevant information regarding the killing of native EGKs for introduced farmed animals should be made publicly available so the public can assess whether the lethal action against native wildlife for purely private interests should continue.	The reference to 'aggregate data' should be omitted so that all records will be made publicly available.
Table 2. Buru management objectives and policies for ACT land tenures, p18	Transparency	<i>...areas available for agistment licences ... other leased land such as golf courses ... If management involves culling, this will be assessed on a case-by-case basis.</i>	The process for authorising the killing of local native wild animals including EGKs in these areas should be open to scrutiny by the public. There is no <i>prima facie</i> justification for using lethal control on animals in these locations. It is difficult to see how sites used for recreational purposes such as golf courses or potential agistment complexes for horses can contain 'high conservation grassy ecosystems'. If they do, before any lethal control of native wild animals occurs, the management policies for the other uses of the sites should be made public and available for scrutiny by the community to assess whether these uses should continue on high conservation value land.	Applications for culling on high conservation land subject to 'other uses' must be made public so that the community is aware of when kangaroos may be killed and can evaluate whether killing should be taking place on land subject to recreational uses.
Table 2. Buru management objectives and policies for ACT land tenures, p19	Animal welfare	<i>Captive Buru populations</i>	The ADO does not support keeping native wild EGKs in captivity. However, where existing captive populations exist, the 'best welfare' principle should apply to them and lethal controls prohibited. For that reason the ADO supports the use of breeding control if necessary and/or translocation.	The 'best welfare' policy should apply to all EGKs in captivity. Lethal controls should be prohibited.
Table 2. Buru management	Animal welfare – not a priority	<i>Roads – Vehicle strike is a significant cause</i>	There is a range of non-lethal devices that could be used to help protect animals from	Mitigation measures with higher positive welfare outcomes

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objectives and policies for ACT land tenures, p20		<i>of mortality in Buru in the ACT. ... Wildlife collision mitigation measures are considered ... subject to cost-benefit analysis</i>	<p>vehicle strike such as virtual wildlife fencing¹¹ and reducing speed limits in known or emerging hotspots. The use of these mechanisms should be prioritised as they have higher welfare outcomes for animals¹² and humans¹³.</p> <p>References to ‘fencing’ are ambiguous in the draft Plan as it is not clear whether they refer to fixed, physical fences or virtual wildlife fences. Fixed fencing is known to have adverse welfare outcomes¹⁴ so should be avoided.</p> <p>A failure to prioritise measures with higher positive welfare outcomes (virtual fencing, reducing speed limits) supports the proposition that animal welfare is not a priority under the Plan.</p>	such as virtual wildlife fencing, and reducing speed limits should be prioritised in the draft Plan and incorporated into designs of new and upgraded urban and rural roads.
4. One Welfare, p 21.	Animal welfare – not a priority	<i>The first Outcome [Buru Welfare] ensures that management ... meets high animal welfare standards</i>	<p>The low priority of animal welfare in the draft Plan undermines this assertion that the Plan’s outcomes ‘ensure’ that high animal welfare standards will be met. The ADO notes there is one outcome for this ‘theme’ of EGK welfare, compared to five outcomes for Human Welfare. Also, the three interim outcomes for EGK Welfare <i>all</i> relate to <i>killing</i> the EGKs. This is not an outcome about maintaining high, or any, positive welfare standards. If it were, it would prioritise non-lethal control methods or eliminating EGK control methods, and focus on other</p>	<p>The word ‘ensures’ should be omitted as it is a conclusion rather than a goal.</p> <p>The use of the word ‘high’ regarding animal welfare standards should be omitted as it is not justified because the draft Plan is not committed to this level of animal welfare standards.</p>

¹¹ Virtual wildlife fencing was the subject of a well-supported petition to the ACT Legislative Assembly: ‘Virtual fencing trial in Canberra’, e-petition to the ACT Legislative Assembly, closed on 12/9/25, 1,350 signatures. Available at: <https://epetitions.parliament.act.gov.au/details/e-pet-031-25>

¹² https://www.sydneybasinkoalanetwork.org.au/why_speed_matters_for_koalas; <https://www.nsw.gov.au/driving-boating-and-transport/roads-safety-and-rules/safe-driving/safe-stopping-distance>.

¹³ See Australian Government, ‘Regulatory Impact Analysis to reduce the open road default speed limit’, Public consultation (closed 10 Nov 2025), <https://www.infrastructure.gov.au/have-your-say/regulatory-impact-analysis-reduce-open-road-default-speed-limit>. See also NSW Government, <https://towardszero.nsw.gov.au/roadsafetyplan>.

¹⁴ Finding 2, *Health and wellbeing of kangaroos and other macropods in New South Wales / Portfolio Committee No. 7 – Planning and Environment [Sydney, NSW], 2021.*

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			non-lethal measures to protect EGKs and the environment.	
4. One Welfare, p 21.	Human welfare	<i>five Outcomes ... concern human welfare and address diverse aspects of human/Buru interaction</i>	Human welfare must take into account the welfare of the many individuals in the community who, regardless of their cultural background, care deeply about kangaroos as sentient animals and who are traumatised every year when thousands are violently shot and brutally killed in their local natural habitat. This level of respect for kangaroos is reflected in the ACT's animal welfare law, which recognises that animals <i>including</i> kangaroos 'have intrinsic value and deserve to be treated with compassion and have a quality of life that reflects their intrinsic value' (AW Act s 4A(1)(b)).	The draft Plan should refer to members of the community who recognise that kangaroos are included in the ACT's recognition of sentience in animal welfare law.
4. One Welfare, p 23.	Cultural engagement	<i>Ngunnawal involvement in the management of Buru</i>	Whether the involvement of indigenous communities in the treatment of EGKs would be meaningful depends entirely on the degree of control over the 'management' of the EGKs given to indigenous communities by the (colonial) authorities. If it means simply being involved in the Government's pre-determined killing plans, then any involvement is tokenistic and meaningless.	The draft Plan should indicate what indigenous views on the actual killing of healthy local native animals and how they have been incorporated in decisions whether to cull, rather than the (colonial) authorities making the key decision to cull, then permitting indigenous input after that.
4. One Welfare, p 23.	Animal welfare – code of practice	<i>Management of Buru for environmental or economic reasons is undertaken in accordance with Buru welfare legislation and guidelines.</i>	<p>It is not clear what is meant by 'Buru welfare legislation and guidelines'. The ADO is unaware of any legislation in the ACT that has that title or description.</p> <p>If it refers to <i>animal</i> welfare legislation, a purported commitment to carry out control measures against kangaroos in accordance with that legislation is meaningless when any protection afforded by the legislation is completely undermined by the exemption for conduct carried out under the</p>	<p>The phrase 'Buru welfare legislation and guidelines' should be clarified, or omitted and replaced with 'animal' welfare legislation and guidelines (if that is what is meant). The draft Plan should also clarify that the Code of Practice has much lower animal welfare standards than in the AW Act, but that the Code of Practice prevails by virtue of the exemption in s 20 of the AW Act.</p>

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			shooting sector's kangaroo killing Code (2008). ¹⁵	
4. One Welfare, p 23.	Bias	<i>... when grazing intensity is moderated for environmental or economic outcomes, this may result in fewer vehicle collisions ...</i>	The proposition that moderating grazing intensity 'may result' in fewer vehicle collisions is not referenced in any way and therefore is an unsubstantiated assertion.	Unsubstantiated hypotheses should be acknowledged as such or be omitted from the purportedly 'evidence-based' draft Plan.
4.1 Buru welfare, p23.	Animal welfare – not a priority	<i>Amendments to the [AW Act] ...to ensure animals are recognised as sentient beings that... deserve an acceptable quality of life</i>	<p>This statement misstates the legislation. The objects clause in the AW Act does not refer to 'acceptable quality of life'. The wording in the legislation is: 'animals have intrinsic value and deserve to be treated with compassion and have a quality of life that reflects their intrinsic value' (s 4A(1)(b)).</p> <p>The reference to the much lower standard of 'acceptable quality of life' reveals the draft Plan's anthropocentric and colonial approach to animal welfare and wellbeing (eg acceptable to whom?).</p>	The reference to 'acceptable quality of life' should be removed and the wording from the legislation, or an accurate paraphrase, used instead.
4.1 Buru welfare, p23.	Animal welfare – humane washing	<i>[EGK] welfare during management activities is of the highest priority.</i>	The ADO completely disagrees with this assertion. It is contradicted by so many other parts or aspects of the draft Plan as detailed in these submissions.	This statement should be removed on the grounds that it is inaccurate and misleading.
4.1 Buru welfare, p23.	Animal welfare – humane washing	<i>Planning and management implementation seek to minimise any physical and mental pain or distress.</i>	The ADO submits that this assertion is simply false. If planning and management did seek to 'minimise any physical and mental pain or distress', it would not advocate for or allow the violent and brutal killing of sentient individuals on their own or in front of their family members.	This statement should be removed on the grounds that it is inaccurate and misleading.
4.1.1 Outcome 1: The management of Buru in the ACT meets high animal welfare standards, p24.	Animal welfare – not a priority	<i>This plan is committed to implementing management methods ... based on the best available scientific evidence, animal welfare</i>	'Cost effectiveness' should not be a consideration when aiming for 'high animal welfare standards' as asserted in this part of the draft Plan, and in light of the acknowledgement of animals' 'intrinsic value' in the AW Act. There is no reference to 'cost effectiveness' in the AW Act in its acknowledgment	The draft Plan should commit to high animal welfare standards and to adequately resource the meeting of those standards, or acknowledge that animal welfare is secondary to financial considerations.

¹⁵ AW Act, ss 20 and 22, creating an 'exception – conduct in accordance with approved code of practice'.

Draft Plan reference	Themes	Draft Plan text	ADO comments	Recommendation
		<i>standards and cost effectiveness.</i>	of sentience and its reference to animals deserving to be treated with compassion (s 4A(1)(a)-(b)). The reference to 'cost effectiveness' undermines any purported commitment to high animal welfare standards.	
4.1.1 Outcome 1: The management of Buru in the ACT meets high animal welfare standards, p24.	Animal welfare – not a priority	<i>the ACT Government will... where possible, collaborate with external research institutions to explore new humane options.</i>	The conditional nature of this commitment ('where possible') is too vague and subjective. For example, what will determine whether the proposed collaboration is 'possible'? If it remains in the Plan it undermines any purported commitment to animal welfare being a priority or to using humane measures.	The words 'where possible' should be removed and replaced with an unconditional commitment to exploring genuinely humane (ie non-lethal) options.
4.1.1.1 Management methods, p24.	Animal welfare – humane washing	<i>Shooting is the most humane and target specific technique available</i>	<p>It is misleading and deceptive to refer to shooting as 'the most humane' management technique. While the basis for this assertion is not disclosed, it is logically impossible for this assertion to be true when considered against non-lethal measures and policies of compassionate conservation.</p> <p>The tragic irony of writing this submission at the time of the Bondi shooting, when the violent nature of the shooting was one of its many unconscionable features that so appalled the world, is a stark reminder that any shooting of unsuspecting victims is inherently and ineradicably violent. This is an inescapable aspect of this method of dealing with wildlife, and to assert otherwise is not only false and misleading but also unethical.</p>	The use of the phrase 'most humane' should be removed as misleading and deceptive. The phrase could be amended to 'Shooting is the most target specific technique available.'
4.1.1.1 Management methods, p24.	Animal welfare – humane washing	<i>All Buru shooting in the ACT is undertaken in accordance with the National Code of Practice...</i>	This assertion is false. Unless the draft Plan can point to evidence that all shooting was monitored by an independent expert, it is misleading to make this claim. It should be rephrased to note that shooters are required to comply with the Code (if that is the case), but that is the highest it can go.	The statement should be removed on the grounds that it is false and misleading, or it should be amended to state in effect that 'All shooting is required to be undertaken in accordance with the [Code]'.
4.1.1.1 Management methods, p24.	Animal welfare – humane washing	<i>includes specific methods for humanely killing</i>	Blows to the head of a healthy sentient being cannot in any ethical framework be considered	The word 'humanely' should be removed from this statement on

Draft Plan reference	Themes	Draft Plan text	ADO comments	Recommendation
		<i>pouch young and young at foot.</i>	‘humane’. The draft Plan must refer to these methods as what they are - inhumane. If the Plan wishes to assert that one method is less inhumane than the other, it can do that, but it must use terminology that is not false and misleading.	the grounds it is false and misleading.
4.1.1.1 Management methods, p24.	Animal welfare – compliance	<i>Auditing processes are in place to assess welfare compliance with the code during rural and conservation culling programs</i>	The draft Plan must state what the proposed audits will consist of, how frequently they will be conducted, and whether they will be unannounced. Without these details no confidence can be placed in the auditing processes as a means of monitoring the killing from an animal welfare perspective.	More details should be provided regarding the nature of the proposed audits.
4.1.1.1 Management methods, p25.	Bias	<i>The use of fertility control is often advocated ... to reduce real or perceived animal welfare and ethical concerns.</i>	The ADO submits that the words ‘real or perceived’ be removed on the grounds that they serve no purpose and risk demeaning those who consider that the violent and brutal killing of native sentient animals is an ethical concern and has inherent adverse animal welfare consequences. Alternatively, the words should be used throughout the Plan when it is discussing its own concepts of animal welfare.	The words ‘real or perceived’ should be omitted from this statement in the draft Plan.
4.1.1.1 Management methods, p25.	Animal welfare	<i>While the use of fertility control has benefits for reducing the number of Buru killed, the welfare impacts on the treated individual’s health and behaviour require consideration ...</i>	The ADO submits that this approach to welfare – that is, considering ‘the welfare impacts on the treated individual’s health and behaviour’ – should be applied to all management actions against kangaroos, rather than just fertility control.	The draft Plan should consider the welfare impacts on the health and behaviour of all animals who are subject to management action.
4.1.1.2 Culling season and humane killing of pouch young, p26.	Animal welfare – humane washing	<i>When young are present, they are humanely killed using methods described in the National Code of Practice. ... Investigations have concluded that these</i>	The description of the methods to kill pouch young as ‘humane’ is false and misleading. The Non-commercial Code allows shooters to kill young kangaroos ‘using a blow to the head...delivered with force sufficient to crush the skull and destroy the brain’. ¹⁶ The ADO notes that the draft Plan does not	The methods prescribed in the Code for killing young animals should be removed completely from the kangaroo shooting animal welfare codes.

¹⁶ The Non-commercial Code p13.

Draft Plan reference	Themes	Draft Plan text	ADO comments	Recommendation
		<i>methods are humane and acceptable for pouch young</i>	actually specify what the methods are, preventing the reader from being able to judge whether or not the methods are ‘humane’, including by lay, but equally valid, standards such as ‘if we do not allow our pet kittens or puppies to be treated in this way, why should we treat joeys in this way?’ By contrast, the more recently updated Commercial Code states that the ‘efficiency and humaneness of this method depends on the operator’s skill and determination’. ¹⁷ The ADO submits that delivering a concussive blow to the head ‘precisely on target to ensure that adequate damage occurs to vital structures of the brain to cause immediate and sustained unconsciousness and death’ ¹⁸ is too specialised a procedure to permit shooters, rather than veterinarians or other experts, to administer.	
4.1.1.2 Culling season and humane killing of pouch young, p26.	Animal welfare – humane washing	<i>Investigations have concluded that these methods are humane and acceptable for pouch young</i>	This statement uses ambiguous language ie that the methods (described above) for killing pouch young are ‘acceptable’. It does not state to whom the methods are ‘acceptable’. The animal? The community? Government accountants?	This sentence should be removed from the draft Plan on the grounds it is ambiguous, false and misleading.
Outcome 1 – The management of Buru in the ACT meets high animal welfare standards	Transparency	<i>A.1 Performance indicator</i> <i>No authorisations issued for methods not permitted under this plan</i>	Given that authorisations are a closed and secretive process, and that public scrutiny of the process has been deliberately removed by the ACT government, there is no way for the community to know if such authorisations (‘for methods not permitted under this plan’) occur and therefore whether this performance indicator is met.	The Government should consider ways to make the authorisation process open and accountable.
Outcome 1 – The management of Buru in the ACT meets high animal welfare standards	Transparency	<i>A.2 Performance indicator</i> <i>Number of capture darting and lethal injection/penetrating</i>	The <i>number</i> of authorisations is not a performance indicator. It is raw data. It is unclear what is being proposed as the performance indicator ie quotas achieved,	This should be expressed as an indicator or omitted from the draft Plan.

¹⁷ The Commercial Shooting Code p32.

¹⁸ Ibid.

Draft Plan reference	Themes	Draft Plan text	ADO comments	Recommendation
		<i>captive bolt device authorisations issued per year</i>	minimum expected numbers exceeded?	
Outcome 1 – The management of Buru in the ACT meets high animal welfare standards	Animal welfare – not a priority	<i>A.3 Performance indicator</i> <i>... to continue GonaCon research for the duration of this plan.</i>	This Plan is intended to be in effect for 5 years. It is clear that this research is not a priority despite the better welfare outcomes for the EGKs associated with this activity.	More rigorous and ambitious targets and performance indicators should be set for this activity.
Outcome 1 – The management of Buru in the ACT meets high animal welfare standards	Animal welfare – not a priority	<i>A.4 Activity</i> <i>Investigate opportunities between ACT Government and research institutions to undertake research to investigate the effect of GonaCon on Buru health and behaviour.</i>	The ACT Government has had years if not decades to undertake and progress and complete this research, yet completion remains at most an aspiration (See the Performance indicator for this activity: ‘Research design completed and, if funding allows, research completed by the end of 2027’.)	More rigorous and ambitious targets and performance indicators should be set for this activity.
Outcome 1 – The management of Buru in the ACT meets high animal welfare standards Interim Outcome A	Animal welfare – not a priority	<i>A.5 Performance indicator</i> <i>[Re activity: ‘development of new or improved management methods for Buru’] Regular monitoring of scientific literature ... If opportunity arises, establishment of relevant research collaborations.</i>	‘Regular monitoring of literature’ as stated here and in A.6 is industry code for not doing anything. Also prefacing an option with ‘If opportunity arises’ is such a low commitment it is not worth including. If the commitment to research is limited to reviewing literature or waiting for opportunities to arise, the ADO submits that the ‘Interim Outcome’ of basing management methods on ‘the best available scientific knowledge’ will be a very low threshold.	More rigorous and ambitious targets and performance indicators should be set for this activity.
Interim Outcome B – p28	Animal welfare – not a priority	<i>B.1 Activity</i> <i>All Buru shooters in the ACT will pass shooter competency testing every 3 years</i>	This cannot guarantee that shooting of EGKs will be undertaken in accordance with the minimal welfare standards in the code of practice (which override animal welfare laws: s 20 AW Act). Only compliance monitoring at the point of kill can do this, but this is not included in the draft Plan which again illustrates that animal	Ongoing and unannounced welfare monitoring by experienced animal welfare officers at the point of kill should be included as an activity and appropriate performance indicators set (eg zero

Draft Plan reference	Themes	Draft Plan text	ADO comments	Recommendation
			welfare is not a priority in the Plan.	non-compliances detected).
Interim Outcome B – Buru shooting in the ACT is undertaken in accordance with ACT legislation, codes of practice and current animal welfare standards, p28	Animal welfare – not a priority	<i>B.2 Activity</i> <i>Limited male only culls may be authorised outside this season, e.g. smaller supplementary male only culls on rural lands in Spring</i>	There is no information as to how these ‘male-only’ culls will be monitored for compliance, so the public can have no assurance that females with young will not be shot during these culls. The draft Plan does not deal with these issues.	Compliance and enforcement should be addressed in the Plan.
Interim Outcome B – Buru shooting in the ACT is undertaken in accordance with ACT legislation, codes of practice and current animal welfare standards, p28	Transparency	<i>B.2 Performance indicator</i> <i>Data on the birthdate of pouch young and young at foot collected at least once every five years ...</i>	This performance indicator is unclear. How will the data be collected on these animals? Are they pouch young and young at foot who are victims of the culls? Where is the data on how many young at foot are caught, given they are mobile and can escape when their mother is shot?	This performance indicator should be clarified or omitted.
Interim Outcome B – Buru shooting in the ACT is undertaken in accordance with ACT legislation, codes of practice and current animal welfare standards, p28	Animal welfare – not a priority	<i>B.3 Activity</i> <i>b. Independent veterinary audits of the ACT Government conservation cull every 3 years</i>	Auditing a cull every 3 years is completely inadequate to provide any kind of indication as to whether the killing complies with the minimal welfare standards of the Code. There is also no detail as to what the audits would consist of. For example, will the audits be undertaken at the point of kill where adverse welfare impacts are highest? Would a veterinarian attend one night of shooting every three years, and if not, then how many? Will the attendance be unannounced?	More rigorous and ambitious benchmarks and performance indicators should be set for this activity.
4.2 Environmental Welfare	Transparency	<i>the welfare of threatened species populations will at times be prioritised</i>	It is significant that the draft Plan does not list the species that are supposedly threatened by kangaroo grazing. This is different from the 2017 draft plan: see Tables 5 and 6, pages 20–23. The ADO reiterates our previous submission on this issue: ‘The ADO submits that the ongoing application of lethal, inhumane control measures to a single indigenous animal	The draft Plan should clarify what the threatened species are, when they were declared threatened, what has changed since the 2017 Plan and, if no changes, why they are still threatened after many years of kangaroo culling in the ACT.

Draft Plan reference	Themes	Draft Plan text	ADO comments	Recommendation
			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.' (p4 and Att A)	
Outcome 3 – Interim Outcome F, p42	Transparency	<i>F.9 Activity</i> <i>Evaluate the effectiveness of the culling program every 5 years</i>	The ADO submits that evaluating the annual culling of EGKs every 5 years is far too infrequent. The evaluation of the cull should be ongoing. Killing animals for that length of time without evaluating whether the killing is meeting the purported goals is unacceptable.	Each annual cull should be evaluated at its completion.
Outcome 3 – Interim Outcome G, p42	Animal welfare – research	<i>G.4 Performance Indicator</i> <i>Report completed in 2028 assessing the first 5 years of the program, including ... the relative cost of program delivery.</i>	It is not clear why the relative cost of the program delivery is mentioned only in relation to assessing the effectiveness of the GonaCon trial and not the effectiveness of the culling program. It should be applied to both or neither.	The relative cost of the program delivery should be listed as a performance indicator for culling, or omitted as a performance indicator for the fertility control program.
4.3 Human Welfare, p43	Animal welfare – not a priority	<i>A number of situations cause human distress... livestock welfare during dry periods when grazing competition between stock and Buru is high.</i>	The assertion that there are livestock welfare issues related to grazing competition between farmed animals and EGKs needs to be evidence-based. The ADO submits that the welfare of animals introduced to our landscape for non-essential primary production and the associated environmental degradation (habitat clearance, soil degradation, high methane emissions) should be neither prioritised over the welfare of local native wildlife nor used as a reason to kill the wildlife.	The numbers of livestock in or near high conservation land should be regulated, capped and reduced (by non-lethal means) where required.
Outcome 4 – Interim Outcome J, p44	Cultural engagement	<i>J.1 Activity</i> <i>Hold a meeting/s with the Ngunnawal community to discuss and</i>	This activity indicates that meetings have not yet been held with indigenous communities ¹⁹ , and therefore that the development and implementation of the draft Plan	Indigenous communities should be involved in decision-making about the fundamental issues of the draft

¹⁹ See also the O.2 Performance Indicator (p 49) 'Initial discussions [with Ngunnawal community] for carcass use undertaken by December 2026.' In other words, the discussions have not yet occurred.

Draft Plan reference	Themes	Draft Plan text	ADO comments	Recommendation
		<i>develop activities to be implemented as part of this plan.</i>	has occurred without input from local indigenous communities.	Plan eg whether to cull.
4.3.2. Outcome 5, p45	Unsupported assertions	<i>Buru grazing impact ... has had a severe impact on horse agistment... The capacity of several complexes have been significantly reduced due to high Buru grazing</i>	The ADO submits this assertion, made with hyperbolic language ('severe impact' 'significantly reduced'), is not adequately supported by evidence as the only reference is from 2017 (almost 10 years ago).	Until the contemporary impact of kangaroos on horse paddocks (if any) is assessed and evaluated, this assertion should be removed.
Outcome 5 – Interim Outcome L, p46	Transparency	<i>Data on number of authorisations issued, ... collated annually following the conclusion of the culling seasons and aggregate data published in future updates to this Plan.</i>	These data should be made public every year, rather than a vague undertaking merely to publishing aggregate data in 'future updates to this Plan', which may not even happen.	The specified data should be collated <i>and published</i> 'following the conclusion of the culling seasons'.
4.3.3. Outcome 6, p48	Transparency	<i>exploring options such as processing the carcasses for human consumption and donating the meat... Any utilisation of carcasses resulting from conservation culling in the ACT will be gifted not sold.</i>	The ADO submits that if the ACT allows the use of carcasses to be processed for human consumption then the shooting should comply with the Commercial Code and other industry requirements. The assertion that at this point the intention would be to 'gift' the carcasses rather than sell them is immaterial and non-binding. For example, how could the Government stop the products from being on-sold? If every other aspect of a commercial industry is present such as transferring carcasses to industry bodies to produce products for human consumption with the potential for on-selling for commercial gain, then it is shooting for commercial purposes and the Plan should be transparent about that.	The draft Plan should be transparent about the commercial nature of proposals to deal with carcasses and the associated legal obligations.
Outcome 6 – Interim Outcome N, p49	Transparency	<i>N.I Activity ... Buru carcasses</i>	The ADO submits that the assertion that the baits will be used for 'exotic predators' should be removed as it is	The term 'exotic' should be omitted from this activity.

Draft Plan reference	Themes	Draft Plan text	ADO comments	Recommendation
		<i>resulting from the conservation cull will be used to produce baits for exotic predator management programs</i>	unverifiable. It cannot be guaranteed that poisons used for wild animals will not be consumed by native wild animals. The draft Plan should be transparent about this and remove the reference to 'exotic'. The Plan should also be transparent about the fact that these 'baits' are poisons that inflict suffering and pain on the victim animal and can be ingested by non-target animals including pets. This should be part of a 'one welfare' approach.	The activity should clarify that the 'baits' are poisons that can inflict suffering and pain on the victim animal and can be ingested by non-target animals including pets.
4.3.4. Outcome 7 p49	Unsupported assertions	<i>Buru vehicle strike is a substantial problem throughout the ACT.</i>	This hyperbolic assertion ('substantial problem') needs to be supported by references regarding all aspects of the purported problem, including cyclists and motorcyclists, or expressed in appropriate terms ('may be a problem'), or removed.	The statement should be amended by omitting the word 'substantial' and should be referenced.
4.3.4. Outcome 7 p50	Bias	<i>The most recent survey in 2022 found that 36% of Canberrans have been involved in a collision as a passenger or driver at some point in their lives ...</i> <i>Collisions with animals and human injury rates are also reported via the ACT road crash database, however, based on comparison with other datasets this source appears to greatly underestimate collision rates. ... an average of 128 collisions with animals (most assumed to be Buru) were reported each year</i>	The ADO submits that the 2022 survey may not be relevant to the draft Plan without knowing where and when the collisions occurred and with what eg collisions that occurred outside of the ACT and/or several decades ago and/or with something other than a kangaroo would not be relevant to the draft Plan. The ADO notes that the ACT-specific database referred to does not support the Plan's bias (kangaroos are a problem) so its reliability is explicitly doubted ('appears to greatly underestimate collision rates'). The ADO also notes that even this study is not kangaroo specific ('most assumed to be' EGKs). The ADO submits that the inclusion of the 2023 study that is not ACT based but that better supports the Plan's rhetorical purposes is arguably biased ie included to support the Plan's propositions.	This section of the draft Plan should be revised so that ACT and EGK specific research and studies are used.

Draft Plan reference	Themes	Draft Plan text	ADO comments	Recommendation
4.3.4. Outcome 7 p50	Animal welfare – not a priority	<i>Evaluation of the success of these measures in reducing collisions with wildlife are minimal</i>	The admission that minimal evaluation has occurred of vehicle-strike mitigation measures with the potential for improving overall animal welfare outcomes for wildlife (including EGKs) is further evidence that animal welfare measures for EGKs are not a priority.	The draft Plan should commit to undertaking evaluation of these measures to support the Plan's assertion that it prioritises EGK welfare.
4.3.4. Outcome 7 p51	Animal welfare – not a priority	<i>Since then, advances have been made in developing additional wildlife collision mitigation measures that utilise technology.</i>	The fact that the draft Plan does not even reference virtual wildlife fencing, which has been trialled successfully in NSW over several years, again demonstrates that reducing EGK-vehicle collisions is not a priority under the Plan or for the ACT Government.	The draft Plan should specifically reference virtual wildlife fencing as a wildlife collision mitigation measure.
4.3.5. Outcome 8, p52	Human welfare	<i>Community perspectives on Buru include ... a beautiful animal to be protected</i>	The use of unnecessary language ('beautiful animal') risks trivialising the ethical stance of those who advocate for the protection of kangaroos (and other animals). These advocates are simply calling for the ACT's animal welfare laws to be applied to EGKs as sentient animals, ie 'to be treated with compassion and have a quality of life that reflects their intrinsic value' (AW Act s 4A(1)(b)).	The word 'beautiful' should be omitted and replaced with 'sentient'.
4.3.5. Outcome 8, p52	Transparency	<i>This Plan is committed to maintaining program transparency and will continue to provide access to information and education for stakeholders and the community</i>	The ADO submits the goal of maintaining program transparency is not achieved. Transparency and genuine 'education' will not be achieved if the information and education provided is subject to the biases of the Plan. It will merely reinforce the Plan's biases, and create a veneer of community support, which will in turn be used to support the Plan's biases.	Information and education materials about the program should represent all stakeholder views equally rather than merely function as a promotion for the Government's viewpoint (to the exclusion of other viewpoints).
5. Evaluation and Reporting Schedule B.3 Buru welfare	Transparency	<i>Annual Rural Culling Audit Report (Internal Report)</i>	This report should be released to the public and the public should be consulted on its scope to ensure all relevant details are captured.	The draft Plan should omit the reference to '(Internal Report)' and specify that this Report should be made public.
6. Appendices. 6.1 Assessment against the principles of		<i>Principle – Control should be humane.</i>	The assertion that culling operations will 'continue' to operate at the 'highest welfare standards' (ie they have already been operating at that standard)	The statement should be amended to state that culling operations 'aim to improve the

Draft Plan reference	Themes	Draft Plan text	ADO comments	Recommendation
ethical wildlife management. Table 3. Page 61.		<i>2025 Update. Culling operations continue to operate at the highest welfare standards</i>	is misleading for several reasons. Culling operations cannot operate 'at the highest welfare standards' if they only aim to comply with the Code which sets out welfare standards that are <i>below</i> those in the ACT's animal welfare laws. As an approved Code (s 22 AW Act) the exemption to cruelty offences applies to conduct carried out in accordance with the Code, operating to legalise what would otherwise be a cruelty offence. In addition, without ongoing point-of-kill monitoring, it cannot be known what welfare standards culling operations operate at.	welfare standards at which they operate'.
6. Appendices. 6.1 Assessment against the principles of ethical wildlife management. Table 3, p62.	Transparency	<i>The Plan will be open for public comment and will continue to be reviewed regularly.</i>	It is a legislative requirement to consult on the draft Plan so this should not be listed as an 'update against the principle' as it has not changed since the commencement of the NC Act in 2015.	The statement that the Plan will be open for public comment and will continue to be reviewed regularly should be removed as these are a legislative requirements that the Government has to comply with and applied equally to the 2017 Plan.
6. Appendices. 6.1 Assessment against the principles of ethical wildlife management. Table 3, p62.	Transparency	<i>... undertaking regular public opinion surveys will help to gauge values</i>	The ADO submits that public opinion surveys will fail to achieve the stated objective if the current government surveys continue. They are designed to reinforce the objectives of the Plan. The surveys should be completely independent and gauge public opinion on non-lethal alternatives and methods used for lethal measures. The ADO submits that only then could the surveys be relied on as giving an insight into public opinion about the treatment of EGKs.	The draft Plan should commit to commissioning independent surveys to gauge public opinion on the lethal methods used and on non-lethal alternatives with equal questions on these issues.
6. Appendices. 6.1 Assessment against the principles of ethical wildlife management. Table 3, p63.	Animal welfare – not a priority	<i>The Plan does not categorise Buru in a negative context, instead it acknowledges the importance of Buru and has a focus on the welfare of Buru</i>	The ADO disagrees with this sweeping assertion. It is disproved by details in the Plan which clearly show animal welfare is a low priority. Appropriating an indigenous term for the target animals does not hide the fact that the animals are unfairly held to be responsible for anthropogenic	This statement should be removed from Table 3 because it is false and misleading.

Draft Plan reference	Themes	Draft Plan text	ADO comments	Recommendation
		<i>during all management planning and activities.</i>	impacts on our environment and unjustly targeted with low-cost, easy lethal options that disregard the animals' fundamental interests in remaining alive and in living in their natural habitat and in their natural family structures – the minimum interests that any 'focus on welfare' should protect.	
6.2.4 Conservation status, p65	Out of date research	<i>The species is considered abundant locally (Coulson 2008)</i>	The reference for this section is dated.	The key assertions in this section about EGKs in the ACT should be based on up-to-date research or removed from the Plan.
6.3.1.3. Buru and other fauna, p71	Bias	<i>Of particular concern in the ACT is the decline of wolf spiders and raspy crickets. Research has yet to determine a relationship with Buru grazing</i>	The draft Plan lists species that are not even known to be threatened by EGK grazing in the ACT. This creates the impression that they are included in the Plan to support its narrative (ie 'EGKs threaten biodiversity').	References to these species are not evidence-based and should be omitted from the Plan.
6.3.1.3. Buru and other fauna, p72	Out of date research	<i>Birds have been found to respond to different levels of Buru grazing pressure...</i>	The information provided in this section is based on dated independent research (up to 1989-2016).	The evidence on which the assertions in this section are based should be updated, or it should be clarified that it is not based on recent research, or the section should be omitted.
6.3.2. Buru welfare, p74	Internal inconsistency	<i>[Buru] Populations... have limited predation pressure</i>	It is not clear how assertions such as this align with the assertions regarding high collision rates in the ACT (causing significantly more deaths than the culls). ²⁰	The apparent contradiction between these assertions should be explained and clarified.
6.3.2.1. Individual welfare, p74	Animal welfare	<i>... competition for resources impact the welfare of the individual. Kangaroo populations have a history of boom-and-bust</i>	The discussion of individual animal welfare is assessed only with reference to 'mass events' such as mass starvation and juvenile die-offs, without any evidence of the actual prevalence or incidence of these 'events' in the ACT ('Our understanding of the frequency and cause of die-off events is	The discussion of individual welfare in the draft Plan should assess how well the ACT is doing in ensuring the sentience goals in our animal welfare laws apply to individual EGKs, including those

²⁰ The draft Plan, pp 50, 74 ('Vehicle collisions are one of the main causes of mortality in peri-urban kangaroo populations across eastern Australia').

Draft Plan reference	Themes	Draft Plan text	ADO comments	Recommendation
		<i>pattern in response to climatic fluctuations.</i>	limited') and/or the details of their occurrence (causation, duration, scope of outcomes etc). The ADO submits that this discussion is more appropriate to 'population welfare' (6.3.2.2) and that a discussion on individual welfare should focus on whether the sentience objectives in ACT animal welfare law ('animals...deserve to be treated with compassion and have a quality of life that reflects their intrinsic value') are being met in relation to EGKs.	subject to culling operations.
6.3.3 Human welfare, p76	Transparency	<i>The ACT Government has shown commitment to open communication and transparency in decision making</i>	This assertion is misleading. It is contradicted by the ACT Government's actions to take away the public's access to independent scrutiny of the culls, when it replaced the 1980 NC Act with the current NC Act.	That statement is false and misleading and should be omitted.
6.4.5. Translocation p83	Animal welfare – not a priority	<i>Translocation has inherent animal welfare concerns.</i>	The ADO submits that the welfare concerns listed in the discussion of translocation in the draft Plan could equally be used for any kind of dealing with kangaroos, including shooting in the wild. The ADO submits that the approach of the ACT Civil and Administrative Tribunal (the Tribunal) to the issue of translocation is to be preferred: 'the survival of some joeys is a better outcome than the assured death of them all' [73]. ²¹ If the ACT Government were serious about the welfare of EGKs, it would fund research into translocation including how its welfare outcomes could be further improved and the identification of suitable release sites. The ADO notes that the Plan's discussion of the latter is not supported by any references or other evidence.	The draft Plan should commit to funding research into the translocation of EGKs as a viable non-lethal management measure.
6.4.5. Translocation p85	Bias	<i>The reasons the application was opposed in the first instance are</i>	The draft Plan's consistent refusal to state that the Tribunal's decision in the Wildcare case was made on animal welfare grounds reveals	The one-sided references to animal welfare issues should be omitted, or the draft Plan should

²¹ *Wildcare Queanbeyan Inc v Conservator of Flora and Fauna* [2011] ACAT 68 at [73] (the Wildcare case).

Draft Plan reference	Themes	Draft Plan text	ADO comments	Recommendation
		<p><i>still current and relate to animal welfare issues and human safety</i></p>	<p>its bias towards selective use of evidence and assertions to support its own narrative. In setting aside the Government's decision to refuse to allow rescued joeys to be translocated to NSW for rehabilitation, the Tribunal stated that 'there are animal welfare considerations which favour the granting of the licence sought' [76]. In reaching this view the Tribunal accepted 'the survival of some joeys is a better outcome than the assured death of them all; and the absence of any evidence that joeys suffer during the translocation process' [73].</p>	<p>discuss the welfare issues on both sides in a balanced manner.</p>
Table 9 p90	Bias	<p><i>The myth of a 'ghost population' arises because they are mistakenly considered to all be adults.</i></p>	<p>There is no better example of bias in the draft Plan than the Government's continued attempts to dismiss the finding of the 2014 Tribunal that a large number of at-foot joeys are not included in cull numbers because they flee after the mother is killed, and are not retrieved by shooters²². It is a significant welfare concern because the juveniles are dependent on their mothers' milk for food, so are likely to die a slow painful death from starvation, dehydration or predation. 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:</p> <p>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]</p>	<p>The reference to the 'ghost population' being a myth should be omitted as it is misleading and not supporting by the findings of the Tribunal.</p>

²² *Animal Liberation ACT v Conservator of Flora and Fauna* [2014] ACAT 35 (ACAT 2014).

Draft Plan reference	Themes	Draft Plan text	ADO comments	Recommendation
			The Plan's assertion that this consequence of culling is a 'myth' appears to be a desperate bid by the Government to deny one of the cruellest aspects of culling, being the fate of at-foot joeys who are not retrieved by shooters. The use of the term 'myth' (changed from 'mistaken conviction' in the 2017 Plan (p34)) is also difficult to understand. Is the Plan asserting that the Tribunal was mistaken? Or that the government's own witness was mistaken?	
Table 10 p104	Animal welfare – humane washing	<i>The term 'humane killing' is used throughout the Plan and in other documents where appropriate instead of 'euthanasia'.</i>	This comment buried deep in the Plan shows that the use of the term 'humane killing' far exceeds the recommendation that the draft Plan 'consider replacing the term 'euthanasia' with 'humane killing' for pouch young that are killed because their mothers have been shot during the conservation culling' (6.9). In reply, the Plan uses the term 'throughout the Plan', which is much broader than the recommendation. The ADO submits the use of this phrase 'throughout the Plan' is inappropriate and amounts to 'humane washing'. It should be replaced with 'less/least inhumane killing/harmful measure' given the inherent cruelty and violence in lethal methods of control and as more in line with so-called ethical wildlife control and the principle of 'overall welfare' (7).	The term 'humane killing' should be omitted on the grounds it is false and misleading and should be replaced with the term(s) 'less humane', 'least inhumane killing', 'least harmful measure'.

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.

Yours sincerely

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