



# Animal Defenders Office

Using the law to protect animals

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The Animal Defenders Office Inc. is accredited by the National Association of Community Legal Centres.

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The Director  
Wildlife Trade Assessments  
Department of Agriculture, Water and the Environment  
GPO Box 858  
Canberra ACT 2601

By email: [wta@environment.gov.au](mailto:wta@environment.gov.au)

Dear Sir/Madam

## **Comments on the draft NSW Commercial Kangaroo Harvest Management Plan 2022–26**

Thank you for the opportunity to provide comments on the draft NSW Commercial Kangaroo Harvest Management Plan 2022–26 (**the plan**). Our comments on the plan are set out below.

### **About the Animal Defenders Office**

The Animal Defenders Office (**ADO**) is a nationally accredited not-for-profit community legal centre that specialises in animal law. The ADO is run by lawyers, law students and other professionals on a 100% volunteer basis. It offers information and representation for individuals and groups wishing to take legal action to protect animals. The ADO also produces information to raise community awareness about animal protection issues and works to advance animal interests through law reform.

The ADO is a member of Community Legal Centres NSW Inc., and Community Legal Centres Australia Inc.

Further information about the ADO can be found at [www.ado.org.au](http://www.ado.org.au).

### **Kangaroo killing**

The ADO does not support the deliberate killing of native wildlife by humans other than when it is in the animal's best interests (such as euthanasia). In our view humans should co-exist with wildlife rather than kill it. The routine practices engaged in by the commercial kangaroo industry, particularly the treatment of female and young kangaroos, are in our view unconscionable. It is to Australia's shame that treating animals in this way is *prima facie* legal and actively encouraged by governments.

However, since killing kangaroos for commercial purposes is currently legal in NSW, the ADO's comments on the plan are set out below.

We note that in our comments the term 'kangaroo' is taken to refer to all relevant macropod species, including wallabies.

## General comment

The ADO urges that a decision under section 303FO of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) in relation to the plan should await the report by the NSW Legislative Council's Portfolio Committee No. 7 – Planning and Environment (**the committee**), containing the findings and recommendations from its inquiry into the health and wellbeing of kangaroos and other macropods in New South Wales.<sup>1</sup> The committee's report is due by 14 October 2021.<sup>2</sup>

## Definitions

***Harvest** means to harm a kangaroo by shooting in accordance with the most recent version of the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Commercial Purposes (AgriFutures Australia 2020)...*<sup>3</sup>

**Comment:** The definition of 'harvest' should be amended by removing the reference to the National Code of Practice for commercial kangaroo shooters (**the Code**). The current definition assumes that all commercial shooting is in accordance with the Code. This is a false assumption, at the very least because it is impossible to know whether all commercial shooting is in accordance with the Code, given the lack of compliance monitoring and enforcement at the point of kill (discussed below). The current definition also means that there is no term for non-compliant commercial shooting, that is, commercial shooting that is not in accordance with the Code.

The current definition should be replaced with an objective and more accurate definition such as: 'Harvest means to harm a kangaroo by shooting for commercial gain'.

## Introduction to the Plan

*No adverse long-term impacts on kangaroo populations have been identified after more than 45 years of harvesting under commercial management plans.*<sup>4</sup>

**Comment:** This statement is not accurate and should be removed. For example, data on the website of the Commonwealth Environment department show that populations crashed by more than 40% over the 10-year period between 2001-2010, at which point the Department ceased publishing the data.<sup>5</sup>

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<sup>1</sup> <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2707#tab-termsofreference>.

<sup>2</sup> <https://www.parliament.nsw.gov.au/lcdocs/inquiries/2707/Terms%20of%20Reference%20-%20Health%20and%20wellbeing%20of%20kangaroos%20and%20other%20macropods%20in%20New%20South%20Wales.pdf>.

<sup>3</sup> The plan, page 6: '**Harvest** means to harm a kangaroo by shooting in accordance with the most recent version of the *National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Commercial Purposes* (AgriFutures Australia 2020). Also referred to as 'take' in section 528 of the EPBC Act.'

<sup>4</sup> The plan, page 8.

<sup>5</sup> <http://www.environment.gov.au/biodiversity/wildlife-trade/natives/wild-harvest/kangaroo-wallaby-statistics/kangaroo-population>.

### **Aim 3: Be open, accountable and transparent**

*The department is committed to engaging with industry and the community to ensure the objectives of the plan are met. Industry stakeholders are consulted and kept up to date with program developments through regular communication via email and newsletters. ...*

*The department convenes a Kangaroo Management Advisory Panel (KMAP) to provide advice on the operation of the Kangaroo Management Program. KMAP includes nominated representatives from industry, animal welfare interest groups, Aboriginal communities, farmers, scientific community and government.<sup>6</sup>*

**Comments:** The plan should aim to consult with and to update industry and animal protection stakeholders.

The KMAP should include representatives from wildlife rescue and care organisations, and from animal rights organisations.

### **Action 5.2: Regular and opportunistic monitoring of licensees for compliance with licence conditions and legislation**

*... To remain equitable and to meet its goal of humane harvesting practices and viable kangaroo populations, compliance requires transparent, effective monitoring processes and reporting systems. Opportunistic, random and targeted inspections of carcasses, harvesters, chiller premises and processing works are completed in response to gathered intelligence or to substantiate evidence of reported breaches. Inspections may include, but are not limited to, monitoring for non-head-shot kangaroos, underweight carcasses, valid and correctly affixed tags, untagged kangaroos, and correct display of registration information and certificates on vehicles and chiller premises.*

*Performance indicators*

*1. Chiller premises and processing works (kangaroo carcasses and skins) are inspected on average a minimum of 1.5 times per year to ensure compliance with NSW legislation and licence conditions.*

*2. At least 0.5% of carcasses are inspected each year for signs of unlicensed activities, breaches of licence conditions and other evidence contrary to the program's objectives for a humane and sustainable harvest.<sup>7</sup>*

#### **Comments:**

The enforcement measures specified in the plan are woefully inadequate and will not assist the program in meeting the plan's stated goal of 'humane killing practices'<sup>8</sup>.

If the aim of the compliance program for kangaroo management is to encourage and enforce adherence to the law<sup>9</sup>, monitoring should occur where it matters most. This is not at processors or chillers (as specified in Action 5.2, performance indicator 1). Rather, it is in the field at the point of

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<sup>6</sup> The plan, page 17.

<sup>7</sup> The plan, pages 20-21.

<sup>8</sup> The plan, Action 5.2, page 20; 'Humane harvesting' page 40.

<sup>9</sup> The plan, Aim 5, page 20.

kill where animals can be misshot and left untagged, where young can be wounded and left to escape to suffer a slow painful death, and where shooters who are not required to have any kind of veterinary training can apply 'blunt force trauma' to the head of a young sentient pouch joey until death.

If the commercial 'harvest' is to maintain any credible claim to being humane, or less inhumane, the plan must commit to conducting regular inspections at the point of kill. In addition, the plan should commit to developing and implementing other point-of-kill monitoring measures such as installing cameras on shooters' vehicles, or mounting small cameras onto rifles or the telescopic sights of rifles, to record shooting activities at night.

The plan should also commit to greater use of sophisticated compliance and enforcement measures such as licence cancellations, surveillance, and prosecutions.

Greater transparency about compliance and prosecutions should also be included in annual reports. Currently, few if any details about prosecutions are provided in annual reports.

#### **Action 6.1: Foster and support research to improve animal welfare outcomes**

*The department will work with external research organisations, industry and other agencies to identify and investigate animal welfare issues relevant to the commercial harvest of kangaroos.<sup>10</sup>*

**Comment:** As discussed earlier, the ADO urges that consideration of the plan under section 303FO of the EPBC Act continue until the NSW Legislative Council's Planning and Environment Committee releases its report with its findings from its inquiry into the health and wellbeing of kangaroos and other macropods in NSW.<sup>11</sup> It is expected that the report will contain important information about animal welfare issues relevant to the commercial killing of kangaroos. Any consideration of the plan must therefore take the findings of the committee into account.

Thank you for taking these comments into consideration.

Tara Ward  
Executive Director | Senior Lawyer  
(Volunteer)  
Animal Defenders Office

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<sup>10</sup> The plan, Action 6.1, page 22.

<sup>11</sup> <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2707#tab-termsofreference>.