



THE LEGAL FRAMEWORK AROUND THE KILLING OF KANGAROOS & OTHER MACROPODS IN NSW: ISSUES AND CONCERNS

A NSW parliamentary committee is conducting an inquiry into the health and wellbeing of kangaroos and other macropods in NSW, and wants to hear from the public about this issue. This information sheet contains some of the concerns the ADO has about the legal framework regulating the killing of these native animals.*

Have your say!

COMMENTS DUE:
Monday, 26 April 2021

You can write a submission to the Inquiry. Find out more here:
<https://tinyurl.com/24fhneup>

For more info about writing a submission, here's some advice from the NSW Parliament:
<https://tinyurl.com/yd93wqhs>

DEREGULATING NON-COMMERCIAL KILLING

In 2018 the NSW Government loosened restrictions on non-commercial killing in NSW ostensibly on the grounds that making it easier to shoot kangaroos helped landholders during the drought.[1]

Under the changes, checks and restrictions have been removed. Now volunteer shooters can kill kangaroos on private land without a licence, and physical tags keeping track of the animals shot are no longer required.

By January 2021, 98% of NSW was declared to be drought-free or recovering,[2] yet the legal restrictions on non-commercial shooting of kangaroos have not been reinstated.

'DAMAGE MITIGATION' LICENCES TO KILL

Landholders are supposed to have tried non-lethal 'control' measures before being allowed to kill kangaroos, wallaroos or wallabies on their property. Yet there is no way of knowing if this 'last-resort only' policy is enforced by government agencies.

ENFORCEMENT

Animal welfare laws are supposed to apply to macropods, but there is no evidence of these laws being enforced against shooters at the point of killing where the suffering is inflicted. In the last reporting period (2019), no prosecutions of shooters under NSW animal welfare laws were reported.[4]

CODES OF PRACTICE

There are national codes of practice for shooting kangaroos and other macropods on a commercial and non-commercial basis.[3]

Both codes contain only minimum standards for shooting these animals. They are very far from 'best practice'.

Both allow inhumane practices such as shooting mother kangaroos and killing young joeys by a blow to the head. They do not require shooters to catch and euthanase mobile young-at-foot joeys whose mothers have been killed.

The codes have no legal effect in NSW. NSW animal protection laws do not refer to the kangaroo shooting codes of practice. Compliance with the code may be a condition on commercial shooting licences, but this does not apply to volunteer shooters as they are no longer required to obtain a licence.

FENCING

Many types of fencing used on rural areas cause significant injuries and suffering to kangaroos and other macropods. They get caught in barbed wire fencing and suffer fatal injuries. They are trapped by exclusion fencing.

Causing an animal to be unjustifiably wounded, mutilated, maimed, terrified, or inflicted with pain is an animal cruelty offence in NSW. Animal cruelty laws should be enforced to punish those responsible for the suffering caused to macropods by fencing. The most harmful fencing should be phased out.

* This Information Sheet is for general information purposes and is not legal advice. It provides a brief overview only of this area of the law. If you require legal advice relating to particular circumstances you should contact the ADO or another solicitor.

REFERENCES

- [1] NSW Department of Primary Industries 2018, *Media release: Farmers given more power to manage roos*, accessed 19 April 2021, https://www.dpi.nsw.gov.au/_data/assets/pdf_file/0006/827016/farmers-given-more-power-to-manage-roos.pdf
- [2] NSW Department of Primary Industries 2021, *NSW State Seasonal Update - January 2021*, accessed 19 April 2021, <https://www.dpi.nsw.gov.au/climate-and-emergencies/seasonal-conditions/ssu/january-2021>
- [3] Commonwealth of Australia 2008, *National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes*, accessed 19 April 2021, <https://www.environment.gov.au/system/files/resources/133025f9-b11c-4083-8960-4bd8e3bed4a8/files/code-conduct-non-commercial.pdf>; AgriFutures Australia 2020, *National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Commercial Purposes*, accessed 19 April 2021, <https://www.agrifutures.com.au/wp-content/uploads/2020/11/20-126-digital.pdf>
- [4] NSW Department of Planning, Industry and Environment 2020, "NSW Commercial Kangaroo Harvest Management Plan: 2019 Annual Report", accessed 19 April 2021, <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Wildlife-management/Kangaroo-management/nsw-commercial-kangaroo-harvest-management-plan-2019-annual-report-200244.pdf>



DISCLAIMER

While all care has been taken in preparing the information on this information sheet, it is not a substitute for legal advice. For any specific questions we recommend you seek legal advice. The Animal Defenders Office accepts no responsibility for any loss or damage suffered by people relying on the information contained in this sheet.