

Secretariat to the Independent Review of the EPBC Act
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 6/12/08

Independent review of the Discussion Paper

Dear Sir

Thank you for the opportunity to comment on one of the least effective Acts that has ever been introduced into the Australian Legislation. Through its inadequacy, this Act has been directly responsible for the demise of kangaroo and flying fox populations across Australia, and the cause of some very inhumane treatment of our wildlife, especially our kangaroos.

After four failed Appeals through the Federal Administrative Appeals Tribunal against kangaroo and wallaby management Plans, we have to say that the EPBC Act needs to be seriously strengthened, or scrapped.

Over the last 10 years the Act has been progressively weakened, and in the last year of the Howard government, our rights to Administrative Appeal Tribunal appeal were removed altogether. We have said it many times and we say it again, the EPBC Act is there to protect Industry and development, and not to protect wildlife.

If this Inquiry cannot come to grips with the protection of our wildlife, the Inquiry should recommend that the EPBC Act be dumped. Then a new Act should be developed which does focus on wildlife protection, rather than protection of an appalling bad Industry that brings great shame on all Australians, the commercial slaughter of kangaroos.



Above, the Belconnen kangaroo kill, 2008

Terms of Reference for the Review

1. A review of the operation of the Environment Protection and Biodiversity Conservation Act 1999 (the Act) will be carried out in accordance with section 522A of the Act.
2. In particular the review will examine:
 - (a) the operation of the Act generally;
 - (b) the extent to which the objects of the Act have been achieved;
 - (c) the appropriateness of current matters of National Environmental Significance; and
 - (d) the effectiveness of the biodiversity and wildlife conservation arrangements.
3. The review will be guided by key Australian Government policy objectives:

- (a) to promote the sustainability of Australia's economic development to enhance individual and community well-being while protecting biological diversity and maintaining essential ecological processes and systems;
 - (b) to work in partnership with the states and territories within an effective federal arrangement;
 - (c) to facilitate delivery of Australia's international obligations;
 - (d) the Australian Government's deregulation agenda to reduce and simplify the regulatory burden on people, businesses and organisations, while maintaining appropriate and efficient environmental standards; and
 - (e) to ensure activities under the Act represent the most appropriate, efficient and effective ways of achieving the Government's outcomes and objectives in accordance with the Expenditure Review Principles.
4. The review will seek input from state and territory governments, members of the community and industry.
5. The review will commence as soon as possible and be completed by 31 October 2009.

Questions raised in this Discussion Paper

Q1 What are your views on the following aspects of the Act:

(a) Are the objects of the Act appropriate to the Commonwealth's role in environment protection and management? **Yes, but need to be strengthened.**

(b) Are the principles of Ecological Sustainable Development (ESD) appropriate to the Commonwealth's role in environment protection and management? **Yes.**

Does the legislation provide an adequate framework to guide ESD decisions made under the Act? **No.**

(c) Are the existing matters of national environmental significance (NES) appropriate? **Yes.**

Do you think that there should be any additional matters of NES, and if so, how should such matters be framed? **Yes, the HUMANE treatment of wildlife should be expanded and given more legal enforcement.**



The kangaroo joey above was killed by commercial kangaroo shooters.....by hitting it on the head with a blunt object, as required by the Code of Practice.no other animal in the world is treated so poorly...the mother is killed, the inpouch joey is killed as above, and the expouch joey runs away in panic into the night to die of exposure. By allowing this brutality to occur, the EPBC Act approves of it.

(d) Is the definition of an 'action' in the Act appropriate? **Yes.**

(e) What kind of impacts should be considered under the Act? **All impacts which affect wildlife.**

Does the Act adequately encompass not just direct but also indirect impacts? **No.**

(f) Does the test of significance, in the context of actions having a 'significant' impact on a matter of NES, operate effectively in practice? **No.**

If you think that there should be another test, what should it be? **No comment**

Q2 Does the public understand their responsibilities under the Act to refer proposed actions to the Minister? **No.**

Q3 Are appropriate projects being referred for approval? **Sometimes, but only where an endangered or listed species is involved. The Act should be broadened to refer to all wildlife that will be impacted by a proposal. Everyone knows that our wildlife is in crisis now, and the full effects of Climate Change have yet to be felt. The Act and the assessment process must include the potential effects of Climate Change.** Does the referral process meet the objects of the Act? **No.**

Q4 Do you think that the Act contains an effective hierarchy of environmental assessment approaches, ranging from assessment on referral information to assessment by public inquiry? **No, too many projects that should be referred are slipping through the net.** Are the methods of assessment providing the required information for informed approval decisions? **Apparently not.**

Q5 Does the Act provide appropriate scope for public participation and transparency in the assessment and approval process under the Act? **Probably, but many people (individuals) are unaware of the process, or leave it to a "group" to respond. Many others understandably feel that the proposal has already been decided, and contributing effort is a waste of time.**

Q6 Does the Act operate effectively in conjunction with State and Territory planning and environmental impact legislation? **No.** Are existing bilateral agreements achieving the objects of the Act? **Doesn't appear so.**

Q7 Are there further opportunities to harmonise the Act with other State and Territory legislation, planning and approval processes? **Not aware of any.**

Q8 Does the use of strategic approaches, such as strategic assessments and bioregional plans, provide opportunities for streamlining Commonwealth involvement in environmental issues? **Unlikely. State and Territory government bureaucrats are pretty good at evading the requirements of "strategic assessments".**

Do such approaches provide an appropriate means for dealing with cumulative impacts? **No.**

Q9 Does the Act provide an effective regulatory framework for the conservation of Australia's biodiversity? **There is no evidence of that occurring.** If not, what improvements could be made? **Fix the EPBC Act so that it does what it is supposed to do...protect our native animals and their habitat....or dump it and start again.**

Q10 What are your views on the process for nominating threatened species, ecological communities and key threatening processes? **The process is far too complex. The Tasmanian Forester kangaroo listing rejection is a good example of a species which has very low numbers, and should be protected, but is not. There are many other species in similar low numbers, and with diminishing habitat, but no funding is available to do the required surveys.**

Q11 Given the length of time required for the assessment of nominations, should the Act allow for the emergency listing of species and ecological communities which may be threatened (similar to the provisions for the emergency listing of National Heritage places)? **Yes of course.** Would the advantages of this be outweighed by the financial and administrative costs? **Who cares how much it costs to protect our wildlife and its habitat!**

Q12 What matters should the Minister consider when deciding whether to list a threatened species or ecological community? **All matters relevant to the survival of that species, including community expectations and opinion.**

Q13 Are the categories of threat appropriate? **No.**

Q14 Are there opportunities to reduce duplication between the Commonwealth and State and Territory listing regimes or do overlaps between the regimes provide significant protection for threatened species and ecological communities? **No, State governments provide little protection for any species, threatened or not. In NSW and Queensland they even aerial drop 1080 into quoll habitat.**

Q15 What factors should be considered in setting priorities for recovery planning? **First remove the threats, then talk to the wildlife carers who handle wildlife every day. For instance a recovery program for wombats would be useless without input from community wombat carers.**

Q16 Does the planning regime support the effective recovery of threatened species and ecological communities? **There is no evidence of this.**

Q17 Are there opportunities to improve the co-ordination between the Commonwealth and State and Territory recovery regimes? **Unlikely.** If so, what might these be?

Q18 Are the provisions of the Act for the protection and recovery of threatened species and ecological communities, migratory species, listed marine species and cetaceans effective? **No.** What alternative approaches might be available? **There is no evidence that shows the Act has "protected and recovered" threatened species and ecological communities, migratory species, listed marine species and cetaceans. Strengthen the EPBC Act so it can protect wildlife.**

Q19 Does the Act provide an appropriate legislative framework for addressing climate change and other emerging pressures in the context of environmental protection and biodiversity conservation? **No.** If not, how can such matters be considered when making decisions under the Act? **Use "reasonable doubt". Reasonable doubt is used often enough to permit developments to go ahead, reasonable doubt should be used to protect wildlife.**

Q20 Does the Act currently provide appropriate regulation for the sustainable use of wildlife and international wildlife trade? **No it does not.**



Over a two year period starting in 2006, during several inspections at over 20 NSW and Queensland chiller boxes we found that 80% of the animals in the chiller boxes were females. Of these females, 60 to 70% were close to the minimum weight range (left hand photo). All of these kangaroos are too young to have had a joey, and even if they had, the shooter would have killed the joey when he shot the mother. In the right hand photo shows animals that have been neck shot (against the Code of Practice), and have shorter necks. We found that the Code of Practice is continually breached by commercial kangaroo shooters, yet the EPBC Act appears powerless to take any action, even though the commercial kangaroo Industry is clearly unsustainable.

Q21 Do you think that current assessment and decision-making processes for the listing of specimens suitable for live import could be refined and simplified? **No, it needs to be strengthened.**

Q22 What are your views on the effectiveness and utility of wildlife trade management practices under the Act? **Don't get me started!** Do you have any suggestions about how the system could be improved? **The kangaroo Industry is a perfect example of how this useless EPBC Act is watching kangaroo populations plummet to an all time low...due to drought and habitat loss, and the killing continues....and the drought, habitat loss, and killing still continues unabated.**

Q23 Are the arrangements between the Commonwealth and the States and Territories for managing the domestic movement of exotic and native wildlife effective and appropriate? **No, in the ACT orphaned or injured juvenile wildlife, such as kangaroos, wallabies, and possums, are not permitted to be moved out of the ACT, which is ridiculous. We've mentioned before that State and Territory governments cannot be trusted with wildlife.**

Q24 Does the Act provide appropriate provisions to ensure that Australia complies with its obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)? **No.**

Q25 What factors should the Minister have regard to when making a decision on heritage listing? **We have little interest in this subject. We note that this document places special emphasise on National Heritage Places. We also note that not one photo of our unique and threatened wildlife appear at the beginning of this inquiry document, which indicates to us that this Inquiry may have little interest in wildlife.**

Q26 What are your views on the process for nominating and listing Commonwealth Heritage and National Heritage places? **No comment**

Q27 What are your views on the effectiveness and utility of Commonwealth heritage strategies and management plans for protecting World, National and Commonwealth Heritage values? **We refer you to the Fraser Island Dingo Management Plan, considered by many to the worst wildlife management blunder ever committed in Queensland...yet approved by the EPBC Act to be appropriate for a WHA. The Commonwealth protection process is useless.**



Above is a recent photo of a starving dingo on Fraser Island. These are the last purebred dingoes in the World, living in a WHA, and they have eaten out all the wildlife and are now starving to death.

Q28 Given that the protection and conservation of Australia's heritage is shared between the different levels of government, are there any improvements in the current legislative arrangements that would be of benefit? **Just as with wildlife management, heritage matters should be taken from the States and Territories, and given to the Feds. Then we would only have one Government department to fight, instead of several.**

Q29 What are your views on the effectiveness of the operation of the provisions for Ramsar wetlands and the utility of management plans for those wetlands? **Not very good, Shoalwater Bay in Central Queensland is a good example of massive military exercises being undertaken in listed wetlands, and explosives used in the GBR WHA, all happening under the auspices of the EPBC Act. Below, Shoalwater Bay Army Training Area.**



Q30 What are your views on the effectiveness of the operation of the provisions for Commonwealth Reserves and the utility of management plans for those reserves? **Our understanding is that many Australian Defence Force sites that could have made into Reserves have been sold off for development, such as St Marys in Sydney. We have no knowledge of management of Commonwealth Reserves but would not too expect much. Management of ADF Commonwealth owned land is appalling....remember Belconnen?**



Above, the infamous Belconnen kangaroo kill, on Commonwealth land in Canberra. The failure of the EPBC Act to protect the kangaroos, and the support of the Federal government was responsible for this slaughter, an atrocity which is still echoing around the world.

Q31 Are there opportunities to harmonise legislative provisions for the protection of indigenous heritage values? If so, how?
No comment

Q32 Does the Act adequately support Indigenous involvement in the preparation of management plans for Commonwealth reserves? If not, what improvements could be made? **In our experience indigenous people want no part of a "consultation" process because the perception is that the result has already been decided. It's the same reason that many community groups decline to be involved in some so-called consultation processes. Also there is a perception of "being used."**

Q33 Do the processes under the Act facilitate the involvement and cooperation of Indigenous people as owners of knowledge of biodiversity? **No.**

Q34 Does the Act make adequate provision for Indigenous tradition to be taken into account in decisions made under the Act? **Don't know, but it's unlikely. No indigenous consultation took place when the Queensland Parks and Wildlife bulldozed through heritage sites while recently building electric dingo fences on Fraser Island. Between the two townships of Eurong and Happy Valley there are now 9 lethally modified electrified cattle grids.**



Above, bulldozing on WHA Fraser Island to build ineffective and dangerous dingo fences.

Q35 Does the Act provide for the appropriate follow-up of environmental assessment and approval decisions, including the monitoring, evaluation and auditing of actions? **No.** If not, what other actions could be taken? **More regular inspections.**

Q36 Are the offence and civil penalty provisions appropriately framed to encourage compliance with the Act? **No.**

Q37 Does the Act contain a sufficiently comprehensive and appropriate range of enforcement mechanisms? Are those mechanisms capable of deterring and responding to contraventions of the Act? **We don't know of any enforcement actions that may have been taken.**

Q38 As the primary decision maker under the Act, is the level of discretion provided to the Minister for the Environment, Heritage and Arts appropriate? **No.**

Q39 Are the roles of the various Committees established under the Act appropriate for meeting the objects of the Act? **No, they don't appear to have done that, have they?**

Q40 Does the Act provide sufficient guidance for decision makers in their consideration of uncertainty when making decision under the Act? **No.** If not, how should the Act deal with uncertainty? **Use "reasonable doubt" as pertaining to environmental matters. If in doubt, say no.**

Q41 Does the Act provide the appropriate opportunity for external input and scrutiny of decisions made under the Act? **No.** Is there sufficient transparency? **No.** Are the periods for public consultation adequate? **No.**

Q42 Should there be more scope for merits review under the Act? **Yes.** Would the disadvantages of this process – in terms of costs and delays - be outweighed by the advantages? **No, in the crisis that wildlife is in now, some costs and delays to get things right, are irrelevant.**

Q43 Should a separate body be established to make certain decisions under the Act? If so, what kind of body should be established and what decisions should be entrusted to it? **No comment.**

Q44 What is an appropriate framework for assessing the performance of the Act? Do you have particular issues that should be considered during the review? **Yes, the treatment of wildlife under the Act, particularly the commercial kangaroo kill, and the lack of effective humane requirements within the Act.**

We complete our submission with a copy of a report below on the current status of kangaroos in three States. This alarming population drop has been because of the inherent weakness of the EPBC Act.

Kangaroo, the Extinction of An Australian Icon!

Decimation of An Icon

This Report on the Status of our kangaroos was written and compiled Nikki Sutterby, Co-Ordinator, Australian Society for Kangaroos, PO Box 524 Castlemaine Vic 3450, Phone: 0417354408

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The following report exposes our kangaroos in crisis, the worlds second most recognized symbol, on the brink of extinction, across NSW, Queensland and South Australia, decimated by a commercial trade in leather and meat and crippling drought, and condoned by federal and state governments. This report also unveils decades of propoganda and myth, used to justify a cruel and unsustainable industry, the worlds largest wildlife massacre, the Commercial Kangaroo Industry.

The following statistics are taken from Queensland, NSW and South Australian government data, which has recorded kangaroo populations since the 1970s, and up 2007.

Kangaroos on the Brink

Kangaroos are commercially hunted across New South Wales, Queensland, South Australia and Western Australia. They are sold as pet food and leather. Their skins are sold to international shoe companies such as Adidas, Nike, Reebok, Puma, Florsheim and various other European and American shoe manufacturers. The Federal Government is responsible for monitoring the industry in the commercial hunting states, and is bound by the Environmental Protection Biodiversity and Conservation Act 1999, to ensure the protection of biodiversity and native species.

Tragically however the Federal and state governments have failed to protect kangaroos, with government data exposing a commercial trade in leather and meat, combined with severe drought, decimating kangaroos to the edge of extinction across most New South Wales, Queensland and South Australia. Red Kangaroos, Western and Eastern Grey Kangaroos, Wallaroos and Euros, have been hunted to critical levels of less than 5 kangaroos per square kilometer, densities defined by the Murray Darling Report as “quasi extinction” and meaning, “The nominal value of kangaroo densities taken to indicate the effective loss of the species” (Hacker et al, 2004, p.62)

The Murray Darling Report is a scientific report published by the Murray Darling Commission and written by government and independent scientists. It makes clear warnings regarding the risks of hunting kangaroos below 5 kangaroos sq/km (‘quasi extinction’). “Strategies that produce average densities of less than 5 kangaroos per square kilometer would result in minimum densities of less than 2 kangaroos per square kilometer, and could be considered a threat to species conservation” (Hacker et al, 2004, p51)

As stated earlier, all commercially hunted kangaroos are now “quasi extinct” across most of New South Wales, Queensland and South Australia, and as predicted by the Murray Darling Report, led kangaroo numbers to fall even further to less than 2 per square kilometer across half of these states: “critical minimum densities are not clearly defined but populations below 2 kangaroos per square kilometer would generally be considered at risk of extinction” (Hacker et al,2004, p47)

The following data was taken from State government departments and can be provided upon legitimate request.

SOUTH AUSTRALIA

The Commercial Hunting zones cover most of South Australia. There are almost no areas in South Australia where Kangaroos are fully protected.

Three kangaroo species are commercially hunted for their meat and skin in South Australia.- Red kangaroos, Western Grey Kangaroos and Euros.

Population counts for 2007 show Red and Western Grey Kangaroos at their lowest level ever recorded.

Across most of South Australia all three commercially hunted species are “quasi extinct”.

Despite these critical levels, the South Australian Government has set a quota of 12-20% to be killed by the Kangaroo Industry between now and 2012.

SA Red Kangaroo

Red Kangaroos are at their lowest level ever recorded in South Australia.

Red Kangaroos are “quasi extinct” across 92% of South Australia, and at less than 2 k sq/km across 50% of the state.

Since 1998, across 42% of South Australia, 55-80% of Red Kangaroos have been lost.

The commercial hunting quota for 2008 for Red Kangaroos is 15-20% of the population, despite being at their lowest level ever.

Red Kangaroos only grow at a rate of 6-8% per year. Therefore they are being killed at a rate three times faster than they can breed (McLeod, UNSW, Kangaroo Myths and Realities, 2001,p. 104)

The commercial quota is the percentage of the population killed by the Commercial Kangaroo industry every year, for export as meat and skins.

This quota does not include pouch joeys killed by the shooter, ex pouch joeys orphaned and left to die, kangaroos killed privately by farmers,, kangaroos killed by local governments in National Parks and State forests, kangaroos killed illegally, kangaroos killed on the road or those who perish in drought, flood and bush fires, or when their habitat is lost to development. It has been estimated that the quota combined with all the other factors could double the quota figure that die each year.. SA Western Grey

Western Grey kangaroos are “quasi extinct” across 80% South Australia, and are at less than 2 kangaroos per sq/km across 60% of South Australia.

Since 1997 Western Grey Kangaroos have crashed by 72-80% across 42% of the state.

The South Australian government is allowing the Kangaroo Industry to kill 12-15% annually until 2012 when the management plan is reviewed.

Euros

Euros are “quasi extinct” across most South Australia, and at densities of less than 2 per km² across 63% South Australia.

Despite this the Commercial kill quota remain at 12-15% population.

Across half of South Australia, fifty percent of the kangaroos killed by the commercial industry are female. Killing 50% female from a wild population puts a species at great risk of extinction.

The average weight of kangaroos killed by the commercial industry in South Australia is just 22kg. These kangaroo are just 18 –24 months old and barely of breeding age. Kangaroos can weigh up to 90kg and live 25years.

“Research shows that the average age of Red Kangaroos is now only 2 years old” (Rowe, Kangaroo Myths and Realities, 2004,p.104)

This provides evidence to support the theory that the largest kangaroos have been wiped out by the industry for their superior skins. With few large kangaroos left, the industry is now forced to kill more females, and smaller and younger kangaroos; the breeding stock for the future.

The ongoing killing of the large males also creates a genetic disaster, weakening their genetic strength and leaving them unable to cope in drought and disease. This combined with the loss of critical mass that we are witnessing now, has the potential to wipe out the species.

Removing the alpha males from a mob also destroys social order, leaving females at the whim of younger and immature males and a mob with no structure or hierarchy. This is a dangerous and potentially fatal situation for the doe (female) and any joey

she may have in pouch or at foot. It can lead to the death of the doe and her joeys from stress myopathy or exhaustion as she desperately tries to escape the forceful advances of the young males. The larger dominant males also play a role in integrating with the young joeys, playing with them from a very young age, and teaching them all the important survival techniques.

(All above data regarding South Australia's kangaroo populations and "harvest" statistics were obtained from Thomsen, Dana, 2008, Ecologist-Kangaroos Management, SA Dept Environment and Heritage)

QUEENSLAND

The commercial kangaroo industry has access to 94% of the state, leaving only 6% of Queensland protected for kangaroos

Queensland Red Kangaroos, Eastern Grey Kangaroos and Wallaroos are killed at a rate of 10-20% of the population each year by the commercial kangaroo industry alone.

QLD Red Kangaroo

Red Kangaroos are "quasi extinct" across 70% of Queensland, and at densities of less than 1.6 sq/km across 40% of the state

Despite these critically low levels the Queensland Government has allowed the Kangaroo Industry to kill 15- 20% Red Kangaroos for the next four years, until the plan is reviewed in 2012.

Eastern Grey Kangaroo

Eastern Grey Kangaroos have crashed by 45-90% since 2001 across 62% of the state, and are "quasi extinct" across 36% Queensland.

Wallaroos

Wallaroos are "quasi extinct" across 86% of Qld, and at densities of less than 2 kangaroo sq/km across 52% of the state. Wallaroos have crashed by 65-99% across 25% of Queensland.

Despite these figures, the commercial industry will continue to kill 10-15% of the Eastern Grey and Wallaroos population, and 15-20% of the Red kangaroos in Queensland annually.

All Queensland data relating to population densities were obtained from the Queensland Environment Protection Agency, Macropod Management Unit, Geoff Lundiejenkins.

NEW SOUTH WALES

The Commercial Kangaroo Management Zone takes up 93% of NSW, leaving just 7% of the State protected habitat for kangaroos under the NPW Act Pt 4.

NSW Red Kangaroos

75-90% of Red Kangaroos have been decimated across 70% of NSW.

Red Kangaroos are "quasi extinct" at less than 3.3 k sq/km across 68% NSW.

Red Kangaroos are at their lowest level ever/ in two decades, across 62% NSW.

The commercial industry will kill 17% of Red kangaroos in NSW for export as leather and meat until 2012 when the Kangaroo Management Plan will be reviewed.

NSW Grey Kangaroos

Grey Kangaroos have crashed by 75-90% across 45% of NSW

Grey Kangaroos are at their lowest level ever/in 20 years across 42% of NSW.

Grey Kangaroos are "quasi extinct" across 36% of the state.

The Kangaroo Industry will slaughter 15% of these Grey Kangaroos annually for the next four years, when the Kangaroo Management Plan is reviewed.

Wallaroos

Wallaroos are “quasi extinct” (less than 3 per sq/km) across the entire NSW state.

70-85% of Wallaroos have been decimated across 75% of the state.

Wallaroos are also at their lowest level ever recorded in NSW.

Despite this catastrophic situation, the NSW government has set the quotas for Wallaroos at their highest level ever, allowing the commercial industry to slaughter 15% of the Wallaroo population until 2012, when the quotas are reviewed.

(All data above was taken from the “NSW Kangaroo Management Program-Quota Report for 2008”. NSW Dept Environment and Conservation.)

THE FOLLOWING INFORMATION EXPOSES CENTURIES OF PROPOGANDA AND MYTH THAT HAS ALLOWED THE WORLDLS LARGEST WILDLIFE SLAUGHTER TO CONTINUE, AND SENT AN AUSTRALIAN ICON TO THE BRINK OF EXTINCTION.

For decades the Australian and State governments have assured the public that the commercial slaughter of our national icon is necessary to control kangaroo numbers, protect farmers, is economically and environmentally sustainable, and is no risk to kangaroo conservation.

The information and scientific reports discussed here exposes a commercial trade in kangaroos that is not only unnecessary and unsustainable, but is in breach of the Environmental Protection and Biodiversity Conservation Act 1999.

The Murray Darling Report, titled, ‘Kangaroo Options in the Murray Darling Basin’, was written in 2004 by Ron Hacker, Steven McLeod, John Duncan, Brigitte Tenhumberg and Udai Prahlan. It clearly states that;

“Harvesting over most of the region ceases to be economically viable at densities considerably higher than those commonly regarded as minimum levels for conservation (5 k km2)” (Hacker et al, 2004,p.57) and;

“Reduction of kangaroo densities to less than 5 kangaroos per square kilometer over large areas would result in the demise of the kangaroo industry” (Hacker et al,2004,p.63.) Also,

“Pastoralists’ would need to accept that reduction of kangaroos to very low densities (<5 k km2) over large areas is neither commercially feasible, ecologically defensible or economically justified”

So the Australian government is not only allowing a commercial wildlife trade to slaughter kangaroos in areas where they are at risk of extinction, but is supporting an industry that is unsustainable, destroying kangaroos faster than they can breed.

A literature review prepared for the Kangaroo Management Advisory Panel in March 2006, by the School of Botany and Zoology, Australian National University, ACT titled, ‘Situation Analysis Report, Update on Current State of Scientific Knowledge on Kangaroos in the Environment, Including Ecological and Economic Impact and Effect of Culling’ by Penny Olsen and Tim Low, confirms the findings of the Murray Darling Report in its executive summary, “Evidence suggests that commercial harvesting is not sustainable at densities that threaten any of the harvested species with extinction” (Olsen and Low, 2006,p.7)

‘The Australian State of the Environment Report 2006’ (2006 Australian State of the Environment Committee, 2006) in its original document (Animals Australia, 2007) also found that “No data that would give an indication as to whether (kangaroo) harvesting is sustainable, appears to be available”

In evidence given at the NSW AAT court proceedings, (Wildlife Protection Association Australia (Applicants) vs NSW Minister for Environment Heritage and the Arts (Respondent), No.N535 of 2007), it was found that within the 2008-2012 NSW Kangaroo Management Plan, there are no “trigger levels” with which to identify when the kangaroo population was at risk. Therefore the current quotas would continue, despite critical densities, until 2012 when the current Kangaroo Management Plan expired.

The ‘applicants’ (WPAA) argued that “None of the Actions of the Plan provided for the suspension or reduction of the commercial killing of kangaroos if certain threshold situations are reached. There is no specific level of detriment or harm above which the Plan is suspended or the quotas are reduced” (AAT, No. N535 of 2007, p.62)

The court also found that “The EPBC ACT requires the Management Plan include management controls to ensure that ‘the impacts of the activities’ on each of the species of kangaroos are ecologically sustainable, and that on the evidence the Tribunal cannot be satisfied that there are sufficient management controls included in the Plan that ensure the impacts are ecologically sustainable” (AAT, No. N535 of 2007, p.51) and that

“Ecological sustainability requires some benefit of the use. The Plan cannot be shown to produce any conservation or biodiversity benefit. Killing part of the population is not necessary for the survival of the rest of the population of the species” (AAT, No. N535 of 2007, p.62)

It is also important to note what was heard from the Minister for Environment Heritage and the Arts (Respondent) during the hearing:

“The respondent accepted that a quota of 17% per annum and the addition of the special quota would be unsustainable in the long- term” (AAT, No. N535 of 2007, P. 43)

In light of the statistics, the fact that all four species have already crashed by 50-70% between 2001 and 2007 alone, and the large scale quasi extinctions across three out of the four commercial hunting states, along with the real and pending threat of further drought, fire, flood, lack of habitat, water and food across Australia, it is highly likely that if the commercial and non commercial killing of kangaroos continues in New South Wales, Queensland and South Australia, there would be large scale irreversible extinctions of Red Kangaroos, Eastern and Western Grey Kangaroos, Wallaroos and Euros across three states within just a few years.

These statistics also expose a significant breach of the Environmental Protection and Biodiversity Conservation Act (Pt 13A) by the Australian Government and the Kangaroo Industry Association Australia, whereby they have failed to protect kangaroos at the extent of their range and ensure that the impacts of the industry are ecologically sustainable.

It has also failed in other aspects of the EPBC Act by inflicting significant cruelty on pouch joeys and ex pouch joeys in the matter in which they are dispatched (bashed to death or decapitated, and/or orphaned and left to die from starvation stress and exposure), therefore failing to “protect the humane treatment of wildlife” and by not taking a “precautionary principle when making decisions relating to the utilization of wildlife”(EPBC Act 1999, Pt 13A)

Scientific evidence now available exposes a large scale slaughter of protected native animals, the worlds largest wildlife massacre, based on propaganda and myth, promoted by a cruel and unsustainable trade in a precious Australian icon. Government and independent scientists such as the CSIRO, Prof. Gordon Grigg (Environment Australia), Steven McLeod (University NSW, NSW Dept Primary Industries), Dr Tony Pople, Olsen and Low (School of Botany and Zoology, Australian National University, Canberra ACT) Dr David Croft (University NSW) and Ingrid Witte (NSW Dept Environment and Climate Change, UNSW) now agree that based on the evidence, kangaroos exert negligible impact on pastoral and agriculture production, hence undermining the justification for this large scale destruction of native animals.

Ms Nicole Payne, Manager of Kangaroo Management Program, NSW Department Environment and Conservation, admits in the Administrative Appeals Tribunal that the commercial slaughter of kangaroos is; “not designed to achieve population control or damage mitigation, but for commercial harvesting” (AAT, No. 535N of 2007, p.59)

Ms Payne also agreed with Olsen and Low (2006) in their Literature Review ‘Update on Current State of Scientific Knowledge on Kangaroos in the Environment, Including Ecological Impact and Economic Impact and Effect of Culling’ that “damage mitigation as grounds for harvesting is unfounded” and that “kangaroos provide some benefits to biodiversity and save for exceptional circumstances, are not competitors with sheep or cattle.” (AAT, No. 535N, p.59)

Pople and McLeod (2000, UNSW) are also referred to in the court proceedings as well as Olsen and Brayshaw (2000), and support the overriding evidence that between sheep and kangaroos “competition seldom occurs”. (AAT, No. 535 of 2007, p.70)

Within Olsen and Low’s Literature Review, they also confirm these findings ;

“Indeed there is little convincing evidence of substantial damage by kangaroos to crops, pastoral production or rangelands, except in a few localized areas”(Olsen and Low, 2006, p.9)

Grigg (2002) proposed that kangaroos had a DSE (dry sheep equivalent) of just 0.2, meaning that kangaroos consume only one fifth that of sheep. He states "the removal of kangaroos will not bring expected benefits to woolgrowers in part because kangaroos are a much smaller component of total grazing pressure than is generally assumed". (Olsen and Low, 2006,p.69)

'The Australian State of the Environment Report' (Beeton et al, 2006,Indicator LD0-20)) supports these studies in its findings, that of the 60% of Australia that is made up of low intensity grazing land, kangaroos exert a grazing pressure of just 1-8%, compared to sheep and cattle who combined exert a grazing pressure of 92-99%.

Dr David Croft, in his paper, 'The Future of Kangaroos: Going Going Gone?' (Fowlers Gap Research Station and School of Biological, Earth and Environmental Sciences, University NSW, Sydney) disputes claims that kangaroos take advantage of 'rested' paddocks and inflict damage; "grazing pressure in the de-stocked paddocks had in effect significantly been reduced by the removal of 400 sheep. The amount of kangaroo dung never surpassed that of kangaroos in the stocked paddock, despite the absence of sheep". He goes on to say that;

"given the sedentary behaviour of mature individuals, there is no strong evidence that red kangaroos invade areas of improved pasture within a short period of time and remain there to cause long term damage"

In fact, further research from Fowlers Gap Research Station, (Witte, 2002,UNSW) reported a positive relationship between the biomass of both total pasture and green pasture and kangaroo density. Witte states that these findings support the conclusion that kangaroos and livestock do not compete strongly for food (at least in the rangelands), that resource availability drives the grazing systems and that "mixed species grazing regimes are more productive and ecologically sound." (AAT, No535N of 2007,p.71)

Olsen and Brayshaw (2003) agree;

"kangaroos do not appear to impact greatly on wool production and mixed grazing systems (cattle and kangaroos/sheep and kangaroos) tend to be most productive" (Olsen and Low,2006,p.69)

Literature written by ecologist Dan Ramp (University NSW) such as his paper 'Our 'common' wildlife may be the next 'sleeping' threatened species', describes the importance of kangaroos in protecting threatened and endangered species from decline. "Native herbivores such as kangaroos and wombats, play a vital role in ecosystem functioning but are often victimized and treated with lack of concern because of socio-political factors and historical value judgements rather than heeding biological and ecological information." (Ramp,200?,p.1)

He also refers to the findings of Smith and Knapp (2003) "It is widely recognized that species and ecosystem function are strongly linked. Common species can play key roles in conferring short-term resistance to reductions in ecosystem functions, as rare and uncommon species are lost from the system. We now have entered earths sixth mass extinction event, this time human driven, and yet the setting aside of protected areas may not be sufficient to prevent this loss of biodiversity...little research has rigorously quantified implications for biodiversity at local scales.

Many species that are now considered common will be effected, but unless we target those 'sleeper' species through monitoring of their distributions and functioning in ecosystems, managers will only be able to be reactive to declines, rather than proactively preventing them. (Ramp,200?,p.1)

David Croft challenges the myth that there are more kangaroos now than before white settlement, which is another unfounded argument used to justify decades of decimation of kangaroos across Australia.

He believes that the contention that there has never been so many kangaroos in Australia until the advent of farming and pastoralism is an absurdity. He bases his argument on the following facts.

"in the first several million years of occupancy of the Australian continent by the modern kangaroo fauna, who has the time machine to know?" (the counting of kangaroos in the commercial states did not start until the 1970s).

When calculating the countries ability to support sheep and cattle in present day conditions, Croft equates the lands ability to support the 2004 estimates of sheep and cattle at 22 million cattle and 105 million sheep, or 237 million Dry Sheep Equivalent. This is equivalent to the energy demands of 339 million to 1.185 billion kangaroos (at just 0.2- 0.7 DSE). The kangaroo population has been estimated at just 20 million in recent years, and therefore;

“Amazingly we have been clever enough to create pasture for the equivalent 7-24times the more generous estimate of the number of kangaroos currently in Australia yet this supposedly excessive number was unsustainable pre 1788” (Croft, Kangaroo Myths and Realities, 2004,p.236)

In regard to the myths that man made water sources have increased kangaroo populations, Croft believes; “This same landscape is populated with a vast network of drainage channels, ephemeral creeks, gilgais and clay pans. All of these can hold water for weeks to many months after a very modest rain”, and;

“if you make the effort to observe the behaviour of kangaroos in the arid rangelands, as I have done for over 29 years, they will show that any water source, no matter how small and fetid, is acceptable and usable” (Croft,Kangaroo Myths and Realities,2004,p.238)

He believes that not all their water requirements are required from drinking water as such, and; “water taken in with plant matter and created with oxidation of foodstuffs both add to the water budget” (Croft Kangaroo Myths and Realities,2004,p.238)

Dr John Auty in his paper “Red Plague Grey Plague” also challenges the myth that there are more kangaroos now than before European settlement. In his paper he refers to a multitude of historical records and documents. “ At first white settlement, kangaroos were widely distributed in large numbers”

“The CI Dingo was a poor predator on kangaroos and for this reason was not used by Aborigines in hunting them.”

And finally, “The numbers of kangaroos present in Australia at the time of first European settlement can be estimated on the basis on the number of introduced herbivores supported on unimproved pasture and browse. The population was probably of the order of one to two hundred million” (Auty, 2004, Kangaroo Myths and Realities,p.62)

In regard to the principles of the commercial utilization of wildlife, in particular kangaroos, it is important to note that while the Commercial Kangaroo Industry is worth \$200 million annually, there are few who benefit from these profits, while the Australian community loses its most valuable environmental and tourist draw card.

Tourism is worth over \$70 billion dollars annually to Australia, and with our native wildlife being one of the main attractions for international tourists, kangaroos are worth more to us alive than dead. According to a recent survey, the kangaroo image was the second most recognized symbol in the world, second only to the Statue of Liberty (O’Brien, 2005, p.21).

As part of the same survey, international tourists were polled at Sydney airport, and it was found that half the international tourists wanted to see kangaroos or other wildlife as part of the visit. One quarter reported they had not seen the kangaroos they wanted to see during their visit. (O’Brien, 2005,p.21) The Kangaroo Industry and the Australian Government is decimating our tourist icon for just \$1 kilo for its meat, and around \$10 for its skin.

Tourism is worth three hundred and fifty times the value of the industry that is decimating our kangaroos, and with the current statistics and dire forecasts, it is clear the Kangaroo Industry is entirely unsustainable, with our kangaroos unable to keep up with the demand.

If we were to refer only to the scientific information within this document, we could safely say that the kangaroo industry is unsustainable and in decline, taking our precious National symbol down with it, and destroying one of our main assets from one of our most profitable industries, the Australian Tourism Industry.

SUMMARY

Since 1980, 73 million kangaroos have been killed by the Kangaroo Industry and turned into pet food and sports shoes. Around 14 million pouch joeys have been bashed to death or decapitated, and 7 million young at foot joeys have been orphaned, and left to die a slow and lonely death from stress, starvation, and exposure. This combined with years of intense drought, floods and bush fires, has seen Red Kangaroos, Western Grey Kangaroos, Eastern Grey Kangaroos, Wallaroos and Euros plummet to densities of less than 5 per square kilometer (“quasi extinct”) across most of Queensland, New South Wales and South Australia.

These species are now at risk of extinction in these states, and if the commercial industry is allowed to continue, scientific forecasts predict mass extinctions of Red, Western and Eastern Grey Kangaroo, Wallaroos and Euros, across most of New South Wales, Queensland and South Australia.

We therefore make an urgent request, that the Australian Government impose an immediate moratorium on the commercial and non-commercial slaughter of kangaroos across New South Wales, South Australia and Queensland, for the sake of our country, for the sake of our environment, for the sake of our economy, for the sake of our reputation, and for the sake of our Icon.

Now, more than ever before, its time to stop killing kangaroos!

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The media release below was sent out and provided some coverage, but the Federal Minister Peter Garretts' office denied there was any threat to kangaroos. To date there has been no response to a letter to Garret calling for a Moratorium on the killing of kangaroos.

12 August 2008

PRESS RELEASE

Wildlife groups call for an urgent moratorium into the commercial kangaroo industry as government data exposes kangaroos on the brink of extinction across NSW, South Australia and Queensland.

The Australian Society for Kangaroos, The Wildlife Protection Association of Australia, the Kangaroo Protection Coalition and Kangaroo Defenders, has called for an urgent and immediate moratorium into the commercial and non commercial slaughter of kangaroos across New South Wales, South Australia and Queensland, after government data exposes kangaroos on the brink of extinction across three out of the four commercial hunting states.

An independent report written by the Australian Society for Kangaroos, titled "Decimation of an Icon", has unveiled five kangaroo species at critically low levels across most New South Wales, South Australia and Queensland, due to a cruel and unsustainable industry in kangaroo meat and leather, coupled with years of drought.

"A cruel and unrelenting trade in kangaroos coupled with severe drought has sent our icon to the brink of extinction across most NSW, Queensland and South Australia" said Nikki Sutterby today.

The report exposes kangaroo densities at less than 5 kangaroos per square kilometer across most NSW, South Australia and Queensland; densities defined by The Murray Darling Report as "quasi extinction" or the;

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"nominal value taken to be the effective loss of the species" . The Murray Darling report titled "Kangaroo Options in the Murray Darling Basin" was sponsored by the Murray Darling Commission, and written by government and independent scientists in 2004. It warns of the risks of killing kangaroos at levels below 5 kangaroos square kilometer;

"strategies that produce average densities of less than 5 kangaroos per square kilometer would result in minimum densities of less than 2 kangaroos square kilometer and could be considered a threat to species conservation" The report also warns,

"Populations less than 2 kangaroos per square kilometer would generally be considered at risk of extinction". The Australian Society for Kangaroos report "Decimation of an Icon" has identified kangaroos at levels of less than 2 per square kilometer across approximately 50-60% of the three states.

The Australian Society for Kangaroos has also warned in its report that the Australian Government is now in breach of the Environment Protection and Biodiversity Conservation Act 1999 for failing to protect kangaroos at the extent of their range, and ensure the impacts of the kangaroo industry are ecological sustainable.

The Murray Darling Report clearly exposes the kangaroo industry as unsustainable in its statement: "reduction of kangaroo densities to less than 5 per square kilometer over large areas would result in the demise of the Kangaroo Industry".

The Australian Society for Kangaroos has highlighted:

"The kangaroo industry, which is the largest wildlife slaughter in the world, is unsustainable and unless it is stopped immediately, there is significant risk of large scale extinctions of Red Kangaroos, Grey Kangaroos, Wallaroos and Euros, across New South Wales, South Australia and Queensland." Said Nikki Sutterby.

"In light of these horrifying statistics, we have asked the Minister for Environment, Heritage and the Arts, Mr Peter Garrett, to impose an immediate moratorium on the commercial and non commercial slaughter of kangaroos across NSW, South Australia and Queensland" said Ms Sutterby.

Pat O'Brien, President of WPAA and Coordinator of the Kangaroo Protection Coalition supported the call for a Moratorium, and described as "nonsense" a recent call for kangaroos to be farmed and eaten to reduce greenhouse gases.

"Very few people want to eat kangaroos, and our overseas export markets want beef and lamb, not kangaroo meat. If we tried to replace beef with kangaroo, no-one would buy it anyway, and we'd have to kill the current entire kangaroo population many times over, every year." said Mr OBrien.

FOR MORE INFORMATION CONTACT, NIKKI SUTTERBY, AUSTRALIAN SOCIETY FOR KANGAROOS. PH: 0417354408

PAT OBRIEN, WILDLIFE PROTECTION ASSOCIATION AUSTRALIA, KANGAROO PROTECTION COALITION PH: 0408711344

Pat OBrien then made the comments below,

I don't believe that the kangaroos will be all gone in couple of years, but I think it's too late already for our kangaroos. I don't have any data to back that statement up, except 30 years of watching kangaroos disappear from their usual habitat around Australia. I now see it every day here on the Sunshine Coast, one day there's a few kangas in small paddock, next day the bulldozers are there, and a few days later there's a couple of dead kangaroos on the side of the road.

I think it's already too late for the wild kangaroos. Currently we only have left a few small genetically impoverished mobs scattered around the country, mostly on the the East coast where there's not so much shooting. The mob structure has been smashed everywhere. John Auty's model of habitat that was available for a possible 400 million kangaroos in 1860 is pretty telling. Even if the model were very wrong, that's a hell of lot more than the current 20 or so million.

We all know about the large numbers of animals around the world that have been decimated to the point of no return, and some have passed that point, like the passenger pigeons. We all know about it, but we don't know, or seem to care, why seemingly large and secure wildlife populations can disappear so rapidly. What is obvious is that when there are large populations of a wildlife species, those populations are large for a reason.

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I had a phone call from an ex-grazier and ex-kangaroo shooter last week. He had just travelled extensively throughout Western Queensland. He claims that the kangaroo Industry is a dead Industry, because shooters are giving it away because they can't find the kangaroos. He saw millions of hectares of newly cleared land in his travels.

He told me that Western farmers are dropping truckloads of urea blocks in the paddocks. Urea apparently encourages cattle to eat leaves, bark, other cow droppings, dead birds, any thing they can swallow. Anyway, urea also kills kangaroos, and he claims to have video footage of hundreds of dead kangaroos in some of the paddocks. I tried to get the footage, but he said he was going to give it to the media. Of course the media won't run with it. I also know from our contacts in the commercial kangaroo Industry that many farmers after they have destocked, put urea in the water troughs deliberately to kill the kangaroos when they come to drink. Even the shooters don't like that!

This person also told me he knows of many farmers who employ a shooter just to shoot every kangaroo they see on the property...regardless of size. It's not **just** the commercial Industry that has been the threat, it's the graziers and graingrowers that will push the kangaroos over the edge, and I think it's happened already, but it's just not apparent yet.

Of course that doesn't mean we should give up. If we can hold some small mobs in secure areas, like at Yankee Hat, at least we will have some wild (or semi-wild) kangaroos, even though inbred, and genetically different from the other small mob a few hundred kilometers away. Here's an interesting comment I noted the other day.... "Governments have been falsifying information to the community for so long, that they now live in a fantasy world of their own making....."

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