

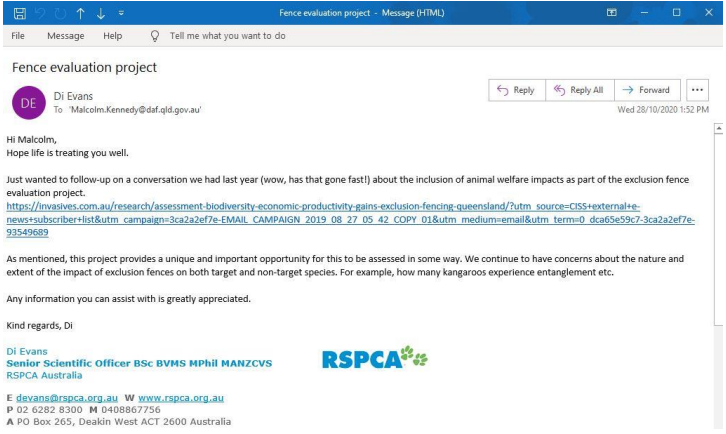
PORTFOLIO COMMITTEE NO. 7 - PLANNING AND ENVIRONMENT

HEALTH AND WELLBEING OF KANGAROOS AND OTHER MACROPODS IN NEW SOUTH WALES

Supplementary Questions RSPCA Australia

Question	Response
1. What is the RSPCA's understanding of the maximum reproductive rate per annum for kangaroos?	The RSPCA has not specifically investigated this biological aspect and we would be guided by contemporary science as offered by recognised ecologists.
2. Given your submission states that the RSPCA understands that non-commercial culling is capped to ensure cull numbers are ecologically sustainable but the method to determine this is not clear, can you explain why this is not clear?	Although the cull quota is defined in the Licence to Harm Kangaroos permit, there is virtually no on-the-ground checking of the number of kangaroos shot to ensure the permitted quota is not exceeded. Furthermore, the returns from landholders are not publicly available, thereby resulting in the process lacking transparency and accountability. It is unclear how a cap on cull numbers can be managed when there is no verification of the numbers shot under any given permit. The commercial industry does have some degree of accountability (although injured or non-head shot kangaroo numbers are not publicly reported), there is no valid checking of the actual numbers shot and/or killed through non-commercial shooting.
3. Can you confirm that harming a kangaroo or other macropod, regardless of sanction under the Biodiversity Conservation Act, is still a matter for consideration under the Prevention of Cruelty to Animals Act (POCTAA) if there are allegations that the animal has been subject to animal cruelty?	RSPCA NSW is providing a response to this question.
4. Given in your submission you state that there is no field monitoring of either commercial or noncommercial shooters to ensure respective codes are complied with regarding the treatment of orphan joeys, does RSPCA NSW have such powers under POCTAA?	RSPCA NSW is providing a response to this question.
5. Can you explain your standard operating procedure when a member of the public calls to complain about witnessing cruelty to kangaroos and /or joeys and the alleged perpetrator is either a	RSPCA NSW is providing a response to this question.

commercial or a non-commercial shooter?	
6. Over the last 10 years, how many complaints about kangaroo cruelty, inflicted by a commercial or non-commercial shooter, have been referred to either PWS staff or the police and what is generally the outcome?	RSPCA NSW is providing a response to this question.
7. Given the Commercial and Non-Commercial Codes of Practice for killing kangaroos are still both subject to POCTAA, do you think the method for killing joeys (pouch young and at foot) meet the requirements of POCTAA? (a) If so, how, and if not, why have there been no prosecutions?	RSPCA NSW is providing a response to this question.
8. Do you consider that the setting of killing quotas to benefit a commercial industry is an ethical method of wildlife control in the 21st century?	<p>The following policies best describe the RSPCA’s position on the commercial kangaroo harvesting industry.</p> <p>RSPCA Policy E4.3 Killing of wild animals for commercial purposes 4.3.1 RSPCA Australia is opposed to the killing of wild animals for commercial utilisation (i.e. for food or other animal products) unless this is carried out as part of a wild animal management program that meets the criteria specified in Policy E2.</p> <p>RSPCA Policy E2 Management of wild animals RSPCA Australia acknowledges that in some circumstances it is necessary to manage wild animals, native or introduced. There are three main reasons used to justify the management of wild animals;</p> <ul style="list-style-type: none"> • To protect the welfare of individual animals • To help conserve a threatened, endangered or vulnerable native species • To reduce adverse impacts on human activities or the environment <p>It is noted that in most cases these problems have arisen as a result of human activities or interventions.</p> <p>Policy E2.3 Programs and strategies which prescribe the management of wild animals (such as threat abatement plans and native animal management plans) must be justified, supported by scientific evidence and have clearly stated aims. Such programs should be subject to public consultation, ethical approval and review prior to implementation. Once implemented, the results of such programs should be regularly monitored, evaluated, publicly reported and used to inform future activities.</p>

<p>9. Given you state there is a need for research on non-lethal control methods such as deterrents (sound/scent/visual) to avoid the use of lethal methods for kangaroo management, what do you think is preventing the research into or use of such technologies?</p>	<p>It is difficult to speculate why research has not progressed to develop humane non-lethal control methods but there appears to be a strong focus by the commonwealth government on invasive species (e.g. wild dogs, feral pigs, deer) management, including establishing national coordinators rather than kangaroo management. There is an urgent need for kangaroo management to be viewed at the national level with a similar degree of importance.</p>
<p>10. Given you said you are not aware of any correspondence between the RSPCA and the NSW Gov or Local Land Services about exclusion fencing, can you clarify if this is definitely the case, and if not, provide evidence of any correspondence that did occur?</p>	<p>RSPCA NSW is providing a response to this question.</p>
<p>11. Given you stated you asked exclusion fencing researchers to keep animal welfare in mind and have not heard back, can you please clarify who you spoke to and if they indeed never wrote back - and if they did, provide evidence of that correspondence?</p>	<p>This is the project title and link; Assessment of the biodiversity, economic and productivity gains from exclusion fencing (QLD) https://invasives.com.au/research/assessment-biodiversity-economic-productivity-gains-exclusion-fencing-queensland/</p> <p>I sent an email to Malcolm Kennedy, Biosecurity Qld on 28th October 2020, whom I had spoken to at a gene drive workshop held in Canberra in February last year at which time I had asked for information regarding the inclusion of welfare assessments in the project. Malcom is a member of the project team and during our conversation he was not able to provide me with any information but had indicated he would get back to me. This did not occur so I sent the email in October and I still did not receive a response. Here is a screen shot of the email;</p> 
<p>12. Given several witnesses stated exclusion fences benefit kangaroos, can you state the RSCPA's exact concerns about exclusion fencing on kangaroo welfare?</p>	<p>The following RSPCA Knowledgebase article provides an overview of key concerns; What are the risks to wildlife associated with barrier and cluster fencing? - RSPCA Knowledgebase</p>

<p>13. Do you consider that when animals are injured or killed inside exclusion fencing, there is prima facie breach under POCTAA given that the animals are completely under the control of the landholder?</p>	<p>RSPCA NSW is providing a response to this question.</p>
<p>14. Does the RSPCA have a view on what is the appropriate level of regulatory oversight over the thousands of animals trapped inside these giant structures which have become de facto wildlife parks?</p>	<p>The first step is to evaluate the impact on ecological processes and animal welfare before considering regulatory oversight. As mentioned, research is urgently needed on this issue.</p>
<p>15. Would a landholder who blocked access to, or removes existing water points be in breach under POCTAA if the wild animals subsequently died of thirst due to being unable to leave and seek water elsewhere?</p>	<p>RSPCA NSW is providing a response to this question.</p>
<p>16. Because you mentioned the RSPCA's concerns about the removal of kangaroo heads and a lack of on-the-ground monitoring at the point of kill, can you detail if, when and to whom the RSPCA has raised these concerns with, and what happened thereafter?</p>	<p>The RSPCA has provided recommendations in relation to concerns regarding the removal of heads and/or lack of on-the-ground monitoring at the point of kill in various submissions including the following but to date no action has been undertaken by state authorities to address these concerns.</p> <p>2016 Draft NSW Kangaroo Management Plan</p> <p>2017 ACT Controlled Native Species EGK</p> <p>2018 SA Inquiry into overabundant and pest species</p> <p>2019 Draft developmental wildlife trade operation for the sustainable harvest and commercial export of Eastern and Western Grey Kangaroo products in Victoria.</p>
<p>17. Given studies of body worn cameras, on police for example, have shown to produce no statistical change in human behavior (Lum 2020), why does the RSPCA advocate for these cameras to be worn by kangaroo shooters?</p>	<p>Lum et al (2020) Body-worn cameras effects on police officers and citizen behavior: A systematic review. Campbell Systematic Reviews, 16(3), Article number: e1112.</p> <p>The aims of the use of body cameras by police officers is to reduce officer use of force when interacting with citizens. This paper contains conflicting findings including the following;</p> <ul style="list-style-type: none"> • The review indicates that BWCs can reduce the number of citizen complaints against police officers although it remains unclear whether this finding signals an improvement in the quality of police-citizen interactions or a change in reporting • There is high variability in findings across studies, which suggests that BWCs can have positive, negative,

	<p>or null impacts on police or citizen behaviours under different circumstances that are not well understood</p> <ul style="list-style-type: none"> • Researchers should continue testing for ways in which both police and citizens might gain benefits from the cameras' continued use. <p>It would appear there is still further research needed to gain a true indication of the impact of these cameras.</p> <p>It is difficult to draw comparisons in relation to kangaroo shooters and police officers with the former often working in remote areas at night with no witnesses. Given that resources are limited to monitor compliance with the commercial code, the RSPCA has suggested that body cameras may offer a solution to help the industry demonstrate compliance and for the public to have confidence that adequate monitoring is undertaken. A parallel situation involving animals is the installation of CCTV in abattoirs to monitor the treatment and handling of animals being slaughtered.</p>
<p>18. If a shooter wearing a body camera was found to have breached POCTAA in the line of their work, would the body camera footage be enough for the RSPCA to commence prosecution, and how do you envisage this footage could be regulated?</p>	<p>RSPCA NSW is providing a response to this question.</p>

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3. Can you confirm that harming a kangaroo or other macropod, regardless of sanction under the Biodiversity Conservation Act, is still a matter for consideration under the Prevention of Cruelty to Animals Act (POCTAA) if there are allegations that the animal has been subject to animal cruelty?

Response: Kangaroos are animals in accordance with section 4 of the *Prevention of Cruelty to Animals Act 1979* (NSW) (hereafter POCTAA). Regardless of their protection via other legislation, an allegation of cruelty against a kangaroo would be capable of investigation in accordance with Part 2 of *POCTAA*.

4. Given in your submission you state that there is no field monitoring of either commercial or non-commercial shooters to ensure respective codes are complied with regarding the treatment of orphan joeys, does RSPCA NSW have such powers under POCTAA?

Response: RSPCA NSW is afforded specific powers pursuant to Part 2A of POCTAA. RSPCA NSW Inspectors only have proactive powers in relation to inspecting animal trades in accordance with s24G POCTAA and the associated regulations.

5. Can you explain your standard operating procedure when a member of the public calls to complain about witnessing cruelty to kangaroos and /or joeys and the alleged perpetrator is either a commercial or a non-commercial shooter?

Response: Any member of the public who has information relation to an allegation of animal cruelty can contact the RSPCA NSW contact centre by phone or online. A cruelty complaint is then created and the job triaged and assigned to an inspector for investigation.

6. Over the last 10 years, how many complaints about kangaroo cruelty, inflicted by a commercial or non-commercial shooter, have been referred to either PWS staff or the police and what is generally the outcome?

Response: This information is not able to be collated from the database.

7. Given the Commercial and Non-Commercial Codes of Practice for killing kangaroos are still both subject to POCTAA, do you think the method for killing joeys (pouch young and at foot) meet the requirements of POCTAA?

Response: If the methods of killing are undertaken in a way in which no unreasonable, unnecessary, unjustifiable pain is caused then there is no offence under POCTAA.

(a) If so, how, and if not, why have there been no prosecutions?

If the method used is performed competently avoiding conscious pain then the requirements of POCTAA are met.

10. Given you said you are not aware of any correspondence between the RSPCA and the NSW Gov or Local Land Services about exclusion fencing, can you clarify if this is definitely the case, and if not, provide evidence of any correspondence that did occur?

Response: We are not aware of any such correspondence.

13. Do you consider that when animals are injured or killed inside exclusion fencing, there is prima facie breach under POCTAA given that the animals are completely under the control of the landholder?

Response: The question as posed does not provide sufficient information to make an informed assessment as to whether or not a breach of POCTAA could be substantiated. However, RSPCA NSW would refer the Committee to the inclusive definition of “person in charge” in s4 POCTAA, and notes that is just one element of offence provisions. The fact of an exclusion fence might mean that a land owner is a person in charge, but it is not determinative.

15. Would a landholder who blocked access to, or removes existing water points be in breach under POCTAA if the wild animals subsequently died of thirst due to being unable to leave and seek water elsewhere?

Response: The question as posed does not provide sufficient information to make an informed assessment of liability in this example.

18. If a shooter wearing a body camera was found to have breached POCTAA in the line of their work, would the body camera footage be enough for the RSPCA to commence prosecution, and how do you envisage this footage could be regulated?

Response: admissibility of evidence is a complicated issue, determined by how a law enforcement officer obtains the evidence, and how the evidence itself is originally captured. It is not possible to determine on that alone whether such footage would be sufficient to justify the commencement of proceedings. The regulation of footage obtained by licence holders, presumably in accordance with licence obligations, would be a matter for National Parks and Wildlife.