



Ms Cate Faehrmann, MLC  
Chair - Portfolio Committee No. 7 – Planning and  
Environment,  
Parliament House, Macquarie Street  
SYDNEY NSW 2000

Via email c/o [PortfolioCommittee7@parliament.nsw.gov.au](mailto:PortfolioCommittee7@parliament.nsw.gov.au)

Dear Ms Faehrmann

### **Inquiry into the health and wellbeing of kangaroos and other macropods in New South Wales**

Thank you for your letter of 16 August 2021 concerning the document received by Portfolio Committee No. 7 from ecologist/conservation biologist, Mr Ray Mjadwesch, which contains claims about the conduct of those responsible for the population estimates that underpin the commercial and non-commercial harvesting of kangaroos.

I appreciate you raising these allegations with me and providing an opportunity to respond

To inform my response to the Committee, the Department's Biodiversity, Conservation and Science Directorate requested two experts external to the Department of Planning, Industry and Environment to review the claims that have been made by Mr Mjadwesch, and determine whether there are any prima facie grounds to support further investigation of the very serious allegations of scientific fraud. The advice from both experts strongly, and indeed emphatically, fails to identify any prima facie basis for the claims.

Given the very clear advice that has been provided to me, I would respectfully request the Committee consider redacting references to specific allegations and named individuals, if the document that you have provided is to be published by the Committee.

In responding to your invitation for Departmental advice on the claims made by Mr Mjadwesch, I would note the Environment, Energy and Science Group within the Department of Planning, Industry and Environment (the Department) coordinated a whole of government submission to the Inquiry; gave evidence to the Inquiry Committee on 15 June 2021 and 19 August 2021; and provided detailed written responses to the Committee post the initial hearing. The written responses describe the science of kangaroo population dynamics and kangaroo surveys used by the Department. The Department at all times strives to use best available science to undertake surveys, estimate populations and set quotas.

As the Committee is aware, kangaroos are protected in NSW under the *Biodiversity Conservation Act 2016* (BC Act). The BC Act makes provision to grant a licence to a person that authorises activities relating to the commercial harvest of, and dealing in, kangaroos and the non-commercial culling of kangaroos. The Department manages and regulates the commercial kangaroo management program to ensure populations remain ecologically viable while sustaining the industry in NSW.

In addition, the commercial program is guided by the *NSW Commercial Kangaroo Harvest Management Plan 2017-2021* (the Harvest Plan), which demonstrates how harvesting is managed to ensure it is humane and populations remain ecologically viable.

The Harvest Plan is approved by the Commonwealth Minister for the Environment under the *Environment Protection and Biodiversity Conservation Act 1999*. It includes conservative annual harvest quotas based on regular population monitoring, and measures to mitigate, monitor and respond to any environmental impacts of harvest activities. The Harvest Plan applies adaptive management and precautionary principles to reduce or suspend harvest in some or all harvest zones if necessary; for example, in response to evidence of lower populations. The Harvest Plan is also consistent with International Union for Conservation of Nature (IUCN) recommendation 18.24 on conservation of wildlife through wise use as a renewable natural resource.

The *National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Commercial Purposes* (the National Code), revised in 2020, sets evidence-based minimum standards that must be met to achieve an acceptable level of animal welfare during commercial harvesting.

Engagement with key stakeholders and good governance is provided through the Kangaroo Management Advisory Panel (KMAP) convened by the Department to provide advice on the operation of the commercial kangaroo management program. The KMAP includes nominated representatives from industry, animal welfare interest groups, the Aboriginal community, farmers, the scientific community and government.

Reliable population estimates underpin the Department's kangaroo management program. The NSW Government has been researching and monitoring kangaroos under the commercial program since the 1970s. Improvements have been made to the design of surveys over that time, based on developments in peer reviewed science. Kangaroo population sizes are estimated using sophisticated statistical methods acknowledged in the scientific community as the best available for broad-scale surveys of wildlife abundance (Payne 2008)<sup>1</sup>.

Aerial surveys are integral to the management of many wildlife species and are the most cost-effective method for obtaining broad-scale estimates of abundance. It is recognised that counts of animals from the air along a survey transect can be incomplete as some animals are missed. Considerable effort has gone into standardising and correcting for these effects to ensure density estimates are repeatable and accurate (Pople 2004)<sup>2</sup>.

I acknowledge that the maximum possible population growth rate was a particularly contested issue among the submissions and testimony received by the Committee. The Department's position remains that scientific evidence supports the fact that growth rates regularly exceed 10 per cent.

The Department is committed to safeguarding animal welfare and providing the strongest possible regulatory framework to prevent cruelty and support good animal welfare outcomes. The commercial kangaroo management program uses quotas, tags and robust licence conditions to regulate the commercial harvesting of kangaroos. To help ensure ecologically viable kangaroo populations for all species and zones, monthly reviews of commercial and non-commercial licences are undertaken. The Department publishes allocation and harvest

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<sup>1</sup> Payne N 2008, *Population monitoring methods for the NSW kangaroo management program*, Department of Environment and Climate Change, Hurstville, NSW, [https://www.environment.nsw.gov.au/resources/parks/population\\_monitoring\\_methods\\_forKMPfinal.pdf](https://www.environment.nsw.gov.au/resources/parks/population_monitoring_methods_forKMPfinal.pdf)

<sup>2</sup> Pople AR 2004, 'Population monitoring for kangaroo management', *Australian Mammalogy*, vol.26, no.1, pp.37–44.

reports, quota reports and annual reports on its website to ensure accountability and transparency.

Compliance monitoring of licensees and industry activity is performed continuously by compliance officers in DPIE. They work collaboratively with NSW Food Authority; NSW Police; and Game Licencing officers from the Department of Primary Industries. They follow up and investigate reports of possible non-compliance, including those reported by the public, and where applicable, action an appropriate regulatory response in accordance with the Department's Compliance Policy.

The Department proactively seeks and applies the best available science to improve its management approach and outcomes. It remains strongly committed to using adaptive management, combined with monitoring, evaluation and reporting, to support continuous improvement of on-ground management decisions and improved capacity for data management and reporting for ecological, social and/or economic outcomes.

The Department administers a kangaroo management program that has been operating for over 45 years. It is a program focused on continuous improvement and principles of ecologically sustainable development through conservation and ecologically sustainable use of a natural resource. The EES Group is committed to the ongoing review of its work, and actively monitoring the latest scientific evidence to ensure any necessary improvements are identified and adopted .

As noted at the outset of this letter, the Biodiversity, Conservation and Science Directorate engaged two external experts — Dr Steve McLeod and Dr Stuart Cairns — to assess the claims made by Mr Mjadwesch and determine whether there was any prima facie basis to the very serious allegations of scientific fraud:

- Dr Steve McLeod is a Senior Research Scientist for the NSW Department of Primary Industries. He is a qualitative ecologist with more than 30 years' experience and has worked on issues related to the sustainable harvesting of wildlife populations for 20 years. He is an expert on the design of large-scale wildlife surveys and analysis of aerial survey data. His current work involves the planning, design of the aerial surveys and analysis of the survey data for estimating kangaroo populations for the derivation of the commercial harvesting quota, in addition to the design and analysis of the waterfowl survey in NSW for derivation of the sustainable waterfowl harvest quota.
- Dr Stuart Cairns is an Adjunct Lecturer, University of New England with more than 40 years' experience in design and implementation of kangaroo surveys and population dynamics. Dr Cairns is widely considered to be the leading expert in Australia in kangaroo aerial survey design, data analysis and interpretation and has extensively published in this subject.



If you have any questions about this response, please do not hesitate to contact Ms Sharon Molloy, Executive Director Biodiversity and Conservation Division on 02 4927 3120 or at [sharon.molloy@environment.nsw.gov.au](mailto:sharon.molloy@environment.nsw.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Pm.'.

Paul Grimes  
**Coordinator-General**  
**Environment, Energy and Science**

10 September 2021