



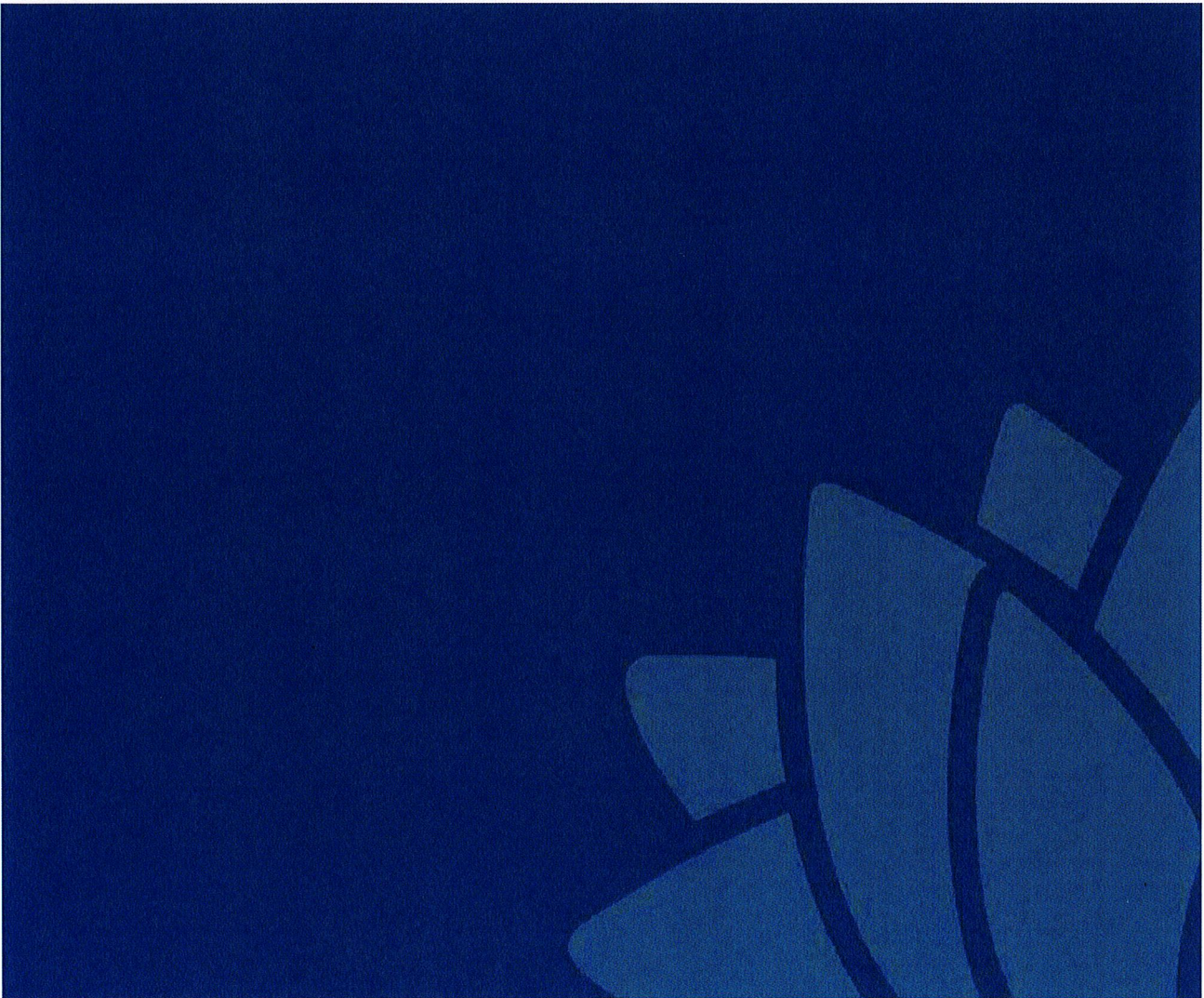
PORTFOLIO COMMITTEE NO.7 – PLANNING AND ENVIRONMENT

## Government Response

---

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

April 2022





## Acknowledgement

The Government thanks Portfolio Committee No. 7 – Planning and Environment for their Inquiry into the health and wellbeing of kangaroos and other macropods in New South Wales. The Government also thanks the witnesses who appeared at Inquiry hearings and the individuals and organisations who contributed written submissions.

The Government notes the diverse views surrounding the management of kangaroos and seeks to ensure that all management decisions are underpinned by best available science, sound data and transparent discourse. The Government's response to the Inquiry Report reflects this commitment.

## Context for response

Kangaroo populations rise and fall in response to availability of groundcover vegetation and consequently are prone to irruption during times of abundance and mass starvation when vegetation is scarce. In times of drought kangaroos perish, often in vast numbers. During periods of abundance kangaroo populations can increase dramatically, causing damage to natural habitats, agricultural crops, and farmland. To minimise these impacts, kangaroo populations require responsive active management, that currently includes fencing and culling.

Kangaroos are protected and managed under state, territory, and national legislation. In NSW it is an offence to harm, attempt to harm, or to buy or sell kangaroos without a licence. Licences are issued in accordance with the NSW *Biodiversity Conservation Act 2016*. Licences are only issued for damage mitigation, where non-lethal options are insufficient, or for the harvesting of kangaroos under the commercial kangaroo harvest program. Licences are not issued for recreational purposes. Nationally, the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) requires all jurisdictions that export kangaroo products to do so in accordance with an approved Wildlife Trade Management Plan. These plans ensure the commercial harvest of kangaroos meets the principles of Ecologically Sustainable Development as defined by the EPBC Act.

The commercial kangaroo harvest program has been operating in NSW for over 45 years. During that time kangaroo populations have been regularly monitored using the best available scientific data collection and analysis methods. Commercial kangaroo harvest quotas and non-commercial culling limits are set annually after populations are surveyed. This approach is used to manage a sustainable harvest and ensure kangaroo populations remain ecologically viable. According to the most recent aerial surveys, the estimated kangaroo population across the 15 kangaroo management zones in NSW in 2021 was 10.9 million kangaroos, up from 10.4 million in 2020.

## Response

Many of the issues raised through the Inquiry highlight the need for greater transparency of kangaroo management plans, programs and practices, as well as better dissemination of the information that underpin these. The Government will continue to explore options to better integrate the various elements of kangaroo management across the state through its Interagency Working Group.

Table 1 below provides detailed responses to each of the 23 recommendations made in the Inquiry Report.

Table 1. Government response to recommendations

	Recommendations (page # refers to Inquiry Report)	Proposed government response
1	<p><b>Recommendation 1 (page 30)</b></p> <p>That the NSW Government:</p> <ul style="list-style-type: none"> <li>• undertake extensive and genuine consultation with Aboriginal peoples to seek their views regarding the commercial and non-commercial culling of kangaroos, and ensure these views are given serious consideration in the development of all future kangaroo management plans</li> <li>• incorporate the genuine involvement of Aboriginal peoples in the management of kangaroo populations.</li> </ul>	<p><b>Supported</b></p> <p>The Government's support of this recommendation is consistent with its commitment to work with and co-design solutions with Aboriginal communities, as outlined in its OCHRE (Opportunity, Choice, Healing, Responsibility and Empowerment) Plan, the NSW Government's plan for Aboriginal Affairs.</p> <p>The Government will work to improve its engagement approach to recognise the rights, culture and economic aspirations of Aboriginal peoples and communities in decisions and policy regarding all management of kangaroos in NSW.</p> <p>The Kangaroo Management Advisory Panel (KMAP) provides advice to the Department of Planning and Environment (DPE) on the operation of the commercial kangaroo management program. This 12-member multi-stakeholder panel includes two members representing Aboriginal communities, their views and interests.</p>
2	<p><b>Recommendation 2 (page 31)</b></p> <p>That the NSW Government conduct a review of the impact of exclusion fencing on macropod populations, and that the report be publicly released when complete.</p>	<p><b>Noted</b></p> <p>The Government notes concerns about the impacts of exclusion fencing on macropod populations. Exclusion fencing has long been used to eliminate predation and overgrazing from conservation areas and more recently has gained popularity as a land management tool on pastoral lands.</p>
3	<p><b>Recommendation 3 (page 31)</b></p> <p>That the NSW Government examine the potential economic benefits of kangaroo eco-tourism and the economic value of commercial harvesting.</p>	<p><b>Noted</b></p> <p>The Government acknowledges that kangaroos have value for eco-tourism. It also acknowledges that kangaroo harvesting has value to the community and that these two activities could coexist.</p> <p>The Government remains open to further development of the ecotourism industry.</p>



	Recommendations (page # refers to Inquiry Report)	Proposed government response
4	<p><b>Recommendation 4 (page 32)</b></p> <p>That the Department of Planning, Industry and Environment amend planning policies to require assessment of the impact on kangaroos located within peri-urban developments when assessing development applications.</p>	<p><b>Noted</b></p> <p>The Government notes concerns raised over the potential impact on kangaroos from urban development. The NSW <i>Environmental Planning and Assessment Act 1979</i>, Division 4.15(1)(b) requires consideration of the likely impacts of development on the natural environment. Where applicable, the assessment of proposed development on kangaroos and their habitat occurs as part of the assessment and evaluation of development applications.</p>
5	<p><b>Recommendation 5 (page 32)</b></p> <p>That the National Parks and Wildlife Service:</p> <ul style="list-style-type: none"> <li>• work with relevant local councils to identify local nature reserves and corridors for resident kangaroo populations on the peri-urban fringe</li> <li>• develop a plan for protecting further areas of kangaroo habitat in New South Wales through creation of reserves and national parks.</li> </ul>	<p><b>Noted</b></p> <p>National Parks and Wildlife Service (NPWS) assessment criteria for acquisition priorities account for a range of biodiversity values, with a focus on underrepresented ecological values along with other natural and cultural heritage values. NPWS land acquisition results in protection of a diversity of habitat types including those used by kangaroos.</p> <p>See also response at Recommendation 4.</p>
6	<p><b>Recommendation 6 (page 32)</b></p> <p>That the Department of Planning, Industry and Environment commission research into the potential impacts of climate change on macropod populations in New South Wales.</p>	<p><b>Noted</b></p> <p>The NSW Climate Change Policy Framework commits the state to achieving net zero emissions by 2050 and helping NSW to become more resilient to a changing climate. The Government supports an improved understanding of the impacts of climate change on the environment.</p>

	Recommendations (page # refers to Inquiry Report)	Proposed government response
7	<p><b>Recommendation 7 (page 57)</b></p> <p>That the NSW Government request the Auditor-General to undertake a review of the Kangaroo Management Plan's objectives in regard to how they satisfy the requirements of the <i>Biodiversity Conservation Act 2016</i> and the <i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i>.</p>	<p><b>Not supported</b></p> <p>It is the Commonwealth Department of Agriculture, Water and Environment's role to assess wildlife trade management plans against the requirements of the Commonwealth's <i>Environment Protection and Biodiversity Conservation Act 1999</i> and the Commonwealth Minister for the Environment's role to approve those plans.</p> <p>The <i>Wildlife trade management plan for the commercial harvest of kangaroos in New South Wales 2022–26</i> was declared by the Commonwealth Minister for the Environment on 20 December 2021.</p>
8	<p><b>Recommendation 8 (page 57)</b></p> <p>That the Department of Planning, Industry and Environment investigate new technologies for counting kangaroo populations such as the use of infra-red and other camera drone technology.</p>	<p><b>Supported in-principle</b></p> <p>The Government supports the further development of wildlife survey methods to provide accurate and precise population estimates with reduced cost. This may or may not include <i>infra-red and other camera drone technology</i>.</p>
9	<p><b>Recommendation 9 (page 58)</b></p> <p>That the Department of Planning, Industry and Environment use video imaging of kangaroo populations when surveying populations from aircrafts and make this footage publicly available on its website.</p>	<p><b>Not supported</b></p> <p>The Government does not consider the use of video surveillance to be a useful or affordable addition to annual population surveys. Publishing video online would be expensive, and the resolution would be inadequate to observe kangaroos in most circumstances. It also raises privacy issues, where footage is of privately-owned assets and property. The Government seeks to address a perceived lack of confidence in the methods used to estimate macropod populations at Recommendations 10 and 15, below.</p>



	Recommendations (page # refers to Inquiry Report)	Proposed government response
10	<p><b>Recommendation 10 (page 58)</b></p> <p>That the Natural Resources Commission review the current methodology for estimating macropod populations in New South Wales.</p>	<p><b>Noted</b></p> <p>The Government will continue to improve current distance sampling methods with expert advice from the Centre for Research into Ecological and Environmental Modelling (CREEM), University of St Andrews, London, UK. This work will be scoped during 2022 and commence in 2023 in consultation with relevant stakeholders.</p>
11	<p><b>Recommendation 11 (page 58)</b></p> <p>That the Natural Resources Commission establish an independent panel of ecologists to examine the scientific evidence for assumptions used in the Kangaroo Management Plan that refer to kangaroo 'abundance', annual population growth, the impact of migration on population counts and the attrition of kangaroos in drought.</p>	<p><b>Noted</b></p> <p>As clarified in the response to Recommendation 7, above, the NSW Kangaroo Management Plan is a Wildlife Trade Management Plan for the purpose of legally exporting kangaroo products. The Commonwealth Government has assessed and approved the <i>Wildlife trade management plan for the commercial harvest of kangaroos in New South Wales 2022-26</i> against the requirements of the EPBC Act.</p>
12	<p><b>Recommendation 12 (page 59)</b></p> <p>That the Department of Planning, Industry and Environment identify, and independently verify, the biological growth rate for each macropod species to better inform setting sustainable quotas under future Commercial Kangaroo Harvest Management Plans.</p>	<p><b>Supported in-principle</b></p> <p>As outlined in evidence provided to the Inquiry, biological growth rates are well established in the scientific literature.</p> <p>This science will be collated, documented and published in plain English form. See also response to Recommendation 15.</p>

	Recommendations (page # refers to Inquiry Report)	Proposed government response
13	<p><b>Recommendation 13 (page 59)</b></p> <p>That when setting population estimates and harvest quotas, the Department of Planning, Industry and Environment must take into consideration climatic factors such as drought. In times of declared drought, reassessment of quotas should be conducted based on changed conditions, rather than have quotas made on out of date population estimates.</p>	<p><b>Noted</b></p> <p>Proportional commercial harvest quotas are set at conservative levels in November each year. Quotas are based on best available science that considers the population reproduction and attrition rates. The maximum quotas are set at 15 per cent or 17 per cent of the population, depending on species. The quotas are responsive to decreases in population levels based on scientific thresholds. Quota percentages of 10 per cent and 0 per cent are applied when the populations fall below these thresholds. In 2022, two zones (Bourke and Narrabri) have reduced (10 per cent) quotas.</p> <p>During the year, while quotas are in place, harvest may be suspended where necessary or conversely 'Special quota' may be released. In making these decisions the Government considers a range of factors including local conditions, climatic trends, and population trends. The primary goal is to ensure kangaroo populations remain ecologically viable.</p> <p>The Government supports further research to refine quota management, particularly during times of drought.</p>
14	<p><b>Recommendation 14 (page 60)</b></p> <p>That the Minister for Energy and Environment does not endorse the new <i>Commercial Kangaroo Harvest Management Plan</i> until the recommendations of this inquiry have been considered.</p>	<p><b>Noted</b></p> <p>The Minister for Energy and Environment (now Minister for Environment and Heritage) does not have any role in 'endorsing' the new <i>Commercial Kangaroo Harvest Management Plan</i>, known as the <i>Wildlife Trade Management Plan for the Commercial Harvest of Kangaroos in New South Wales 2022–26</i>.</p> <p>Please see response at Recommendation 7.</p>



	Recommendations (page # refers to Inquiry Report)	Proposed government response
15	<p><b>Recommendation 15 (page 60)</b></p> <p>That the Department of Planning, Industry and Environment produce plain English explanations of the methodology used in population surveys and the scientific rationale for setting harvest quotas and thresholds to be included in the <i>Commercial Kangaroo Harvest Management Plan 2022-2026</i>, and posted on its website.</p>	<p><b>Supported</b></p> <p>The Government will produce information products to support public understanding of the science used to estimate kangaroo populations and determine harvest quotas and publish this information on the DPE website.</p>
16	<p><b>Recommendation 16 (page 60)</b></p> <p>That the Department of Planning, Industry and Environment collect and publicly release data on all joey deaths occurring in the commercial kangaroo industry, including in-pouch, at-foot, and joeys at-foot who have fled.</p>	<p><b>Not supported</b></p> <p>It is a requirement of the <i>National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Commercial Purposes (2020)</i> that dependent young are euthanased promptly and humanely. Compliance with the National Code is a condition of NSW Professional Kangaroo Harvester licences and a requirement for EPBC Act (Commonwealth) approval of wildlife trade management plans for commercial kangaroo harvesting and export. Collection of additional data on dependent young will not add any value to the calculation of a sustainable harvest quota.</p>
17	<p><b>Recommendation 17 (page 60)</b></p> <p>That the Department of Planning, Industry and Environment include in the <i>Commercial Kangaroo Harvest Management Plan 2022-2026</i> a requirement that commercial harvesters include the number of orphaned joeys when calculating the count for filling quotas.</p>	<p><b>Not supported</b></p> <p>The conservative quotas set by the Department already account for deaths of dependent young that occur through the harvest process. Collection of additional data on dependent young will not add any value to the calculation of a sustainable harvest quota.</p> <p>Also see response at Recommendation 16.</p>



	<b>Recommendations (page # refers to Inquiry Report)</b>	<b>Proposed government response</b>
18	<b>Recommendation 18 (page 70)</b> That the Department of Planning, Industry and Environment conduct a full review of the systems for issuing and compliance monitoring of licences to harm kangaroos. The review should aim to increase the rigour and transparency of the licensing and compliance monitoring processes, be conducted in consultation with stakeholders, and be made public.	<b>Noted</b>
19	<b>Recommendation 19 (page 70)</b> That the NSW Government review the 2018 changes to licences to harm kangaroos as a matter of urgency and provide a report to Parliament within 12 months.	<b>Not supported.</b>
20	<b>Recommendation 20 (page 82)</b> That the National Parks and Wildlife Service employ additional compliance officers to proactively monitor and investigate the non-commercial industry's compliance with the code of practice as well as specific cruelty allegations.	<b>Noted</b>

	Recommendations (page # refers to Inquiry Report)	Proposed government response
21	<p><b>Recommendation 21 (page 82)</b></p> <p>That the National Parks and Wildlife Service work with RSPCA NSW to ensure the prompt reporting and investigation of breaches of regulatory compliance and cruelty allegations in regard to kangaroos and other wildlife.</p>	<p><b>Noted</b></p> <p>The Government will continue to promptly report all allegations of animal cruelty to <i>Prevention of Cruelty to Animals Act 1979</i> enforcement agencies, including the Royal Society for the Prevention of Cruelty to Animals (RSPCA), the NSW Animal Welfare League and NSW Police.</p>
22	<p><b>Recommendation 22 (page 90)</b></p> <p>That the National Parks and Wildlife Service make it mandatory for persons licensed to harm kangaroos to notify their neighbours, as far as is reasonably practicable, before they commence shooting.</p>	<p><b>Not supported</b></p> <p>While the Government does not support an enforceable condition requiring neighbour notification, it acknowledges the concern, and will add an advisory note to licences to harm kangaroos recommending that licensees notify nearby neighbours of upcoming culls.</p>
23	<p><b>Recommendation 23 (page 90)</b></p> <p>That the Department of Planning Industry and Environment, specifically including the National Parks and Wildlife Service, and the NSW Police Force, work together to:</p> <ul style="list-style-type: none"> <li>• clarify the current investigation and enforcement framework in dealing with complaints concerning kangaroo shooting</li> <li>• establish a central database to receive, handle or refer complaints to responsible government agencies</li> <li>• ensure more satisfactory responses to complaints relating to kangaroo shooting.</li> </ul>	<p><b>Noted</b></p> <p>The Government supports transparent ongoing review and improvement of regulatory frameworks, including handling of complaints relating to kangaroo shooting. NPWS will continue to work constructively with NSW Police to refer appropriate matters as necessary.</p>



---

	Recommendations (page # refers to Inquiry Report)	Proposed government response
	End of Report recommendations	