

CHAPTER 7

ILLEGAL ACTIVITIES

Introduction

7.1 It should be made clear at the outset that the Committee is primarily concerned with the welfare of kangaroos, rather than with illegal activities relating to kangaroos. The Committee's interest in the area of illegal activities relates to the effects of such activities on the welfare of kangaroos. It should be added that the Committee does not have the resources necessary to delve into illegal activities to any great extent.

7.2 Throughout the Committee's inquiry into kangaroos there have been allegations made about the illegal killing of kangaroos and an illegal trade in kangaroo products. Some of these allegations were given to the Committee in evidence, while others surfaced in the media.

7.3 The response by some authorities to allegations of illegal activity has been to demand proof, upon receipt of which, action would be taken against the perpetrators. Such a response is wrong. It is not the responsibility of animal welfare organisations or members of the public to investigate possible illegal activities to obtain evidence for subsequent legal action. That is the express responsibility of fauna authorities, the police and other appropriate law enforcement agencies. In fact, apart from it not being their responsibility, it is quite undesirable for unauthorised people to conduct such investigations. They may not only endanger their own lives by investigating illegal activities but also make it more difficult for the appropriate authorities to carry out inquiries afterwards.

7.4 Members of the public have a responsibility to pass all information about possible illegal or suspicious activities to law enforcement agencies. It is then the responsibility of those agencies to investigate those activities.

7.5 Even though authorities have a duty to investigate allegations of illegal activities, it is incumbent on members of the public to act responsibly with information they receive about possible illegal activities. Specious allegations waste both time and money. Some allegations, when aired by the media, can do significant damage even if they are proved later to have been unfounded. The Committee therefore wishes to make its position quite clear. It believes that the authorities and the public both have a responsibility to deal with information about possible illegal activities in a proper way.

Illegal Killing of Kangaroos

7.6 There has been mention in other parts of the report of illegal killing of kangaroos. There are basically three types of illegal killing: by landholders, by those people who kill for the thrill of it and by shooters involved in an illegal trade in kangaroo products.

Illegal Killing by Landholders

7.7 Illegal killing of kangaroos by landholders comes in various forms. Some landholders either do not bother to get a permit or do not know that a permit is necessary to shoot kangaroos. Some simply shoot kangaroos for dog food rather than for pasture or crop protection purposes. According to anecdotal evidence, such illegal killing is fairly widespread, particularly in areas where professional shooters do not operate.

7.8 In areas such as parts of the tablelands of New South Wales, which are outside the commercial zone, landholders often use drives to reduce kangaroo populations which they claim are causing damage to their properties. These landholders may hold permits to kill kangaroos but it is the use of the drive which is illegal. They consider the use of the drive as a more effective way of killing kangaroos than landholders individually killing them.

7.9 Some landholders use illegal methods, such as poison, snares, traps or dogs to kill kangaroos. As far as the Committee can determine, use of these illegal methods is limited. It should be pointed out here that the use of poison and, on a very limited basis, snares may be permitted by the Tasmanian NPWS in that State. In other States, these methods are illegal.

Illegal Killing by Thrill Seekers/Hunters

7.10 Some people, often under the influence of alcohol, go out to shoot kangaroos and other animals, including domestic stock, with no thought given to the cruelty and suffering which they cause. Some are deliberately cruel and seem to get pleasure from committing atrocious acts against animals. Most of this type of cruelty occurs within a radius of a few hours drive of towns and cities.

7.11 Most people in this category use small calibre rifles, such as .22s, or shotguns which are inappropriate firearms to use to shoot kangaroos. This adds to the likelihood of inhumane shooting occurring.

7.12 Most landholders discourage illegal shooters because of the damage they do to property and to domestic stock. However, RSPCA Australia reported that:

... it was pointed out by a property owner that illegal shooters do him a favour because they reduce kangaroo numbers in his area. It costs him \$4-\$5 to kill a kangaroo and this is a cost he would rather not have to incur.¹

7.13 RSPCA Australia drew attention to the number of firearms licensed in some States. It quoted the Secretary of the Sporting Shooters Association of Australia (S.A. section):

He pointed out that in S.A. there are 120,000 firearm owners and only 10,000 hunting licences issued and he wondered what do the other 110,000 people do with their firearms?²

7.14 The Committee is concerned about the large number of firearms which are licensed in Australia and the ease in some States with which people can acquire a licence to own them. This is a matter that will be investigated in more detail later in the inquiry when the Committee examines the question of hunting of wildlife.

7.15 The Committee supports the tightening of gun laws. As much of the illegal shooting is carried out with small calibre firearms, there should be no distinction made in gun laws between high-powered and other firearms.

Illegal Killing for the Kangaroo Trade

7.16 There is some illegal killing of kangaroos for the illegal trade in kangaroo products. This killing is probably carried out by part-time shooters. The illegal nature of the killing and of the trade makes it difficult to get evidence or reliable information about the extent to which it occurs.

7.17 There is also some illegal shooting of kangaroos for the legal trade. For example, there have been incursions into New South Wales by Queensland shooters and the carcasses or skins

would probably have had Queensland tags attached to them. They would then have entered the Queensland trade.

7.18 In New South Wales, because of the time taken, which has been up to two weeks, to get occupiers' tags from the NSW NPWS, kangaroos have moved to another property. Consequently, tags for the approved property have been attached to carcasses taken from a nearby property. This gave rise in the reports of Young, Morris and Delforce to a suggestion that area tags, rather than specific property tags, be issued by the NSW NPWS.

7.19 From a welfare point of view, there is probably little difference between the various forms of illegal shooting by professional shooters and legal shooting by professional shooters. However, kangaroos are protected animals and may only be killed when permission has been given by a fauna authority. Illegal killing, for whatever reason, cannot be condoned in any circumstance. The fact that kangaroos may be perceived as pests by some landholders is not an excuse to kill them without permission or to kill them in a way which is likely to cause suffering. Fauna authorities are denuded of resources making enforcement of wildlife regulations virtually impossible. This exacerbates the problem because those people who resort to illegal killing realise that they can carry out such activities with virtual impunity from prosecution.

7.20 The number of illegal kills also distorts the total number of kangaroos killed each year. Although State fauna authorities make an allowance for such a number, there is no means of confirming whether their calculation is reasonably accurate or hopelessly wrong. The Committee has no way of telling the number of kangaroos killed illegally but suspects, based on information supplied from a wide range of sources, that it is not insignificant.

Illegal Trade in Kangaroo Products

7.21 The illegal trade in kangaroo products falls into two categories: the Australian trade and the overseas trade.

Australian Trade

7.22 As far as the Committee can determine, an illegal trade in kangaroo products within Australia, to the extent that it does exist, is mainly in kangaroo meat. There is almost certainly some small illegal operations where meat is supplied to pet shops for sale as pet meat. This was confirmed privately by one State NPWS.

7.23 Australians for Animals alleged to the Committee that there was a more substantial illegal trade in kangaroo meat with a possibility that some of that meat was being used in a meat substitution racket. Australians for Animals was unable to provide any satisfactory evidence of such a racket and the Committee also has no evidence from other sources. Because of the damaging nature of such allegations about a substitution racket, the Committee cannot give any credence to them until such time as satisfactory evidence of a substitution is produced.

7.24 As a result of the evidence given to the Committee by representatives of Australians for Animals on 22 January 1987, the Minister for Primary Industry wrote to the Committee:

The investigation of the totality of material presented by Australians for Animals has to date not shown up any illegal activity insofar as the areas that are the responsibility of the Australian Quarantine and Inspection Service (AQIS) are concerned. However we recognise that the issue of substitution is not one which we can afford any complacency about and have given further consideration to the adequacy of controls in this area which include:

- . routine random species testing of edible export product since 1981, with over 130,000 samples tested in the two year period 1985/86 and no irregular test results involving Australian fauna
 - with a higher incidence of testing on product from premises placed in the high risk category
- . sealing of containers
- . intensified on-site inspection and out-of-hours surveillance
- . monitoring persons who manage and control those premises
- . detailed record keeping relating to the export of game and animal food

Strict certification requirements exist for the export of edible as well as inedible meat. In addition most potential countries to which meat can be exported have their own requirements.

These controls are supplemented as appropriate with investigations such as the recent action which AQIS co-ordinated involving authorities in two States where species tests were conducted of certain cooked meat products. This particular investigation detected no anomalies.³

7.25 In a letter dated 16 March 1987 to the Committee, Mr D.S. Saunders, the Director of the National Parks and Wildlife Division of the Department of Conservation and Lands, Victoria, stated:

There is no evidence at this time that beef substitution is operating in Victoria, using Kangaroo or any other illegal meat. Meat Inspection Branch monitoring procedures can identify incorporation of kangaroo, horse, or other illegal species, into mixed meats and smallgoods, in very small amounts. The continuous, random sampling of minced and comminuted meats, smallgoods, and frozen meats

in storage has not demonstrated any illegal substitution since the time of the Royal Commission into the Australian Meat Industry.

7.26 Australians should be concerned about the effects of another meat substitution racket on the country's meat exports. It is a matter which the Department of Primary Industries and Energy must monitor closely. This subject is, however, on the periphery of the Committee's inquiry and the Committee does no more than record the allegations, which have already received considerable publicity in the media, and the responses of the responsible authorities.

Overseas Trade

7.27 Although the bulk of the meat of kangaroos killed by commercial shooters is used in Australia, most of the skins are exported. Details of exports of both meat and skins are shown in Table 7.1.

Table 7.1 Exports of Kangaroo Skins and Meat

Raw Kangaroo and Wallaby Skins

YEAR	QUANTITY (No.)	VALUE(\$)	GROSS WEIGHT (000 Kg)
80-81	282,294	1,404,000	235
81-82	214,682	1,161,000	276
82-83	205,865	1,328,000	286
83-84	68,917	475,000	67
84-85	129,767	1,005,000	131
85-86	90,730	818,000	198
86-87	82,135	674,909	116

Kangaroo and Wallaby Meat: Unfit for Human Consumption

YEAR	QUANTITY (Kg)	VALUE(\$)	GROSS WEIGHT (000 Kg)
81-82	356,317	206,000	361
82-83	678,124	456,000	691
83-84	261,658	145,000	262
84-85	333,667	211,000	341
85-86	380,706	252,000	387
86-87	481,251	374,180	486

Kangaroo Leather

YEAR	QUANTITY (M ²)	VALUE(\$)	GROSS WEIGHT (000 Kg)
80-81	-	168,000	-
81-82	-	459,000	-
82-83	-	1,288,000	-
83-84	-	842,000	-
84-85	26,270	878,000	19
85-86	72,108	1,584,000	56
86-87	122,566	2,587,873	59

Kangaroo Meat: Fresh, Chilled or Frozen

YEAR	QUANTITY (Kg)	VALUE(\$)	GROSS WEIGHT (000 Kg)
80-81	1,671,445	3,247,000	1,869
81-82	1,520,837	2,081,000	1,563
82-83	597,043	942,000	606
83-84	225,201	348,000	227
84-85	183,088	226,000	185
85-86	291,528	394,000	298
86-87	209,967	309,420	213

Pickled Kangaroo Hides and Skins

YEAR	QUANTITY (No.)	VALUE(\$)	GROSS WEIGHT (000 Kg)
80-81	843,896	3,334,000	871
81-82	1,352,925	6,703,000	1,312
82-83	1,554,398	8,344,000	1,314
83-84	993,598	5,687,000	781
84-85	1,199,883	10,911,000	895
85-86	929,540	8,998,000	774
86-87	1,056,976	7,926,654	920

Source: ABS Statistics, Codes 2120901, 2919507, 6116901,
0118901, 2119905.

7.28 There have been a number of allegations of illegal exports of kangaroo skins, all of which have been based on circumstantial evidence. In a report prepared by Ms A.M. Dixon, Wildlife Trade Monitoring Unit, it was suggested that the number of kangaroo skins imported into Europe was double that included in export statistics published by the Australian Bureau of Statistics (ABS). It was admitted that it was difficult to correlate European import statistics with Australian export statistics. In addition, information from leather manufacturers could not be taken as 'hard' evidence. In a response to the report, the ANPWS suggested that the re-exporting of skins from the original destination to another country might have accounted for the possible higher number of skins in one country than that recorded by the ABS.

7.29 It is almost impossible to prove that there is an illegal export trade in kangaroo skins, unless there is a concerted effort by government authorities in Australia and overseas to monitor consignments of skins.

7.30 The Committee pursued the question of controls over exports with ANPWS, the Australian Customs Service (ACS) and the Customs Officers Association of Australia. The ACS told the Committee that consignments of kangaroo products, for which export permits had already been issued by the ANPWS, were not inspected.⁴ It was admitted by the ACS that the export of kangaroo skins was not a high priority and that unless there was information about a consignment of illegal skins, containers holding skins were not checked. In other words, there is no control over possible illegal exports of skins at the customs barrier.

7.31 Provided that there was no obvious discrepancy on the application form, the ANPWS would issue an export permit for a consignment of kangaroo products. There was no evidence that State fauna authorities checked consignments being transported

overseas or transferred interstate. In other words, although there has been a permit system for the export of kangaroo products, there have been no checks, or at best very few checks, as to whether the documentation accurately described the actual goods being exported.

7.32 Until some effort is made by the ACS, the ANPWS and the State fauna authorities to make some random inspections of consignments of kangaroo products, there will continue to be allegations of an illegal trade in such products. Were such an illegal trade to exist, it would be difficult to know whether the skins involved were derived from species subjected to commercial killing or from protected species. The effects on kangaroo populations of such an illegal trade are also unknown.

7.33 The Committee agrees that the illegal export of kangaroo products is not as high a priority as drugs and firearms, but it should not be relegated to a level where no checks are done at all. Some random checks must be done to provide a deterrent to exporters illegally exporting skins. Therefore, the Committee **RECOMMENDS** that the Australian Customs Service, the Australian National Parks and Wildlife Service and the State fauna authorities establish arrangements for the random inspection of consignments of kangaroo products which are to be exported.

7.34 In its Second Supplementary Submission dated May 1986, the ANPWS submitted that under the Wildlife Protection (Regulation of Exports and Imports) Act 1984:

The Administrative Arrangements between the Australian Customs Service and the ANPWS provide that information received by ANPWS is passed to ACS (Intelligence) in Canberra. ACS is then responsible for appropriate dissemination to Customs areas. In cases where information is received by ANPWS, and that information requires immediate operational response, ANPWS passes the information direct

to operational areas of Customs, and to ACS Intelligence Canberra.⁵

7.35 In August 1986, the ANPWS was questioned about resources devoted to the area of wildlife enforcement. The Committee was told:

The current position is that we have one person whose task is to maintain liaison, both within Australia and outside Australia, on enforcement matters, ranging between the Australian Quarantine Service, the Australian Federal Police, the Australian Customs Service, the State parks and wildlife services and international wildlife agencies. About half of the time of another person is now devoted to assisting.⁶

A little later, it was explained that:

We tend to be a recipient of information on wildlife offences. We are identified with overseas wildlife agencies as being the agency not with enforcement responsibility but with a substantial interest in knowing about activities that may result in illegal import or export. We tend to be a clearing-house of information.⁷

7.36 State Governments have jurisdiction in wildlife matters unless there is evidence or suspicion that wildlife or wildlife products are to be exported. It then becomes the responsibility of the ANPWS or other Commonwealth authorities. Until the present administrative arrangements came into force following the enactment of the Wildlife Protection (Regulation of Exports and Imports) Act 1984, the ACS had a wider investigative role in wildlife enforcement. It is now restricted to enforcement of legislation within the barrier.

7.37 In its submission and in oral evidence the ANPWS floated the idea of the establishment of a fauna squad, either within an existing authority or formed by a group of authorities to

investigate the illegal trade in fauna. The Committee supports the establishment of such a squad, not only to investigate a possible illegal trade in kangaroo products but also the lucrative trade in birds and other protected species.

7.38 The Committee **RECOMMENDS** that the Australian National Parks and Wildlife Service establish a fauna squad to investigate the illegal export of fauna.

7.39 The random inspection of containers of skins by Customs' officials and the establishment of a fauna squad by the ANPWS would introduce an element of risk, now virtually non-existent, in the illegal export of kangaroo skins. The Committee believes, however, that more measures are needed to reduce the potential for such activity.

7.40 The Committee considered measures to tighten controls over the export of skins. The first measure is the tattooing of skins. At present, once the royalty tags are removed from the skins at the fleshing works, there is no ready means of identification to show that skins have been legally obtained under approved management programmes. The tattooing of skins would provide identification after fleshing, not only in Australia but also overseas.

7.41 It would be possible for illegally obtained skins to be tattooed. Other measures are therefore needed to tighten controls over the exports of skins. As skins are fleshed prior to export, it appears that this is a point in the export process at which controls can be introduced. If an inspector were present at the fleshing works when skins were processed and packaged, he could ensure that skins had royalty tags and tattoos. He could also officially seal containers to prevent the possible addition of extra illegal skins at some further point in the export process. This proposed system is similar to the export meat inspection service but on a more limited scale. A small levy on exporters

should be able to fund the direct costs of such an inspection service.

7.42 With the introduction of these controls as well as those mentioned earlier, it would make the illegal export of kangaroo skins much more difficult. No system is foolproof, but such a system should keep illegal exports to a minimum and provide authorities in Australia and overseas with a greater chance of apprehending illegal consignments of skins.

7.43 The Federal Government has a responsibility to establish and maintain adequate controls to prevent the illegal exports of goods. At present, controls are minimal and provide virtually no disincentive to potential illegal exporters of kangaroo skins. Such a position is untenable and action must be taken quickly to redress it.

7.44 The Committee **RECOMMENDS** that the Australian National Parks and Wildlife Service establish controls over the export of kangaroo skins by appointing inspectors to check kangaroo skins at fleshing works and to seal containers containing skins for export at those works. Only skins sealed in containers should be exported.

7.45 The Committee **RECOMMENDS** that skins taken under approved management programmes be tattooed or be able to be identified in some other way after being fleshed when the royalty tag has been detached.

7.46 The Committee **RECOMMENDS** that fleshing works which treat kangaroo skins for export be licensed by the Australian National Parks and Wildlife Service.