

# Time to Fix Your 'Roo Imbalance (The Hidden Environmental Tax on Farmers)

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**F**ARMERS are being accused of shortsightedness for failing to prepare for the present drought. Yet few urban observers understand that the current crisis is caused by a level of hidden environmental taxes that the urban majority would never accept themselves. And instead of doling out begrudging assistance laced with condescension, the community at large may find itself on the wrong end of a very expensive negligence claim.

The current drought provides a once-in-a-decade opportunity for farmers to rid themselves of a hidden *environmental tax* that is one of the greatest threats to their long-term viability, while at the same time correcting a major ecological imbalance.

On many properties, the excessive kangaroo population will be eating as much feed as the sheep or cattle. All agree that 'roo numbers have multiplied because of added watering points, improved pasture and, yes, clearing. But few non-farmers understand the full consequences of this imbalance.

Indeed, Archer states,

Not every kangaroo species was adversely affected by these changes. The modification of much of Australia's semi-arid land into suitable grazing country allowed the Red Kangaroo to go from an uncommon and rarely seen animal to one of the country's most abundant.<sup>1</sup>

Archer claims that, 'Ten species are likely to have benefited from habitat changes occurring since European settlement, and it is

mostly these species which figure in commerce and/or pest control: they are mainly the large Kangaroos' (page 234).

And it is worth noting that Burke and Wills, in their 1860–61 journey from Cooper's Creek to the Gulf and back (a 2,000km trans-ect), shot their own camels and horses, scrounged for snakes, rats and birds but appear to have shot

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no kangaroos. During their final weeks, the local Murrumbidgee provided them with fish (from the natural watering points) and Nardoo cakes but, again, no 'roo meat.

Yet, at a rather modest stocking rate (for today) of one animal to four hectares, there would be about 700 'roos within a three kilometre radius of 'the Dig Tree'. And King, the lone survivor, shot birds to

exchange for other foods from the Murrumbidgee but, again, no 'roos appear to have been shot.

One can only conclude that if starving men with rifles, camped at a watering point, were not shooting 'roos for survival, then there were very few 'roos about.

And today, while farmers must hand-feed their stock to keep them alive, the same number of 'roos will starve. Many farmers will face the heart-rending task of shooting sheep rather than prolong their agony. And the 'roos?

Well, er, um, they're the responsibility of the relevant State Environment Minister and you can bet your mortgage that none of them will be photographed anywhere near a starving 'roo before rain falls.

Farmers are only allowed a limited licence to cull 'roos. The various Ministers have assumed effective control over 'roo numbers but, negligently, have done nothing to ensure their health and well-being.

More importantly, as farmers have improved the productive capacity of their land, the relevant Ministers, and the communities they represent, have allowed their kangaroo herd to increase to unsustainable levels.

So where a paddock may have originally supported fewer than 1,000 animals prior to European settlement, it may now support the equivalent of 6,000, made up of 3,000 sheep (or 300 cattle) and 3,000 'roos.

The farmer has produced an unambiguous 'ecological profit', in

boosting 'roo numbers by 2,000, but the community, through the Minister, has said, 'thank you very much, they're all ours, and we'll decide what happens to them'.

Out of a total increase in carrying capacity of 5,000 animals, the farmer has had no choice but to pay an 'environmental tax' of 40 per cent of his (gross) new fodder reserves to accommodate the extra 2,000 'roos.

If he could have culled 200 'roos five years ago, there would be 1,000 fewer starving 'roos today and 1,000 sheep that wouldn't need hand-feeding. If he had reduced his herd of sheep to build up fodder reserves for the inevitable drought, he would only have made room for more 'roos. There is not the slightest doubt that the 'roo population is capable of fully exploiting any gap left by destocking of sheep or cattle.

So, now, every sheep the farmer sells, hand-feeds, or agists ensures the survival of another excess 'roo that will be ready to deprive him of any future profits in good seasons.

How ironic, then, that one of the contributors to Archer's book should be none other than Dr Tim Flannery, author of *The Future Eaters*, in which he blames farmers, not ignorant greens and bureaucrats, for extinguishing options for future generations.<sup>2</sup>

The farming community is also widely criticized for tree clearing, but few non-farmers understand that this, too, is largely a consequence of the 'roo imbalance. Most clearing in Australia is clearing of vegetation thickening, excessive regrowth of young stems on land which for 40,000 years had been pastured woodland.

This thickening is caused by overgrazing of the forbs and grasses that normally compete with young tree seedlings. The young seedlings are also capable of fully exploiting any gap left in the vegetation cover. And in the absence of firestick

farming, it must be either cleared or be allowed to dominate the site to the further economic detriment of the farmer.

So, once again, the farmer's ecological profit, the increase in tree numbers, is being converted through clearing controls into an expectation to maintain an ecological value at a level far in excess of the pre-settlement level. The community's overstocking of one ecological attribute produces a commensurate overstocking of the second attribute.

Droughts are not new. Destocking of either animals or trees is not rocket science. The relevant Ministers have formally assumed the exercise of power over both 'roo and tree numbers. But they have

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neglected their environmental duty of care to take all reasonable steps to prevent an entirely foreseeable harm.

**BUT WHAT IS THE FARMER'S DUTY OF CARE?**

There has been much discussion on what the farmer's duty of care should be. Most of this debate has been in the context of native vegetation management and the

appropriate proportion of the original forest cover that should be maintained on farms to protect ecological systems.

In the current Regional Vegetation Management Planning processes in Queensland, for example, the options under debate range from 10 per cent to 40 per cent of original vegetation (on a regional basis) being required to protect the full suite of ecological values.

In Planning and Environment Court decisions in respect of housing developments, etc., the norm has been to set aside 10 per cent of a development unit for all public purposes. This has recently increased to 13 per cent, but it includes all public purposes from playgrounds to environmental reserves.

The courts have not required contributions in excess of the original ecological value. Even in the case of endangered wetland communities, for example, there has never been a requirement to add more wetland to a development site than the amount that originally existed on the site.

Australia's 100 million kangaroos are clearly not endangered, so a farmer's environmental duty of care should not extend any further than maintaining a proportion (10 per cent to 30 per cent) of the pre-settlement 'roo population levels.

This natural footprint or, 'Undisturbed Ecological Value (UEV)' is the level that is produced without extra watering points, etc. It is the ecological equivalent of the Unimproved Capital Value that is the basis for land valuations and local government rate levies.

No-one would seriously suggest that council rates could be fairly levied without a proper system of valuation, and environmental taxes, such as the kangaroo impost, are no different. Those who have implemented the current 'roo policy have been grossly negligent in not considering the basis on

which the impact of the policy could be equitably distributed.

The case law is over-whelming. The 'roo burden on farmers is a level of burden that the rest of the community is unwilling to bear. It is unjust, discriminatory and an inappropriate exercise of power.

## **SO WHAT CAN THE FARMER DO?**

Clearly, there is little point in presenting your Environment Minister with a bill for the agistment of his excessive 'roo herd on your property over the past ten years. The cost of mustering them and delivering them to the nearest Botanic Gardens is prohibitive. And you would grow very old indeed waiting for departmental officers to come out and cull their herd or prevent them suffering.

Shooting the suffering beasts without a licence would be the most humane thing to do, but it could also see you in court. The other option of removing your stock and tossing a bucket of urea into the trough will be very effective, but may also kill off other species, and could also land you in court if detected.

No-one doubts that millions of 'roos, sheep and cattle will suffer a slow cruel death in this drought. The only moral and ecologically sustainable option is to make their suffering as brief as lawfully possible.

The solution applies equally to domestic stock and community stock. If shooting is not an option for practical, legal or economic reasons, then, rather than watch animals suffer over six months, farmers should concentrate the animals they want to keep at a few watering points where they can be hand-fed to minimize energy-loss from searching for food.

The remaining watering points should be shut down to ensure that the suffering of non-essential stock lasts for only a few days rather than a few months. The population that

is capable of surviving from the remaining natural watering points is the population that would have survived if this same drought had occurred in 1750.

Once this adjustment has been made, the watering points can be re-opened and essential stock can be redistributed to graze the remaining fodder at more sustainable levels. This process is best done in

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co-operation with reliable neighbours, but may need to be repeated to ensure that animals from other properties and State lands do not migrate to the comparatively superior conditions that will be maintained on your land.

This action would appear to be lawful, at least in Queensland. Queensland Parks and Wildlife have established the precedent by filling in dams on farm land that has been taken into the National Parks Estate. The intention is obviously to return water flows and, hence, 'roo numbers, to pre-settlement levels. And a mix of displacement and death by thirst would appear to be the only foreseeable consequences of these actions.

This action has obviously been taken with the full concurrence of

the Director General of the Environmental Protection Authority, who is also bound by the *General Environmental Duty* under Section 36 of the Queensland *Environment Protection Act* which states:

'36(1) A person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practical measures to prevent or minimise the harm.'

Consequently, one can only conclude that the Director General has determined that the broader harm caused by the overstocking of the community's 'roo herd is of greater significance than the reduction in the *ecological value* (that is, 'roo numbers) to pre-settlement level. He is aware of the greater harm and the reduction in 'roo numbers is the *reasonable and practicable measure* that would prevent that harm.

It would only be on this basis that the Director General could include the action in an *environmental management plan* that would give him a defence against *unlawful environmental harm* under EPA Sec 119.

Farmers have indulged the idle whims of the ill-informed for far too long. If they fix their 'roo problem, they gain full control of their stocking rate, they control the thickening rate and reduce the frequency and extent of regrowth clearing. And let he who is without sins of omission cast the first stone.

## **NOTES**

- 1 Archer, Michael, *The Kangaroo*, Weldon's Pty Ltd, 1985.
- 2 Flannery, T., *The Future Eaters*, Reed Books, 1994.

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**REVIEW**