

# **BORDER CONTROLS, INVASIVE SPECIES AND ANIMAL ETHICS**

- 1. The Biosecurity Act 2015 and Environmental Protection**
- 2. Invasive Species**
- 3. Ethical Issues**

# 1. The Biosecurity Act 2015 and Environmental Protection

## Border Security: Australia's Front Line



<https://www.youtube.com/watch?v=TadaHMcyC5Q>



**Wanted**





Biosecurity

Act 2015

No. 61, 2015

▶ **Border controls preventing entry**



▶ **Post-border controls to eradicate/control**



# CONVENTION ON BIOLOGICAL DIVERSITY

1992



Article 8 (h)  
obligations to  
“prevent the  
introduction of,  
control or eradicate  
those alien species  
which threaten  
ecosystems, habitats  
or species”.

# WORLD TRADE ORGANIZATION

1995



WORLD TRADE  
ORGANIZATION

## The WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement)

Article 3.2 - biosecurity measures that conform  
to international standards are presumed to be  
WTO-compliant

Article 5.1 - otherwise countries must undertake  
a risk assessment of the likelihood of entry,  
establishment or spread of each pest or disease

# Uncertainty and Border Controls

## Environmental Regulation

- ▶ Precautionary principle (or approach)
- ▶ Lack of full scientific certainty does not prevent the implementation of measures

## WTO Rules

- ▶ Country can only ban the entry of goods or vehicles conveying goods if it can demonstrate a sufficient level of harm or potential for harm.



## 2. Invasive Alien Species (invasive species)



Many were introduced deliberately.



## ▶ GAME PROTECTION ACT 1866

No. XXII.

An Act to provide for the preservation of Imported Game and during the breeding season of Native Game, [7th April, 1866.]



## ▶ BIRD PROTECTION ACT 1881

No. XXIX

An Act to protect certain imported and other Birds, 20th December, 1881.]



# Cats and Rabbits



V



# The enemy of the Rabbit

## Rabbit Nuisance Act 1883

46<sup>o</sup> VICTORIÆ, No. 14.

*Rabbit Nuisance.*

31. The Governor may from time to time by Proclamation declare any animal to be a natural enemy of the rabbit and prohibit within certain proclaimed districts the killing or capturing of any such animal without a special permit in that behalf and may from time to time alter and revoke any such Proclamation.

32. Any person capturing or selling or disposing of or killing any animal so declared to be a natural enemy of the rabbit without a permit signed by an inspector so to do or in whose possession or on whose premises any such animal shall be found by any inspector or by any constable unless such person shall prove that the animal so killed sold or in his possession was lawfully in his possession or that the same was on his premises without his knowledge or consent shall be liable to a penalty of not less than two nor more than ten pounds.

33. Any person who shall falsely represent himself to be or shall personate an inspector or a person authorized by an inspector under this Act in any manner whatsoever shall be guilty of a misdemeanor and shall on conviction be liable to be imprisoned with or without hard labor for any period not exceeding twelve months and shall in addition to such imprisonment be liable to forfeit and pay a penalty of not less than twenty pounds nor more than one hundred pounds.

34. If any person not being an inspector or a person authorized in writing by an inspector or an owner acting under the provisions hereof shall trespass upon any private land for the apparent purpose of destroying rabbits thereupon he shall be liable to a penalty of not more than ten pounds.

35. Any person who shall wilfully assault obstruct hinder interrupt or mislead or cause to be assaulted obstructed hindered interrupted or misled any inspector or any person authorized in writing by an inspector or any owner in the exercise of any power or authority vested in him by this Act whilst in the performance or execution of his duty under this Act shall for every such offence if not otherwise specially provided for be liable to a penalty not exceeding twenty pounds and



▶ “News Notes” (1892)

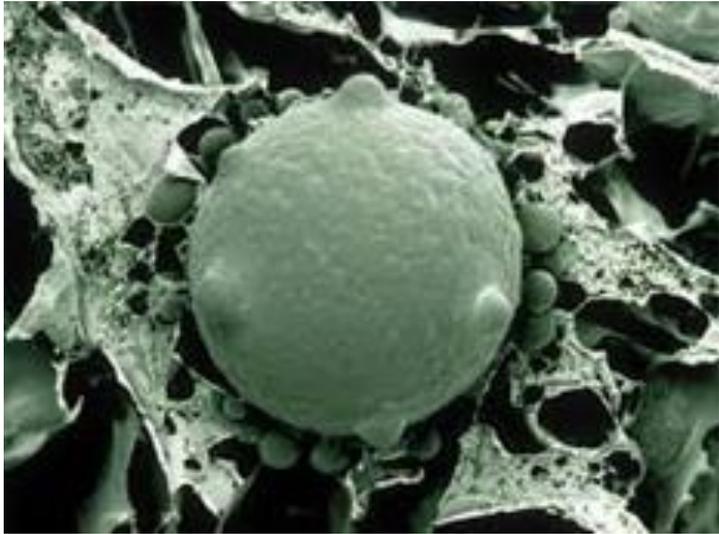
There is a demand for cats in South Australia for rabbit destruction. On the Warrialpha station there are already about 5,000 cats and they have done such excellent work that another army of the natural enemy of the rabbit is to be put on the field. It is somewhat difficult to get the requisite number of cats, and as much as 2s 6d is being offered for them at Blinman.

Experience has proved that no damage is done by the cats, which confine their attention solely to the rabbits.

- ▶ [Macleay Argus \(Kempsey, NSW\) Wed 14 Sep 1892, Page 5.](#) From “Trove” site of the Australian National Library



African Clawed Frog



Chytrid fungus

Others were introduced  
accidentally

Frogs, pregnancy  
testing and Chytrid  
fungus

# The Challenge of Post-Border Regulation: Eradication and Control

- ▶ Post-border responses comprise a mixture of Federal and State regulation
- ▶ Federal government takes a leadership role, but much of the groundwork is done at the State level



# Policy Documents

- ▶ Australian Government, Threatened Species Strategy, Department of the Environment and Energy (2015)
  - ▶ Threatened Species Strategy, 2020 Targets
- ▶ Threat Abatement Plan for Predation by Feral Cats, 2015 (Commonwealth)
- ▶ Model Codes of Practice for Humane treatment of unwanted species

# Legislation

- ▶ Threatening Process, Environment Protection and Biodiversity Conservation Act 1999
- ▶ Game and Feral Animal Control Act 2002 (NSW)
- ▶ Biosecurity Act 2015 (NSW)
- ▶ Biodiversity Conservation Act 2016 (NSW) - Key Threatening Process

# 3. The Ethical Gap

- ▶ Regulation turns to killing as a first point response
- ▶ Use of poisons - mainly 1080 -controversial
- ▶ Regulation does not grapple with the nature of the relationship between humans, their activities and introduced species

# Killing as a first point response

Code (Humane)	Comparison of Control Methods
Control of feral camels	Favours methods such as <b>aerial shooting and ground shooting</b> , mustering and trapping at water. Although fertility control is seen as more humane, delivery of contraceptives is difficult and there is no long-acting or permanent method of fertility control presently available. Not currently feasible for large camel populations over an extended range.
Control of feral cats	Favours methods such as <b>shooting, trapping, lethal baiting and exclusion fencing</b> . The currently available methods of control are generally expensive, labour intensive, require continuing management effort and can be effective only in limited areas. When correctly carried out, <b>shooting is humane</b> .
Control of feral donkeys	Favours methods such as <b>aerial culling whereby donkeys are shot from helicopters with high-powered rifles</b> . Although exclusion fencing is seen as more humane, it is expensive to construct and maintain. Also not feasible in rugged terrain. Can also concentrate donkeys at other points where they can die of thirst. Also possible to use a tranquiliser dart and then euthanize the donkey with an injection of barbiturate. However, it is not feasible over large areas as it is costly and labour intensive, requiring veterinary supervision.
Control of feral goats	Favours methods such as <b>mustering, trapping at water, aerial shooting, ground shooting and exclusion fencing</b> . Although exclusion fencing is seen as more humane, it is expensive and to construct and maintain; in addition goats sooner or later manage to breach fencing. Exclusion fencing may be of some use in environmentally sensitive areas.
Control of feral horses	Favours methods such as <b>trapping at water, mustering, aerial shooting and ground shooting</b> . Other measures include exclusion fencing, fertility control and use of a tranquiliser dart followed by euthanizing the horse with an injection of barbiturate. However, it is not feasible over large areas as it is costly and labour intensive, requiring veterinary supervision.

# 1080 *Sodium fluoroacetate*



**ABC News**

**1080 Pest Poison Inhumane, RSPCA  
Researcher says**

**Scot Bevan**

**Updated 20 Nov 2007, 5:53pm**

## **ABC News, Maremma Sheepdogs Poisoned as Regulators Grapple with 1080 Bait**

**By Cindy Lever**

**Updated 13 Aug 2019, 5:14pm**

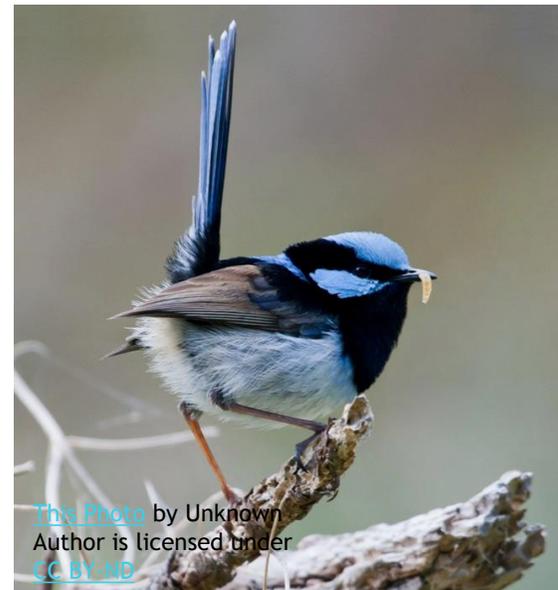
**Brisbane Courier Mail**

**Baiting Dog Death Toll Rises to Eight  
August 10, 2019**

**Four more dogs are believed to have died after  
ingesting a poison used for controlling wild pests  
while playing in Brisbane parks**

# Relationship of Humans to the environment and animals

- ▶ Society gives insufficient consideration to its own environmental footprint
- ▶ Long-term problems with lethal measures



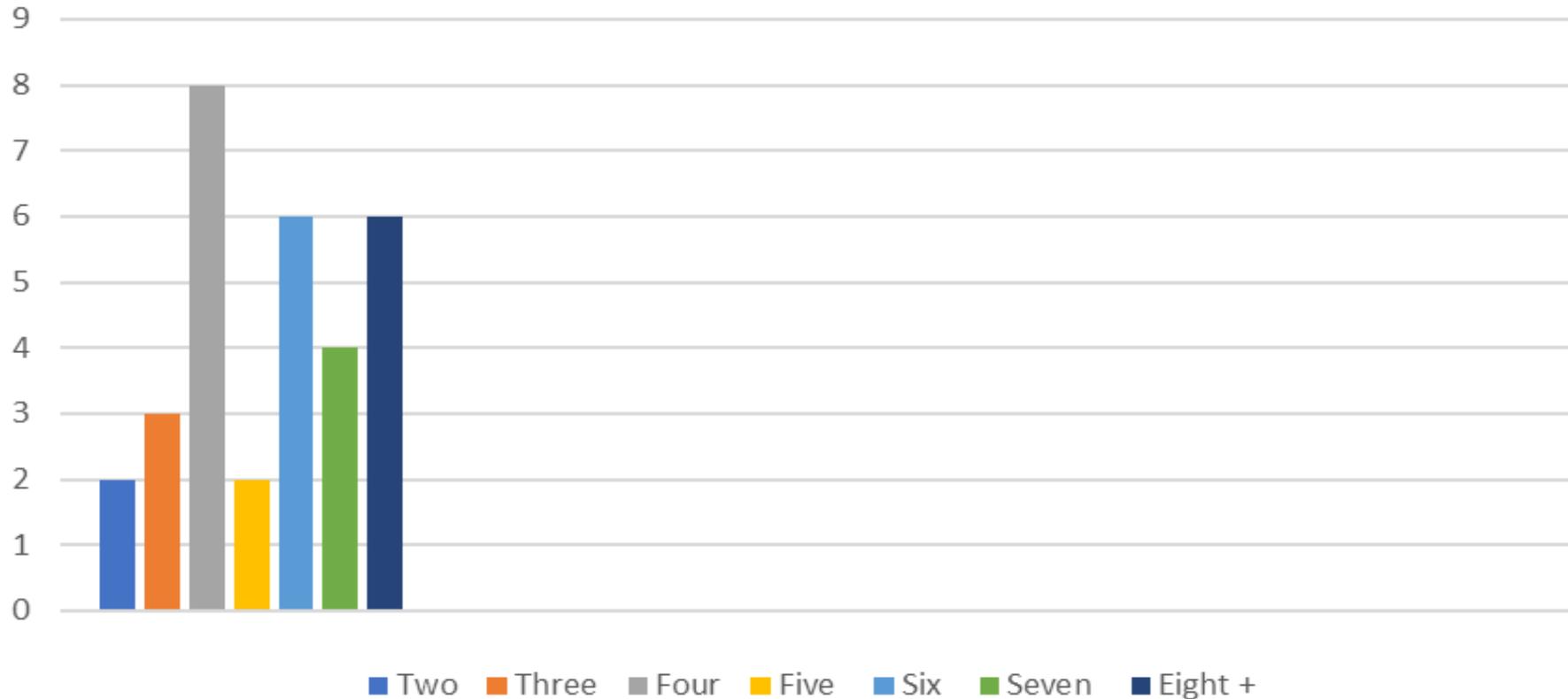
# Example of Free-roaming Cats

- ▶ 2020 Targets of the Threatened species Strategy (Federal Government) aims at killing 2 million cats by 2020.
- ▶ Links to Biodiversity outcomes?

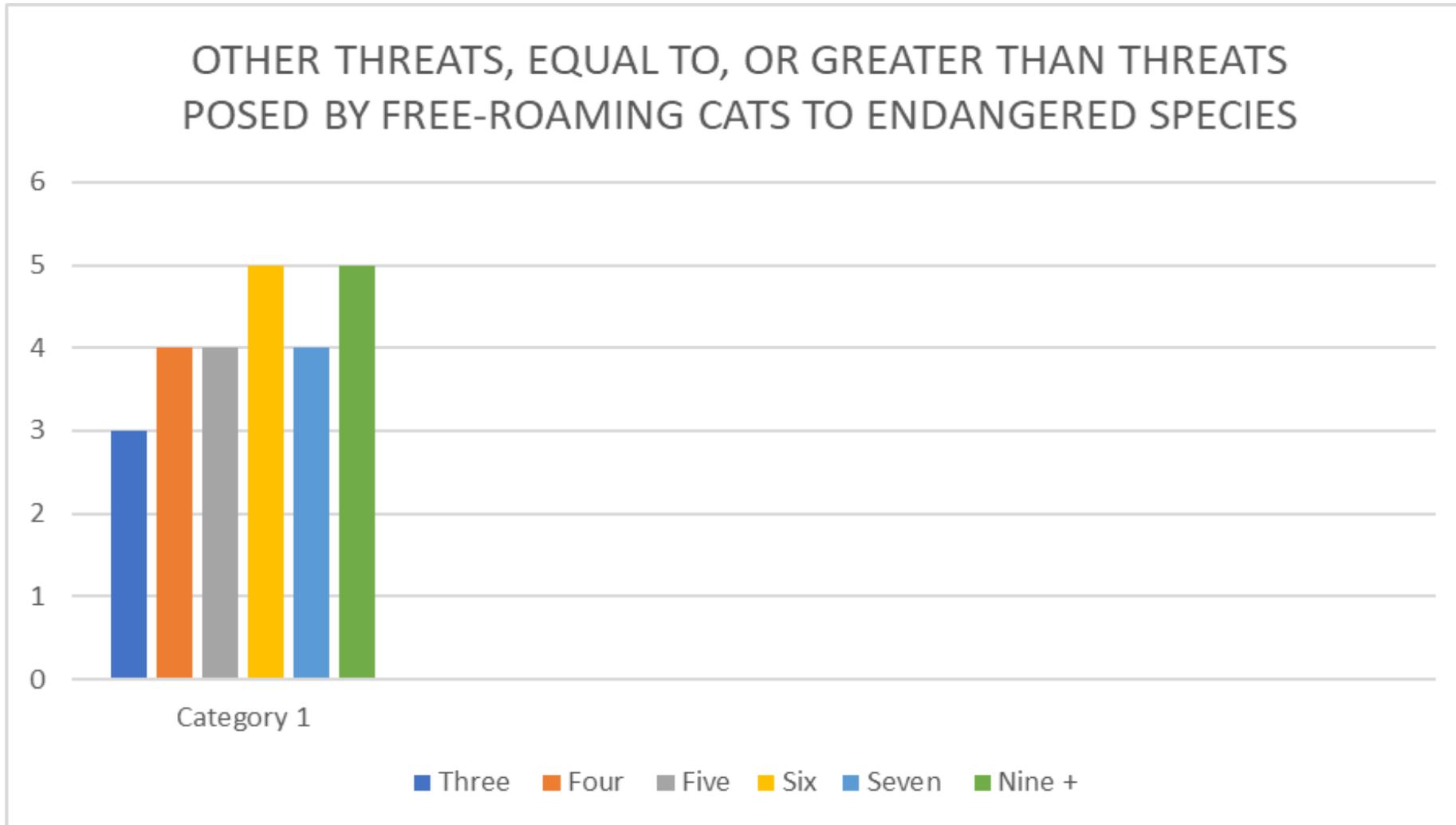


# Threat Abatement Plan for Predation by Feral Cats

OTHER THREATS EQUAL TO, OR GREATER THAN THREATS  
POSED BY FREE-ROAMING CATS TO VULNERABLE SPECIES



# Threat Abatement Plan for Predation by Feral Cats

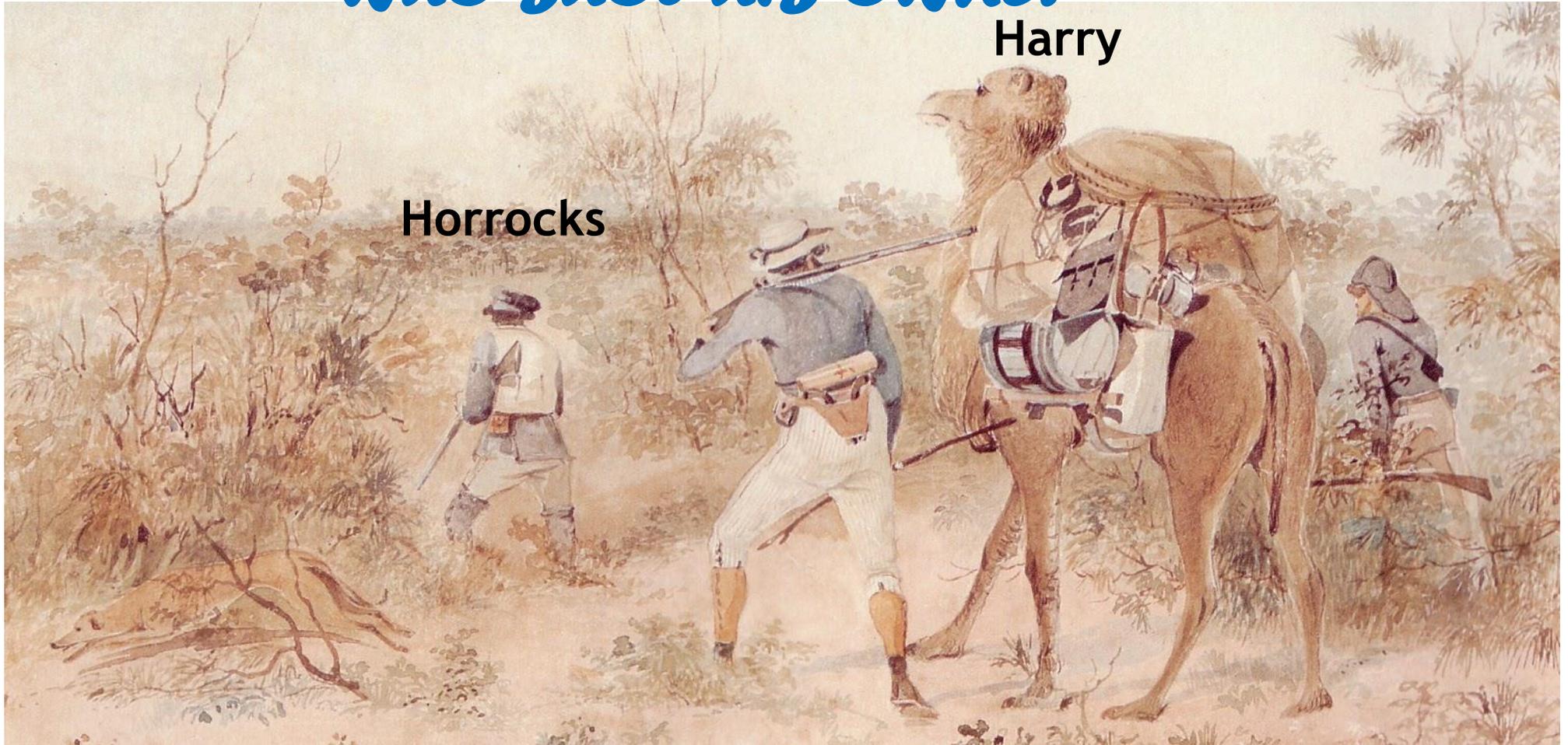


# Threat Abatement Plan for Predation by Feral Cats

COMPARISON OF THREATS



# *Harry, the cantankerous camel who shot his owner*



Harry

Horrocks