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ANIMAL WELFARE COMMITTEE

Proposed aerial shooting of brumbies in Kosciuszko National Park

Report 1

November 2024



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Animal Welfare Committee

Proposed aerial shooting of brumbies in Kosciuszko National Park

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Proposed aerial shooting of brumbies in Kosciuszko National Park

"November 2024"

Chair: Hon Emma Hurst MLC



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Terms of reference

That the Animal Welfare Committee inquire into and report on the proposed aerial shooting of brumbies in Kosciuszko National Park and surrounding areas, and in particular:

- (a) the methodology used to survey and estimate the brumby population in Kosciuszko National Park
- (b) the justification for proposed aerial shooting, giving consideration to urgency and the accuracy of the estimated brumby population in Kosciuszko National Park
- (c) the status of, and threats to, endangered species in Kosciuszko National Park
- (d) the history and adequacy of New South Wales laws, policies and programs for the control of wild horse populations, including but not limited to the adequacy of the 'Aerial shooting of feral horses (HOR002) Standard Operating Procedure'
- (e) the animal welfare concerns associated with aerial shooting
- (f) the human safety concerns if Kosciuszko National Park is to remain open during operations
- (g) the impact of previous aerial shooting operations (such as Guy Fawkes National Park) in New South Wales
- (h) the availability of alternatives to aerial shooting
- (i) any other related matters.

The terms of reference were self-referred by the committee on 28 August 2023.¹

¹ *Minutes*, NSW Legislative Council, 12 September 2023, p 442.

Committee details

Committee members

Hon Emma Hurst MLC	Animal Justice Party	<i>Chair</i>
Hon Bob Nanva MLC	Australian Labor Party	<i>Deputy Chair</i>
Hon Robert Borsak MLC	Shooters, Fishers and Farmers Party	
Ms Abigail Boyd MLC*	The Greens	
Hon Wes Fang MLC	The Nationals	
Ms Sue Higginson MLC*	The Greens	
Hon Stephen Lawrence MLC	Australian Labor Party	
Hon Aileen MacDonald MLC	Liberal Party	
Hon Peter Primrose MLC	Australian Labor Party	
Hon Emily Suvaal MLC	Australian Labor Party	

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- * Ms Abigail Boyd MLC is a participating member from 4 September 2023 for the duration of the inquiry.
- * Ms Sue Higginson MLC is a participating member from 31 August 2023 for the duration of the inquiry.

Secretariat

Arizona Hart, Principal Council Officer
 Emily Whittingstall, Senior Council Officer
 Tina Mrozowska, Council Officer
 Alex Stedman, Director

Chair's foreword

At the outset, it is important as Chair of this inquiry to indicate that I do not support the following report. The recommendations and findings are far removed from the original recommendations and findings I had proposed in the draft report. While parts of the report imply the committee were unanimous in its decisions, it is important to highlight that it was the majority of committee members that supported the report's recommendations, rather than unanimous agreement. Unanimous agreement could not be met and I encourage readers to look at the dissenting statements at the end of the report.

On 7 August 2023, the Minister for the Environment, the Hon Penny Sharpe MLC, announced she was proposing an amendment to the Kosciuszko National Park Wild Horse Heritage Management Plan to permit aerial shooting of brumbies in the park. This inquiry commenced shortly after. The terms of reference asked the committee to consider this proposal, including its justification, the animal welfare and human safety considerations, the impact of previous shooting operations, and any alternatives to aerial shooting.

The inquiry held five hearings, considered 540 submissions, and conducted a site visit to Kosciuszko National Park. Throughout, it has been clear that aerial shooting of brumbies is a highly controversial topic. The committee heard a range of perspectives on this issue, from those that consider aerial shooting to be justified, to those that consider it ethically unconscionable given the suffering it will likely cause.

This inquiry considered several aspects of the aerial shooting program. One key topic was the number of brumbies in the park and methodology used to count them. Inquiry participants expressed mixed views on the accuracy and reliability of the count conducted by the National Parks and Wildlife Service.

Another major issue was how aerial shooting is conducted, as outlined in the Standard Operating Procedure (SOP) including the killing of very young foals. Again, a range of perspectives were shared on this. Some participants felt the SOP was appropriate, while others indicated that it did not contain sufficient animal welfare safeguards.

This committee also heard about alternatives to aerial shooting, including fencing, rehoming, and reproductive control. Evidence indicated there is a need for a trial of reproductive control options in Australia.

During this inquiry, evidence came to light about the discovery of over 500 horse carcasses in Downside in an alleged illegal knackery. The hearing convened by this committee on 23 May 2024 led to important information coming to light about these allegations. This incident was devastating to the community and saw a revised rehoming program.

Members of this committee, like the public at large, do not share a unanimous opinion about aerial shooting of brumbies in Kosciuszko National Park. While the findings and recommendations in this report do not reflect my views, and it has been disappointing that attempts to find common ground were not made, the inquiry shone a light on this program and its flaws, and gave the community a chance to put forward their position directly to Government.

I would like to thank all those who participated in this inquiry and to everyone who gave evidence and to those who facilitated and met the committee when we visited the Park. Finally, I thank the committee secretariat for their professionalism and diligence in a very difficult inquiry.

Hon Emma Hurst MLC
Committee Chair

Findings

- Finding 1** 9
Kosciuszko National Park is Australia's only alpine ecosystem. A range of plants and animals in the park are listed as threatened species and face an imminent threat of extinction.
- Finding 2** 23
The count methodology used by the New South Wales Government to count horses in Kosciuszko National Park uses current global best practice methods. As horse numbers reduce and technology improves, updates to the count method should be considered in light of differing views in the community on this matter.
- Finding 3** 39
Aerial shooting is the only method that allows the New South Wales Government to reach the legislated target of 3,000 horses in the park by the 2027 deadline. All other methods are unable to reach the target number by the deadline.
- Finding 4** 40
That the Standard Operating Procedure has provided a robust framework to allow aerial shooting to occur, but should be reviewed regularly to ensure it is fit for purpose and reflects any changes in best practice.
- Finding 5** 40
There are deeply felt views by some within the community that shooting horses, by any method, is wrong and should not be supported. However, there is no clear evidence that any breaches to animal welfare have occurred.
- Finding 6** 41
The National Parks and Wildlife Service (and other government agencies) have been undertaking aerial control of invasive species for decades. There are robust guidelines to ensure that human safety is managed during aerial shooting operations of any animal.
- Finding 7** 52
Rehoming and ground shooting should continue as control methods as well as aerial shooting. Fertility control should be trialled and tested as a future control method.
- Finding 8** 69
The National Parks and Wildlife staff who undergo horse control programs are undertaking difficult jobs at the request of government, and have often faced terrible abuse online and in the community.

Recommendations

- Recommendation 1** **24**
That the New South Wales Government should continue to undertake an annual count of the horses in Kosciuszko National Park, using best practice methodology, and release all results and data publicly. The National Parks and Wildlife Service should consider what new technology or techniques can be used to improve the current method and implement that.
- Recommendation 2** **40**
That aerial control of horses, as well as other invasive animals, should continue in New South Wales as a way of protecting the natural environment. Robust settings and frameworks should support this to achieve best practice and safety.
- Recommendation 3** **41**
That the training required of aerial shooters, as well as the type of firearms and ammunition (including both the calibre and the cartridge size of the ammunition) being used to aerially cull brumbies should be reviewed to ensure best practice.
- Recommendation 4** **41**
That the New South Wales Government should have an appropriate, independent third party review the Standard Operating Procedure regularly to ensure it continues to reflect best practice and is as robust and humane as possible.
- Recommendation 5** **60**
The National Parks and Wildlife Service further investigate the effectiveness of fertility control as a control method.
- Recommendation 6** **69**
The National Parks and Wildlife Service should implement the recommendations from the investigation report into the Kosciuszko National Park Wild Horses Rehoming Program, and restart rehoming as soon as possible.

Conduct of inquiry

The terms of reference for the inquiry were self-referred by the committee on 28 August 2023.

The committee received 540 submissions and 12 supplementary submissions.

The committee held five public hearings at Parliament House in Sydney.

The committee also conducted one site visit to Kosciuszko National Park on 28 March 2024.

Inquiry related documents are available on the committee's website, including submissions, hearing transcripts, tabled documents and answers to questions on notice.

Chapter 1 Background: brumbies in Kosciuszko National Park

This chapter provides an overview of Kosciuszko National Park and the historical approaches to managing brumbies (also known as 'wild horses') within it. It outlines the characteristics of Kosciuszko National Park, the state's largest national park, and how brumbies were initially introduced and managed. It then focuses on the October 2023 decision to permit aerial shooting, including the trial conducted in November and the Wild Horse Control Standard Operating Procedure developed shortly after.

The history of brumbies in Kosciuszko National Park

- 1.1 Kosciuszko National Park is a large national park in the south-east of New South Wales. Brumbies have been present in the park since the 1830s. They were initially managed informally by local residents, before government strategies commenced from the 1970s.

Kosciuszko National Park

- 1.2 Kosciuszko National Park is the largest national park in New South Wales, at 690,000 hectares.² It is located in the south-eastern corner of New South Wales, with the Australian Capital Territory border at its north-eastern edge and the Victorian border at its southern edge. Surrounding towns include Cooma, Jindabyne, and Tumut.
- 1.3 Kosciuszko National Park is the most popular park for visitors in regional New South Wales and the seventh most popular overall, with more than three million people visiting per year.³ It is one of the 11 parks and reserves that comprise the National Heritage-listed Australian Alps.⁴
- 1.4 Kosciuszko National Park has important environmental, social, and cultural values. It contains Australia's largest alpine ecosystem, with a variety of rare flora and fauna species found nowhere else in the world.⁵ The park has high altitude peaks (including the highest mountain in continental Australia, Mount Kosciuszko) and glacial landscapes, rarely found in Australia, as

² Submission 110, NSW Government, Attachment 1, New South Wales Government Submission to Parliament of Australia Inquiry: Impacts and Management of Feral Horses in the Australian Alps, p 1.

³ Submission 87, Public Service Association of NSW, p 1; Submission 110, NSW Government, Attachment 1, New South Wales Government Submission to Parliament of Australia Inquiry: Impacts and Management of Feral Horses in the Australian Alps, p 1.

⁴ Submission 110, NSW Government, Attachment 1, New South Wales Government Submission to Parliament of Australia Inquiry: Impacts and Management of Feral Horses in the Australian Alps, p 1; Department of Climate Change, Energy, the Environment and Water, Australian Government, *National Heritage Places - Australian Alps National Parks and Reserves* (10 November 2023), <https://www.dceew.gov.au/parks-heritage/heritage/places/national/australia-alps>.

⁵ Australian Alps National Parks Co-operative Management Program, *Kosciuszko National Park* (2013), Australian Alps National Parks, <<https://theaustralianalpsnationalparks.org/the-alps-partnership/the-parks/kosciuszko-national-park/>>; NSW National Parks and Wildlife Service, *Kosciuszko National Park Horse Management Plan* (December 2008), p 5.

well as forests, woodlands, and lakes.⁶ Kosciuszko National Park hosts a range of recreational activities, including skiing and snowboarding, hiking, and mountain biking.⁷

- 1.5 Kosciuszko National Park is culturally significant to Aboriginal people and more than 1,000 Aboriginal heritage archaeological sites are protected in the park.⁸ It is also associated with Australia's pioneering and pastoral history, and has been represented in literature, films, songs and television shows.⁹ Today, a range of economic activities take place in the park, including those associated with the Snowy Hydro Scheme and many tourism-related businesses.¹⁰

The introduction of brumbies in the park and early management plans

- 1.6 Horses have been present in the Australian Alps since the 1830s, when they were used to travel and move stock.¹¹ On occasion, some domesticated horses would escape or be intentionally released. Over time, these horses formed mobs of wild horses known as brumbies.¹²
- 1.7 Small-scale control of brumbies by the New South Wales Government commenced from the 1970s through a licensed horse roping ('brumby running') program. However, concerns were soon raised about the environmental damage caused by this activity and about the welfare of the horses.¹³ This program was formally abandoned by the 1980s.¹⁴ Management plans were not then introduced until the 2000s.

⁶ Submission 110, NSW Government, Attachment 1, New South Wales Government Submission to Parliament of Australia Inquiry: Impacts and Management of Feral Horses in the Australian Alps, p 1; Department of Climate Change, Energy, the Environment and Water, Australian Government, *National Heritage Places - Australian Alps National Parks and Reserves* (10 November 2023), <https://www.dcccew.gov.au/parks-heritage/heritage/places/national/australia-alps>.

⁷ NSW National Parks and Wildlife Service, *Kosciuszko National Park* (2024), <https://www.nationalparks.nsw.gov.au/visit-a-park/parks/kosciuszko-national-park>.

⁸ Submission 110, NSW Government, Attachment 1, New South Wales Government Submission to Parliament of Australia Inquiry: Impacts and Management of Feral Horses in the Australian Alps, p 1.

⁹ Submission 110, NSW Government, Attachment 1, New South Wales Government Submission to Parliament of Australia Inquiry: Impacts and Management of Feral Horses in the Australian Alps, pp 1-2.

¹⁰ Submission 110, NSW Government, Attachment 1, New South Wales Government Submission to Parliament of Australia Inquiry: Impacts and Management of Feral Horses in the Australian Alps, p 2.

¹¹ Submission 110, NSW Government, Attachment 1, New South Wales Government Submission to Parliament of Australia Inquiry: Impacts and Management of Feral Horses in the Australian Alps, p 2.

¹² Submission 110, NSW Government, Attachment 1, New South Wales Government Submission to Parliament of Australia Inquiry: Impacts and Management of Feral Horses in the Australian Alps, p 2.

¹³ NSW National Parks and Wildlife Service, *Kosciuszko National Park Horse Management Plan* (December 2008), p 7.

¹⁴ Submission 110, NSW Government, Attachment 1, New South Wales Government Submission to Parliament of Australia Inquiry: Impacts and Management of Feral Horses in the Australian Alps, p 4; NSW National Parks and Wildlife Service, *Kosciuszko National Park Horse Management Plan* (December 2008), pp i and 1.

- 1.8** The first formal management plan for brumbies in Kosciuszko National Park was the 2003 *Horse Management Plan for the Alpine Area of Kosciuszko National Park* (2003 Plan).¹⁵ This plan aimed to reduce the impacts of horses on the native habitats and wildlife of the park. It recommended the trial of three horse removal methods: trapping, roping, and mustering.¹⁶
- 1.9** The 2003 plan was followed by the 2008 *Kosciuszko National Park Horse Management Plan* (2008 Plan).¹⁷ This set explicit aims to remove brumbies from a number of declared zones of the park, and to reduce numbers in other areas where they impacted public safety, the environment or cultural heritage.¹⁸ It identified two preferred methods to achieve this: trapping using lures and mustering using low stress techniques.¹⁹
- 1.10** An updated *Draft Wild Horse Management Plan* was prepared in 2016. This, similarly, had an objective of reducing the overall population of brumbies in the park.²⁰ It aimed to reduce the population to less than 3,000 horses within 5 to 10 years of the plan, and to 600 horses within 20 years of the plan.²¹ It authorised a wider range of control methods, including trapping and killing on site and ground shooting.²² However, this plan was never implemented.²³

The Kosciuszko Wild Horse Heritage Act 2018 and the Kosciuszko National Park Wild Horse Heritage Management Plan 2021

- 1.11** The *Kosciuszko Wild Horse Heritage Act 2018* (the Act) was passed by New South Wales Parliament on 6 June 2018. The object of the Act is 'to recognise the heritage value of sustainable wild horse populations within parts of Kosciuszko National Park and to protect that heritage'.²⁴

¹⁵ NSW National Parks and Wildlife Service, *Horse Management Plan for the Alpine Area of Kosciuszko National Park* (January 2003).

¹⁶ NSW National Parks and Wildlife Service, *Horse Management Plan for the Alpine Area of Kosciuszko National Park* (January 2003), p iii.

¹⁷ NSW National Parks and Wildlife Service, *Kosciuszko National Park Horse Management Plan* (December 2008), p i.

¹⁸ NSW National Parks and Wildlife Service, *Kosciuszko National Park Horse Management Plan* (December 2008), p 3.

¹⁹ NSW National Parks and Wildlife Service, *Kosciuszko National Park Horse Management Plan* (December 2008), p 25.

²⁰ NSW National Parks and Wildlife Service, *Draft Wild Horse Management Plan: Kosciuszko National Park* (2016), p 3.

²¹ NSW National Parks and Wildlife Service, *Draft Wild Horse Management Plan: Kosciuszko National Park* (2016), p 3.

²² NSW National Parks and Wildlife Service, *Draft Wild Horse Management Plan: Kosciuszko National Park* (2016), p 25.

²³ Submission 110, NSW Government, Attachment 1, New South Wales Government Submission to Parliament of Australia Inquiry: Impacts and Management of Feral Horses in the Australian Alps, p 4.

²⁴ *Kosciuszko Wild Horse Heritage Act 2018* (NSW) s 4.

- 1.12** In introducing the Act, the then Minister for Regional New South Wales, John Barilaro, highlighted the importance of protecting brumbies and recognising their cultural significance. He stated that the Act would 'recognise and protect the heritage values of brumby populations'.²⁵
- 1.13** The Minister said that the Act intended to prohibit killing of brumbies in the park,²⁶ stating the 2016 draft plan would have 'resulted in a horrific mass slaughter of the iconic brumby' which would have been 'cruel and barbaric'.²⁷ Instead, he said that management under the Act would focus on relocating brumbies to 'less sensitive areas' in the park.²⁸ The Hon Penny Sharpe MLC and other members of NSW Labor stated during this debate that they had 'ruled out aerial culling'.²⁹ The committee notes this was said while in opposition and without a briefing from the NSW National Parks and Wildlife Service (NPWS) on brumby numbers.
- 1.14** Under the Act, the government was required to create a new Kosciuszko National Park Wild Horse Heritage Management Plan. This was finalised in 2021. The 2021 Plan was prepared following consultation with the Kosciuszko Wild Horse Community Advisory Panel and the Scientific Advisory Panel and was informed by an Aboriginal Cultural Values Report.³⁰ This Plan is in place until its review in 2027.³¹
- 1.15** Under the 2021 Plan:
- the population of brumbies is to be reduced from 14,380 to 3,000
 - brumbies are to be completely removed from 68 per cent of the park
 - removal of brumbies is to be achieved by passive trapping and rehoming and, where this is not possible, ground shooting
 - removal of brumbies is to occur alongside other environmental management programs, including bushfire hazard mitigation, revegetation and weed control, and removal of other introduced animal species.³²

²⁵ John Barilaro, Second reading speech: Kosciuszko Wild Horse Heritage Bill 2018, 23 May 2018.

²⁶ John Barilaro, Second reading speech: Kosciuszko Wild Horse Heritage Bill 2018, 23 May 2018.

²⁷ John Barilaro, Second reading speech: Kosciuszko Wild Horse Heritage Bill 2018, 23 May 2018.

²⁸ John Barilaro, Second reading speech: Kosciuszko Wild Horse Heritage Bill 2018, 23 May 2018.

²⁹ *Hansard*, NSW Legislative Council, 6 June 2018, p 63 (Penny Sharpe). See also *Hansard*, NSW Legislative Council, 6 June 2018, p 70 (John Graham); *Hansard*, NSW Legislative Council, 6 June 2018, p 74 (Adam Searle); *Hansard*, NSW Legislative Council, 6 June 2018, p 77 (Courtney Houssos); *Hansard*, NSW Legislative Council, 6 June 2018, p 79 (Mick Veitch).

³⁰ NSW National Parks and Wildlife Service, *Kosciuszko National Park Wild Horse Heritage Management Plan: Key Facts* (October 2021), p 3.

³¹ NSW National Parks and Wildlife Service, *Kosciuszko National Park Wild Horse Heritage Management Plan: Key Facts* (October 2021), p 3.

³² NSW National Parks and Wildlife Service, *Kosciuszko National Park Wild Horse Heritage Management Plan: Key Facts* (October 2021), pp 1-3.

The amendment of the Management Plan in October 2023

- 1.16** On 7 August 2023, the Minister for Environment, the Honourable Penny Sharpe MLC, announced she was proposing an amendment to the 2021 Plan to allow the use of aerial shooting of brumbies in Kosciuszko National Park.³³
- 1.17** In making the announcement, the Minister stated that New South Wales was 'not on track to meet the wild horse population target under the legislated Kosciuszko National Park Wild Horse Heritage Management Plan, which is why we must consider the introduction of aerial shooting, carried out by skilled, highly trained shooters to the highest animal-welfare standards'.³⁴
- 1.18** The Minister provided evidence to the committee that restoring horse populations to manageable and legislated limits was an immediate priority in order to mitigate against further ecological damage:
- The damage that's being done is very significant and increasing because the population has been so large and has been growing. The decision to reduce the number of horses as quickly as we can is for two reasons. One is to arrest the damage that's been undertaken and the threats that the horses are providing to a range of other species, and to water and soil and those kinds of things. Secondly, getting down to the 3,000 horses that everyone is trying to work to means that in the future there are fewer horses that will have to be removed from the park. We're dealing with this because the population is too large. We're trying to get it down in the shortest period that we can, in the most humane way that we can do it.³⁵
- 1.19** A consultation on the draft amendments to the 2021 Plan to allow aerial shooting ran from 8 August 2023 to 11 September 2023, with a short extension then granted to 15 September.³⁶ This consultation process is discussed further in chapter 4.
- 1.20** In response to concern in sections of the community regarding the proposal to commence aerial shooting, this inquiry was established on 28 August 2023.
- 1.21** On 27 October 2023, prior to the commencement of hearings for this inquiry, the Minister announced that aerial shooting of brumbies would commence in Kosciuszko National Park.³⁷
- 1.22** Aerial shooting began in November 2023 with a trial program, discussed below.³⁸

³³ NSW National Parks and Wildlife Service, *Summary of representations: Draft amending plan to the Kosciuszko National Park Wild Horse Heritage Management Plan 2021* (October 2023), p 1.

³⁴ Media release, Hon Penny Sharpe MLC, Minister for the Environment, 'Proposed amendment to Kosciuszko wild horse management', 7 August 2023.

³⁵ Evidence, Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage, 18 December 2023, pp 3-4.

³⁶ NSW National Parks and Wildlife Service, *Summary of representations: Draft amending plan to the Kosciuszko National Park Wild Horse Heritage Management Plan 2021* (October 2023), p 1; Answers to questions on notice, Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage, 12 March 2024, p 2.

³⁷ Media release, Hon Penny Sharpe MLC, Minister for the Environment, 'NSW Government allows aerial shooting to reduce wild horse population in Kosciuszko National Park', 27 October 2023.

³⁸ Evidence, Minister Sharpe, 31 July 2024, p 14.

1.23 In total, between the introduction of the management plan in November 2021 and 26 July 2024, the government stated that 8,944 horses were removed from Kosciuszko National Park, mostly by aerial shooting.³⁹ The number of horses removed includes:

- 5,963 horses shot from the air
- 1,067 horses shot from the ground
- 1,008 horses rehomed
- 672 horses sent to a knackery
- 109 horses shot in yards
- 70 horses tranquilised and shot by bolt gun in yards
- 39 horses euthanised
- 16 horses removed by other means.⁴⁰

1.24 The total cost of the aerial shooting program up to 18 June 2024 is \$8.2 million.⁴¹

The aerial shooting trial in November 2023

1.25 Following the announcement of the amendment to the 2021 Plan, a preliminary program of aerial shooting was conducted in November 2023. Over two days, 277 horses were targeted in the southern section of Kosciuszko National Park. Two independent veterinarians appointed by the government along with representatives from RSPCA NSW observed this trial.⁴² The independent veterinarians subsequently produced a public animal welfare assessment based on their observations.⁴³

1.26 The observers recorded ante-mortem and post-mortem data for all brumbies that were targeted for shooting, as well as time parameters.⁴⁴ Only 43 of the 277 shot horses were inspected on the ground by the veterinarians.⁴⁵

1.27 The following observations were made about the method of shooting:

- of the 277 horses, 270 were shot and seven escaped before they could be shot at
- all shot horses were hit and killed

³⁹ Evidence, Minister Sharpe, 31 July 2024, p 14.

⁴⁰ Evidence, Minister Sharpe, 31 July 2024, p 14.

⁴¹ Evidence, Minister Sharpe, 31 July 2024, p 26.

⁴² Evidence, Minister Sharpe, 18 December 2023, p 2.

⁴³ NSW Department of Planning and Environment, *Animal Welfare Assessment of Feral Horse Aerial Shooting: Kosciuszko National Park, 2023* (2023).

⁴⁴ NSW Department of Planning and Environment, *Animal Welfare Assessment of Feral Horse Aerial Shooting: Kosciuszko National Park, 2023* (2023), pp 4-5.

⁴⁵ NSW Department of Planning and Environment, *Animal Welfare Assessment of Feral Horse Aerial Shooting: Kosciuszko National Park, 2023* (2023), p 7.

- four horses were observed agonal gasping as they were approached, but all four had no heartbeat or breathing detectable
- of 285 bullet wounds inspected, 279 (98 per cent) were in the thorax, three were in the abdomen, one was in the head, one in the neck, and one in the forelimb
- the mean number of shots fired at each horse was 7.5, with a range of three to 15
- 'insurance shots' (defined as shots taken at recumbent shot horses during fly-back procedures) were fired at 30 horses.⁴⁶

1.28 The observers reported that the total duration of stress for the brumbies, measured as beginning when the helicopter approached a group of horses, and ending with 'insensibility', ranged from 9 seconds to 9 minutes and 20 seconds with the median time being 1 minute and 29 seconds.⁴⁷ However the mean was not made available to the committee.

1.29 In their report, the observers said that non-fatal wounding (which is 'considered the worst animal welfare outcome for any shooting operation') was not detected, attributing this to 'a deliberate 'overkill' policy which resulted in a comparatively high number of shots fired at each animal'.⁴⁸ However, the observers also noted that their findings did not 'indicate that non-fatal wounding could not occur in aerial shooting of horses under this protocol, only that it does not occur at a frequency that was detected in our sample of 270 shot animals'.⁴⁹

1.30 However with respect to the trial they noted that the absence of non-fatal wounding in the trial 'is an important finding as a rigorous methodology was employed to assess the occurrence of non-fatal wounding in this assessment – namely, by landing as soon as possible and as close as possible to immobile horses, and testing whether they were insensible and dead'.⁵⁰

1.31 The observers commented on the presence of very young foals sighted in the park at the time of the trial. They said that the presence of young animals that are completely dependent on maternal support 'considerably raises the risk of orphaned animals suffering protracted deaths' but that 'all dependent foals were shot and killed in this assessment'.⁵¹

⁴⁶ NSW Department of Planning and Environment, *Animal Welfare Assessment of Feral Horse Aerial Shooting: Kosciuszko National Park, 2023* (2023), pp 5-7.

⁴⁷ NSW Department of Planning and Environment, *Animal Welfare Assessment of Feral Horse Aerial Shooting: Kosciuszko National Park, 2023* (2023), pp 5-7.

⁴⁸ NSW Department of Planning and Environment, *Animal Welfare Assessment of Feral Horse Aerial Shooting: Kosciuszko National Park, 2023* (2023), p 9.

⁴⁹ NSW Department of Planning and Environment, *Animal Welfare Assessment of Feral Horse Aerial Shooting: Kosciuszko National Park, 2023* (2023), pp 5-7.

⁵⁰ NSW Department of Planning and Environment, *Animal Welfare Assessment of Feral Horse Aerial Shooting: Kosciuszko National Park, 2023* (2023), p 8.

⁵¹ NSW Department of Planning and Environment, *Animal Welfare Assessment of Feral Horse Aerial Shooting: Kosciuszko National Park, 2023* (2023), p 9.

The Standard Operating Procedure for aerial shooting of wild horses

- 1.32** In December 2023, following the trial shooting, NPWS finalised a new Standard Operating Procedure (SOP) for the aerial shooting of wild horses.⁵² RSPCA NSW provided input in the development of this SOP.⁵³
- 1.33** The SOP is specific to Kosciuszko National Park.⁵⁴ It requires aerial shooting of brumbies to only be performed by approved NPWS Feral Animal Aerial Shooting Team staff.⁵⁵
- 1.34** The SOP includes the following elements:
- horses should only be shot in the chest or head
 - where practical, all horses in a social group should be killed before other social groups are targeted
 - a minimum of two shots should be used per horse
 - the shooter should fly back over a shot horse to visually confirm death
 - any wounded horses should be located and killed as quickly as possible
 - if a lactating female horse is killed but no foal is present, all reasonable efforts should be made to find any dependent young and kill them as quickly as possible
 - lead bullets should not be used to avoid the risk of toxic lead residues in carcasses harming wildlife scavengers
 - the outcomes of operations must be recorded daily, including the number of animals killed, their locations and a log of the track flown.⁵⁶
- 1.35** The SOP provides that the firearm to be used is the FN SCAR®-H semi-automatic rifle, with either Sako 150-grain Powerhead Blade® or Winchester 150-grain PowerMax® bonded protected hollow-point ammunition.⁵⁷ In the trial shooting, the rifles were chambered in 7.62 × 51 mm NATO and the bullets were loaded into .308 Winchester® cartridges.⁵⁸ The use of scopes and suppressors are also prescribed in the SOP.⁵⁹

⁵² Tabled document, NSW National Parks and Wildlife Service, *NPWS H009 Aerial shooting: Wild horse control standard operating procedure*, 9 December 2023, p ii.

⁵³ Evidence, Mr Atticus Fleming, Deputy Secretary, NSW National Parks and Wildlife Service, 18 December 2023, p 3.

⁵⁴ Tabled document, *NPWS H009 Aerial shooting: Wild horse control standard operating procedure*, p 2.

⁵⁵ Tabled document, *NPWS H009 Aerial shooting: Wild horse control standard operating procedure*, p 2.

⁵⁶ Tabled document, *NPWS H009 Aerial shooting: Wild horse control standard operating procedure*, pp 2-4.

⁵⁷ Tabled document, *NPWS H009 Aerial shooting: Wild horse control standard operating procedure*, p 5.

⁵⁸ NSW Department of Planning and Environment, *Animal Welfare Assessment of Feral Horse Aerial Shooting: Kosciuszko National Park, 2023* (2023), p 4.

⁵⁹ Tabled document, *NPWS H009 Aerial shooting: Wild horse control standard operating procedure*, p 4.

Threats towards NSW National Parks and Wildlife Service staff

- 1.36** The government stated that 'unfortunately, views and opinions on feral horse management have sometimes been expressed to NPWS staff in ways that are not respectful, productive or in line with acceptable community standards', noting that there had been 'harassing' and 'threatening' conduct.⁶⁰
- 1.37** Mr Atticus Fleming, Deputy Secretary, NSW National Parks and Wildlife Service stated that NPWS staff face 'ongoing harassment, threats and abuse'. He further stated that the government and NPWS would continue to take measures to support and protect staff:

We will continue to take measures as an agency and as a government to support and protect staff and, where possible, we're required to take action against those who harass and threaten public servants who are simply doing their job.⁶¹

Committee comment

- 1.38** The New South Wales Government's decision to commence aerial shooting of brumbies in October 2023 was controversial, eliciting a range of views from the community. These views will be explored in following chapters.
- 1.39** The committee notes the New South Wales Government commenced aerial shooting while the inquiry was ongoing and expresses its disappointment that inquiry processes were incomplete before doing so.
- 1.40** The committee condemns any threats of violence towards public servants, and recognises that such behaviour should not be tolerated.
- 1.41** The committee notes that Kosciuszko National Park has important ecological value as Australia's only alpine ecosystem, and that a range of plants and animals within it are listed as threatened species and face an imminent threat of extinction.

Finding 1

Kosciuszko National Park is Australia's only alpine ecosystem. A range of plants and animals in the park are listed as threatened species and face an imminent threat of extinction.

⁶⁰ Submission 110, NSW Government, p 8.

⁶¹ Evidence, Mr Fleming, 27 March 2024, p 30.

Chapter 2 The number of brumbies in Kosciuszko National Park and the methods used to count them

The number of brumbies in Kosciuszko National Park was a contested issue in this inquiry. This chapter first outlines the annual count of brumbies that is conducted by the NSW National Parks and Wildlife Service using distance sampling. It then summarises perspectives on this count, including both support and criticism. Finally, the chapter outlines alternate methods to count brumbies in the park, including those using imagery, mark-recapture or mark-resight, and on-ground community counts.

Views on the number of brumbies in Kosciuszko National Park

- 2.1** A major issue during this inquiry was how many brumbies are currently in Kosciuszko National Park. This went directly to the question of whether aerial shooting is justified, given that the growth in the brumby population is the justification cited for the New South Wales Government's decision to commence aerial shooting.
- 2.2** The government estimates there are 17,393 horses in Kosciuszko National Park, with 95 per cent confidence there are between 12,797 and 21,760. These numbers are based on an October 2023 survey using a distance sampling methodology.⁶² This is discussed further below.
- 2.3** However, a range of inquiry participants questioned both the estimated number of brumbies and the accuracy of the methodology used to count them. Some stakeholders suggested that counting using imagery, the mark-resight (or mark-recapture) method, or horseback counts, would lead to more accurate figures.

The National Parks and Wildlife Services count

- 2.4** Since 2001, there have been at least eight surveys to estimate the number of brumbies in Kosciuszko National Park.⁶³ These surveys have typically used distance sampling. The NSW National Parks and Wildlife Service (NPWS) describes distance sampling as 'the international best practice method for reliably estimating the population of large mammals over wide geographic areas'.⁶⁴
- 2.5** Ecologist and former ACT Animal Welfare Officer, Dr Don Fletcher, argued that distance sampling is 'one of the most widely used methods in the world for estimating abundance of wildlife populations' and that 'thousands of published, peer reviewed scientific papers exemplify

⁶² Anonymous, *A Survey of the Wild Horse Population in Kosciuszko National Park, October 2023* (November 2023), p 26.

⁶³ Submission 110, NSW Government, Attachment 1, New South Wales Government Submission to Parliament of Australia Inquiry: Impacts and Management of Feral Horses in the Australian Alps, pp 2-3; Evidence, Mr Atticus Fleming, Deputy Secretary, NSW National Parks and Wildlife Service, 18 December 2023, p 11.

⁶⁴ Submission 110, NSW Government, p 6.

its use'.⁶⁵ Similarly, Professor of Environmental Science, and Director of the Centre for Ecosystem Science (UNSW), Professor Richard Kingsford, supported the survey methodology as 'a really important, credible and rigorous method of estimating wildlife populations'.⁶⁶

- 2.6** The 2009 'Aerial Survey of Feral Horses in the Australian Alps' recommends that analyses of data sets should be done using mark-resight distance sampling, noting that mark-resight distance sampling was a recent development at the time the paper was written.⁶⁷
- 2.7** Since 2014, the wild horse population surveys have been conducted by NPWS and Mr Stuart Cairns from G.E & S.C. Cairns Consulting Pty. Ltd.⁶⁸
- 2.8** According to the government, results from the 2020 and 2022 surveys conducted by Mr Stuart Cairns have been peer-reviewed by the Commonwealth Scientific and Industrial Research Organisation and the Queensland Department of Agriculture and Fisheries.⁶⁹
- 2.9** In the 2023 survey, a total of 1,948 km of transect was surveyed using a helicopter. Two observers recorded sightings of clusters of horses at specified distances along a 150 m wide survey strip on either side of the aircraft. These recorded numbers were then input into a statistical model to determine the overall density and number of horses in the park.⁷⁰
- 2.10** Towards the end of this inquiry, the Minister for Environment, the Honourable Penny Sharpe MLC, announced that, in an effort to 'improve the count', the 2024 survey will incorporate mark-recapture methodology, alongside distance sampling, to count the number of brumbies in Kosciuszko National Park.⁷¹ The government is also considering the use of thermal cameras to support the count.⁷²

Evidence regarding the National Parks and Wildlife Services count

- 2.11** This inquiry received both criticism and support of the NPWS count and the population estimate it produced. This section discusses five of the main issues raised in evidence: the use of distance sampling, the risk of double counting, concerns regarding population growth estimates, the confidence interval, and the lack of independent academic review.

⁶⁵ Submission 136, Dr Don Fletcher, p 5.

⁶⁶ Evidence, Professor Richard Kingsford, Professor of Environmental Science, Director of Centre for Ecosystem Science, School of Biological, Earth and Environmental Sciences, University of New South Wales, 18 December 2023, p 70.

⁶⁷ Dr Michelle Dawson, *2009 Aerial survey of feral horses in the Australian Alps* (August 2009), <https://theaustralionalpsnationalparks.org/wp-content/uploads/2013/12/2009feralhorsealpssurvey.pdf> p 12.

⁶⁸ Submission 136, Dr Don Fletcher, Appendix 2, pp 33-34.

⁶⁹ Submission 110, NSW Government, p 6.

⁷⁰ Anonymous, *A Survey of the Wild Horse Population in Kosciuszko National Park, October 2023* (November 2023), Abstract.

⁷¹ Evidence, Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage, 31 July 2024, pp 14 and 26. See also Evidence, Mr Fleming, 31 July 2024, p 31.

⁷² Evidence, Minister Sharpe, 31 July 2024, pp 14 and 26.

Criticisms of distance sampling

- 2.12** Mrs Claire Galea, Independent Biostatistician and other participants raised significant concerns regarding both the survey methodology and statistical modelling approach used by NPWS and Stuart Cairns.
- 2.13** Concerning survey methodology, Mrs Galea had a number of criticisms regarding the cluster size, cluster observation, bias in sample locations, lack of precision and use of line transects.⁷³
- 2.14** In respect to cluster size, for example, Mrs Galea expressed the view that 'when conducting surveys, it is essential to determine the minimum number of sightings that are needed in order to make a reliable population estimate'.⁷⁴ She expressed concern that while research suggests 60 to 80 clusters of horses must be sighted for 'reliable modelling', the 2019 survey showed a lot of instances of much smaller clusters being sighted and used, causing concerns about the validity of the numbers estimated.⁷⁵ Mrs Galea referred to Mr Cairns' work to illustrate her point (note, the table below was presented in Mrs Galea's submission but reproduced from Mr Cairns). However, according to Dr Fletcher, for 'all three surveys the total number of clusters was well beyond the minimum of 60 required, i.e. 301, 458 and 491, respectively. The number of clusters was fewer than 60 only in some sub-component areas. Surveys across the range of horses within KNP (or of any species anywhere) inevitably must (and should) include areas where the population is advancing into new areas, or for other reasons is at low density. In these sub-components of the survey area it is inevitable that fewer clusters will be recorded than elsewhere'.⁷⁶

Figure 1 Cairns data reproduced in Mrs Galea's submission

- The table below is taken from Cairns (2019) where circled in red the number of clusters of wild horses is well below the 60-80 as recommended.

Table 3. The numbers of clusters of horses and the total numbers of individual horses observed within these clusters in the 2014 and 2019 surveys of the strata within of the three feral horse survey blocks. Given in association with these values are the areas of the respective survey strata actually surveyed (therefore excluding Steep terrain and freehold land).

Survey block	Area (km ²)	2014		2019	
		No. of clusters	No. of horses	No. of clusters	No. of horses
<u>North Kosciuszko</u>	1,366				
Open habitat	618	84	305	226	1,125
Medium terrain habitat	748	20	64	43	173
<u>Bago-Maragle</u>	847	38	97	29	76
<u>Byadbo-Victoria</u>	3,237				
Medium terrain habitat	3,098	149	366	152	362
Snowy River Valley	139	10	15	5	12

Source: Submission 62, Mrs Claire Galea, p 4.

⁷³ Submission 62, Mrs Claire Galea, p 3.

⁷⁴ Submission 62, Mrs Claire Galea, p 4.

⁷⁵ Submission 62, Mrs Claire Galea, p 4.

⁷⁶ Submission 136, Dr Don Fletcher, Appendix 3, p 7.

2.15 Mrs Galea criticised Mr Cairns' decision to combine the results from the 2014 and 2019 surveys 'to ensure an adequate number of replicate observations for modelling the detection function'.⁷⁷ She expressed the view that it was not 'statistically appropriate to merge different surveys over time when insufficient numbers are seen for population estimation'⁷⁸ and concluded that 'given that insufficient clusters of wild horses were seen as per the requirements stated by S. C. Cairns no reliable population estimates can be determined'.⁷⁹ However, Dr Fletcher notes 'Galea (2023) raises theoretical concerns with the practice of combining surveys, and concludes 'no reliable population estimates can be determined'. Galea (2023) does not indicate what alternative action Cairns (2019) could or should have taken, but the obvious alternative would be a foolish one, to reduce the survey effort where horses were abundant in order to spend more survey effort counting such places as Bago–Maragle where they were uncommon, until more than 60 clusters were seen in each and every sub-population. Instead, by combining results from both surveys, Cairns (2019) has prudently responded to the reality that some survey blocks have few animals'.⁸⁰

2.16 Mrs Galea also criticised the assumption underlying Mr Cairns' modelling that 'animals are randomly and evenly distributed throughout the survey area'.⁸¹ She noted that 'wild horses move in herds and are not randomly distributed across the survey area'⁸² and was critical of the assumption that you had the 'same probability of seeing a horse under the trees as you do in open terrain'.⁸³

The risk of double counting

2.17 Another concern with the survey methodology used by NPWS and Stuart Cairns was that it creates the risk of horses being double counted.

2.18 Mrs Galea expressed the view that 'the zones are not closed areas and therefore movement is possible'⁸⁴ and 'without specific photographic/video evidence of wild horses the possibility of double counting cannot be eliminated'.⁸⁵ She concluded that 'the statistical concerns surrounding the methodology of obtaining the raw counts is questionable and without photographic evidence of all horses at the same point in time a true count cannot be determined'.⁸⁶

2.19 Ms Joanne Canning agreed that 'all surveys conducted with helicopter would involve double counting because, for the most part, horses will most certainly run from one transect to another'.⁸⁷ However, Dr Fletcher argues that 'observers were not counting the same area more

⁷⁷ Submission 62, Mrs Claire Galea, p 5.

⁷⁸ Submission 62, Mrs Claire Galea, p 5.

⁷⁹ Submission 62, Mrs Claire Galea, p 5.

⁸⁰ Submission 136, Dr Don Fletcher, Appendix 3, p 8.

⁸¹ Submission 62, Mrs Claire Galea, p 12.

⁸² Submission 62, Mrs Claire Galea, p 12.

⁸³ Evidence, Mrs Claire Galea, Independent Biostatistician, 18 December 2023, p 35.

⁸⁴ Submission 62, Mrs Claire Galea, p 12.

⁸⁵ Submission 62, Mrs Claire Galea, p 12.

⁸⁶ Submission 62, Mrs Claire Galea, p 12.

⁸⁷ Submission 77, Joanne Canning, p 8. See also Submission 71, Australian Brumby Alliance, p 2.

than once so there is no question of so called 'double counting' due to local movement of horses'.⁸⁸

- 2.20** Animal Care Australia added that brumbies in Australia have been monitored travelling an average of 15.9 km per day, and up to 55 km per day.⁸⁹

Concerns regarding population growth estimates

- 2.21** Dr Fletcher emphasised that distance sampling is not intended to make an exact count of the number of horses. He pointed out that 'animals whose home ranges straddle the boundary of the counted area contribute to the inherent variability between successive wildlife counts by being inside the counted area in some years and outside it in others'.⁹⁰
- 2.22** Ms Canning commented on the 2019 survey, one of the regular population surveys conducted by NPWS, noting an estimated brumby population growth rate of 37 per cent, which would actually be closer to 41 per cent if horse removals were accounted for.⁹¹ Ms Canning said this was approximately double the accepted scientific maximum growth rate of wild horse populations.⁹² She cited the 2008 Kosciuszko National Park Horse Management Plan, which stated that 'the horse population can increase by up to 20% per year when conditions are good, but the population growth rate in Kosciuszko is expected to be closer to 8%'.⁹³ Ms Canning said there was 'no feasible explanation' for the high growth rate being used.⁹⁴
- 2.23** Mrs Galea shared these concerns, noting a review conducted by the University of St Andrews of the 2019 survey observed the 'high rate of growth reported for the North Kosciuszko block'⁹⁵ because it 'appears to exceed published maximum growth rates for the species'.⁹⁶ Mrs Galea noted that for these population growth rates to be correct, mares would need to be having seven foals per year.⁹⁷ This would be an impossible population growth rate, noting evidence given by Sentient that the gestation period for a brumby is 11 months.⁹⁸
- 2.24** Mrs Leisa Caldwell, former member and representative of the Snowy Mountains community, Kosciuszko National Park Wild Horse Community Advisory Panel, raised a similar concern,

⁸⁸ Submission 136, Dr Don Fletcher, Appendix 3, p 17.

⁸⁹ Submission 125, Animal Care Australia, p 4.

⁹⁰ Tabled document, Dr Don Fletcher, *Comment on 'Independent biostatistical report on the Brumby population in the Kosciuszko National Park'*, 4 October 2023, p 21.

⁹¹ Submission 77, Joanne Canning, p 6.

⁹² Submission 77, Joanne Canning, p 6.

⁹³ Submission 77, Joanne Canning, p 5.

⁹⁴ Submission 77, Joanne Canning, p 6.

⁹⁵ Submission 62, Mrs Galea, p 15.

⁹⁶ Submission 62, Mrs Galea, p 15.

⁹⁷ Evidence, Mrs Galea, 18 December 2023, p 36.

⁹⁸ Answers to questions on notice, Dr Catherine Tiplady, Committee Member, Sentient, the Veterinary Institute, 10 January 2024, p 1.

saying the reported increase percentages in the 2019 study 'exceeded what is biologically possible for the species'.⁹⁹

- 2.25** On the other hand, Mr Atticus Fleming, Deputy Secretary, NSW National Parks and Wildlife Service said that researchers from the University of St Andrews, Scotland reviewed the 2019 study and commented 'there is no reason to doubt the reported abundance estimates and the derived finite rates of population growth'.¹⁰⁰
- 2.26** Witnesses raised concerns with regular population surveys conducted by NPWS, which recorded an estimated brumby population growth rate of 37 per cent, which witnesses stated was approximately double the accepted scientific maximum growth rate of wild horse populations. Dr Fletcher addresses these concerns in his submission, noting both that 'wild horse population growth rates up to 39% have been observed by researchers' and 'there is no way to determine how much of the large increases in estimated population size are due to breeding, how much to immigration, and how much to counting error'.¹⁰¹
- 2.27** Furthermore, Dr Fletcher notes that 'it is the nature of exponential population growth to seem slow for a long time while the population is relatively small, then to seem to increase rapidly when the population is larger'.¹⁰² In addressing the rapid and exponential increase of feral horse populations at Kosciuszko National Park, the Centre for Ecosystem Science stated that 'populations of feral horses also rapidly grow, because they can breed from 3 years of age (or 2 years at low densities with high food availability) and continue to breed until 15-18 years. They have a maximum finite rate of increase of between 1.21 and 1.36. They have a high annual fecundity ranging from 0.21 to 0.31 young per adult female, with high juvenile survival from 0.83 to 0.90 per annum and annual adult survival averaged 0.91 per annum'.¹⁰³

The confidence interval

- 2.28** The 2022 count of wild horses in Kosciuszko National Park found there was a 95 per cent confidence interval of 14,501 to 23,535 horses.¹⁰⁴ Mrs Galea said that the confidence interval for the 2022 count was 'wide', saying this 'suggests that the sample from the survey does not provide a precise representation of the population mean'.¹⁰⁵ She concluded that 'given the lack

⁹⁹ Answers to questions on notice, Mrs Leisa Caldwell, Former member and representative of the Snowy Mountains community, Kosciuszko National Park Wild Horse Community Advisory Panel, 12 March 2024, p 3.

¹⁰⁰ Evidence, Mr Fleming, 27 March 2024, p 31. See also Answers to questions on notice, Professor Richard Kingsford, Professor of Environmental Science, Director of Centre for Ecosystem Science, School of Biological, Earth and Environmental Sciences, University of New South Wales, 31 January 2024, pp 1-2.

¹⁰¹ Submission 136, Dr Don Fletcher, Appendix 3, p 17.

¹⁰² Submission 136, Dr Don Fletcher, p 14.

¹⁰³ Submission 117, Centre for Ecosystem Science UNSW Sydney, p 5.

¹⁰⁴ Submission 110, NSW Government, Attachment 1, New South Wales Government Submission to Parliament of Australia Inquiry: Impacts and Management of Feral Horses in the Australian Alps, p 3.

¹⁰⁵ Submission 62, Mrs Claire Galea, p 14.

of precision obtained from the surveys and the extremely wide confidence intervals the population estimates are unreliable'.¹⁰⁶

- 2.29** The Animal Defenders Office also expressed concern at the wideness of the confidence interval from the 2022 count.¹⁰⁷
- 2.30** The Centre for Ecosystem Science UNSW Sydney said that 'all surveys, including aerial surveys, inevitably require sampling of the area to be surveyed and are thus affected by sampling error'.¹⁰⁸ They explained that 'this produces an estimate of brumbies with confidence intervals'.¹⁰⁹
- 2.31** Dr Fletcher added that 'with all counting methods, it is fundamental to quantify the precision by estimating a confidence interval around the index or measurement' saying that 'without that, there is no way to evaluate reliability'.¹¹⁰
- 2.32** Dr Fletcher further notes that a comparison of line transect distance sampling estimates on 33 known populations 'produced reasonably accurate estimates of abundance with a slight tendency for underestimation'.¹¹¹ Dr Fletcher also emphasised that the distance sampling is not intended to make an exact count of the number of horses.¹¹²

Independent academic review

- 2.33** As mentioned above, the annual brumby counts conducted by NPWS are peer-reviewed by the Commonwealth Scientific and Industrial Research Organisation and the Queensland Department of Agriculture and Fisheries.¹¹³ The reports from the counts are also published on the NPWS website.¹¹⁴
- 2.34** However, Mrs Galea asserted that these counts should be further independently reviewed:
- This work, contrary to what Stuart Cairns or national parks will say, has never been independently, academically peer reviewed ... There has never been any imagery provided to verify any of the counting. They have the raw numbers, but they don't publish them.¹¹⁵
- 2.35** Professor Richard Kingsford, Professor of Environmental Science, Director of Centre for Ecosystem Science, School of Biological, Earth and Environmental Sciences, University of New South Wales also commented 'I do think there's an opportunity with the work that is being done

¹⁰⁶ Submission 62, Mrs Claire Galea, pp 14-15.

¹⁰⁷ Submission 163, Animal Defenders Office, p 3.

¹⁰⁸ Submission 117, Centre for Ecosystem Science UNSW Sydney, p 4.

¹⁰⁹ Submission 117, Centre for Ecosystem Science UNSW Sydney, p 4.

¹¹⁰ Correspondence from Dr Don Fletcher, Retired Ecologist, to Committee, 16 April 2024, p 2.

¹¹¹ Answers to questions on notice, Dr Don Fletcher, Retired Ecologist, 10 April 2024, p 1.

¹¹² Tabled document, *Comment on 'Independent biostatistical report on the Brumby population in the Kosciuszko National Park'*, p 17.

¹¹³ Submission 110, NSW Government, p 6.

¹¹⁴ See, for example, Anonymous, *A Survey of the Wild Horse Population in Kosciuszko National Park, October 2023* (November 2023) and Anonymous, *A Survey of the Wild Horse Population in Kosciuszko National Park, November 2022* (December 2022).

¹¹⁵ Evidence, Mrs Galea, 18 December 2023, p 34.

for that to be submitted for peer review'.¹¹⁶ However, he considered that it may not have occurred yet because the surveys are 'fairly rapid' and the peer review process 'takes time'.¹¹⁷ Nonetheless, he was satisfied that 'national parks have consulted experts in terms of methodology ... [and] they have assessed it as being rigorous'.¹¹⁸

- 2.36** Mrs Galea also mentioned that the 2014 and 2019 surveys were reviewed by researchers from the University of St Andrews, who developed the software used by Mr Cairns for population modelling. Mrs Galea said that the reviewers from the University of St Andrews 'really, really ripped into it',¹¹⁹ including raising concerns about 'implausible' population growth rates, making inferences on areas not surveyed and concluding that 'estimation of population trends over time is difficult based on this methodology'.¹²⁰
- 2.37** By contrast, Professor Kingsford said the University of St Andrews reviewers 'had compiled a range of questions of clarification on choices made in the modelling or phrasing. However [they] had no major criticisms of the modelling approach or the comparability between surveys'.¹²¹
- 2.38** In their review of the 2019 survey, the reviewers from the University of St Andrews commented 'we have no concerns about design or field methods'¹²² and 'there is no reason to doubt the reported abundance estimates and the derived finite rates of population growth'.¹²³

Methods for an alternate count

- 2.39** Given the concerns of some inquiry participants, alternative count methods were proposed, including counts using imagery, mark-recapture and mark-resight methods, and on-ground community counts.

Counts using imagery

- 2.40** Some inquiry participants suggested that a more accurate count of the brumby population could be achieved by using imagery. Mrs Galea outlined the following options:

There are three different main ways. There are currently drones looking over the Great Barrier Reef that have a flight path time of 12 hours, which would not intervene with any animal horse path at all, whatsoever. Those drones are producing incredible results. There's RGB imagery. That's like taking the images together, and it forms a colour image like a recipe as the RGB images come together to present a full colour picture of the

¹¹⁶ Evidence, Professor Kingsford, 18 December 2023, p 71.

¹¹⁷ Evidence, Professor Kingsford, 18 December 2023, p 71.

¹¹⁸ Evidence, Professor Kingsford, 18 December 2023, p 71.

¹¹⁹ Evidence, Mrs Galea, 18 December 2023, p 41.

¹²⁰ Submission 62, Mrs Claire Galea, p 15.

¹²¹ Answers to questions on notice, Professor Kingsford, 31 January 2024, p 1.

¹²² Answers to questions on notice, Mrs Claire Galea, Independent Biostatistician, 30 January 2024, p 30.

¹²³ Answers to questions on notice, Mrs Galea, 30 January 2024, p 31.

horse. And there's thermal imagery, which is obviously also being used by Parks Victoria and is incredibly useful.¹²⁴

2.41 Stakeholders who supported the use of drones to count brumbies included Mrs Galea, Mrs Caldwell, and Mr Timothy Johnson, former Chair, Kosciuszko National Park Wild Horse Community Advisory Panel.¹²⁵

2.42 Mr Johnson, for example, called for the use of drones based on cost-effectiveness relative to using helicopters. He also noted that drones can be used more quickly thereby enabling data to be assessed more quickly:

When you look at other methodologies that were adopted, the Chief Scientist for New South Wales, Professor Hugh Durrant-Whyte, had recommended using drones and the cost of those drone overflights was about one-tenth of the cost that National Parks and Wildlife Service was currently incurring for their helicopter-based flights. Therefore, it was a very effective methodology for either checking or doing more regular counts in order to support that. He'd also advised both panels that they could be done in real time in order that the data could be assessed far more quickly.¹²⁶

2.43 Mr Fleming noted that new technological developments are exciting and NPWS is open to improving the uptake of drone use:

While there are issues, it's really exciting to look at people trying to use new technology. We are doing the same thing with drones, aerial imagery and a whole lot of things. We will certainly be happy to work with anyone to improve the uptake of that technology.¹²⁷

2.44 Others said that while the use of drones is promising, it is not (yet) an appropriate method to count horses in Kosciuszko National Park. Dr Fletcher explained that drones have 'proved successful' in estimating the abundance of animals that inhabit open habitats or treetops, such as jellyfish, penguins, orangutans and koalas.¹²⁸ He cautioned that the technology is not yet advanced to cover larger areas or to count animals that are present under tree canopies, like wild horses.¹²⁹

2.45 Mrs Galea said that thermal imagery should be used to count horses in Kosciuszko National Park, noting it is used to count wild horses in other parts in the world, including in Victoria. She said it was 'incredibly useful' as the thermal imaging is able to more accurately count horses that may be hidden by trees.¹³⁰

¹²⁴ Evidence, Mrs Galea, 18 December 2023, p 38.

¹²⁵ Evidence, Mrs Galea, 18 December 2023, p 38; Evidence, Mr Timothy Johnson, Former Chair, Kosciuszko National Park Wild Horse Community Advisory Panel, 5 February 2024, p 40; Answers to questions on notice, Mrs Caldwell, 12 March 2024, p 4.

¹²⁶ Evidence, Mr Johnson, 5 February 2024, p 40.

¹²⁷ Evidence, Mr Fleming, 27 March, p 31.

¹²⁸ Submission 136, Dr Don Fletcher, p 10.

¹²⁹ Submission 136, Dr Don Fletcher, p 10.

¹³⁰ Evidence, Mrs Galea, 18 December 2023, pp 36 and 38.

- 2.46** Mr Andy Chambers, Managing Director, AirborneLogic, noted that, with large mammals like horses, 'you have a greater capacity, potentially, to pick up that thermal mass as distinct from a koala'.¹³¹
- 2.47** Minister Sharpe said that while thermal imagery and drones were being used to help identify *locations* of other animals, such as koalas and greater gliders, it was not yet being used to undertake *counts* or population-based surveys at present.¹³² Minister Sharpe said NPWS is considering using thermal cameras to support the analysis in the 2024 count of brumbies in Kosciuszko National Park.¹³³

The AirborneLogic count

- 2.48** AirborneLogic, a private company contracted by the community, has undertaken a recent count of brumbies. The count involved remote sensing, whereby a fixed wing aircraft with high-definition aerial photography capability flew transects over an area of Kosciuszko National Park. AirborneLogic then used machine learning to analyse the images and count the number of horses captured in the photos. Staff and volunteers additionally undertook visual identification of the images.¹³⁴
- 2.49** The count was conducted on 25 February 2024.¹³⁵ It captured images for an area of 210 square kilometres.¹³⁶ A total of 569 horses were identified from those images.¹³⁷
- 2.50** Mr Chambers clarified that this survey was a measure of relative abundance rather than one of absolute abundance (that is, it was not intended to count the total number of horses in the park).¹³⁸ He said that it was primarily 'an opportunity to demonstrate that there are techniques available that are consistent with remote sensing that have the ability to undertake this type of work'.¹³⁹
- 2.51** Dr Fletcher, when asked about this count, said the delivery had been 'outstanding', the imagery 'excellent' and the online application 'remarkable'.¹⁴⁰ He said he thought that the future for counting wildlife will involve aerial photography and thermal imagery.¹⁴¹ However, when asked about how it compared to the government count, he emphasised that AirborneLogic's method was a count of horses 'visible in the open at that particular moment in time' rather than a measure of abundance.¹⁴²

¹³¹ Evidence, Mr Andy Chambers, Managing Director, AirborneLogic, 27 March 2024, p 12.

¹³² Evidence, Minister Sharpe, 18 December 2023, p 12.

¹³³ Evidence, Minister Sharpe, 31 July 2024, pp 14 and 26.

¹³⁴ Evidence, Mr Chambers, 27 March 2024, p 8.

¹³⁵ AirborneLogic, *Remote Sensing Horses: Using aerial photography and machine learning for automated counting of horses in an open plain segment of Kosciuszko National Park, NSW* (30 April 2024), p 17.

¹³⁶ Evidence, Mr Chambers, 27 March 2024, p 8.

¹³⁷ AirborneLogic, *Remote Sensing Horses: Using aerial photography and machine learning for automated counting of horses in an open plain segment of Kosciuszko National Park, NSW* (30 April 2024), p 17.

¹³⁸ Evidence, Mr Chambers, 27 March 2024, p 11.

¹³⁹ Evidence, Mr Chambers, 27 March 2024, p 11.

¹⁴⁰ Evidence, Dr Don Fletcher, Retired Ecologist, 27 March 2024, p 15.

¹⁴¹ Evidence, Dr Fletcher, 27 March 2024, p 16.

¹⁴² Evidence, Dr Fletcher, 27 March 2024, p 16.

Mark-recapture and mark-resight methods

- 2.52** Mrs Galea favoured the use of the mark-resight methods (sometimes referred to as mark recapture) to count the number of brumbies in Kosciuszko National Park.¹⁴³
- 2.53** These methods involve observers flying in a helicopter and photographing or videoing ('marking') individual horses. The flight is then repeated to count how many previous marked horses are seen again ('recaptured' or 'resighted'). Statistical estimators are then applied to derive a population estimate from these figures.¹⁴⁴
- 2.54** Dr Fletcher notes that:
- With HMR (helicopter mark-recapture) it is necessary to video and carefully describe the horses, not necessarily an easy task. Dawson and Miller (2007) regarded the method as having potential only for small, isolated populations. The recognition of individual animals from images is rapidly becoming less difficult due to machine learning programs and ever faster computers however it is not yet advanced enough or widely available enough to solve this problem for thousands of horses.¹⁴⁵
- 2.55** The mark-resight method has been used to estimate the population of brumbies in part of the Alpine National Park, Victoria.¹⁴⁶ Mrs Galea said she wanted to 'replicate basically what they are doing in Victoria' in Kosciuszko National Park.¹⁴⁷
- 2.56** Mrs Galea described what this would involve:
- This method involves flying each map twice on two consecutive days or one day apart where Day 1 is the "sight" opportunity and day two is the "re-sight" opportunity. Once the wild horse(s) have been sighted the helicopter will fly slowly in a high circle around the wild horse(s) to ensure photographs and video footage can be taken with a minimum of 5-35 photos per group of wild horses or individual horse prior to the horses dispersing (the circling pattern must be done in a way as to prevent the dispersing of the horses) to ensure distinct markings are evident in the photos to uniquely identify all individual horses. A count is also made of the horses while the helicopter is hovering. Information to be recorded will include a unique identifier (a unique number given to each group to identify it from others) the number of wild horses, time and location from GPS, along with the number of photographs and the photograph numbers as well taken at that location.¹⁴⁸
- 2.57** Dr Fletcher gave evidence that the author of the above study, which Mrs Galea seeks to replicate, has noted that 'this method is only suited to the very small populations, not to the

¹⁴³ Evidence, Mrs Galea, 18 December 2024, p 35.

¹⁴⁴ Evidence, Professor Kingsford, 18 December 2023, p 73; Evidence, Mrs Galea, 18 December 2023, pp 36-37; Correspondence from Dr Fletcher to Committee, 16 April 2024, p 3.

¹⁴⁵ Submission 136, Dr Don Fletcher, p 9.

¹⁴⁶ Evidence, Mrs Galea, 18 December 2023, p 35. See Michelle Dawson and Cameron Miller, 'Aerial Mark-Recapture Estimates of Wild Horses using Natural Markings' (2008) 35 *Wildlife Research* 365.

¹⁴⁷ Evidence, Mrs Galea, 18 December 2023, p 35.

¹⁴⁸ Submission 62, Mrs Claire Galea, p 22.

whole Kosciuszko-type thing. They identified a number of deficiencies of what they had done that would need to be addressed to make it a useful method in the future'.¹⁴⁹

2.58 Dr Fletcher explained that as this method requires each horse to be recognised individually, it is 'limited to small populations'.¹⁵⁰ He noted that 'the recognition of individual animals from images is rapidly becoming less difficult due to machine learning programs and ever faster computers'.¹⁵¹ However, he still believed that mark-resight 'is not yet advanced enough or widely available enough to solve this problem for thousands of horses'.¹⁵²

2.59 In July 2024, Minister Sharpe advised that NPWS will use the mark-recapture sampling method as part of the October 2024 count of brumbies in Kosciuszko National Park, alongside distance sampling.¹⁵³ Mr Fleming advised how this would work:

We're aiming to be conservative this year and ensure that there are well over 3,000 left in retention areas, then, as the Minister also said, move to a population survey at the end of this year that is focused on not just the population across the park as a whole but also specific population estimates for each retention area, utilising the distance sampling method that we've used in the past plus the mark-recapture distance sampling method.¹⁵⁴

Community counts

2.60 There have been various attempts by members of the local community to conduct counts of the brumby population over time. One such count, held in June 2023, was described by Mr Gary Cotchin:

It was on that weekend in June this year [2023] that our large group broke up into 12 or so smaller groups, and following strict instruction while using cameras and telescopes, we proceeded into much of the Northern block area on foot, on horseback, and in cars. And after a thorough and methodical count process across the entire weekend, collectively we found just 653 Brumbies in that massive KNP Northern block area.¹⁵⁵

2.61 Ms Helen Milliken gave a similar account of being involved in this count. She questioned the discrepancy between the number recorded from this and the figures stated by NPWS.¹⁵⁶

2.62 The National Parks Association ACT Inc stated these on-ground counts 'lack the scientific rigour of [Helicopter Line Transect Distance Sampling] HLTDS surveys and cover only small areas rather than many kilometres'.¹⁵⁷

¹⁴⁹ Evidence, Dr Fletcher, 27 March 2024, p 19.

¹⁵⁰ Correspondence from Dr Fletcher to Committee, 16 April 2024, p 3.

¹⁵¹ Submission 136, Dr Don Fletcher, p 9.

¹⁵² Submission 136, Dr Don Fletcher, p 9.

¹⁵³ Evidence, Minister Sharpe, 31 July 2024, pp 14 and 26.

¹⁵⁴ Evidence, Mr Fleming, 31 July 2024, pp 30-31.

¹⁵⁵ Submission 69, Mr Gary Cotchin, p 1.

¹⁵⁶ Submission 162, Ms Helen Milliken, p 2.

¹⁵⁷ Submission 91, National Parks Association ACT Inc, p 4.

- 2.63** Concerns were raised by other participants about proposed population estimate methodologies that did not follow scientific best practice. Dr Fletcher, for example, warned the committee that 'estimating abundance is one of the most challenging elements of field ecology, however there is a great deal of expertise available in how to do it right, and many accepted methods. However, none of the five alternative horse counts used any standard accepted method'.¹⁵⁸

Committee comment

- 2.64** The number of brumbies in Kosciuszko National Park is a highly contested issue. The New South Wales Government states that there are currently between 12,934 and 22,536 brumbies. This is based on the annual count conducted by NPWS in October 2023.
- 2.65** Some stakeholders were critical of the methods used by NPWS in conducting the count. However, others argued that the count is robust and reliable, using scientifically sound methods. In particular, distance sampling was identified as the current global best practice method for undertaking counts of large mammals over wide areas.
- 2.66** The committee resolved that it accepts the validity and accuracy of the NPWS brumby count. However, noting criticisms from some parts of the community, updates to the count method should be considered as horse numbers reduce and technology improves.

Finding 2

The count methodology used by the New South Wales Government to count horses in Kosciuszko National Park uses current global best practice methods. As horse numbers reduce and technology improves, updates to the count method should be considered in light of differing views in the community on this matter.

- 2.67** Horse control is an emotive topic, and some people in the community genuinely and passionately feel that it is wrong under any circumstances. However, this is not the unanimous view.
- 2.68** Designing and implementing effective management plans requires an understanding of the number of brumbies in the park. The New South Wales Government should therefore continue to undertake an annual count of the horses in Kosciuszko National Park, using best practice methodology.
- 2.69** Some inquiry participants recommended the use of other, more accurate methodologies to count the number of brumbies in Kosciuszko National Park. These include counts using imagery and mark-recapture and mark-resight methods.
- 2.70** The committee recommends that NPWS should consider what new technology or techniques can be used to improve the current method. In this vein, the committee welcomes the New South Wales Government's decision to include the use of mark-recapture alongside distance sampling in the October 2024 count.

¹⁵⁸ Tabled document, Dr Don Fletcher, *Differences between Recent Horse Survey Results*, 27 March 2024, p 1.

- 2.71** The committee also recommends that the results and data of the annual brumby counts should be released publicly.

Recommendation 1

That the New South Wales Government should continue to undertake an annual count of the horses in Kosciuszko National Park, using best practice methodology, and release all results and data publicly. The National Parks and Wildlife Service should consider what new technology or techniques can be used to improve the current method and implement that.

Chapter 3 The method of aerial shooting

This inquiry heard a range of concerns about the way in which aerial shooting of brumbies is being conducted in Kosciuszko National Park. This chapter starts by outlining the development of the Standard Operating Procedure, including the process of RSPCA NSW input. It then discusses the major criticisms of aerial shooting operations, centred around four key issues: animal welfare concerns (including time to and cause of death, impacts of pursuit, impacts on foals, and camera monitoring); the firearm and ammunition used; human safety concerns; and carcass management.

The development of the Standard Operating Procedure

- 3.1** As discussed in chapter 1, in December 2023, following the trial shooting, the NSW National Parks and Wildlife Service (NPWS) finalised a new Standard Operating Procedure (SOP) for the aerial shooting of wild horses.¹⁵⁹ RSPCA NSW provided input into the development of this SOP.¹⁶⁰
- 3.2** Both the New South Wales Government and RSPCA NSW provided this inquiry with an earlier draft version of the SOP showing comments from RSPCA NSW reviewers.¹⁶¹ These comments provided feedback on a range of aspects of the SOP, including:
- the use of certain terminology relating to animal welfare
 - the need for further clarity around when shooting can be undertaken in areas of dense vegetation
 - guidance around acceptable chase times
 - strategies to reduce the risk of orphaning foals
 - the need for stricter guidance around the use of brain or heart-lung shots.¹⁶²
- 3.3** In relation to the issue of foals, the draft SOP provided 'dependent foals should be shot first'.¹⁶³ The RSPCA NSW reviewer commented, 'are there any other strategies to reduce the risk of orphaning/starvation of young at foot? Such as the timing, during the year, of using this strategy?'¹⁶⁴ The final SOP was amended to include two provisions:
- 'To the extent reasonably possible consistent with other provisions of this SOP, dependent foals should be shot first.'

¹⁵⁹ Tabled document, NSW National Parks and Wildlife Service, *NPWS H009 Aerial shooting: Wild horse control standard operating procedure*, 9 December 2023, p ii.

¹⁶⁰ Evidence, Mr Atticus Fleming, Deputy Secretary, NSW National Parks and Wildlife Service, 18 December 2023, p 3.

¹⁶¹ Answers to questions on notice, Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage, 12 March 2024, pp 13-21; Answers to questions on notice, Mr Steven Coleman, Chief Executive Officer, RSPCA NSW, 13 March 2024, pp 5-21.

¹⁶² Answers to questions on notice, Minister Sharpe, 12 March 2024, pp 13-21.

¹⁶³ Answers to questions on notice, Minister Sharpe, 12 March 2024, p 20.

¹⁶⁴ Answers to questions on notice, Minister Sharpe, 12 March 2024, p 20.

- 'Team members should be aware of the possibility of isolated foals (whether due to material abandonment, disturbance or other factors) and keep a look out for any such foals. Any isolated foals should be shot.'¹⁶⁵

3.4 Mr Atticus Fleming, Deputy Secretary, NSW National Parks and Wildlife Service explained how changes were made to SOP following RSPCA NSW feedback on foals:

I understood the RSPCA comment to cover two things: the timing and what other measures should be in place. So we added other measures in place. In terms of the timing, our judgement is that there are potentially foals at any time of the year. There are some parts of the year where there are more likely to be more foals ... We didn't include in the SOP a prohibition on operations at any particular point of the year. The fact that there are going to be foals potentially present all year round means that whenever you are conducting this operation you need measures in there to protect foals, and that's what we've done.¹⁶⁶

Animal welfare issues

3.5 Inquiry participants shared a range of perspectives on ethical and animal welfare issues associated with aerial shooting, which are explored below.

Concerns with inaction on population control of brumbies

3.6 The New South Wales Government and other stakeholders identified the threats of horse over population to vegetation, soil disturbance and threatened species through trampling, over grazing, fouling of water holes and collapse of wildlife burrows.¹⁶⁷ Witnesses also observed damage to natural and Indigenous cultural values of, and economic risks to, the region.

3.7 The Australian Veterinary Association, citing with approval the NSW Threatened Species Scientific Committee's body of work on environmental impacts of horse populations, supported its determination 'of the feral horse as a threatening process'.¹⁶⁸

3.8 Noting the ecological risks posed by over-population of wild horses, Dr Don Fletcher stated that 'from a biodiversity perspective, all Australian governments will agree that saving non-sentient species of organisms from extinction can ethically justify the lethal control of other species'.¹⁶⁹

3.9 Witnesses cited modelling showing an exponential increase in the number of horses required to be removed each year, to meet legislated targets, if controls do not result in population outflows exceeding population inflows. The Invasive Species Council concluded 'delaying action will

¹⁶⁵ Tabled document, *NPWS H009 Aerial shooting: Wild horse control standard operating procedure*, p 6.

¹⁶⁶ Evidence, Mr Fleming, 27 March 2024, p 32.

¹⁶⁷ Submission 110, NSW Government, Attachment 1, New South Wales Government Submission to Parliament of Australia Inquiry: Impacts and Management of Feral Horses in the Australian Alps, p 3; Submission 117, Centre for Ecosystem Science, UNSW, pp 6-10.

¹⁶⁸ Submission 121, Australian Veterinary Association, p 3.

¹⁶⁹ Submission 136, Dr Don Fletcher, p 25.

increase the cost, damage and number of horses killed. For example, a 3-year delay in reaching 3,000 will mean an extra 6-7,000 horses have to be removed' without effective control programs in place.¹⁷⁰

- 3.10** Further, Dr Fletcher also noted that if a rate of removal was only sufficient to reduce the horse population gradually 'many more animals will be killed than if the removal rate is high enough to cause rapid population decline. So this is a case where it is clearly much kinder to take strong action'.¹⁷¹
- 3.11** Dr Fletcher noted moral and legal obligations under the Kosciuszko Wild Horse Heritage Act 2018 to enact a horse management plan and enable population control measures. A further requirement for horse population management has been established by the listing of 'habitat degradation and loss by feral horses' as a Key Threatening Process in Schedule 4 of the Biodiversity Conservation Act 2016. The New South Wales Government is required under the Act to ameliorate the biodiversity threat.¹⁷²
- 3.12** Furthermore, Dr Fletcher noted that 'feral horses, feral pigs, deer species, feral goats and feral donkeys may be shot from helicopters everywhere in all jurisdictions, except feral horses may not be shot from helicopters in national parks of NSW, by ministerial direction. Yet there is no suggestion that wild horses in national parks differ in their capacity for suffering from wild horses outside national parks... In NSW, the same shooter and aircraft may shoot horses outside the park but only pigs, deer, etc inside. The inconsistency in the current NSW situation is indefensible on animal welfare grounds, and ecologically'.¹⁷³
- 3.13** The New South Wales Government submission refers to the Kosciuszko Wild Horse Scientific Advisory Panel, which has previously concluded that 'it is a common misconception that non-lethal methods cause less severe animal welfare harms than lethal methods, but this is not always the case (Dubois et al. 2017, Beausoleil et al. 2018, Beausoleil 2020, Hampton et al. 2016). Lethal methods can have less animal welfare impacts if death is instantaneous, particularly if prior capture is not required'.¹⁷⁴
- 3.14** Evidence was also provided to the committee that regardless of lethal or non-lethal methods, reducing negative animal welfare outcomes is contingent on appropriate conditions, protocols, and the skills of those involved.¹⁷⁵

¹⁷⁰ Submission 126, Invasive Species Council, p 9.

¹⁷¹ Submission 136, Dr Don Fletcher, p 23.

¹⁷² Submission 136, Dr Don Fletcher, p 13.

¹⁷³ Submission 136, Dr Don Fletcher, p 20.

¹⁷⁴ Submission 110, NSW Government, Attachment 1, New South Wales Government Submission to Parliament of Australia Inquiry: Impacts and Management of Feral Horses in the Australian Alps, p 6; Kosciuszko Wild Horse Scientific Advisory Panel, *Final Report of the Kosciuszko Wild Horse Scientific Advisory Panel: Advice to assist in preparation of the Kosciuszko National Park 2020 Wild Horse Management Plan* (September 2020), p 21.

¹⁷⁵ Evidence, Associate Professor Andrea Harvey, Associate Professor, University of Sydney, and Chancellors Research Fellow, University of Technology Sydney, 27 March 2024, p 6; Submission 121, Australian Veterinary Association, p 6; Submission 136, Dr Don Fletcher, pp 18-19.

Ethical concerns around aerial shooting of brumbies

- 3.15** Some inquiry participants expressed opposition to the use of lethal methods to kill brumbies on ethical grounds.¹⁷⁶
- 3.16** Ms Tara Ward, Managing Solicitor, Animal Defenders Office spoke about the 'inherent value of animals as sentient beings'.¹⁷⁷ She said that caring for the welfare of brumbies was incompatible with permitting aerial shooting, a 'particularly violent and cruel method of killing'.¹⁷⁸ The Animal Defenders Office expressed the view that 'aerial shooting is inherently inhumane and cannot be made humane through management'.¹⁷⁹
- 3.17** Other stakeholders described the use of lethal methods to manage brumbies as 'ethically criminal',¹⁸⁰ 'unconscionable'¹⁸¹ and 'a blight on our culture and moral integrity'.¹⁸²
- 3.18** Professor David Brooks described it as 'an embarrassment...and a moral failing' given the feasibility of non-lethal options.¹⁸³
- 3.19** Sentient, The Veterinary Institute of Animal Ethics also noted that brumbies are only present in Kosciuszko National Park because of human intervention. They therefore argued that humans have a responsibility to prioritise their welfare 'on ethical grounds'.¹⁸⁴

Animal welfare concerns around aerially shooting brumbies

- 3.20** Throughout this inquiry, the committee received a significant volume of evidence about whether aerial shooting, as outlined in the SOP, ensures adequate animal welfare outcomes for brumbies.
- 3.21** RSPCA Australia defines humane killing as when an animal is either killed instantly or rendered insensible until death ensues, without pain, suffering or distress.¹⁸⁵ The SOP states that a horse should only be shot at when 'it is likely that the horse can be rapidly rendered insensible, with subsequent death without the animal regaining consciousness'.¹⁸⁶ However, several inquiry participants gave evidence that aerial shooting can never be 'humane'.¹⁸⁷ Concerns raised

¹⁷⁶ See, for example, Submission 14, Equine Voice Australia, pp 1-2.

¹⁷⁷ Evidence, Ms Tara Ward, Managing Solicitor, Animal Defenders Office, 18 December 2023, p 16.

¹⁷⁸ Evidence, Ms Ward, 18 December 2023, p 16.

¹⁷⁹ Submission 163, Animal Defenders Office Inc., p 6.

¹⁸⁰ Submission 365, Mrs Ellie Robertson, p 1.

¹⁸¹ Submission 10, Animal Protectors Alliance, p 2.

¹⁸² Submission 260, Mrs Tanya Apps, p 1.

¹⁸³ Submission 139, Professor David Brooks, p 1.

¹⁸⁴ Submission 105, Sentient, The Veterinary Institute of Animal Ethics, p 1.

¹⁸⁵ RSPCA Australia, *RSPCA Policy G1 Humane Killing* (9 December 2020), <https://kb.rspca.org.au/knowledge-base/rspca-policy-g1-humane-killing/>.

¹⁸⁶ Tabled document, *NPWS H009 Aerial shooting: Wild horse control standard operating procedure*, p 8.

¹⁸⁷ Submission 10, Animal Protectors Alliance, p 2; Submission 65, Heritage Horse and Environment Protection Alliance, p 3; Submission 125, Animal Care Australia, pp 5-6; Submission 163, Animal Defenders Office, p 5; Evidence, Dr Catherine Tiplady, Committee Member, Sentient, The Veterinary Institute of Animal Ethics, 18 December 2023, p 25.

included the risk of slow, painful deaths, impacts of helicopter pursuit, impacts on foals and the absence of camera monitoring. These concerns are discussed below.

Risk of slow, painful deaths

- 3.22** In arguing that aerial shooting cannot be done without animal suffering, some inquiry participants questioned whether shooters would be able to make an accurate brain or heart-lung shot to achieve an instantaneous death and avoid non-fatal wounding.
- 3.23** According to the independent veterinarians who conducted the 'Animal Welfare Assessment of Feral Horse Aerial Shooting Kosciuszko National Park' in November 2023, 'non-fatal wounding is considered the worst animal welfare outcome for any shooting operation because it causes protracted (but unmeasured) suffering'.¹⁸⁸
- 3.24** Animal Protectors Alliance observed that 'it does not take much imagination to realise that shooting a moving target from a moving platform ensures a high wounding rate and is therefore inhumane'.¹⁸⁹
- 3.25** Animal Care Australia raised concerns that 'the required level of accuracy is simply not possible to achieve through aerial culling'.¹⁹⁰
- 3.26** Dr Catherine Tiplady, Veterinarian and Committee Member, Sentient, The Veterinary Institute of Animal Ethics expressed a similar view that 'aerial shooting cannot be described as humane because accurate head shots from the air cannot be guaranteed'.¹⁹¹ Dr Tiplady also raised concern that a horse could be accidentally shot in the spine during an aerial shooting operation, which would be a significant animal welfare issue:

It's totally unacceptable that any animal would have to endure this suffering and is totally unnecessary that it's done in this way. A horse's brain is quite small. To shoot a horse when you're directly in front of them is quite challenging... You're not going to get that in a galloping horse through rough terrain surrounded by their family members. You just can't be that accurate. The thought that they're being hit through the spine and they're laying there, potentially thrashing and twitching—that's what I would be expecting from spinal injuries in a horse who has been shot in the spine.¹⁹²

- 3.27** Miss Jill Pickering, President, Australian Brumby Alliance raised concerns that 'it is not possible to visually ensure an animal is dead since the animal may be temporarily unconscious, frozen in shock or paralysed from a broken back'. As a result, a horse paralysed by a spine shot may be mistaken for being dead and left injured.¹⁹³

¹⁸⁸ NSW Department of Planning and Environment, *Animal Welfare Assessment of Feral Horse Aerial Shooting: Kosciuszko National Park, 2023* (2023), p 8.

¹⁸⁹ Submission 10, Animal Protectors Alliance, p 2.

¹⁹⁰ Submission 125, Animal Care Australia, pp 5-6. See also Submission 163, Animal Defenders Office, p 5; Evidence, Dr Tiplady, 18 December 2023, p 25.

¹⁹¹ Evidence, Dr Tiplady, 18 December 2023, p 25.

¹⁹² Evidence, Dr Tiplady, 18 December 2023, p 26.

¹⁹³ Answers to questions on notice, Miss Jill Pickering, President, Australian Brumby Alliance, 23 January 2024, p 8.

- 3.28** However, the independent veterinarians who observed the aerial shooting trial in November 2023 noted that 280 of 285 (or 98 per cent) bullet wounds were found in the thorax or cranium, and every carcass inspected had at least 3 wounds to the thorax. They further concluded that 'non fatal wounding was not observed in this assessment'.¹⁹⁴
- 3.29** Similarly, concerns were raised about the large number shots being fired at brumbies during aerial shooting operations. Mr Brian Boyle, Environmental Consultant, Australian Hunters International Inc., stated that the more shots fired into an animal the slower the death because the bleeding out process takes longer:
- Once you put the first bullet into an animal, your cortisol levels and your adrenaline goes up, so then it's under stress and it actually gets harder to kill it, and the blood vessels start constricting. When you're just filling them full of shots, your time to bleed out and to death is longer. This argument without any real scientific data, like they're saying, is very, very slim at best.¹⁹⁵
- 3.30** Dr Jillian Brown, Convenor, Heritage Horse and Environment Protection Alliance also criticised the volume of shots being fired into a brumby:
- That up to 15 shots are being used, with a median of 7.5, is absolutely staggering. The recommended approach for shooting a horse is a headshot, ideally focused midway between the eyes on the forehead. You can't do that aerial culling. It's hard enough to do it ground shooting. But to shoot a horse 15 times is unforgivable.¹⁹⁶
- 3.31** As outlined in chapter 1, in the aerial shooting trial in November 2023, the median number of shots fired at each horse was 7.5, with a range of three to 15.¹⁹⁷
- 3.32** Mr Atticus Fleming, Deputy Secretary, NSW National Parks and Wildlife Service stated that 'the advice that we have from the experts, including the vets and the RSPCA—and I think this was a recommendation even from the review of the Guy Fawkes incident—is that the repeat-shooting policy will contribute to better welfare outcomes'.¹⁹⁸ He added, 'it means that there are multiple shots to the target area literally within seconds and that is an important component in ensuring the most rapid death possible'.¹⁹⁹

¹⁹⁴ NSW Department of Planning and Environment, *Animal Welfare Assessment of Feral Horse Aerial Shooting: Kosciuszko National Park, 2023* (2023), pp 7-8.

¹⁹⁵ Evidence, Mr Brian Boyle, Environmental Consultant, Australian Hunters International Inc., 18 December 2023, p 76.

¹⁹⁶ Evidence, Dr Jillian Brown, Convenor, Heritage Horse and Environment Protection Alliance, 5 February 2024, p 56.

¹⁹⁷ NSW Department of Planning and Environment, *Animal Welfare Assessment of Feral Horse Aerial Shooting: Kosciuszko National Park, 2023* (2023), p 7.

¹⁹⁸ Evidence, Mr Fleming, 18 December 2023, p 7.

¹⁹⁹ Evidence, Mr Fleming, 18 December 2023, p 6.

- 3.33** Further, the SOP provides that shooters should only target a horse's chest (heart/lung) or head (brain).²⁰⁰ However, the committee heard significant concerns that chest shots do not cause instant death, but that instead, insensibility can take a minute or more.²⁰¹
- 3.34** The independent vets who observed the aerial shooting trial in November 2023 acknowledged that 'with chest-shooting, very few animals are rendered immediately insensible, hence animal welfare metrics such as 'instantaneous death rate' are not typically quantified'.²⁰² However, the same independent vets note in respect to the November 2023 trial that, using a conservative methodology, the median time to insensibility was just 5 seconds, with the time period ranging from 0 seconds to 53 seconds.²⁰³ It is noted that the average time was not provided to the committee.
- 3.35** Associate Professor Andrea Harvey, Associate Professor, University of Sydney, and Chancellors Research Fellow, University of Technology Sydney, explained that it is difficult to estimate how quickly a horse will die from a chest shot, but it certainly will not be 'instantly':
- ... precisely when insensibility or death occurs is impossible to state with any certainty from the air. It is fair to say that subsequent multiple shots will usually ensure that the horses do die quickly, and with the current operating procedures it would be unlikely that any horse suffers for longer than several minutes, but they certainly do not die instantly. They will inevitably suffer pain and distress prior to insensibility and death. These welfare impacts may be short in duration but they are severe in intensity.²⁰⁴
- 3.36** Sentient, The Veterinary Institute of Animal Ethics added that when a horse is shot in the chest, it will experience 'pain (due to penetration of muscle, rib cage and nerves), weakness, breathlessness due to hypovolaemia (reduced blood volume and oxygen carrying capacity) and of course, terror'.²⁰⁵
- 3.37** As noted in chapter 1, a trial aerial shooting program was conducted in November 2023, which was observed by independent veterinarians. Their report on the trial found that time to insensibility (i.e. the duration between the first shooting event and insensibility) ranged from zero to 53 seconds.²⁰⁶

Impacts of pursuit

- 3.38** Another key animal welfare consideration raised was the impacts associated with brumbies being pursued by a helicopter during aerial shooting operations.

²⁰⁰ Tabled document, *NPWS H009 Aerial shooting: Wild horse control standard operating procedure*, p 2.

²⁰¹ Submission 77, Joanne Canning, p 27; Submission 105, Sentient, The Veterinary Institute of Animal Ethics, p 3; Submission 163, Animal Defenders Office, p 5.

²⁰² NSW Department of Planning and Environment, *Animal Welfare Assessment of Feral Horse Aerial Shooting: Kosciuszko National Park, 2023* (2023), p 9.

²⁰³ NSW Department of Planning and Environment, *Animal Welfare Assessment of Feral Horse Aerial Shooting: Kosciuszko National Park, 2023* (2023), p 7.

²⁰⁴ Evidence, Associate Professor Harvey, 27 March 2024, p 2.

²⁰⁵ Submission 105, Sentient, The Veterinary Institute of Animal Ethics, p 3.

²⁰⁶ NSW Department of Planning and Environment, *Animal Welfare Assessment of Feral Horse Aerial Shooting: Kosciuszko National Park, 2023* (2023), p 7.

- 3.39** The independent veterinarian report on the trial aerial shooting found that the total duration of stress imposed by helicopter shooting, beginning at the onset of the helicopter approaching a group of brumbies and ending with insensibility, ranged from nine seconds to nine minutes and 20 seconds.²⁰⁷
- 3.40** Associate Professor Harvey gave evidence that even one to two minutes of helicopter pursuit time can 'cause varying degrees of breathlessness, muscle fatigue, exhaustion and heat stress, particularly if they're galloping at maximal speeds through fear from the pursuing helicopter'.²⁰⁸
- 3.41** The November 2023 trial found that the Chase Time for horses ranged from 0 seconds to 7 minutes and 21 seconds, with the median time of 54 seconds.²⁰⁹
- 3.42** Sentient, The Veterinary Institute of Animal Ethics expressed similar concerns, noting that 'wild horses do not naturally gallop en masse at full speed for minutes on end'.²¹⁰ They were particularly concerned at the impact of these pursuits on elderly horses, pregnant mares, and foals.²¹¹
- 3.43** Animal Care Australia added that as horses tire from being chased, they are more prone to trips and falls.²¹² The risk of injuries resulting from being chased was also raised by other participants.²¹³
- 3.44** Mr Boyle added that scientific studies have shown that animals are under far more stress when they're pursued and shot by helicopter than on foot.²¹⁴ He called for more research on the effect of chase times on cortisol and glycogen levels to determine 'what is the cut-off of how much stress we're going to place on these animals'.²¹⁵
- 3.45** When asked whether she thought that aerial shooting constituted animal cruelty under the *Prevention of Cruelty to Animals Act 1979*, Ms Tara Ward, Managing Solicitor, Animal Defenders Office, said 'it would certainly be my opinion that there would be grounds for making a complaint' on the basis that a helicopter chase could constitute tormenting or terrifying an animal.²¹⁶
- 3.46** The SOP currently states that chase time 'should be kept to a minimum' where reasonably practicable, but does not specify a maximum chase time:

²⁰⁷ NSW Department of Planning and Environment, *Animal Welfare Assessment of Feral Horse Aerial Shooting: Kosciuszko National Park, 2023* (2023), p 7.

²⁰⁸ Evidence, Associate Professor Harvey, 27 March 2024, p 2.

²⁰⁹ NSW Department of Planning and Environment, *Animal Welfare Assessment of Feral Horse Aerial Shooting: Kosciuszko National Park, 2023* (2023), p 7.

²¹⁰ Submission 105, Sentient, The Veterinary Institute of Animal Ethics, p 4.

²¹¹ Submission 105, Sentient, The Veterinary Institute of Animal Ethics, p 4.

²¹² Submission 125, Animal Care Australia, p 5.

²¹³ For example, Submission 121, Australian Veterinary Association, p 5; Submission 163, Animal Defenders Office, p 8; Answers to questions on notice, Miss Pickering, 23 January 2024, p 4.

²¹⁴ Evidence, Mr Boyle, 18 December 2023, p 79.

²¹⁵ Evidence, Mr Boyle, 18 December 2023, p 79.

²¹⁶ Evidence, Ms Ward, 18 December 2023, p 17.

Chase time is an important contributor to duration of stress during aerial shooting. Chase time should be kept to a minimum to the extent reasonably practicable, noting the other requirements of this SOP (e.g. that all horses in a social group should be shot, where practical).²¹⁷

- 3.47** The Australian Veterinary Association criticised the decision to omit a maximum chase time from the SOP. They stated that recommending that the pursuit be as short as possible does not provide sufficient guidance:

The SOP should stipulate a critical limit in terms of pursuit time as this is also a significant factor in terms of animal welfare, in relation to mental state (fear, fatigue) and potential physical injury. Just stating as short as possible does not provide guidance on what is acceptable as a maximum pursuit time especially when the pursuit time is likely to be extended for non-target horses in a group as they may be chased for much longer periods.²¹⁸

- 3.48** The wording of the SOP relating to chase times was one of the items that the RSPCA NSW provided feedback on when they reviewed the draft. The initial draft said: 'Chase times must be kept to a minimum'.²¹⁹ The RSPCA NSW reviewer commented: 'Consider removing the subjectivity of this. Would a pilot/shooter and observer have an informed and consistent view on how long is too long? The Hampton et al (2017) paper would, I thought, provide guidance on what is acceptable'.²²⁰

Impacts on foals

- 3.49** Another animal welfare concern raised related to the impacts of aerial shooting on foals.

- 3.50** As discussed above, the SOP currently states:

- 'To the extent reasonably possible consistent with other provisions of this SOP, dependent foals should be shot first.'
- 'Team members should be aware of the possibility of isolated foals (whether due to material abandonment, disturbance or other factors) and keep a look out for any such foals. Any isolated foals should be shot.'²²¹

- 3.51** The committee received mixed evidence on whether there is a foaling season in Kosciuszko National Park and whether aerial shooting should be avoided during certain parts of the year where more foals are present.

- 3.52** Veterinarian Dr Tiplady from Sentient, The Veterinary Institute for Animal Ethics advised that there is a foaling period between September and March, with a peak in November to February:

²¹⁷ Tabled document, *NPWS H009 Aerial shooting: Wild horse control standard operating procedure*, p 5 (citations omitted).

²¹⁸ Submission 121, Australian Veterinary Association, p 5.

²¹⁹ Answers to questions on notice, Minister Sharpe, 12 March 2024, p 19.

²²⁰ Answers to questions on notice, Minister Sharpe, 12 March 2024, p 19.

²²¹ Tabled document, *NPWS H009 Aerial shooting: Wild horse control standard operating procedure*, p 8.

The oestrous cycle of mares is determined predominantly by daylight length thus they cycle typically throughout late spring, summer and early autumn. The gestation period is approximately 11 months and therefore most foals will be born between September and March. Thus the foaling season can be quite prolonged, although typically the majority of foals in KNP will usually be born between November and February.²²²

- 3.53** By contrast, Mr Scott Meyers, Chief Inspector, RSPCA NSW stated that unlike commercial breeding there is no defined season for brumbies:

I've been in the national park a number of times over the last five years. During that time, I've noticed there is no particular foaling season that I've observed. In the real world, when we breed domesticated horses, we have a breeding season from September or a foaling season from 1 August through to about November or December. That is a commercial season. In the wild, these animals breed whenever the conditions are right.²²³

- 3.54** The independent veterinarians who conducted the 'Animal Welfare Assessment of Feral Horse Aerial Shooting Kosciuszko National Park' in November 2023 found that the presence of foals less than one week old had considerably raised the risk of adverse animal welfare outcomes:

The presence of very young (<1 week old) foals at the time of year that the program took place created animal welfare risks. Whether abandoned or cached, the presence of very young animals that are completely dependent on maternal support considerably raises the risk of orphaned animals suffering protracted deaths.²²⁴

- 3.55** Mr Atticus Fleming, Deputy Secretary, NSW National Parks and Wildlife Service acknowledged the risk that foals could be separated from their mothers during aerial shooting operations. He said NPWS is aware that 'there are times of the year when the risk is higher',²²⁵ and that shooters are trained to 'keep a look out for isolated foals' at all times, and to shoot them as soon as they are spotted.²²⁶

- 3.56** During the November 2023 trial, all such dependent foals were identified and successfully culled.²²⁷

Camera monitoring

- 3.57** One question that arose during this inquiry is whether aerial shooting operations should be filmed by placing cameras on helicopters and/or firearm scopes.

²²² Answers to questions on notice, Dr Catherine Tiplady, Committee Member, Sentient, the Veterinary Institute, 10 January 2024, p 1.

²²³ Evidence, Mr Scott Meyers, Chief Inspector, RSPCA NSW, 18 December 2023, p 46.

²²⁴ NSW Department of Planning and Environment, *Animal Welfare Assessment of Feral Horse Aerial Shooting: Kosciuszko National Park, 2023* (2023), p 9.

²²⁵ Evidence, Mr Fleming, 18 December 2023, pp 2-3.

²²⁶ Evidence, Mr Fleming, 18 December 2023, p 3.

²²⁷ NSW Department of Planning and Environment, *Animal Welfare Assessment of Feral Horse Aerial Shooting: Kosciuszko National Park, 2023* (2023), p 9.

- 3.58** Mr Fleming said that NPWS has had 'general' discussions on this topic.²²⁸ He suggested that if cameras were to be introduced, 'it is something that we would consider as a whole-of-government position' as 'presumably ... it would have to apply generally across all government operations' rather than applying specifically to aerial shooting of horses in Kosciuszko National Park.²²⁹ He added that 'we try to integrate and align our operations, so to be introducing a particular measure for one agency would be at odds with that policy approach. But it would also be a terrible thing to say to our staff'.²³⁰
- 3.59** The RSPCA NSW stated it was 'supportive' of filming aerial shooting operations,²³¹ and that they had communicated this to NPWS on 'multiple occasions'.²³²
- 3.60** Mr Boyle similarly recommended that aerial shooting must be filmed so that details of the aerial shooting program can be independently verified:

Helicopters used in FFAST [Feral Animal Aerial Shooting Team] operations including wild horse shooting programs in KNP must have tamper proof video monitoring systems with cameras on the pilot and passenger side, front and rear facing and also on rifles being used, so that humane outcomes and number of shots per death of animal and time from pursuit to death can be confirmed-independently.²³³

Issues around the firearm and ammunition used

- 3.61** Inquiry participants raised concerns about the firearm and ammunition being used in aerial shooting operations. As noted in chapter 1, the SOP provides the following are to be used:
- Firearm: FN SCAR®-H semi-automatic rifle
 - Scope: Aimpoint® red dot scope with zero magnification
 - Ammunition: .308 Winchester® 150 grain minimum (either Sako 150-grain Powerhead Blade® or Winchester 150-grain PowerMax® bonded protected hollow-point ammunition)
 - Thermal scope: FLIR ThermoSight® T75 clip-on thermal scope
 - Suppressor: B&T AG® FN Scar 7.62 Sound Suppressor Rotex V.²³⁴
- 3.62** Mr Andrew Mallen, Ballistics and Firearms Expert, Australian Hunters International Inc questioned whether the .308 Winchester was appropriate for shooting horses. Mr Mallen said

²²⁸ Evidence, Mr Fleming, 27 March 2024, p 35.

²²⁹ Evidence, Mr Fleming, 27 March 2024, p 35.

²³⁰ Evidence, Mr Fleming, 27 March 2024, p 38.

²³¹ Evidence, Mr Steven Coleman, Chief Executive Office, RSPCA NSW, 23 May 2024, p 9; Evidence, Mr Troy Wilkie, Senior Government Relations Manager, RSPCA NSW, 31 July 2024, pp 5-6.

²³² Answers to questions on notice, Ms Kathryn Jurd, General Counsel, RSPCA NSW, 30 August 2024, p 1.

²³³ Submission 140, Mr Brian Boyle, p 9.

²³⁴ Tabled document, NPWS H009 *Aerial shooting: Wild horse control standard operating procedure*, pp 4-5.

that it is 'well suited for pigs and smaller animals, but certainly not for horses and camels'.²³⁵ He contended that it was not powerful enough to shoot horses, describing shooting it into a horse as 'similar to a bullet going through a green wheelie bin at home full of grass clippings'.²³⁶

3.63 Mr Mallen argued that it would be more humane to use 'a larger projectile, larger penetrating, more powerful round'.²³⁷ He recommended using a 9.3x62 cartridge.²³⁸

3.64 In contrast, the government argued that ballistics tests and live animal ground shooting assessments establish that the .308 Winchester® 150 grain Sako Powerhead Blade® bullets deliver rapid insensibility.²³⁹

Human safety concerns

3.65 Another area of concern was the human safety impacts of aerial shooting operations in Kosciuszko National Park. Mr Fleming outlined the safety measures in place during operations, saying that these ensure the risks of a member of the public being hurt are 'essentially eliminated':

... there are closures in place. We have sentries at areas where people might, if they choose to ignore those closures, seek to gain access. We obviously do risk assessments, so there are detailed risk assessments done. There are a lot of notifications, and we've upgraded our notification program and procedures. But then, when our team are in the air, there are a series of measures that are required. The shooter cannot take a shot without getting clearance from others in the helicopter. The shot must be in a particular zone in terms of the helicopter. The risk that anyone will be injured—we have enough procedures in place to ensure that that risk is essentially eliminated.²⁴⁰

3.66 The government added that since 2019-20, they have conducted 'over 1,300 hours of aerial shooting', including in 'high visitation locations close to urban areas'.²⁴¹ They further noted that aerial shooting of other animals 'already safely occurs in Kosciuszko National Park'.²⁴²

²³⁵ Evidence, Mr Andrew Mallen, Ballistics and Firearms Expert, Australian Hunters International Inc., 18 December 2023, pp 75-76.

²³⁶ Evidence, Mr Mallen, 18 December 2023, p 76.

²³⁷ Evidence, Mr Mallen, 18 December 2023, p 77.

²³⁸ Evidence, Mr Mallen, 18 December 2023, p 76.

²³⁹ Answers to questions on notice, Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage, 24 January 2024, p 6.

²⁴⁰ Evidence, Mr Fleming, 18 December 2023, p 14.

²⁴¹ Submission 110, NSW Government, p 7.

²⁴² Submission 110, NSW Government, p 7.

3.67 However, several inquiry participants questioned whether the safety measures put in place by NPWS were sufficient.²⁴³ Animal Defenders Office expressed the view that the SOP fails to 'provide sufficient controls that will enable mitigation of human safety risks',²⁴⁴ noting that:

The SOP advocates that aerial shooting be used (only) 'in remote, inaccessible or rugged terrain', and not in other places such as in 'areas of heavy cover' as 'effectiveness is limited since horses might be concealed and difficult to locate from the air'. It stands to reason that if horses may be concealed in such areas, so may humans. If aerial shooting will be permitted 'in any area of the park', which could include 'areas of heavy cover', and the park is to remain open during operations, then aerial shooting undertaken in these circumstances will inevitably present human safety concerns.²⁴⁵

3.68 Miss Jill Pickering, President, Australian Brumby Alliance provided a recent anecdote demonstrating the safety risks of aerial shooting:

A property owner adjacent to the KNP was concerned for his life when helicopters began shooting as he and friends walked in the park near his boundary, as reported in newspapers and when NPWS were not alerting the public to aerial shooting periods/locations, has this been corrected? Do we need a regulatory body to ensure adhere to the SOP in future?²⁴⁶

3.69 Mr Ray Hadley, Host, The Ray Hadley Morning Show, 2GB gave a similar example:

[A] gentleman who has farmstays right on the edge of the national park had two people staying at the farmstay. They went for a walk. A chopper descended, shooting deer as opposed to horses, and those two people who I spoke to on my radio show sought cover under a stump until he rang National Parks and Wildlife and said, "Back them away. We've got people out there." They were in the national park and they were just walking along when the shooting started. Whether the shooting was close to them or not, that was never ascertained. They could just hear gunshots and they sought cover.²⁴⁷

3.70 Mr Timothy Johnson, Former Chair, Kosciuszko National Park Wild Horse Community Advisory Panel, further raised concerns about human safety:

I also want to point out the human safety factor. On 19 January I redirected a family of walkers heading into wilderness because they'd taken a wrongly marked trail. Had those three people continued to walk into wilderness, the next stop was 50 kilometres south at Snowy Hydro 2.0. The national park boundary is incredibly permeable. Therefore, the ability to close the park under any circumstances is a complete nonsense. It's highly dangerous and could bring people into serious risk.²⁴⁸

²⁴³ Submission 71, Australian Brumby Alliance, p 5; Submission 163, Animal Defenders Office, p 13; Evidence, Mr Timothy Johnson, Former Chair, Kosciuszko National Park Wild Horse Community Advisory Panel, 5 February 2024, pp 36-37; Answers to questions on notice, Miss Pickering, 23 January 2024, p 9.

²⁴⁴ Submission 163, Animal Defenders Office, p 13.

²⁴⁵ Submission 163, Animal Defenders Office, p 13.

²⁴⁶ Answers to questions on notice, Miss Pickering, 23 January 2024, p 9.

²⁴⁷ Evidence, Mr Ray Hadley, Host, The Ray Hadley Morning Show, 2GB, 23 May 2024, p 47.

²⁴⁸ Evidence, Mr Johnson, 5 February 2024, pp 36-37.

Issues around carcass management

- 3.71** During this inquiry, stakeholders raised concerns about the carcass management procedures used by NPWS during aerial shooting operations.
- 3.72** The government said that a carcass management plan has been developed as part of the aerial shooting program.²⁴⁹ This carcass management plan provides that 'the majority of horse carcasses will be left in situ and not relocated to another area in the park'.²⁵⁰
- 3.73** On 31 July 2024, Mr Robert Smith, Executive Director, Park Operations Inland, NSW National Parks and Wildlife Service, advised that to date, 328 carcasses of the 5,963 shot to date had been removed under the carcass management plan.²⁵¹
- 3.74** As noted in the Independent Assessment of the 2023 Trial, 'lead-free ammunition was used in the program examined, eliminating the risk of lead poisoning in wildlife scavenging on these carcasses'.²⁵²
- 3.75** Mr Fleming stated that part of the carcass management program involves moving carcasses that are 'within a particular distance of waterways or a particular distance of campgrounds,' and that during the November 2023 trial, no carcasses were left in waterways.²⁵³
- 3.76** A number of inquiry participants expressed concern about brumby carcasses being left in or near waterways. For example, the Australian Brumby Alliance stated that it 'regularly hears of sightings' of shot horse carcasses near waterways.²⁵⁴
- 3.77** Mr Johnson raised concerns about having 'carcinogenic carcasses in waterways' as a result of the aerial shooting program.²⁵⁵
- 3.78** Ms Nicole Coventry expressed a personal view that 'the broadscale slaughter will also result in an intolerable carcass load on the Park's landscape and waterways, leading to pollution in the catchment area'.²⁵⁶
- 3.79** When asked whether brumby carcasses would create a food source for other animals like pigs Mr Fleming stated, 'no, because we are shooting pigs at the same time'.²⁵⁷

²⁴⁹ Submission 110, NSW Government, p 3.

²⁵⁰ NSW National Parks and Wildlife Service, *Carcass Management Plan: Kosciuszko National Park Wild horse management* (October 2023), p 2.

²⁵¹ Evidence, Mr Robert Smith, Executive Director, Park Operations Inland, NSW National Parks and Wildlife Service, 31 July 2024, p 28; Evidence, Mr Fleming, 31 July 2024, p 28.

²⁵² NSW Department of Planning and Environment, *Animal Welfare Assessment of Feral Horse Aerial Shooting: Kosciuszko National Park, 2023* (2023), p 10.

²⁵³ Evidence, Mr Fleming, 18 December 2023, p 14.

²⁵⁴ Answers to questions on notice, Miss Pickering, 23 January 2024, p 9.

²⁵⁵ Evidence, Mr Johnson, 5 February 2024, p 36.

²⁵⁶ Submission 275, Ms Nicole Coventry, p 1.

²⁵⁷ Evidence, Mr Fleming, 31 July 2024, p 29.

- 3.80** Some inquiry participants were concerned about the visual impact of leaving brumby carcasses in the national park. Mr Andrew Wilesmith, Ngarigo Custodian and Horseman, explained 'bodies are rotting in gullies and waterways' and said that the park should not be a 'waste management facility':

It's not a waste management facility for National Parks just to leave dead animals and that laying around the park. It's not right. I've seen children walking past these dead bodies of the horses. That is not right and it's very confronting for the children. Would they like their children to be walking past dead carcasses laying everywhere?²⁵⁸

- 3.81** Ms Lucia Smith agreed, noting that 'The visual images were very distressing, not to mention the community and tourists that see these dead decaying carcasses left on the landscape'.²⁵⁹
- 3.82** Animal Defenders Office referred to a recent media article, saying that a visitor to the Snowy Mountains witnessed brumby carcasses on a seven-kilometre stretch of the Australian Alps Walking Trail which 'gave off an unbearable stench and created a visual eyesore for onlookers'.²⁶⁰ They remarked that this suggests 'that carcass management is already a problem'.²⁶¹

Committee comment

- 3.83** During this inquiry, the committee heard a range of views about the decision to commence aerial shooting, and the way in which aerial shooting of brumbies is being conducted in Kosciuszko National Park.
- 3.84** The committee resolved that it is persuaded that aerial shooting is the only method that will allow the government to reach the legislated target of 3,000 horses in the park by the 2027 deadline. All other methods are unable to reach the target number by the deadline.

Finding 3

Aerial shooting is the only method that allows the New South Wales Government to reach the legislated target of 3,000 horses in the park by the 2027 deadline. All other methods are unable to reach the target number by the deadline.

-
- 3.85** Given it is the only method that can sufficiently reduce the number of brumbies to protect the natural environment of Kosciuszko National Park, the committee resolved that aerial control should continue. It is important that robust settings and frameworks are in place to achieve best practice and safety.

²⁵⁸ Evidence, Mr Andrew Wilesmith, Ngarigo Custodian and Horseman, 5 February 2024, p 24.

²⁵⁹ Submission 148, Ms Lucia Smith, p 1.

²⁶⁰ Submission 163, Animal Defenders Office, p 13.

²⁶¹ Submission 163, Animal Defenders Office, p 13.

Recommendation 2

That aerial control of horses, as well as other invasive animals, should continue in New South Wales as a way of protecting the natural environment. Robust settings and frameworks should support this to achieve best practice and safety.

- 3.86** To date, the committee resolved that it believes the SOP has provided a robust framework to allow aerial shooting to occur. However, it should be reviewed regularly to ensure it is fit for purpose and reflects any changes in best practice.
-

Finding 4

That the Standard Operating Procedure has provided a robust framework to allow aerial shooting to occur, but should be reviewed regularly to ensure it is fit for purpose and reflects any changes in best practice.

- 3.87** Evidence to this committee demonstrates there are a range of views on aerial shooting of horses, and some in the community believe it is wrong. However, the committee resolved that there is no clear evidence that any breaches to animal welfare have occurred in the aerial culling program to date.
-

Finding 5

There are deeply felt views by some within the community that shooting horses, by any method, is wrong and should not be supported. However, there is no clear evidence that any breaches to animal welfare have occurred.

- 3.88** Some stakeholders supported introducing video cameras on helicopters and/or scopes during aerial culling operations.
- 3.89** Mr Atticus Fleming pointed out that introducing cameras into aerial shooting operations involves significant policy implications. Any decision to use cameras would likely need to be applied across all government operations, not just in specific cases as brumby control.²⁶²
- 3.90** National Parks (and other government agencies) have long been undertaking aerial control of invasive species supported by a robust framework. However, to ensure best practice is maintained, the committee recommends that the training required of aerial shooters, as well as the type of firearms and ammunition (including both the calibre and the cartridge size of the ammunition) being used to aerially cull brumbies should be reviewed.
-

²⁶² Evidence, Mr Fleming, 27 March 2024, p 38.

Recommendation 3

That the training required of aerial shooters, as well as the type of firearms and ammunition (including both the calibre and the cartridge size of the ammunition) being used to aerially cull brumbies should be reviewed to ensure best practice.

Finding 6

The National Parks and Wildlife Service (and other government agencies) have been undertaking aerial control of invasive species for decades. There are robust guidelines to ensure that human safety is managed during aerial shooting operations of any animal.

- 3.91** To ensure the SOP continues to reflect best practice and is as robust and humane as possible, the New South Wales Government should have an appropriate, independent third party review it.
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Recommendation 4

That the New South Wales Government should have an appropriate, independent third party review the Standard Operating Procedure regularly to ensure it continues to reflect best practice and is as robust and humane as possible.

Chapter 4 Community views regarding aerial shooting

Aerial shooting of brumbies is a controversial topic. This chapter summarises the wide range of views held by various stakeholders. It begins by outlining concerns regarding the consultation process undertaken by the New South Wales Government prior to the decision to amend the Wild Horse Heritage Management Plan. It then provides an overview of the views of three key stakeholder groups: those who value brumbies' place in the local cultural heritage; those who consider them to have inherent worth as sentient beings; and those who see them as introduced species contributing to environmental damage. Finally, the chapter discusses the last time horses were subject to aerial shooting in New South Wales, in Guy Fawkes River National Park in 2000.

Concerns regarding the consultation process prior to amending the management plan

- 4.1** As outlined in chapter 1, in October 2023 the Minister for the Environment, the Hon Penny Sharpe MLC, announced the Kosciuszko National Park Wild Horse Heritage Management Plan would be amended to enable use of aerial shooting as a method for control of wild horses.²⁶³ This announcement was made following a public consultation process that commenced some months prior.
- 4.2** On 29 July 2023, the Minister directed the Department of Planning and Environment to prepare a draft amending plan to enable use of aerial shooting as a method for control of wild horses in Kosciuszko National Park.²⁶⁴ This draft amending plan was originally placed on public exhibition from 8 August 2023 to 11 September 2023, with a short extension then granted to 15 September.²⁶⁵ The draft also included minor and related amendments to the plan.²⁶⁶
- 4.3** Just over 11,000 responses were received from the public on the draft amending plan.²⁶⁷ Responses raised a range of issues, including:
- whether aerial shooting would impact animal welfare outcomes
 - the accuracy of brumby population estimates
 - the adequacy of existing control methods
 - environmental impacts of brumbies, and

²⁶³ Media release, Hon Penny Sharpe MLC, Minister for Environment, 'NSW Government allows aerial shooting to reduce wild horse population in Kosciuszko National Park', 27 October 2023.

²⁶⁴ NSW National Parks and Wildlife Service, *Summary of representations: Draft amending plan to the Kosciuszko National Park Wild Horse Heritage Management Plan 2021* (October 2023), p 1.

²⁶⁵ NSW National Parks and Wildlife Service, *Summary of representations: Draft amending plan to the Kosciuszko National Park Wild Horse Heritage Management Plan 2021* (October 2023), p 1; Answers to questions on notice, Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage, 12 March 2024, p 4.

²⁶⁶ NSW National Parks and Wildlife Service, *Summary of representations: Draft amending plan to the Kosciuszko National Park Wild Horse Heritage Management Plan 2021* (October 2023), pp 2-5, 12-13.

²⁶⁷ NSW National Parks and Wildlife Service, *Summary of representations: Draft amending plan to the Kosciuszko National Park Wild Horse Heritage Management Plan 2021* (October 2023), p 1.

- human safety impacts of aerial shooting.²⁶⁸

- 4.4** Various criticisms were made about the consultation process that preceded the announcement to introduce aerial shooting. One issue was that a large number of submissions (approximately 8,000 of the over 11,000 submissions received) were based on pro-formas coordinated by a single organisation, the Invasive Species Council, who spent over \$3,500 promoting their pro-forma.²⁶⁹ A large number of the submissions coordinated through the Invasive Species Council website (over 40 per cent) also came from outside of New South Wales, including some possibly from overseas.²⁷⁰
- 4.5** In response to concerns, Mr Jack Gough, Advocacy Director, Invasive Species Council said it was a 'strange suggestion' that the opinions of those who made submissions in this way 'are illegitimate or less valuable simply because of the way they made a submission'.²⁷¹
- 4.6** Another criticism was that it was not clear that the government accepted pro forma submissions for this consultation, in an apparent change to previous policy. Mrs Leisa Caldwell, Former Member and Representative of the Snowy Mountains Community, Kosciuszko National Park Wild Horse Community Advisory Panel, stated that 'had we been made aware that proforma letters were now being accepted (particularly from easy online access), we would have submitted without doubt tens of thousands of letters'.²⁷²
- 4.7** An additional criticism was that there was inadequate consultation with some Indigenous people. Mr Andrew Wilesmith, a Ngarigo Custodian and Horseman, noted 'they haven't consulted with us or anything and haven't sat down and spoken with us'.²⁷³ He said that while he believed the government had spoken to some Indigenous groups, he felt that consultation with the custodians of the land had not been prioritised.²⁷⁴
- 4.8** Some inquiry participants pointed to petitions as alternate sources of public opinion. Mrs Caldwell cited three petitions on change.org that were opposed to aerial shooting:
- 'Stop shooting Australia's heritage brumbies', with 204,706 signatures
 - 'Ban the aerial and ground shooting of Australian wild horses', with 40,852 signatures
 - 'Stop the aerial slaughter of Australia's brumbies', with 15,902 signatures.²⁷⁵
- 4.9** The provenance of the signatories cannot be confirmed, similar to pro forma submissions (as above).

²⁶⁸ NSW National Parks and Wildlife Service, *Summary of representations: Draft amending plan to the Kosciuszko National Park Wild Horse Heritage Management Plan 2021* (October 2023), p 6.

²⁶⁹ Answers to questions on notice, Mr Jack Gough, Advocacy Director, Invasive Species Council, 1 February 2024, p 1.

²⁷⁰ Answers to questions on notice, Mr Gough, 1 February 2024, p 2.

²⁷¹ Correspondence from Mr Jack Gough, Advocacy Director, Invasive Species Council to Committee, 2 April 2024.

²⁷² Correspondence from Ms Leisa Caldwell, Private Individual to Committee, 7 April 2024.

²⁷³ Evidence, Mr Andrew Wilesmith, Ngarigo Custodian and Horseman, 5 February 2024, p 23.

²⁷⁴ Evidence, Mr Wilesmith, 5 February 2024, p 23.

²⁷⁵ Correspondence from Ms Caldwell to Committee, 7 April 2024.

4.10 On the other hand, the Public Service Association of NSW pointed to the following petitions that supported brumby management:

- a petition tabled in Parliament calling for urgent action to reduce feral horse numbers, with 15,000 signatures
- a petition tabled in Parliament calling for the Kosciuszko Wild Horse Heritage Act to be repealed, with 12,000 signatures.²⁷⁶

4.11 The responses to the government's consultation process were vastly different to the response to this inquiry. While only 18 per cent expressed opposition to aerial shooting in the government's consultation process on the draft amending plan,²⁷⁷ the majority of submissions to this inquiry were opposed to aerial shooting.

Local community connections to brumbies

4.12 Many in the local community in and around Kosciuszko National Park feel a strong connection to brumbies. Mrs Caldwell spoke of the long-standing relationship between local families, the environment, and the brumbies:

The mountains are literally our backyard and the local mountain communities have a deep family history rooted in the vicinity of what is now the Kosciuszko National Park. These people had been managing the brumbies for generations, until the park prohibited us. We are not just visitors getting a snapshot view once or twice a year like most; this is our home and our life. We see the whole life cycle of the mountains. These people know these mountains intimately and they know the horses intimately. Their landscape knowledge is more profound than any other group of people that visit or even work in the park.²⁷⁸

4.13 The Snowy Mountains Horse Riders Association similarly commented on 'the intimate knowledge of the local community', which had been developed through 'the contributions and heritage of generations of mountain people'.²⁷⁹ They spoke of how local communities 'effectively managed' brumbies for decades, and the distress and depression felt by the decision to conduct aerial shooting.²⁸⁰

4.14 The cultural significance of brumbies was evident in many submissions to the inquiry, with comments including:

- 'The Brumby itself is an icon of Australia and loved and admired by people all over the world'.²⁸¹

²⁷⁶ Submission 87, Public Service Association of NSW, p 10.

²⁷⁷ NSW National Parks and Wildlife Service, *Summary of representations: Draft amending plan to the Kosciuszko National Park Wild Horse Heritage Management Plan 2021* (October 2023), p 6.

²⁷⁸ Evidence, Ms Leisa Caldwell, Former Member and Representative of the Snowy Mountains Community, Kosciuszko National Park Wild Horse Community Advisory Panel, 5 February 2024, p 35.

²⁷⁹ Submission 104, Snowy Mountains Horse Riders Association, pp 2-3.

²⁸⁰ Submission 104, Snowy Mountains Horse Riders Association, pp 2-3.

²⁸¹ Submission 355, Mrs Dianne Lynch, p 1.

- 'These brumbies are loved worldwide and are an Australian heritage animal'.²⁸²

Environmental impacts of brumbies

4.15 One of the primary reasons given by the government to justify the decision to commence aerial shooting of brumbies is that they are causing damage to the environment and ecology of Kosciuszko National Park.²⁸³ Several inquiry participants also spoke about this, pointing to damage to soil and waterways, as well as impacts on threatened species.

Damage to soil and waterways

4.16 A key concern was the effect of hard-hooved horses walking through delicate ecosystems. Dr David Eldridge from the Centre for Ecosystem Science, University of New South Wales explained how horses change the structure of vegetation, impacting habitats for native animals:

The issue is total number of animals, and when you get to the number of animals that we have in Kosciuszko at the moment, they are going to cause a large amount of damage. They are hard-hoofed. Our soils and our plants and our native animals have not co-evolved in the presence of these hard-hoofed animals. They have a large body size. Many of their effects are not direct effects. They're not eating lizards, they're not eating birds, they're not eating the broad-toothed rat, but they are destroying the habitat, and one of the studies that we did showed that they have a significant indirect effect on native mammals by reducing the structure of the vegetation.²⁸⁴

4.17 The committee also heard that when brumbies walk through or bathe in streams, wetlands and swamps, their hooves cause damage to the banks. This, in turn, creates erosion and bank slumping, which affects nutrient levels, creates more run-off, and increases sedimentation and turbidity.²⁸⁵

4.18 Of particular concern was the movement of brumbies through sphagnum bogs, which were described as 'very sensitive' areas that are 'critically important' for the environment.²⁸⁶ Brumbies can cause these to be disturbed, trampled, channelised and drained.²⁸⁷

4.19 Another concern was the impact on flora. Participants noted that brumbies can impact rare plants endemic to the region, including alpine daisies, orchids, violets, Namadgi tea trees, and

²⁸² Submission 503, Name suppressed, p 1.

²⁸³ Evidence, Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage, 18 December 2023, p 4; Media release, Hon Penny Sharpe MLC, Minister for Environment, 'NSW Government allows aerial shooting to reduce wild horse population in Kosciuszko National Park', 27 October 2023.

²⁸⁴ Evidence, Dr David Eldridge, Centre for Ecosystem Science, University of New South Wales, 18 December 2023, p 70.

²⁸⁵ Submission 73, Wagga Wilderness Walkers, p 1; Submission 87, Public Service Association of NSW, p 4; Submission 117, Centre for Ecosystem Science UNSW Sydney, pp 10-11, 15; Submission 126, Invasive Species Council, p 6.

²⁸⁶ Evidence, Dr Eldridge, 18 December 2023, p 74.

²⁸⁷ Submission 117, Centre for Ecosystem Science UNSW Sydney, p 6; Evidence, Dr Eldridge, 18 December 2023, p 74.

kurrajong trees.²⁸⁸ Stakeholders explained that brumbies trample plants, eat them, rub up against them, ringbark trees, and compact soil.²⁸⁹

- 4.20** By contrast, a few submissions asserted that the presence of brumbies in the Kosciuszko National Park reduced bushfire risk. For example, Mr Gary Cotchin argued that previous bushfires, and likely those in the future, are less damaging when brumbies are allowed to graze in the plains:

Bushfires/Wildfires have in the past, and are likely in the future, to be much less damaging (with the resultant reduction of damage to Native Flora and Fauna) if we simply allow our Wild Horse/Brumbies to continue to casually graze the Plains there in the KNP in the manner in which they do.²⁹⁰

- 4.21** The Final Report of the Kosciuszko Wild Horse Scientific Advisory Panel from September 2020 stated:

While it is clear that horses at a high density have a significant negative environmental impact, the precise relationship between horse density and negative impacts specific to different areas in KNP is not yet known. There may even be positive environmental impacts of horses, at least when their densities are low. Positive impacts observed under light grazing regimes in drier areas could include recycling of nutrients and maintenance of patchy habitat and improve floristic diversity.²⁹¹

Impacts on threatened species

- 4.22** Stakeholders told the committee that Kosciuszko National Park hosts four nationally listed endangered ecosystems and 53 nationally listed threatened species, including the northern and southern corroboree frogs, the mountain pygmy possum, the stocky galaxias, the broad-toothed mouse, and the mountain skink.²⁹² Several participants expressed concern that brumbies were threatening the survival of these species.²⁹³

²⁸⁸ Submission 87, Public Service Association of NSW, p 3; Submission 165, ACT Government, p 3; Evidence, Hon Associate Professor Richard Swain, Indigenous Ambassador, Invasive Species Council, 18 December 2023, p 61.

²⁸⁹ Submission 87, Public Service Association of NSW, p 3; Submission 117, Centre for Ecosystem Science UNSW Sydney, p 6; Submission 126, Invasive Species Council, p 6; Evidence, Hon Associate Professor Swain, 18 December 2023, p 61.

²⁹⁰ Submission 69, Gary Cotchin, p 10.

²⁹¹ Kosciuszko Wild Horse Scientific Advisory Panel, *Final Report of the Kosciuszko Wild Horse Scientific Advisory Panel: Advice to assist in preparation of the Kosciuszko National Park 2020 Wild Horse Management Plan* (September 2020). Note, The Kosciuszko Wild Horse Scientific Advisory Panel produced a report for the Deputy Secretary NPWS which was considered during drafting of the Kosciuszko National Park wild horse heritage management plan.

²⁹² Submission 87, Public Service Association of NSW, pp 1-4; Submission 89, Bushwalking NSW Inc, pp 1-2; Submission 91, National Parks Association ACT Inc, p 5; Submission 117, Centre for Ecosystem Science UNSW Sydney, p 6.

²⁹³ Submission 47, South Endeavour Trust, p 2; Submission 87, Public Service Association of NSW, p 3; Submission 91, National Parks Association ACT Inc, p 5; Submission 117, Centre for Ecosystem Science UNSW Sydney, p 6; Submission 136, Dr Don Fletcher, p 24.

- 4.23** Threats to native species were mostly attributed to destruction or loss of habitat. For example, Dr Don Fletcher explained that the broad-tooth mouse usually lives in long grasses. However, when brumbies graze and trample these grasses, the mice can no longer hide, making them 'an easy meal' for predators.²⁹⁴
- 4.24** In 2018, the NSW Threatened Species Scientific Committee made a determination that 'habitat degradation and loss by feral horses' was a key threatening process under schedule 4 of the *Biodiversity Conservation Act 2016*.²⁹⁵ This determination found that 'feral horses negatively impact ecosystems, ecological communities and native species' and that 'observations from the alpine and sub-alpine regions indicate that this damage has become increasingly evident as horse numbers have increased over the last twenty years'.²⁹⁶ This followed a determination in 2011 that 'novel biota', including wild horses, was a key threatening process under the federal *Environment Protection and Biodiversity Conservation Act 1999* (Cth).²⁹⁷
- 4.25** Mr Jack Gough, Advocacy Director, Invasive Species Council summarised the perspective of those concerned about the environmental impacts of brumbies, saying there was a choice between reducing the number of brumbies or 'seeing our wildlife pushed to the brink of extinction':
- No-one likes to see animals killed, but the sad reality is that we have choice to make, and that choice is between urgently reducing the number of feral horses in Kosciuszko National Park or seeing the headwaters of our major river systems trashed and trampled and seeing our wildlife pushed to the brink of extinction.²⁹⁸
- 4.26** By contrast, a number of inquiry participants pointed to research by Dr David Berman in 2023 which examined and questioned the relationship between wild horse density and environmental impact.²⁹⁹ This research found that 'although the proportion of sites with sign of horses was

²⁹⁴ Submission 136, Dr Don Fletcher, p 26.

²⁹⁵ Submission 110, NSW Government, p 8; Submission 117, Centre for Ecosystem Science UNSW Sydney, p 6; Submission 121, Australian Veterinary Association, p 3; Submission 136, Dr Don Fletcher, p 18. See NSW Threatened Species Scientific Committee, *Habitat degradation and loss by feral horses (Equus caballus) Linnaeus 1758 - key threatening process* (3 November 2018), NSW Department of Environment and Heritage, <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Scientific-Committee/Determinations/2018/habitat-degradation-loss-feral-horses-equus-caballus-final-determination.pdf>.

²⁹⁶ NSW Threatened Species Scientific Committee, *Habitat degradation and loss by feral horses (Equus caballus) Linnaeus 1758 - key threatening process* (3 November 2018), NSW Department of Environment and Heritage, <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Scientific-Committee/Determinations/2018/habitat-degradation-loss-feral-horses-equus-caballus-final-determination.pdf>, p 2.

²⁹⁷ Threatened Species Scientific Committee, *Listing advice – Novel biota and their impact on biodiversity* (30 June 2011), Australian Department of Climate Change, Energy, the Environment and Water, <https://www.dcccew.gov.au/sites/default/files/env/pages/008e4e04-642a-45b5-8313-53514b0e1b52/files/novel-biota-listing-advice.pdf>.

²⁹⁸ Evidence, Mr Jack Gough, Advocacy Director, Invasive Species Council, 18 December 2023, p 57.

²⁹⁹ Submission 71, Australian Brumby Alliance, p 3; Submission 77, Ms Joanne Canning, p 3. See David Berman, Jill Pickering, Deane Smith and Benjamin L. Allen, 'Use of density-impact functions to inform and improve the environmental outcomes of feral horse management' (2023) *Wildlife Biology* 5.

understandably high given sampling efforts focused on areas with known horse presence, the proportion of those sampled areas with actual horse impact was extremely low'.³⁰⁰

- 4.27** The Australian Brumby Alliance stated that the National Parks and Wildlife Service (NPWS) rely on assumptions that aerial shooting of brumbies is needed to protect native species but that follow-up to test this claim is not undertaken. Further they stated that if horse numbers exist below a certain threshold, the level of impact will be low and intervention may not be justified:

NPWS rely on assumptions that aerial shooting is urgently needed to help native species but never follow-up to show if their claim is correct. Reality is - native species still decline. Where horse density numbers exist below the threshold identified by Dr. Berman 2023, considerably more expense and control effort likely to make very little difference to an already low level of direct impact. Any 'justification' must [be] based on native species counts.³⁰¹

- 4.28** Other inquiry participants expressed frustration that brumbies were being blamed for damage to Kosciuszko National Park, while other causes of damage are ignored. For example, Billie Dean listed a number of negative impacts on Kosciuszko National Park attributable to humans:

The Corroboree frog for example, is not being decimated by horses...but by the Chytrid fungus — brought in by tourists. The Broad Toothed Rat was being poisoned by employees of Snowy Hydro 2.0, but that barely made the news. (Their habitat is also more at risk from four wheel drives than rambling brumbies) Snowy Hydro 2.0 also have been fined at least three times for water pollution, which is something the brumbies, unless they are dead and rotting in the water ways, don't do because they know they need the water to survive. Habitat degradation? What horses do is nothing compared to what people do by camping, hiking, littering, 4WD driving, or on a larger scale, building ski resorts or putting powerlines through the park.³⁰²

- 4.29** The Heritage Horse and Environment Protection Alliance expressed a similar view, noting factors such as climate change, commercial development, tourism and other invasive species were all having a negative impact:

The impact of other factors such as climate change, commercial development, increased tourism and other invasive species is ignored. If we are to reverse or even slow the rate of decline of native species, a simplistic approach which focuses solely on the impact of wild horses is both inadequate and foolish.³⁰³

Aerial shooting in Guy Fawkes River National Park in 2000

- 4.30** In 2000, a number of brumbies were shot via aerial shooting in Guy Fawkes River National Park, in northeast New South Wales. Numerous inquiry participants spoke about the Guy

³⁰⁰ Submission 77, Ms Joanne Canning, p 3.

³⁰¹ Submission 71, Australian Brumby Alliance, p 3.

³⁰² Submission 159, Billie Dean, p 8.

³⁰³ Submission, 65, Heritage Horse and Environment Protection Alliance, p 3.

Fawkes shooting in evidence to the committee,³⁰⁴ with some expressing concern that the current aerial shooting program would result in the same outcomes as Guy Fawkes.³⁰⁵

- 4.31** In September and October 2000, severe drought and bushfires in the park had resulted in 60 per cent of the park being burnt. Firefighting helicopters observed a number of horses in poor condition and some already dead.³⁰⁶ A decision was made to conduct an aerial shooting program.
- 4.32** Over three days from 22-24 October 2020, 606 horses were shot by NPWS staff trained and accredited by the Feral Animals Aerial Shooter Training Course (FAAST).³⁰⁷ As per the FAAST protocols, horses were to be shot in the heart-lung area and if there was any doubt that a horse was not dead, additional shots were to be fired.³⁰⁸
- 4.33** Despite this, four wounded horses were located and shot from the helicopter on the third morning of the shooting. It was noted that 'the fact that one horse was shot twice but not killed, and not located by this process, was obviously at odds with this protocol'.³⁰⁹
- 4.34** Mr Steven Coleman, Chief Executive Officer, RSPCA NSW, noted that there was 'absolute outrage' from the public following the Guy Fawkes aerial shooting operation, particularly in response to the 'confronting images' of the dead horses.³¹⁰
- 4.35** The Australian Brumby Alliance described the shooting as a 'horrendous moment' and said that 'public distress across NSW was real and widespread'.³¹¹
- 4.36** The Australian Brumby Horse Register recalled 'photos of horses and foals being run up against an escarpment, shot multiple times, enduring agonising deaths over several days'.³¹²
- 4.37** The Heritage Horse and Environment Protection Alliance stated that 'foals had died of starvation standing next to their dead mothers'.³¹³

³⁰⁴ See, for example, Submission 91, National Parks Association ACT Inc, pp 8-9; Submission 110, NSW Government, p 8; Evidence, Ms Jill Pickering, President, Australian Brumby Alliance, 18 December 2023, pp 18-20; Evidence, Mr Steven Coleman, Chief Executive Officer, RSPCA NSW, 18 December 2023, pp 47 and 52; Evidence, Mr Coleman, 5 February 2024, pp 65-66; Evidence, Dr Jillian Brown, Convenor, Heritage Horse and Environment Protection Alliance, 5 February 2024, p 59.

³⁰⁵ Evidence, Dr Brown, 5 February 2024, p 59; Submission 319, Mrs Jaki Fimister, p 1; Submission 410, Name suppressed, p 1; Submission 504, Name suppressed, p 1.

³⁰⁶ Dr A.W. English, *Report on the Cull of Feral Horses in Guy Fawkes River National Park in October 2000: Executive Summary* (15 November 2000), p 5.

³⁰⁷ Dr A.W. English, *Report on the Cull of Feral Horses in Guy Fawkes River National Park in October 2000: Executive Summary* (15 November 2000), pp 4-5.

³⁰⁸ Dr A.W. English, *Report on the Cull of Feral Horses in Guy Fawkes River National Park in October 2000: Executive Summary* (15 November 2000), pp 4-5.

³⁰⁹ Submission 149, Mrs Leisa Caldwell, pp 17-18, citing *Hansard*, NSW Legislative Assembly, 26 June 2002, p 3853 (Andrew Fraser) and Dr A.W. English, *Report on the Cull of Feral Horses in Guy Fawkes River National Park in October 2000* (2000).

³¹⁰ Evidence, Mr Coleman, 5 February 2024, p 66.

³¹¹ Submission 71, Australian Brumby Alliance, p 6.

³¹² Submission 101, Australian Brumby Horse Register, p 1.

³¹³ Submission 65, Heritage Horse and Environment Protection Alliance, p 5.

- 4.38** Following the shooting, the government commissioned a review of the operation by Dr English, who inspected 39 carcasses from the aerial shooting operation.³¹⁴
- 4.39** Dr English noted a horse was found alive on 1 November, more than one week after the initial aerial shooting operation, despite having two bullet wounds.³¹⁵
- 4.40** Following the kill, RSPCA brought 11 animal cruelty charges against NPWS. A plea negotiation saw NPWS plead guilty to one charge (in relation to the horse found alive) in exchange for the remaining charges being dropped.³¹⁶
- 4.41** The Animal Defenders Office stated that it is 'a very common occurrence in the animal cruelty space to have either charges dropped or charge bargaining occur'³¹⁷ and it is 'no reflection on whether or not animal cruelty did or did not occur; it is just a reality of our criminal justice system'.³¹⁸ NPWS was ordered to pay the RSPCA's legal costs of \$50,000.³¹⁹
- 4.42** Following the shooting at Guy Fawkes, the Australian Veterinary Association issued a media release stating it was 'appalled by [the] brutal slaughter' and expressed the view that the 'rugged forest terrain in the Guy Fawkes National Park' was 'not suitable' for aerial shooting.³²⁰
- 4.43** The then Environment Minister banned the use of aerial shooting to manage brumbies in New South Wales.³²¹ This ban remained in place until the re-introduction of aerial shooting in October 2023.
- 4.44** Equine Voices Australia stated that 'the public outcry from the Guy Fawkes cull resulted in the NSW Government saying that it should never happen again, yet it appears memories are short and the bloodbath is again on the table'.³²²

Committee comment

- 4.45** The committee acknowledges that aerial shooting of brumbies is a controversial topic and people hold a range of perspectives.

³¹⁴ Dr A.W. English, *Report on the Cull of Feral Horses in Guy Fawkes River National Park in October 2000: Executive Summary* (15 November 2000), p 6.

³¹⁵ Dr A.W. English, *Report on the Cull of Feral Horses in Guy Fawkes River National Park in October 2000: Executive Summary* (15 November 2000), p 6.

³¹⁶ Submission 163, Animal Defenders Office Inc, p 5.

³¹⁷ Evidence, Ms Tara Ward, Managing Solicitor, Animal Defenders Office, 18 December 2023, p 17.

³¹⁸ Evidence, Ms Ward, 18 December 2023, p 17.

³¹⁹ Submission 163, Animal Defenders Office Inc, p 5, citing RSPCA Animal Cruelty, *Magistrate dismisses charges brought against NPWS by the RSPCA* (21 November 2013), <https://rspcaanimalcruelty.wordpress.com/2013/11/21/magistrate-dismisses-charges-brought-against-npws-by-the-rspca/>.

³²⁰ Submission 149, Leisa Caldwell, pp 18-19.

³²¹ Nick O'Malley, 'It was terrible work': 20 years on, horses' cull still a bitter political issue', *Sydney Morning Herald*, 23 October 2020; Laura Chung, 'Aerial shooting of feral horses approved by NSW government', *Sydney Morning Herald*, 27 October 2023.

³²² Submission 14, Equine Voices Australia, p 2.

- 4.46** The committee accepts, the vast majority of the submissions in response to the public exhibition of the draft amending plan for Kosciuszko National Park Wild Horse Heritage Management Plan, were pro forma submissions from the Invasive Species Council.
- 4.47** Many in the community are concerned about environmental impacts and declines in native and threatened species. The committee notes the scientific evidence and recognises that we need to find a balance between protecting the environment, native species, and ensuring the welfare of other animals.
- 4.48** Evidence to this committee demonstrates that many in the local Snowy Mountains communities feel a deep affinity and regard for the brumbies. Most local community members who gave evidence to the committee do not want to see brumbies being shot from the air.
- 4.49** The committee recognises the community's views and the connection that many feel towards brumbies. While acknowledging that the committee resolved that aerial shooting is the only method that will allow the government to reach the legislated target of 3,000 horses in Kosciuszko National Park by 2027, the committee also supports the use of rehoming and ground shooting as control methods, and the trialling and testing of fertility control as a future control method.

Finding 7

Rehoming and ground shooting should continue as control methods as well as aerial shooting. Fertility control should be trialled and tested as a future control method.

Chapter 5 Alternatives to aerial shooting

This chapter provides an overview of alternatives to aerial shooting. It begins by outlining the feasibility of using fencing to restrict brumbies from certain areas of Kosciuszko National Park. It then focuses on the effectiveness and accessibility of rehoming. Next, the chapter discusses ground shooting and its potential animal welfare impacts. Finally, the chapter considers reproductive control methods as an alternative to aerial shooting.

Fencing

- 5.1** As outlined in chapter 1, Kosciuszko National Park contains Australia's largest alpine ecosystem and is home to rare species of plants and animals.³²³ Exclusion fencing is a non-lethal method that can be used to mitigate damage caused by brumbies to sensitive areas of the park.
- 5.2** The Kosciuszko National Park Wild Horse Heritage Management Plan outlines that exclusion fencing cannot reduce the number of brumbies, but can protect environmental areas that are at immediate risk of harm:
- While exclusion fencing will not reduce the number of horses in the park, it may be used to protect areas containing high value assets that are at immediate risk of irreversible harm to natural environmental values due to the negative impacts of wild horses.³²⁴
- 5.3** A variety of stakeholders commented on the use of exclusion fencing as a method of restricting brumby access to specific areas of the national park. Animal Care Australia expressed its support for an 'active management program' that would restrict brumby access to only certain areas of the park.³²⁵
- 5.4** The Centre for Ecosystem Science UNSW, Sydney indicated that though it can be effective, fencing is expensive and ultimately difficult to maintain. This view is shared by the National Parks and Wildlife Service (NPWS). Kosciuszko National Park is the same size as Bali. To implement an exclusion fencing program would not be feasible in a park this size.³²⁶
- 5.5** The Animal Defenders Office, a not-for-profit national community legal centre that focuses on helping animals and animal advocates, suggested that fencing could be an effective short to medium term method of excluding brumbies from a specific area, while other methods of control to reduce their population are being used.³²⁷

³²³ Australian Alps National Parks Co-operative Management Program, *Kosciuszko National Park* (2013), Australian Alps National Parks, <https://theaustralianalpsnationalparks.org/the-alps-partnership/the-parks/kosciuszko-national-park/>.

³²⁴ NSW National Parks and Wildlife Service, *Kosciuszko National Park Wild Horse Heritage Management Plan* (October 2023), p 22.

³²⁵ Submission 125, Animal Care Australia, p 6.

³²⁶ Submission 117, Centre for Ecosystem Science UNSW Sydney, p 9; Evidence, Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage, 18 December 2023, p 12.

³²⁷ Submission 163, Animal Defenders Office, p 10.

- 5.6** The Centre for Ecosystem Science UNSW Sydney submitted that 'fencing of sensitive areas is effective but extremely costly and only applicable for small areas. Fences are also difficult to maintain, particularly in rugged alpine areas, and may exclude native herbivores from accessing vital resources'.³²⁸

Rehoming

- 5.7** Rehoming is a process by which wild horses are trapped and relocated to a domestic setting. The Kosciuszko National Park Wild Horse Heritage Management Plan specifies that the removal of wild horses from the park for rehoming is approved in the following circumstances:

- where there is pre-identified demand from suitable and approved individuals or organisations for removed horses for rehoming
- in areas that are safely accessible by vehicle with trailer and/or truck and where transport of live horses does not cause unacceptable welfare impacts.³²⁹

- 5.8** According to Mr Troy Wright, Assistant General Secretary, Public Service Association of NSW, the process of trapping, transporting and rehoming brumbies is 'horrible'.³³⁰ Mr Wright also noted that members of the Public Service Association of NSW have found witnessing brumbies subjected to rehoming processes more distressing than them being shot.³³¹

- 5.9** In contrast, a number of inquiry participants gave their opinion that rehoming is a much more preferable method of brumby management.³³² Associate Professor Andrea Harvey, Associate Professor, University of Sydney and Chancellors Research Fellow, University of Technology Sydney, asserted her view that rehoming is not a cruel practice.³³³ While there is a possibility that some animals may experience negative welfare impacts during rehoming, Associate Professor Harvey argued that the practice has been largely successful.³³⁴ Associate Professor Harvey explained that in her experience auditing the trapping processes of NPWS, she has observed high welfare standards. She said that by the time horses are transported to a rehomer, they are often 'already relatively calm and very accepting of people at that early stage'.³³⁵

- 5.10** The committee also heard from RSPCA NSW that rehoming has been unsuccessful in significantly reducing the brumby population in Kosciuszko National Park.³³⁶ Currently, few

³²⁸ Submission 117, Centre for Ecosystem Science UNSW Sydney, p 9.

³²⁹ NSW National Parks and Wildlife Service, *Kosciuszko National Park Wild Horse Heritage Management Plan* (October 2023), p 21.

³³⁰ Evidence, Mr Troy Wright, Assistant General Secretary, Public Service Association of NSW, 5 February 2024, p 16.

³³¹ Evidence, Mr Wright, 5 February 2024, p 16.

³³² See, for example, Evidence, Dr Catherine Tiplady, Committee Member, Sentient, the Veterinary Institute, 18 December 2023, p 27; Evidence, Dr Jillian Brown, Convenor, Heritage Horse and Environment Alliance, 5 February 2024, p 57; Submission 71, Australian Brumby Alliance, p 6.

³³³ Evidence, Associate Professor Andrea Harvey, Associate Professor, University of Sydney and Chancellors Research Fellow, University of Technology Sydney, 27 March 2024, p 3.

³³⁴ Evidence, Associate Professor Harvey, 27 March 2024, p 3.

³³⁵ Evidence, Associate Professor Harvey, 27 March 2024, p 3.

³³⁶ Evidence, Mr Steven Coleman, Chief Executive Officer, RSPCA NSW, 5 February 2024, p 62.

horses are able to be rehomed annually. This is due to a variety of factors. One key factor is that most rehoming organisations have specific requests when it comes to the types of horses they wish to rehome. Rehoming requests almost always specify the gender, age, colour and sometimes temperament of the horses that they wish to rehome. Some rehoming requests have asked for specific individual horses. This makes increasing the amount of rehoming a challenge as trapping wild horses is difficult, time consuming, and costly, particularly when specific horses have to be targeted.³³⁷

- 5.11** In response, Ms Lynette Sutton, Founder / Sanctuary Manager Advocate, Genetic Research at Hoofs2010, a charity dedicated to brumby rescue, highlighted that it is challenging for rehoming organisations to succeed when they receive no government funding.³³⁸ This view was shared by the Heritage Horse and Environment Protection Alliance, as well as Ms Simone Cooper.³³⁹
- 5.12** The Heritage Horse and Environment Protection Alliance, a group which combines concern for the natural environment and protection of native species with valuing Australia's heritage horse, the brumby, expressed a similar sentiment.³⁴⁰ They stated, 'if rehoming is to be both successful and sustainable, there needs to be appropriate central management and financial support'.³⁴¹
- 5.13** Ms Simone Cooper also emphasised the need for the government to 'provide financial aid to rehoming organisations to take brumbies as it's very expensive to transport them, feed them and agist them'.³⁴²
- 5.14** Some inquiry participants commented on the current regulations (or lack thereof) around the process of rehoming wild horses, noting that they could be improved.³⁴³ Other witnesses proposed that rehomers should have access to training and appropriate information.³⁴⁴
- 5.15** Due to a lack of current regulations, problems can arise when inexperienced individuals attempt to rescue brumbies. For example, Mr Steven Coleman, Chief Executive Officer, RSPCA NSW highlighted that RSPCA NSW has received complaints regarding the welfare of brumbies that have been rehomed.³⁴⁵ In response, Ms Sutton suggested that if rehoming organisations are provided with adequate funding, these problems could be minimised.³⁴⁶
- 5.16** Evidence was provided that given the number of horses in the park and the rate of reproduction, and noting that around 500 horses are able to be rehomed annually, it is clear that rehoming can

³³⁷ Evidence, Ms Lynette Sutton, Founder/Sanctuary Manager Advocate, Genetic Research, Hoofs2010, 27 March 2024, p 29.

³³⁸ Evidence, Ms Sutton, 27 March 2024, p 26.

³³⁹ Submission 58, Ms Simone Cooper, p 8; Submission 65, Heritage Horse and Environment Protection Alliance, p 4.

³⁴⁰ Submission 65, Heritage Horse and Environment Protection Alliance, pp 1 and 4.

³⁴¹ Submission 65, Heritage Horse and Environment Protection Alliance, p 4.

³⁴² Submission 58, Ms Simone Cooper, p 8.

³⁴³ Answers to questions on notice, Miss Jill Pickering, President, Australian Brumby Alliance, 23 January 2024, p 6; Evidence, Dr Brown, 5 February 2024, p 56.

³⁴⁴ Evidence, Dr Brown, 5 February 2024, p 56.

³⁴⁵ Evidence, Mr Coleman, 5 February 2024, p 71.

³⁴⁶ Evidence, Ms Sutton, 27 March 2024, p 28.

never be the only solution for horse control in Kosciuszko National Park. However, rehoming should continue into the future as one of a suite of control measures.³⁴⁷

- 5.17** A further discussion regarding the regulation of brumby rehoming is discussed in chapter 6 in the context of allegations of an illegal knackery near Wagga Wagga and subsequent investigation and report by the New South Wales Department of Climate Change, Energy, the Environment and Water.

Ground shooting

- 5.18** Under the 2021 Kosciuszko National Park Wild Horse Heritage Management Plan, ground shooting has been authorised as a method of killing brumbies in the park for the first time.³⁴⁸

- 5.19** The federal Standard Operating Procedure (SOP) relating to ground shooting outlines the following animal welfare considerations:

- the skill of the shooter will determine the humaneness of the method
- appropriate firearms and ammunition should be used
- the animal must be clearly visible and the shooter must be assured that a single shot can be taken
- only head (brain) and chest (heart/lung) shots must be used
- the humaneness of the killing of the animal will be affected by group flight responses, and all horses in the group should be killed before the next group is targeted
- wounded horses must be located and killed as quickly as possible.³⁴⁹

- 5.20** Some inquiry participants considered ground shooting to be an effective method of controlling the wild horse population in Kosciuszko National Park. The Invasive Species Council described ground shooting as an essential tool for controlling the brumby population, stating that it 'provides a humane and cost-effective way of reducing or removing feral horses'.³⁵⁰ The Invasive Species Council however, also indicated that in comparison to aerial shooting, ground shooting is much less effective in adequately reducing the brumby population in Kosciuszko National Park within a short period of time.³⁵¹

- 5.21** Australian Hunters International insisted that ground shooting is the most humane method of brumby population control. However, it also noted that the suitability of this method is dependent on the environment in which it is conducted. While ground shooting is appropriate

³⁴⁷ Submission 110, NSW Government, p 5.

³⁴⁸ Submission 110, NSW Government, Attachment 1, New South Wales Government Submission to Parliament of Australia Inquiry: Impacts and Management of Feral Horses in the Australian Alps, p 4.

³⁴⁹ PestSmart, *NATSOP-HOR001 National Standard Operating Procedure: Ground Shooting of Feral Horses* (September 2017), pp 1-2.

³⁵⁰ Submission 126, Invasive Species Council, p 11.

³⁵¹ Evidence, Mr Jack Gough, Advocacy Director, Invasive Species Council, 18 December 2023, pp 63-64.

in open country, it can be difficult to carry out in rough terrain, 'especially in following up wounded horses'.³⁵²

- 5.22** The federal SOP for ground shooting states that this method is 'best suited to accessible and relatively flat areas'.³⁵³
- 5.23** On the other hand, the committee received submissions in which members of the public expressed deep concern towards the animal welfare outcomes of ground shooting and insisted that this method is inhumane.³⁵⁴ It should be noted that these submissions opposed any type of lethal control method, and opposed control of horses in the park generally.
- 5.24** One submission author highlighted the negative impacts of ground shooting through an example of 67 brumbies killed on Snowy Plain in Kosciuszko National Park. This incident occurred in May 2023 and involved horses shot against the SOP directives for ground shooting. According to the author, several horses, including foals, died 'painful, lingering deaths' as a result of being shot in the gut, shoulder or neck.³⁵⁵

Reproductive control

- 5.25** Reproductive control methods are an alternative to aerial shooting that have been used in countries such as New Zealand and the United States of America.³⁵⁶ Some inquiry participants emphasised the success of these international programs in reducing wild horse populations and expressed their support for a similar program to be undertaken in Kosciuszko National Park.³⁵⁷
- 5.26** These reproductive control methods include injecting horses with an immunocontraceptive vaccine. Two main forms of contraceptive vaccines used on wild horses to date are PZP and GonaCon.³⁵⁸ Injection can occur through trapping horses and injecting them by hand or darting them – a process by which horses are injected from a distance.³⁵⁹ However, to date, no evidence has been received that either of these vaccines have been trialled on wild horses in Kosciuszko National Park.
- 5.27** Presently, most of these vaccines have required multiple doses through darting or injection to be effective. However, there are ongoing trials being conducted by the Bureau of Land

³⁵² Submission 140, Mr Brian Boyle, p 7.

³⁵³ PestSmart, *NATSOP-HOR001 National Standard Operating Procedure: Ground Shooting of Feral Horses* (September 2017), p 1.

³⁵⁴ See, for example, Submission 94, Ms Cheryl Maddern, p 1; Submission 133, Ms Kariss Stone, pp 4 and 7; Submission 154, Mrs Doreen Stepney, p 1.

³⁵⁵ Submission 50, Ms Lynn Newberry, p 4.

³⁵⁶ For more information about the programs in New Zealand and the United States of America, see Submission 20, Name suppressed, p 2.

³⁵⁷ See, for example, Submission 20, Name suppressed, p 2; Submission 94, Ms Cheryl Maddern, p 1; Submission 103, Astara Rose, p 2.

³⁵⁸ Submission 20, Name suppressed, p 2.

³⁵⁹ Submission 153, Name suppressed, pp 18-19.

Management in the United States to develop an Oocyte Growth Factor vaccine that is effective in a single-dose.³⁶⁰

- 5.28** Both Sentient, The Veterinary Institute of Animal Ethics and the Australian Veterinary Association also referenced an intrauterine device that has been developed to control fertility in wild horses in the United States.³⁶¹ Sentient, the Veterinary Institute of Animal Ethics suggested this device 'could be a more feasible option for reproductive control in some NSW populations than immunocontraception'.³⁶² However, Dr Cristy Secombe, Head of Veterinary Policy and Advocacy, Australian Veterinary Association noted the need for further research on how fertility control methods could work in the Australian context:

There are different circumstances and different environments. What works in the United States, in the UK may not be applicable in the Australian context. But without doing research into this, we don't quite know.³⁶³

- 5.29** Evidence was received that reproductive control methods weren't feasible to use in this context.³⁶⁴ The Centre for Ecosystem Science, UNSW, Sydney stated that 'fertility control has been deemed ineffective in Kosciuszko National Park 'because of 1) the rugged terrain, 2) large numbers of animals, 3) the probability of immigration, and 4) the paucity of suitable vaccines'.³⁶⁵
- 5.30** The Kosciuszko Management Plan states that reproductive control is a potentially viable option, but only where the density of the horse population is low, and the objective is to reduce the population slowly, or maintain a low density.³⁶⁶ As such, the government stated in their submission that 'a trial of reproductive control options will commence when the overall population is reduced to 3,000 wild horses'.³⁶⁷

³⁶⁰ US Department of the Interior, Bureau of Land Management, *BLM begins new fertility control trial as overpopulation of wild horses and burros on public lands reaches new heights* (18 May 2020), <https://www.blm.gov/press-release/blm-begins-new-fertility-control-trial-overpopulation-wild-horses-and-burros-public>; US Department of the Interior, Bureau of Land Management, (2020), *Preliminary Environmental Assessment DOI-BLM-NV-0000-2020-0001-EA - Oocyte Growth Factor Vaccine Study*, https://eplanning.blm.gov/public_projects/nepa/1502949/20009642/250011299/OGF_Vaccine_study_EA_.pdf.

³⁶¹ Submission 121, Australian Veterinary Association, p 9; Answers to questions on notice, Dr Catherine Tiplady, Committee Member, Sentient, the Veterinary Institute, 10 January 2024, p 2.

³⁶² Submission 121, Australian Veterinary Association p 9; Answers to questions on notice, Dr Tiplady, 10 January 2024, p 2.

³⁶³ Evidence, Dr Cristy Secombe, Head of Veterinary Policy and Advocacy, Australian Veterinary Association, 5 February 2024, p 33.

³⁶⁴ See, for example, Submission 117, Centre for Ecosystem Science UNSW Sydney, p 9; Submission 126, Invasive Species Council, p 13.

³⁶⁵ Submission 117, Centre for Ecosystem Science UNSW Sydney, p 9.

³⁶⁶ NSW National Parks and Wildlife Service, *Kosciuszko National Park Wild Horse Heritage Management Plan* (October 2023), p 21.

³⁶⁷ Submission 110, NSW Government, Attachment 1, New South Wales Government Submission to Parliament of Australia Inquiry: Impacts and Management of Feral Horses in the Australian Alps, p 5.

5.31 By contrast, Dr Jillian Brown, Convenor, Heritage Horse and Environment Protection Alliance stated that she was 'deeply puzzled' by the government's decision to delay commencing fertility control trials:

I'm deeply puzzled by it, I really am. I can't help but think that the Government and National Parks have committed themselves to this one approach, and they're locked into it and will defend what they're doing at any cost, including the cruelty to the animals and the actual truth of what's going on in terms of the justification for it and in terms of what's happening. A fertility control trial program would be so easy to establish. We've got information available to us from a range of countries overseas. We could have a confined group. We need only start with, I don't know, less than a hundred horses. It would be easy to do.³⁶⁸

5.32 Sentient, the Veterinary Institute of Animal Ethics expressed similar views, calling for 'immediate investment in fertility control'.³⁶⁹ Sentient stated that 'trials definitely need to be commenced', noting that this is 'a critical area for progress to be made in since culling without some form of reproductive control will simply result in population numbers rising rapidly again'.³⁷⁰

5.33 The Australian Veterinary Association expressed a similar view, stating that 'investment in developing and refining non-lethal methods is encouraged as without alternative options, there will be a continued reliance on shooting'.³⁷¹ However, they noted that 'non-lethal options are unlikely to be effective for broad scale control'.³⁷²

5.34 Many inquiry participants also highlighted the necessity for further research to be conducted into the suitability of various reproductive control methods in an Australian context.

5.35 Associate Professor Andrea Harvey, Associate Professor, University of Sydney and Chancellors Research Fellow, University of Technology Sydney emphasised the need for more research on reproductive control methods in an Australian context, including how to overcome the unique geographical challenges present in Kosciuszko National Park.³⁷³

5.36 When asked if she would like to see a trial into fertility control in Australia, Dr Secombe said 'definitely' and expressed the following:

I think that non-lethal control methods such as fertility control should definitely be further pursued and researched. As indicated in our submission, it's a complex issue. There are different circumstances and different environments. What works in the United States, in the UK may not be applicable in the Australian context. But without doing research into this, we don't quite know.³⁷⁴

³⁶⁸ Evidence, Dr Brown, 5 February 2024, p 59.

³⁶⁹ Evidence, Dr Tiplady, 18 December 2024, p 25.

³⁷⁰ Answers to questions on notice, Dr Tiplady, 10 January 2024, p 2.

³⁷¹ Submission 121, Australian Veterinary Association, p 9.

³⁷² Submission 121, Australian Veterinary Association, p 9.

³⁷³ Answers to questions on notice, Associate Professor Andrea Harvey, Associate Professor, University of Sydney and Chancellors Research Fellow, University of Technology Sydney, 23 April 2024, p 3.

³⁷⁴ Evidence, Dr Secombe, 5 February 2024, p 33.

- 5.37** RSPCA NSW stated that they encouraged 'investment in the research and development of non-lethal population control methods such as single-shot contraception'.³⁷⁵

Committee comment

- 5.38** The committee acknowledges that there are a broad range of views regarding alternatives to aerial shooting. One option is fencing, which some stakeholders considered to be effective if used in conjunction with other methods. Another alternative is ground shooting, which some stakeholders considered to be an effective method if used in the right circumstances, while others consider this option to be inhumane. An additional option is rehoming, which was preferred by some stakeholders, but is insufficient alone to reduce the number of brumbies in the park.
- 5.39** Fertility control is a potential method to limit brumby numbers in Kosciuszko National Park, but to date is not advanced enough to be implemented. The committee therefore recommends that NPWS further investigate the effectiveness of fertility control as a control method.

Recommendation 5

The National Parks and Wildlife Service further investigate the effectiveness of fertility control as a control method.

³⁷⁵ Evidence, Mr Coleman, 5 February 2024, p 62.

Chapter 6 Allegations of an illegal knackery near Wagga Wagga

In April 2024, allegations emerged in the media that nearly 500 horses had been found dead at a property near Wagga Wagga in what was alleged to be an illegal knackery. At a hearing on 23 May to obtain evidence about these allegations, several agencies involved in investigating the allegations appeared. The New South Wales Government commissioned two independent investigations into the allegations. The first investigation produced a report into the wild horse rehoming program more broadly. The second investigation produced a report that examined the alleged conduct of a NSW National Parks and Wildlife Service employee. This chapter provides a timeline of the discovery and investigation of the carcasses. It then summarises the recommendations of and responses to the broader wild horse rehoming program independent investigation.

Discovery and investigation of horse carcasses

6.1 The discovery of horse carcasses was made at a property in Downside (near Wagga Wagga in the Riverina region) leased by Mr Adrian Talbot, a horse trainer, on 5 March 2024. However, Mr Talbot and his property had been under scrutiny by regulatory agencies, notably Racing NSW and RSPCA NSW, for some period prior. Below is a summary of contact with Mr Talbot leading up to the 5 March discovery:

- In 2021 (date unknown), the NSW Food Authority received a complaint about theft of illegal sheep testosterone and illegal slaughter of horses connected with Mr Talbot's property. The complaint was referred to NSW Police.³⁷⁶
- On 14 April 2021, RSPCA NSW received a complaint about the transportation of brumbies from NSW National Parks and Wildlife Service (NPWS) holding yards to Mr Talbot's property. They conducted an inspection and subsequently confirmed to NPWS that no issues were observed at the property.³⁷⁷
- On 4 June 2021, NPWS received a complaint alleging that Mr Talbot had sent horses under his care to knackeries. NPWS requested further information from the complainant but as none was received, no further action was taken.³⁷⁸
- On 27 September 2022, Racing NSW received information that thoroughbred horses may have been slaughtered for dog meat on a property owned by Mr Talbot. On 29 September, Racing NSW and NSW Police attended the property. Some horses were sighted.³⁷⁹
- In early October 2022, Racing NSW investigated Mr Talbot. They formed a decision to place him on the Racing NSW Excluded List. On 22 February 2023, Mr Talbot was formally placed on the Excluded List. This decision was shared with NSW Police.³⁸⁰

³⁷⁶ Evidence, Mr Greg Vakaci, Director Compliance, NSW Food Authority, 23 May 2024, p 15.

³⁷⁷ Protiviti, *Department of Climate Change, Energy, the Environment and Water: Investigation Report into the Kosciuszko National Park Wild Horses Rehoming Program* (17 June 2024), p 22.

³⁷⁸ Protiviti, *Department of Climate Change, Energy, the Environment and Water: Investigation Report into the Kosciuszko National Park Wild Horses Rehoming Program* (17 June 2024), p 22.

³⁷⁹ Evidence, Ms Jacqueline Johnstone, General Manager Integrity, Racing NSW, 23 May 2024, p 22.

³⁸⁰ Evidence, Ms Johnstone, 23 May 2024, p 22.

- On 7 September 2023, Racing NSW received information that thoroughbred horses were being sent to an unknown knackery in Wagga Wagga. They drove past Mr Talbot's house and identified a deceased horse. They referred this to RSPCA NSW.³⁸¹
- On 19 September 2023, RSPCA NSW inspectors attended Mr Talbot's property. They made observations and walked around the site, but no one was home, so they left and came back on 4 October. They made further observations of the property then, and while Mr Talbot was not initially home, he contacted the inspectors soon after. They then put the information from Racing NSW to him, and he denied operating a knackery. The inspectors subsequently formed the view that a further investigation was not warranted.³⁸²
- On 18 December 2023, Racing NSW received further information that a large number of horse remains were at Mr Talbot's property. They referred this to NSW Police on 20 December.³⁸³
- Over December 2023 and January 2024 a range of other agencies were notified of the information obtained by Racing NSW, including NPWS, the Department of Primary Industries, the Food Authority, the Environment Protection Authority and Wagga Wagga City Council. A number of briefings and meetings about the allegations were held between these agencies.³⁸⁴
- On 26 February 2024, following information from a member of the public, RSPCA NSW inspectors attended Mr Talbot's property again. They inspected some live animals on the property and saw aged skeletal remains of deceased animals.³⁸⁵

6.2 The first discovery of a large number of horse carcasses at Mr Talbot's property was on 5 March 2024 by staff from Wagga Wagga City Council. Mr Peter Thompson, General Manager, Wagga Wagga City Council, advised that they were first notified of the allegations by Racing NSW on 23 January 2024.³⁸⁶ The Council immediately decided to act on them, spending several weeks first obtaining legal advice to confirm their investigative powers and plan their approach.³⁸⁷

6.3 On 5 March, approximately 12 people attended Mr Talbot's property, including staff from Wagga Wagga City Council and NSW Police officers.³⁸⁸ Mr Thompson described the property as being over 100 acres, mostly cropped, with a small house on it.³⁸⁹ The inspectors travelled to the area identified by the informant. They found 'an area the size of a bus' containing horse carcasses that had been covered with soil.³⁹⁰

6.4 Mr Thompson explained that the staff subsequently undertook a search of the remainder of the property. They found 12 to 14 separate piles of horse carcasses 'in various states of

³⁸¹ Evidence, Ms Johnstone, 23 May 2024, pp 22-23.

³⁸² Evidence, Mr Steven Coleman, Chief Executive Officer, RSPCA NSW, 23 May 2024, pp 3, 6-7.

³⁸³ Evidence, Ms Johnstone, 23 May 2024, p 23.

³⁸⁴ Evidence, Ms Johnstone, 23 May 2024, p 23.

³⁸⁵ Evidence, Mr Coleman, 23 May 2024, p 8.

³⁸⁶ Evidence, Mr Peter Thompson, General Manager, Wagga Wagga City Council, 23 May 2024, p 50.

³⁸⁷ Evidence, Mr Thompson, 23 May 2024, p 51.

³⁸⁸ Evidence, Mr Thompson, 23 May 2024, p 52.

³⁸⁹ Evidence, Mr Thompson, 23 May 2024, p 52.

³⁹⁰ Evidence, Mr Thompson, 23 May 2024, p 52.

decomposition'.³⁹¹ After preliminary counting, they estimated there were about 500 carcasses on the property.³⁹² They took 'many, many photos' and drone footage of the piles.³⁹³

- 6.5** After this inspection, the NSW Police obtained a search warrant for the property. A search was then conducted in which a coolroom was discovered on site.³⁹⁴ The NSW Food Authority seized 320 kilograms of horse meat and 114 kilograms of pig fat from the coolroom.³⁹⁵ During this search, some more horse carcasses were also discovered closer to the house.³⁹⁶
- 6.6** On 18 April, the New South Wales Premier's Department took the lead in investigating the matter.³⁹⁷ The Hon Penny Sharpe MLC, Minister for the Environment, explained that this was at her request, as 'it became a very complicated situation with many different agencies' and 'the reason the Premier's Department exists is to bring across government and to solve those problems'.³⁹⁸
- 6.7** On 30 April, the department engaged external agency Centium to conduct an investigation into allegations that a staff member in NPWS 'may have received kickbacks'³⁹⁹ to supply horses to Mr Talbot. The Minister gave evidence at a later date, after investigations had been conducted that there was 'zero evidence that that staff member has done anything wrong'.⁴⁰⁰
- 6.8** A redacted copy of the executive summary of Centium's investigation report was provided to the committee. However, despite a request to the Minister, a complete, unredacted copy of the investigation report was never made available to the committee or made public.⁴⁰¹ In correspondence to the committee, the Minister explained this decision was made 'given the ongoing significant safety risks to NPWS staff involved in the wild horse program, that no findings of misconduct were found against the relevant staff member, and to protect their privacy and welfare and that of other persons interviewed during the investigation'.⁴⁰²

³⁹¹ Evidence, Mr Thompson, 23 May 2024, p 52.

³⁹² Evidence, Mr Thompson, 23 May 2024, p 52.

³⁹³ Evidence, Mr Thompson, 23 May 2024, p 53.

³⁹⁴ Evidence, Mr Thompson, 23 May 2024, p 53.

³⁹⁵ Evidence, Dr Lisa Szabo, Director Food Safety and Chief Executive Officer, NSW Food Authority, 23 May 2024, p 19.

³⁹⁶ Evidence, Mr Thompson, 23 May 2024, p 56.

³⁹⁷ Evidence, Ms Melinda Sukhla, Executive Director, Delivery and Assurance, NSW Premier's Department, 23 May 2024, p 71.

³⁹⁸ Evidence, Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage, 23 May 2024, p 32.

³⁹⁹ Correspondence from Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage to Chair, 29 July 2024, Attachment 1, Centium, *Rapid Initial Assessment – Report, Department of Climate Change, Energy, the Environment and Water and [redacted]* (17 May 2024), p 4.

⁴⁰⁰ Evidence, Minister Sharpe, 23 May 2024, p 29.

⁴⁰¹ Evidence, Minister Sharpe, 23 May 2024, pp 16-17.

⁴⁰² Correspondence from Minister Sharpe to Chair, 29 July 2024.

Investigation into the rehoming program

- 6.9** Mr Talbot was a registered rehomer under the NPWS wild horse rehoming program. He had received 301 brumbies under this program between 19 November 2020 and 19 June 2023.⁴⁰³ Mr Talbot withdrew from the rehoming program on 5 July 2023.⁴⁰⁴
- 6.10** Mr Ray Hadley, Host, The Ray Hadley Morning Show, 2GB expressed concerns that the approximately 500 horses found dead on Mr Talbot's property included many brumbies.⁴⁰⁵ He alleged that Mr Talbot killed the brumbies he received, and then passed the carcasses on to his brother, Ben Talbot, a greyhound trainer, who subsequently distributed them to greyhound trainers in northern Victoria and southern New South Wales 'at profit'.⁴⁰⁶
- 6.11** On 18 April 2024, Minister Sharpe requested that the Secretary of the New South Wales Department of Climate Change, Energy, the Environment and Water investigate the administration of the wild horse rehoming program as a whole.⁴⁰⁷ The Terms of Reference for the investigation asked the department to consider a range of matters, including how horses are allocated, the requirements to be approved as a rehomer, requirements to conduct checks on rehomers, and information sharing protocols between agencies.⁴⁰⁸ The terms of reference, as well as the final report and the department's response, are all publicly available on the DCCEEW website.
- 6.12** The rehoming program was paused while this investigation took place.⁴⁰⁹ On 31 July, Minister Sharpe advised that passive trapping and rehoming operations had recommenced, with horses expected to be available for rehoming in around eight to 10 weeks.⁴¹⁰
- 6.13** The investigation into the rehoming program was conducted by a private consulting firm, Protiviti. The report from the investigation was released on Tuesday 18 June and subsequently provided to the committee by Minister Sharpe. The investigation considered Mr Talbot's involvement in the rehoming program, as well as the intent and administration of the program more broadly.

⁴⁰³ Protiviti, *Department of Climate Change, Energy, the Environment and Water: Investigation Report into the Kosciuszko National Park Wild Horses Rehoming Program* (17 June 2024), p 21.

⁴⁰⁴ Protiviti, *Department of Climate Change, Energy, the Environment and Water: Investigation Report into the Kosciuszko National Park Wild Horses Rehoming Program* (17 June 2024), p 22.

⁴⁰⁵ Evidence, Mr Ray Hadley, Host, The Ray Hadley Morning Show, 2GB, 23 May 2024, p 40.

⁴⁰⁶ Evidence, Mr Hadley, 23 May 2024, pp 40-41.

⁴⁰⁷ Department of Climate Change, Energy, the Environment and Water, *Terms of Reference: Investigation into Administration of Wild Horses Re-Homing Program*, <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Pests-and-weeds/Kosciuszko-wild-horses/wild-horses-re-homing-program-administration-investigation-terms-of-reference.pdf>.

⁴⁰⁸ Department of Climate Change, Energy, the Environment and Water, *Terms of Reference: Investigation into Administration of Wild Horses Re-Homing Program*, <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Pests-and-weeds/Kosciuszko-wild-horses/wild-horses-re-homing-program-administration-investigation-terms-of-reference.pdf>.

⁴⁰⁹ Evidence, Minister Sharpe, 23 May 2024, p 29.

⁴¹⁰ Evidence, Minister Sharpe, 31 July 2024, p 14.

Findings relating to Mr Talbot

- 6.14** The investigation reported that Mr Talbot applied to the wild horse rehoming program on 28 July 2020 and was approved to participate and receive horses on 19 November 2020.⁴¹¹ He was required to re-apply for the program due to the introduction of new guidelines on 28 April 2022, and was re-approved the following day, 29 April 2022.⁴¹²
- 6.15** The investigation noted that there were discrepancies between, and omissions within, Mr Talbot's 2020 and 2022 applications for the program. These included different answers about his level of experience and intended use of the horses across the two applications; inconsistencies in his descriptions of his property across the two applications; and failure to provide proof of ownership of his property on both applications.⁴¹³
- 6.16** The investigation found that despite this, NPWS did not perform any additional independent checks or due diligence on the 2020 and 2022 applications prior to approving them. They also did not request any additional information from Mr Talbot or confirm his compliance with the guidelines.⁴¹⁴ The report noted that this was consistent with NPWS's general approach to rehoming applications.⁴¹⁵
- 6.17** The investigation noted that NPWS was aware of the RSPCA NSW inspection of Mr Talbot's property on 14 April 2021 and the allegation received directly about Mr Talbot on 4 June 2021. Further, NPWS was aware that Mr Talbot had been placed on the Racing NSW Excluded List, although they only received this information on 4 July 2023 (almost five months later).⁴¹⁶
- 6.18** Under the rehoming program, rehomingers are required to complete 'fate returns' confirming the fate of rehomed horses within four months of receipt.⁴¹⁷ According to the investigation report, Mr Talbot only provided two fate returns, in March 2021 and June 2021, for 43 horses.⁴¹⁸ NPWS followed up on the outstanding fate returns on four occasions but did not receive any further returns.⁴¹⁹ NPWS did not stop providing horses to Mr Talbot as a consequence of his failure to

⁴¹¹ Protiviti, *Department of Climate Change, Energy, the Environment and Water: Investigation Report into the Kosciuszko National Park Wild Horses Rehoming Program* (17 June 2024), p 9.

⁴¹² Protiviti, *Department of Climate Change, Energy, the Environment and Water: Investigation Report into the Kosciuszko National Park Wild Horses Rehoming Program* (17 June 2024), p 9.

⁴¹³ Protiviti, *Department of Climate Change, Energy, the Environment and Water: Investigation Report into the Kosciuszko National Park Wild Horses Rehoming Program* (17 June 2024), p 21.

⁴¹⁴ Protiviti, *Department of Climate Change, Energy, the Environment and Water: Investigation Report into the Kosciuszko National Park Wild Horses Rehoming Program* (17 June 2024), p 21.

⁴¹⁵ Protiviti, *Department of Climate Change, Energy, the Environment and Water: Investigation Report into the Kosciuszko National Park Wild Horses Rehoming Program* (17 June 2024), p 22.

⁴¹⁶ Protiviti, *Department of Climate Change, Energy, the Environment and Water: Investigation Report into the Kosciuszko National Park Wild Horses Rehoming Program* (17 June 2024), p 22.

⁴¹⁷ Protiviti, *Department of Climate Change, Energy, the Environment and Water: Investigation Report into the Kosciuszko National Park Wild Horses Rehoming Program* (17 June 2024), p 8.

⁴¹⁸ Protiviti, *Department of Climate Change, Energy, the Environment and Water: Investigation Report into the Kosciuszko National Park Wild Horses Rehoming Program* (17 June 2024), pp 9 and 22.

⁴¹⁹ Protiviti, *Department of Climate Change, Energy, the Environment and Water: Investigation Report into the Kosciuszko National Park Wild Horses Rehoming Program* (17 June 2024), p 9.

complete the returns.⁴²⁰ Again, it was noted that this was consistent with NPWS' approach to fate returns generally.⁴²¹

- 6.19** The investigation report stated that NPWS 'could' have made additional enquiries of Mr Talbot given the issues with his two applications, their ongoing interactions with him, and the non-receipt of fate returns.⁴²² However, it found that it likely could not have conducted any other compliance, monitoring or investigation activities, as these would have been inconsistent with the rehoming program intent and NPWS' statutory authority.⁴²³ The report stated that NPWS therefore has limited authority to confirm the ongoing suitability of rehomers and is instead reliant on other government agencies:

The Program Intent and role and responsibility of NPWS (aligned to their statutory authority) supports and facilitates the trapping, holding and transfer of horses to Rehomers (including the transfer of responsibility for the horses on pick-up), but it does not include the 'active' oversight and management of the Rehomers as inferred in the Guidelines. As a result, NPWS has limited opportunity and authority to confirm the ongoing suitability of the Rehomers and they are reliant on other Government Agencies to manage the welfare of animals that are no longer their responsibility and to inform, and advise on, the suitability of Rehomers.⁴²⁴

- 6.20** When questioned, the Minister for Environment advised that despite the issues raised, she was not looking to provide NPWS with 'any additional sort of investigative powers' with respect to rehomed brumbies.⁴²⁵

Findings relating to the rehoming program more broadly

- 6.21** The investigation made 23 findings and four recommendations about the rehoming program more broadly.⁴²⁶

- 6.22** The four recommendations were:

1. The program intent, Standard Operating Procedure and guidelines should be adjusted to be consistent with NPWS' statutory authority.⁴²⁷

⁴²⁰ Protiviti, *Department of Climate Change, Energy, the Environment and Water: Investigation Report into the Kosciuszko National Park Wild Horses Rehoming Program* (17 June 2024), p 23.

⁴²¹ Protiviti, *Department of Climate Change, Energy, the Environment and Water: Investigation Report into the Kosciuszko National Park Wild Horses Rehoming Program* (17 June 2024), p 23.

⁴²² Protiviti, *Department of Climate Change, Energy, the Environment and Water: Investigation Report into the Kosciuszko National Park Wild Horses Rehoming Program* (17 June 2024), p 23.

⁴²³ Protiviti, *Department of Climate Change, Energy, the Environment and Water: Investigation Report into the Kosciuszko National Park Wild Horses Rehoming Program* (17 June 2024), pp 3 and 23.

⁴²⁴ Protiviti, *Department of Climate Change, Energy, the Environment and Water: Investigation Report into the Kosciuszko National Park Wild Horses Rehoming Program* (17 June 2024), p 24.

⁴²⁵ Evidence, Minister Sharpe, 31 July 2024, p 17.

⁴²⁶ Protiviti, *Department of Climate Change, Energy, the Environment and Water: Investigation Report into the Kosciuszko National Park Wild Horses Rehoming Program* (17 June 2024), p 5.

⁴²⁷ Protiviti, *Department of Climate Change, Energy, the Environment and Water: Investigation Report into the Kosciuszko National Park Wild Horses Rehoming Program* (17 June 2024), p 25.

2. NPWS should formalise its relationships with other government agencies to facilitate better communication and information transfers that would assist it in making decisions about rehomingers.⁴²⁸
3. The application process to become a rehominger should be strengthened to provide NPWS with greater assurance about the information provided by an applicant and greater confidence in the suitability of a rehominger to participate in the program.⁴²⁹
4. The end-to-end processes supporting the program should be formalised in an operational procedure to complement the knowledge and experience of the team, improve in specific areas, and provide an increased level of control.⁴³⁰

6.23 The government has stated that it accepts all recommendations in principle. However, the investigation found that even implementation of the recommendations 'may not prevent a Rehominger conducting illegal acts as that is outside of the responsibility of the Rehoming Program based on the Program Intent and the statutory authority of NPWS'.⁴³¹

6.24 On 31 July 2024, Mr Robert Smith, Executive Director, Park Operations Inland, NSW National Parks and Wildlife Service, provided further detail on the work that had been done to respond to the report's recommendations. Mr Smith stated that, among other things, NPWS was documenting the program intent 'in quite a clear way'; putting together a process for better exchange of information with RSPCA NSW and Racing NSW; and considering implementing a requirement to provide a reference in a rehoming application.⁴³²

Responsibility for ongoing monitoring of rehomed brumbies

6.25 One issue arising from the investigation is how the ongoing welfare of rehomed brumbies should be monitored. At present, NPWS has no further responsibility for a brumby once it has been provided to a rehominger. It is not liable for the ongoing welfare of the horse and has no obligations to maintain or monitor them.⁴³³ This is a consequence of the current legislative scheme, including that NPWS does not have any statutory authority under the *Prevention of Cruelty to Animals Act 1979* (POCTA Act).⁴³⁴

6.26 Minister Sharpe advised that she was 'not looking at requiring additional sort of investigative powers or pre-emptive powers' for NPWS in respect of rehomed brumbies.⁴³⁵ Mr Atticus

⁴²⁸ Protiviti, *Department of Climate Change, Energy, the Environment and Water: Investigation Report into the Kosciuszko National Park Wild Horses Rehoming Program* (17 June 2024), p 25.

⁴²⁹ Protiviti, *Department of Climate Change, Energy, the Environment and Water: Investigation Report into the Kosciuszko National Park Wild Horses Rehoming Program* (17 June 2024), pp 25-26.

⁴³⁰ Protiviti, *Department of Climate Change, Energy, the Environment and Water: Investigation Report into the Kosciuszko National Park Wild Horses Rehoming Program* (17 June 2024), p 26.

⁴³¹ Protiviti, *Department of Climate Change, Energy, the Environment and Water: Investigation Report into the Kosciuszko National Park Wild Horses Rehoming Program* (17 June 2024), 25.

⁴³² Evidence, Mr Robert Smith, Executive Director, Park Operations Inland, NSW National Parks and Wildlife Service, 31 July 2024, p 32.

⁴³³ Protiviti, *Department of Climate Change, Energy, the Environment and Water: Investigation Report into the Kosciuszko National Park Wild Horses Rehoming Program* (17 June 2024), p 4.

⁴³⁴ Protiviti, *Department of Climate Change, Energy, the Environment and Water: Investigation Report into the Kosciuszko National Park Wild Horses Rehoming Program* (17 June 2024), p 3.

⁴³⁵ Evidence, Minister Sharpe, 31 July 2024, p 17.

Fleming, Deputy Secretary, NSW National Parks and Wildlife Service, concurred, saying 'I don't think that it's a National Parks and Wildlife responsibility. We're talking about domestic animals on private land'.⁴³⁶

6.27 Instead, responsibility for the welfare of rehomed brumbies falls to the bodies who are authorised under the POCTA Act, including the police, the RSPCA NSW, and the Animal Welfare League.⁴³⁷ However, the RSPCA NSW gave evidence that they do not have the funding and resources to proactively monitor the wellbeing of horses once they've been rehomed.⁴³⁸ They also did not believe that, absent a complaint, they would have authority to enter land, examine horses, or potentially seize them.⁴³⁹

6.28 Ms Kathryn Jurd, General Counsel, RSPCA NSW said that there was 'no reporting or tracking' of rehomed brumbies, which made it difficult to monitor their ongoing welfare. She said this was an issue across many animal species, not just horses.⁴⁴⁰ This point was echoed by Minister Sharpe, who said:

The broader issue that this has thrown up is, again, when do we intervene in relation to animal welfare, under what circumstances, what powers do people have? I think that's part of the broader conversation around POCTAA and the way in which the animal welfare organisations legislation is established. The horses and rehoming is a very small part of [that].⁴⁴¹

Committee comment

6.29 The committee is deeply concerned by the allegations that up to 500 horses, the majority of which are likely to be brumbies, have been killed in an illegal knackery in Downside.

6.30 The evidence shows that a single individual, Mr Adrian Talbot, was able to acquire over 300 brumbies, despite discrepancies in his applications to become a rehomer and consistent failures to submit documentation on the horses' fate. This shows clear gaps in the processes followed by NPWS in administering the rehoming program which must be swiftly rectified, to prevent an incident like this ever occurring again.

6.31 The committee welcomes the decision by Minister Sharpe to conduct an independent investigation into the rehoming program.

6.32 The committee recommends the New South Wales Government implement the recommendations from the investigation report into the Kosciuszko National Park Wild Horses Rehoming Program, and restart rehoming as soon as possible.

⁴³⁶ Evidence, Mr Atticus Fleming, Deputy Secretary, NSW National Parks and Wildlife Service, 31 July 2024, p 33.

⁴³⁷ Protiviti, *Department of Climate Change, Energy, the Environment and Water: Investigation Report into the Kosciuszko National Park Wild Horses Rehoming Program* (17 June 2024), p 3.

⁴³⁸ Evidence, Mr Troy Wilkie, Senior Government Relations Manager, RSPCA NSW, 31 July 2024, p 11.

⁴³⁹ Evidence, Ms Kathryn Jurd, General Counsel, RSPCA NSW, 31 July 2024, p 11.

⁴⁴⁰ Evidence, Ms Jurd, 31 July 2024, p 12.

⁴⁴¹ Evidence, Minister Sharpe, 31 July 2024, p 26.

- 6.33** The committee also acknowledges that NPWS staff who undergo horse control programs are undertaking difficult jobs at the request of government, and have often faced terrible abuse online and in the community.

Finding 8

The National Parks and Wildlife staff who undergo horse control programs are undertaking difficult jobs at the request of government, and have often faced terrible abuse online and in the community.

Recommendation 6

The National Parks and Wildlife Service should implement the recommendations from the investigation report into the Kosciuszko National Park Wild Horses Rehoming Program, and restart rehoming as soon as possible.

Appendix 1 Submissions

No.	Author
1	Mrs Paula Ross
2	Ms Lyn Morgan
3	Name suppressed
4	Mrs Kim McDonald
5	Name suppressed
6	Name suppressed
7	Mr Kim Wallace
7a	Mr Kim Wallace
8	Name suppressed
9	Name suppressed
9a	Name suppressed
10	Animal Protectors Alliance
11	Kathy Cercone
11a	Kathy Cercone
12	Mr Iain McMillan
13	Mrs Joanne McMillan
14	Equine Voice Australia (EVA)
15	Mr Robert Nowak
15a	Mr Robert Nowak
16	Miss Beverly Bugeja
17	Name suppressed
18	Ms Stacey Bolton
19	Mrs Mickey v. Br.
20	Name suppressed
21	Name suppressed
22	Mrs Sally Weston
23	Mrs Sarah Frew
24	Ms Allison Shepherd
25	Mrs Helen Daniels
26	Name suppressed
27	Ms Christine Daley

No.	Author
28	Name suppressed
29	Susie Little
30	Ms Melinda Sheldon
31	Ms Sharon Church
32	Dee McNeill
33	Confidential
34	Name suppressed
35	Ashley Fuller
36	Ms Judy Medway
37	Miss Helen Guy
38	Mr Grant Holman
38a	Mr Grant Holman
39	Ms Teresa Romanovsky
40	Name suppressed
41	Name suppressed
42	Mrs Sarah Anne Evans
43	Name suppressed
44	Name suppressed
45	Mr Craig Golding
46	Name suppressed
47	South Endeavour Trust
48	Mr Peter Conroy
49	Ms Jenny Brown
50	Ms Lynn Newberry
51	Ms Susie Hearder
52	Mrs Lynette Desmond
53	Confidential
54	Mr Karl Augustine
55	Ms Susan Sorensen
56	Mrs Louise Gladman
57	Mrs Sarah Frew
58	Ms Simone Cooper
59	Name suppressed
60	Professor Reuben Rose
61	Name suppressed

No.	Author
62	Mrs Claire Galea
63	Confidential
64	Name suppressed
65	Heritage Horse and Environment Protection Alliance
66	Dr Jill Brown
66a	Dr Jill Brown
67	Name suppressed
68	Name suppressed
69	Mr Gary Cotchin
70	Name suppressed
71	Australian Brumby Alliance inc.
71a	Australian Brumby Alliance inc.
72	Ms Janice Haviland
73	Wagga Wilderness Walkers
74	Name suppressed
75	Suzanne Zylmans
76	Kay Bradbeer
77	Joanne Canning
77a	Joanne Canning
78	Name suppressed
79	Name suppressed
80	Name suppressed
81	Name suppressed
82	Name suppressed
83	Ms Kim Bourke
84	Name suppressed
85	Name suppressed
86	Colleen Krestensen
87	Public Service Association of NSW
88	Ms Carol Beattie
89	Bushwalking NSW Inc.
90	Ms Jennifer O'Shea
91	National Parks Association ACT Inc
92	Mr David Darlington
93	Name suppressed

No.	Author
94	Ms Cheryl Maddern
95	Mr Martin Derby
96	Name suppressed
97	Bridget O'Sullivan
98	Jenny Hunter
99	Name suppressed
100	Chantal Buslot
100a	Chantal Buslot
101	Australian Brumby Horse Register
102	Andrew Mallen
103	Astara Rose
104	Snowy Mountains Horse Riders Association
105	Sentient, The Veterinary Institute of Animal Ethics
106	Ms Maureen Clifford
107	Name suppressed
108	Name suppressed
109	Mrs Deborah Marton
110	NSW Government
111	Name suppressed
112	Mrs Nikki Alberts
113	Ms Robyn Plummer
114	Mr Peter Ryder
115	Ms Karen Sommers
116	Ms Annette Rankin
117	Centre for Ecosystem Science UNSW Sydney
118	Ms Linda Groom
119	Ms Suzanne Watts
120	Name suppressed
121	Australian Veterinary Association
122	RSPCA NSW
123	National Parks Australia Council
124	Name suppressed
125	Animal Care Australia
125a	Animal Care Australia
126	Invasive Species Council

No.	Author
127	Miss Helen Guy
128	Name suppressed
129	Mr Peter Cormick
130	Jacqueline de Haan
131	Miss Chloe Gladman
132	Mrs Amber Tunks
133	Ms Kariss Stone
134	Ms Donna Bridgeman
135	Name suppressed
136	Dr Don Fletcher
137	Name suppressed
138	Mrs Renee Neubauer
139	Professor David Brooks
140	Mr Brian Boyle
141	Ms Sheree Stepney
142	Ian Pulsford
143	Name suppressed
144	Name suppressed
145	Name suppressed
146	Ms Ruby Hardie
147	Name suppressed
148	Ms Lucia Smith
149	Mrs Leisa Caldwell
150	Ms Leonie Schween
151	Mr Leon Meyer
152	Confidential
153	Name suppressed
154	Mrs Doreen Stepney
155	Anne Reeves
156	Ms Kathryn Woolfe
157	Name suppressed
158	Name suppressed
159	Ms Billie Dean
160	Miss Ellesmira Heath
161	Ms Noeline Franklin

No.	Author
162	Ms Helen Milliken
163	Animal Defenders Office Inc.
164	Kerry Hewson
165	ACT Government
166-511	Short submissions (<i>Public and name suppressed</i>)
512-536	Short submissions (<i>Confidential</i>)
537	Hoofs2010 Inc
538	Snowy Brumby Photography Adventures
539	Name suppressed
539a	Confidential
540	Name suppressed
540a	Name suppressed

Appendix 2 Witnesses at hearings

Date	Name	Position and Organisation
Monday, 18 December 2023 Macquarie Room Parliament House, Sydney	Hon Penny Sharpe MLC	Minister for Climate Change, Energy, Environment and Heritage
	Mr Atticus Fleming	Acting Coordinator General, Environment and Heritage Group, NSW Department of Planning and Environment
	Mr Robert Smith	Executive Director Park Operations Inland, National Parks and Wildlife Service, NSW Department of Planning and Environment
	Miss Jill Pickering <i>(via videoconference)</i>	President, Australian Brumby Alliance
	Mrs Nikki Alberts <i>(via videoconference)</i>	Vice President, Australian Brumby Alliance
	Ms Tara Ward	Managing Solicitor (volunteer), Animal Defenders Office
	Dr Catherine Tiplady <i>(via videoconference)</i>	Committee Member, Sentient, the Veterinary Institute
	Ms Karri Nadazdy	Horse and Livestock Representative, Animal Care Australia
	Ms Rachel Sydenham	Small Mammals Representative, Animal Care Australia
	Mrs Claire Galea	Independent biostatistician
	Mr Steven Coleman	Chief Executive Officer, RSPCA NSW
	Mr Scott Meyers	Chief Inspector, RSPCA NSW
	Mr Jack Gough	Advocacy Director, Invasive Species Council
	Hon. Associate Professor Richard Swain	Indigenous Ambassador for the Invasive Species Council
	Professor Richard Kingsford	Professor of Environmental Science, Director of Centre for Ecosystem Science School of Biological, Earth and Environmental Sciences, University of New South Wales, Sydney
	Dr David Eldridge	Centre for Ecosystem Science, University of New South Wales, Sydney
	Mr Brian Boyle <i>(via videoconference)</i>	Environmental Consultant, Australian Hunters International Inc.
Mr Andrew Mallen	Ballistics and Firearms Expert, Australian Hunters International Inc.	

Date	Name	Position and Organisation
Monday 5 February 2024 Preston Stanley Room Parliament House, Sydney	Witness A <i>(via videoconference)</i>	
	Hon Penny Sharpe MLC	Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage
	Mr Troy Wright	Assistant General Secretary, Public Service Association of NSW
	Mr Kim De Govrik	Organiser, Public Service Association of NSW
	Mr Andrew Wilesmith <i>(via videoconference)</i>	Ngarigo custodian and horseman
	Dr Cristy Secombe <i>(via videoconference)</i>	Head of Veterinary and Public Affairs, Australian Veterinary Association
	Mr Timothy Johnson	Former Chair, Kosciuszko National Park Wild Horse Community Advisory Panel
	Mrs Leisa Caldwell	Former member and representative of the Snowy Mountains community, Kosciuszko National Park Wild Horse Community Advisory Panel
	Ms Joanne Canning <i>(via videoconference)</i>	Community member
	Dr Jill Brown <i>(via videoconference)</i>	Convenor, Heritage Horse and Environment Alliance
	Witness B	
	Mr Troy Wilkie	Senior Government Relations Manager, RSPCA NSW
Mr Steven Coleman	Chief Executive Officer, RSPCA NSW	
Wednesday 27 March 2024 Macquarie Room Parliament House, Sydney	Associate Professor Andrea Harvey	Associate Professor, University of Sydney and Chancellors Research Fellow, University of Technology Sydney
	Mr Andy Chambers <i>(via videoconference)</i>	Managing Director, AirbourneLogic
	Dr Don Fletcher	Retired Ecologist
	Ms Lynette Sutton <i>(via videoconference)</i>	Founder / Sanctuary Manager Advocate, Genetic Research, Hoofs2010
	Mr Atticus Fleming	Deputy Secretary, NSW National Parks and Wildlife Service
	Mr Robert Smith	Executive Director Park Operations Inland, NSW National Parks and Wildlife Service

Date	Name	Position and Organisation
Thursday 23 May 2024 Jubilee Room Parliament House, Sydney	Witness C <i>(via videoconference)</i>	
	Mr Steven Coleman	Chief Executive Officer, RSPCA NSW
	Mr Troy Wilkie	Senior Government Relations Manager, RSPCA NSW
	Dr Lisa Szabo	Director Food Safety and CEO, NSW Food Authority
	Mr Greg Vakaci	Director Compliance, NSW Food Authority
	Ms Jacqueline Johnstone	General Manager – Integrity, Racing NSW
	Mr Wade Birch	Chief Operating Officer, Greyhound Welfare & Integrity Commission
	Hon Penny Sharpe MLC	Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage
	Mr Ray Hadley	Host, The Ray Hadley Morning Show, 2GB
	Mr Peter Thompson	General Manager, Wagga Wagga City Council
	Mrs Fiona Piltz	Executive Director – People and Culture, Wagga Wagga City Council
	Mr Atticus Fleming	Deputy Secretary, NSW National Parks and Wildlife Service
	Mr Robert Smith	Executive Director, Park Operations Inland, NSW National Parks and Wildlife Service
	Ms Melinda Sukhla	Executive Director, Delivery and Assurance, NSW Premier's Department
Wednesday 31 July 2024 Preston Stanley Room Parliament House, Sydney	Ms Katherine Jurd	General Counsel, RSPCA NSW
	Mr Troy Wilkie	Senior Government Relations Manager, RSPCA NSW

Date	Name	Position and Organisation
	Hon Penny Sharpe MLC	Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage
	Witness D	
	Witness E	
	Witness F	
	Mr Atticus Fleming	Deputy Secretary, NSW National Parks and Wildlife Service
	Mr Rob Smith	Executive Director, Park Operations Inland, NSW National Parks and Wildlife Service

Appendix 3 Minutes

Minutes no. 1

Monday 28 August 2023

Animal Welfare Committee

Room 1043 and via video conference, Parliament House, Sydney, 4.07pm

1. Members present

Ms Hurst (Chair)

Mr Borsak

Mr Fang

Mr Lawrence (via video conference)

Mrs Taylor (substituting for Mrs MacDonald) (via video conference)

Mr Nanva (via video conference)

Mr Primrose

Ms Suvaal

2. Tabling of resolution establishing the committee

The committee noted the following resolution of the House establishing the committee, which reads as follows:

That, notwithstanding anything to the contrary contained in the standing orders:

Appointment

1. An Animal Welfare Committee be appointed.

Functions

2. The committee may inquire into and report on matters relating to the welfare and protection of animals in New South Wales.

Referral of inquiries

3. The committee:
 - (a) is to inquire into and report on any matter relevant to the functions of the committee which is referred to the committee by resolution of the House, and
 - (b) may self-refer an inquiry into any matter relevant to the functions of the committee.
4. A committee meeting to consider a self-reference under paragraph (3)(b) must be convened at the request of any three committee members in writing to the Committee Clerk.
5. The Committee Clerk must convene a meeting within seven calendar days of the receipt of the request, providing that members are given at least 24 hours' notice.
6. A majority of committee members is required to adopt the self-reference.
7. Whenever a committee resolves to self-refer a matter, the terms of reference are to be reported to the House on the next sitting day.

Membership

8. That, notwithstanding anything to the contrary in the standing orders, the committee is to consist of eight members, comprising:

- (a) four government members,
- (b) two opposition members, and
- (c) two crossbench members, with one being Ms Hurst.

Chair and Deputy Chair

9. The Chair of the committee is to be Ms Hurst, and the committee is to elect the Deputy Chair in accordance with the standing orders.

Conduct of committee proceedings

10. Unless the committee decides otherwise:
- (a) all inquiries are to be advertised via social media, stakeholder emails and a media release distributed to all media outlets in New South Wales,
 - (b) submissions to inquiries are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration,
 - (c) attachments to submissions are to remain confidential,
 - (d) the Chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the Chair to convene a meeting to resolve any disagreement,
 - (e) the sequence of questions to be asked at hearings is to alternate between opposition, crossbench and government members, in that order, with equal time allocated to each,
 - (f) transcripts of evidence taken at public hearings are to be published,
 - (g) supplementary questions are to be lodged with the Committee Clerk within two business days, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness,
 - (h) answers to questions on notice and supplementary questions are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration, and
 - (i) media statements on behalf of the committee are to be made only by the Chair.

3. Election of Chair

The Chair called for nominations for Deputy Chair.

Mr Primrose moved: That Mr Nanva be elected Deputy Chair of the committee.

There being no further nominations, the Chair declared Mr Nanva elected Deputy Chair.

4. Briefing on the resolution establishing the committee and conduct of committee proceedings

The secretariat briefed committee members on the resolution establishing the committee and conduct of committee proceedings.

5. Conduct of committee proceedings

5.1 Media

The committee noted the Broadcast of Proceedings resolution (as amended by the Legislative Council on 19 October 2022), in particular the provisions relating to the filming, broadcasting, rebroadcasting and photography of committee proceedings, including:

- (4) That unless resolved otherwise by a committee, this House authorises:

- (a) the filming, broadcasting and photography of members and witnesses in committee proceedings:
 - (i) by representatives of media organisations, including from around the committee meeting table,
 - (ii) by any member of the public, from the position of the audience, and
- (b) the rebroadcasting of committee proceedings on the Legislative Council and Parliament's social media channels.

6. Publication of minutes of the first meeting

Resolved, on the motion of Mr Fang: That the committee publish the minutes of the first meeting on the committee's webpage, subject to the draft minutes being circulated to members.

7. Correspondence

The committee noted the following item of correspondence:

Received:

- 28 August 2023 – Letter from Hon Robert Borsak MLC, Hon Emma Hurst MLC and Hon Wes Fang MLC requesting a meeting of the Animal Welfare Committee to consider a proposed self-reference into the proposed aerial shooting of brumbies in Kosciuszko National Park.

8. Consideration of terms of reference – Proposed aerial shooting of brumbies in Kosciuszko National Park

The Chair tabled a letter proposing the following terms of reference for the inquiry into the proposed aerial shooting of brumbies in Kosciuszko National Park:

That the Animal Welfare Committee inquire into and report on the proposed aerial shooting of brumbies in Kosciuszko National Park and surrounding areas, and in particular:

- (a) the methodology used to survey and estimate the brumby population in Kosciuszko National Park,
- (b) the justification for proposed aerial shooting, giving consideration to urgency and the accuracy of the estimated brumby population in Kosciuszko National Park
- (c) the adequacy of the 'Aerial shooting of feral horses (HOR002) Standard Operating Procedure',
- (d) the animal welfare concerns associated aerial shooting,
- (e) the human safety concerns if Kosciuszko National Park is to remain open during operations
- (f) the impact of previous aerial shooting operations (such as Guy Fawkes National Park) in NSW,
- (g) the availability of alternatives to aerial shooting, and
- (h) any other related matter.

Resolved, on the motion of Mr Nanva: That the terms of reference be amended by:

- inserting a new paragraph after paragraph (b):
'the status of, and threats to, endangered species in Kosciuszko National Park'
- amending paragraph (c) by inserting 'the history and adequacy of New South Wales laws, policies and programs for the control of wild horse populations, including but not limited to' before 'the adequacy of the "Aerial shooting of feral horses (HOR002) Standard Operating Procedure"'
- amending paragraph (d) by omitting 'associated aerial shooting' and inserting 'associated with aerial shooting'.

Resolved, on the motion of Mr Primrose: That the committee adopt the terms of reference, as amended.

9. Conduct of the inquiry into the proposed aerial shooting of brumbies in Kosciuszko National Park

9.1 Closing date for submissions

Resolved, on the motion of Ms Suvaal: That the closing date for submissions be Friday 13 October 2023.

9.2 Stakeholder list

Resolved, on the motion of Ms Suvaal: That:

- the secretariat circulate to members the Chair's proposed list of stakeholders to be invited to make a submission
- members have two days from when the Chair's proposed list is circulated to make amendments or nominate additional stakeholders
- the committee agree to the stakeholder list by email, unless a meeting of the committee is required to resolve any disagreement.

9.3 Approach to submissions

Resolved, on the motion of Ms Suvaal: That to enable significant efficiencies for members and the secretariat while maintaining the integrity of how submissions are treated, in the event that 50 or more individual submissions are received, the committee may adopt the following approach to processing short submissions:

- All submissions from individuals 250 words or less in length will:
 - have an individual submission number, and be published with the author's name or as name suppressed, or kept confidential, according to the author's request
 - be reviewed by the secretariat for adverse mention and sensitive/identifying information, in accordance with practice
 - be channelled into one single document to be published on the inquiry website
- All other submissions will be processed and published as normal.

9.4 Hearing dates and site visits

Resolved, on the motion of Mr Fang: That the timeline for hearings and site visits be considered by the committee following the receipt of submissions. Further, that hearing dates and site visits be determined by the Chair after consultation with members regarding their availability.

10. Adjournment

The committee adjourned at 4.24pm, *sine die*.

Rhia Victorino

Committee Clerk

Minutes no. 3

Monday 18 December 2023

Animal Welfare Committee

Macquarie Room, Parliament House, Sydney at 9.16 am

1. Members present

Ms Hurst, *Chair*

Mr Nanva, Deputy Chair

Mr Borsak

Ms Boyd (*participating* from 9.16 am until 3.40 pm)

Mr Fang

Ms Higginson (*participating*)

Mr Lawrence

Mrs MacDonald

Mr Primrose

Ms Suvaal (*via videoconference* from 9.16 am until 9.20 am)

2. Apologies

3. Previous minutes

Resolved on the motion of Mr Fang: That draft minutes nos. 1 and 2 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received

- 31 August 2023 – Email from the Office of Ms Sue Higginson nominating Ms Higginson as a participating member on the inquiry into the proposed aerial shooting of brumbies in Kosciusko national park.
- 4 September 2023 – Email from the Office of Ms Abigail Boyd nominating Ms Boyd as a participating member on the inquiry into the proposed aerial shooting of brumbies in Kosciusko national park.
- 26 September 2023 – Email from the Office of Ms Abigail Boyd nominating Ms Boyd as a participating member on the inquiry into the management of cat populations in New South Wales.
- 26 October 2023 – Email from an individual, attaching correspondence to the Environment Minister relating to horse culling in Kosciuszko National Park.
- 6 November 2023 – Email from the Office of Ms Emma Hurst forwarding hard copy correspondence from a member of the public Mrs Barbara Longworth.
- 7 December 2023 – Email from Mr Tim Hughes, South Endeavour Trust, declining to give evidence at the inquiry into the proposed aerial shooting of brumbies in Kosciuszko National Park public hearing on Monday 18 December 2023.
- 10 December 2023 – Email from an individual, declining to give evidence at the inquiry into the proposed aerial shooting of brumbies in Kosciuszko National Park public hearing on Monday 18 December 2023.
- 12 December 2023 – Email from representative of the Australian Veterinary Association, declining to give evidence at the inquiry into the proposed aerial shooting of brumbies in Kosciuszko National Park public hearing on Monday 18 December 2023.

Resolved on the motion of Mrs MacDonald: That Ms Higginson as a participating member for the duration of the inquiry into proposed aerial shooting of brumbies in Kosciusko national park, be provided with copies of all committee papers and that all costs associated with her participation in the inquiry be covered by the committee

Resolved on the motion of Mrs Macdonald: That Ms Boyd as a participating member for the duration of the inquiries into proposed aerial shooting of brumbies in Kosciusko national park, and the management of cat populations in New South Wales be provided with copies of all committee papers and that all costs associated with her participation in the inquiry be covered by the committee.

5. Proposed aerial shooting of brumbies in Kosciuszko National Park – submissions

5.1 Public submissions

The committee noted the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 1, 2, 4, 7, 7a, 10–16, 18-19, 22-25, 27, 29-32, 35-39, 42, 45, 48-52, 54-58, 60, 62, 65-66, 69, 71-73, 75-77, 83, 86-87, 89-92, 94-95, 97-98, 100-106, 109-110, 112-119, 121-123, 125-127, 129-134, 136, 138-142, 146, 148-151, 154-156, 159-160, 162-165.

5.2 Partially confidential submissions

Resolved, on the motion of Mr Nanva: That the committee keep the following information confidential, as per the request of the author: names and/or identifying and sensitive information in submissions nos. 3, 5, 6, 8-9a, 17, 20-21, 26, 28, 40-41, 43-44, 46, 61, 64, 67-68, 70, 74, 78-82, 84-85, 93, 96, 99, 107-108, 111, 120, 124, 128, 135, 137, 143-145, 147, 153 and 157-158.

Resolved, on the motion of Mr Lawrence: That the committee authorise the publication of submission nos. 59, 88 with the exception of identifying and/or sensitive information which are to remain confidential as per the recommendation of the secretariat.

Resolved, on the motion of Mr Lawrence: That the committee authorise the publication of submission no. 34, with the exception of potential adverse mention which is to remain confidential, as per the recommendation of the secretariat.

Resolved, on the motion of Mr Lawrence: That the committee authorise the publication of submission nos. 47 and 161 with the exception of identifying and/or sensitive information which are to remain confidential, as per the request of the author.

5.3 Confidential submissions

Resolved, on the motion of Mr Fang: That the committee keep submission nos. 33, 53, 63 and 152 confidential, as per the request of the author.

5.4 Attachments to submissions

Resolved, on the motion of Mr Fang: That the committee authorise the publication of attachments to submission no 110.

6. Proposed aerial shooting of brumbies in Kosciuszko National Park – short submissions

6.1 Short public submissions

The committee noted the following short submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 166-377.

6.2 Short partially confidential submissions

Resolved, on the motion of Mrs MacDonald: That the committee keep the following information confidential, as per the request of the author: names and/or identifying and sensitive information in short submissions nos. 378-511.

6.3 Short confidential submissions

Resolved, on the motion of Mr Nanva: That the committee keep short submission nos. 512-536 confidential, as per the request of the author.

7. Proposed aerial shooting of brumbies in Kosciuszko National Park – future committee activity

The committee noted the Chair's circulated confirmed dates for committee activity in 2024.

- Monday 5 February 2024 for a hearing at Parliament House, Sydney
- Wednesday 27 to Thursday 28 March 2024 for regional committee activity.

8. Proposed aerial shooting of brumbies in Kosciuszko National Park – Public hearing

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters. The Chair noted that Members of Parliament swear an oath to their office, and therefore do not need to be sworn prior to giving evidence before a committee.

The Hon Penny Sharpe, Minister for Climate Change, Energy, Environment and Heritage was admitted and examined.

The following witnesses were sworn and examined:

- Mr Atticus Fleming, Acting Coordinator General, Environment and Heritage Group, NSW Department of Planning and Environment
- Mr Robert Smith, Executive Director Park Operations Inland, National Parks and Wildlife Service, NSW Department of Planning and Environment.

Minister Sharpe tendered 'NPWS H009 aerial shooting wild horse control standard operating procedure NSW SOP' dated 9 December 2023.

Mr Wes Fang tabled two maps of Kosciuszko National Park.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Miss Jill Pickering, President, Australian Brumby Alliance (via videoconference)
- Mrs Nikki Alberts, Vice President, Australian Brumby Alliance (via videoconference)
- Ms Tara Ward, Managing Solicitor (volunteer), Animal Defenders Office.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Dr Catherine Tiplady, Committee Member, Sentient, the Veterinary Institute (via videoconference)
- Ms Karri Nadazdy, Horse and Livestock Representative, Animal Care Australia
- Ms Rachel Sydenham, Small Mammals Representative, Animal Care Australia.

Ms Sydenham tendered an article from the Animal Care Expert. Volume 5. Issue 3 September 2023 titled 'Imagine managing brumbies better – it would be worth the hard work!'

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mrs Claire Galea, Independent biostatistician.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Steven Coleman, RSPCA NSW Chief Executive Officer
- Mr Scott Meyers, RSPCA NSW Chief Inspector.

Mr Scott Meyers tendered images of culled brumbies observed by the RSPCA following aerial shooting.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Jack Gough, Advocacy Director, Invasive Species Council
- Hon. Associate Professor Richard Swain, Indigenous Ambassador for the Invasive Species Council.

Mr Gough tendered the following documents:

- 'Feral animal control by NSW National Parks and Local Land Services 2020/21 – 2022/23'
- 'Literature review on humaneness and effectiveness of aerial shooting of feral horses' dated 7 August 2023
- 'MO request for information – Feral animal control over the last three years' dated 15 September 2023
- 'Department of Regional NSW – Informal advice Minister Moriarty – Issue: Aerial Cull Programs' dated 15 September 2023
- 'Comment on 'Independent biostatistical report on the Brumby population in the Kosciuszko National Park' by Dr Don Fletcher PhD, PSM dated 4 October 2023

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Professor Richard Kingsford, Professor of Environmental Science, Director of Centre for Ecosystem Science School of Biological, Earth and Environmental Sciences, University of New South Wales, Sydney
- Dr David Eldridge, Centre for Ecosystem Science, University of New South Wales, Sydney.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Brian Boyle, Environmental Consultant, Australian Hunters International Inc. (via videoconference)
- Mr Andrew Mallen, Ballistics and Firearms Expert, Australian Hunters International Inc.

Mr Mallen tendered an image of bullets.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 4.45 pm. The public and the media withdrew.

Tendered documents

Resolved, on the motion of Mrs MacDonald: That the committee accept and publish the following documents tendered during the public hearing:

- 'NPWS H009 aerial shooting wild horse control standard operating procedure NSW SOP' dated 9 December 2023
- An article from the Animal Care Expert. Volume 5. Issue 3 September 2023 titled 'Imagine managing brumbies better – it would be worth the hard work!'
- Two maps of Kosciuszko National Park
- 'Feral animal control by NSW National Parks and Local Land Services 2020/21 – 2022/23'
- 'Literature review on humaneness and effectiveness of aerial shooting of feral horses' dated 7 August 2023
- 'MO request for information – Feral animal control over the last three years' dated 15 September 2023
- 'Department of Regional NSW – Informal advice Minister Moriarty – Issue: Aerial Cull Programs' dated 15 September 2023
- 'Comment on 'Independent biostatistical report on the Brumby population in the Kosciuszko National Park' by Dr Don Fletcher PhD, PSM dated 4 October 2023
- Images of culled brumbies observed by the RSPCA following aerial shooting.
- An image of bullets

Resolved, on the motion of Mr Borsak: That the images tendered by Mr Scott Meyers and accompanying videos to be later provided on notice be circulated to the committee and their publication status be considered at the committee's next meeting.

9. Adjournment

The committee adjourned at 5.00 pm until 5 February 2024.

Kara McKee
Committee Clerk

Minutes no. 4

Monday 5 February 2024

Animal Welfare Committee

Preston Stanley Room, Parliament House, Sydney at 8.49 am

1. Members present

Ms Hurst, *Chair*
 Mr Nanva, *Deputy Chair*
 Mr Borsak (from 8.57 am until 3.00 pm)
 Mr Fang
 Ms Higginson (participating) (from 8.51 am until 5.00 pm)
 Mr Lawrence
 Mrs MacDonald
 Mr Primrose
 Ms Suvaal (via videoconference) (until 9.15 am)

2. Previous minutes

Resolved, on the motion of Mr Fang: That draft minutes no. 3 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received

- 28 November 2023 – Email from Ms Lara Travis, private individual to secretariat, advising that Ms Judith Kamaruzzaman supports the Save the Brumbies project
- 18 January 2024 – Email from Professor Richard Kingsford, Professor of Environmental Science, Director of Centre for Ecosystem Science, School of Biological, Earth and Environmental Sciences, UNSW Sydney to secretariat, seeking an extension to provide answers to questions on notice from hearing on 18 December 2023
- 19 January 2024 – Email from Mr Don Fletcher to secretariat, attaching comment about proposed independent survey of horses in Kosciuszko National Park
- 24 January 2024 – Email from Ms Tamsin Lloyd, Deputy Chief of Staff, Office of the Hon Penny Sharpe MLC, Minister for Climate Change, Energy, the Environment and Heritage to secretariat, providing name and contact details of independent vet who observed National Parks and Wildlife’s preliminary program of aerial wild horse control late last year
- 29 January 2024 – Email from Witness A to secretariat, requesting to appear *in camera* at the hearing on Monday 5 February 2024
- 29 January 2024 – Email from Ms Frankie Seymour, Environmental Scientist and Co-Founder of the Animal Protectors Alliance to secretariat, declining invitation to appear and give evidence at hearing on Monday 5 February 2024
- 30 January 2024 – Email from Mr Tim Hughes, Director, South Endeavour Trust to secretariat, declining invitation to appear and give evidence at hearing on Monday 5 February 2024.

Sent

- 18 January 2024 – Email from secretariat to Professor Richard Kingsford, Professor of Environmental Science, Director of Centre for Ecosystem Science, School of Biological, Earth and Environmental Sciences, UNSW Sydney, granting an extension until 1 February to provide answers to questions on notice from hearing on 18 December 2023
- 18 January 2024 – Letter from Chair to Hon Penny Sharpe MLC, Minister for Environment, seeking names and contact details of independent vets who observed preliminary program of aerial shooting of wild horses in Kosciuszko National Park in November 2023.

Resolved, on the motion of Mr Fang: That the committee keep the following correspondence confidential, as per the request of the author:

- correspondence to Hon Penny Sharpe MLC, regarding the contact details of independent vets who observed the preliminary program of aerial shooting, dated 18 January 2024
- correspondence from Ms Tamsin Lloyd, regarding the contact details of independent vets who observed the preliminary program of aerial shooting, dated 24 January 2024
- correspondence from Witness A, regarding appearing in camera, dated 29 January 2024.

4. Inquiry into proposed aerial shooting of brumbies in Kosciuszko National Park

4.1 Public submission

The committee noted that the following submission was published by the committee clerk under the authorisation of the resolution appointing the committee: submission no. 125a.

4.2 Answers to questions on notice and supplementary questions

The committee noted that the following answers to questions on notice and supplementary questions were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to questions on notice from Minister Penny Sharpe, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage, Mr Atticus Fleming, Acting Coordinator General, Environment and Heritage Group, NSW Department of Planning and Environment and Mr Robert Smith, Executive Director Park Operations Inland, National Parks and Wildlife Service, NSW Department of Planning and Environment, received 24 January 2024
- answers to supplementary questions from Minister Penny Sharpe, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage, Mr Atticus Fleming, Acting Coordinator General, Environment and Heritage Group, NSW Department of Planning and Environment and Mr Robert Smith, Executive Director Park Operations Inland, National Parks and Wildlife Service, NSW Department of Planning and Environment, received 29 January 2024
- answers to questions on notice from Miss Jill Pickering, President, Australian Brumby Alliance and Mrs Nikki Alberts, Vice President, Australian Brumby Alliance, received 23 January 2024
- answers to supplementary questions from Miss Jill Pickering, President, Australian Brumby Alliance and Mrs Nikki Alberts, Vice President, Australian Brumby Alliance, received 26 January 2024
- answers to questions on notice and answers to supplementary questions from Dr Catherine Tiplady, Committee Member, Sentient, the Veterinary Institute, received 10 January 2024
- answers to questions on notice and answers to supplementary questions from Mrs Claire Galea, Independent Biostatistician, received 30 January 2024
- answers to questions on notice and answers to supplementary questions from Mr Jack Gough, Advocacy Director, Invasive Species Council and Hon. Associate Professor Richard Swain, Indigenous Ambassador for the Invasive Species Council, received 1 February 2024
- answers to questions on notice from Professor Richard Kingsford, Professor of Environmental Science, Director of Centre for Ecosystem Science School of Biological, Earth and Environmental Sciences, University of New South Wales, Sydney and Dr David Eldridge, Centre for Ecosystem Science, University of New South Wales, Sydney, received 31 January 2024.

4.3 Tended documents and answers to questions on notice from the RSPCA

Resolved, on the motion of Mr Fang: That the committee authorise the publication of:

- images of culled brumbies observed by the RSPCA following aerial shooting, tendered by Mr Scott Meyers, RSPCA NSW Chief Inspector, during the public hearing on Monday 18 December 2023
- answers to questions on notice from Mr Steven Coleman, RSPCA NSW Chief Executive Officer and Mr Scott Meyers, RSPCA NSW Chief Inspector, received 24 January 2024.

5. Hearing

5.1 Sequence of questions

Resolved, on the motion of Mr Fang: That the allocation of questions to be asked at the hearing be left in the hands of the Chair.

5.2 *In camera* hearing

Resolved, on the motion of Mr Primrose: That the committee agree to the request of Witness A to appear *in camera* at the hearing on Monday 5 February 2024.

The committee proceeded to take *in camera* evidence.

Persons present other than the committee: Laura Ismay, Arizona Hart, Emily Whittingstall, Hansard reporters and audio-visual broadcast operator.

The following witness was sworn and examined: Witness A (via videoconference).

The evidence concluded and the witness withdrew.

5.3 Public hearing

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The Chair noted that Members of Parliament swear an oath to their office, and therefore do not need to be sworn prior to giving evidence before a committee.

The following witness was examined: the Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage.

Mr Fang tabled the following documents:

- 'Letter from the Office of the Hon Penny Sharpe MLC to Mr Mark Hare, regarding Standing Order 52 – Proposed amendment to the Kosciuszko National Park Wild Horse Heritage Management Plan, dated 9 January 2024'
- 'Order for Papers - Proposed amendment to the Kosciuszko National Park Wild Horse Heritage Management Plan'
- 'Email from NSW National Parks and Wildlife Service, regarding Wild horses submission snapshot – end of Week 6, dated 15 September 2023'
- 'Email chain, regarding SO52 – Failure to return all documents for PMB 624, dated 16 to 19 January 2024'
- 'Legislative Council Hansard – 29 November 2023 – Proof'.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Troy Wright, Assistant General Secretary, Public Service Association of NSW
- Mr Kim De Govrik, Organiser, Public Service Association of NSW

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined: Mr Andrew Wilesmith, Ngarigo custodian and horseman (via videoconference).

The evidence concluded and the witness withdrew.

The following witness was sworn and examined: Dr Cristy Secombe, Head of Veterinary and Public Affairs, Australian Veterinary Association (via videoconference).

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Timothy Johnson, Former Chair, Kosciuszko National Park Wild Horse Community Advisory Panel
- Mrs Leisa Caldwell, Former member and representative of the Snowy Mountains community, Kosciuszko National Park Wild Horse Community Advisory Panel

Mr Johnson tendered the following document: 'Personal Statement to NSW Legislative Council Inquiry into the Proposed Aerial Shooting of Brumbies in Kosciuszko National Park'.

Mrs Caldwell tendered the following documents:

- 'Submission regarding amendment to the Kosciuszko National Park Wild Horse Management Plan'
- 'Kosciuszko National Park Wild Horse Heritage – Identified Values'.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined: Ms Joanne Canning, Community member (via videoconference).

The evidence concluded and the witness withdrew.

The following witness was sworn and examined: Dr Jill Brown, Convenor, Heritage Horse and Environment Alliance (via videoconference).

The evidence concluded and the witness withdrew.

5.4 In camera hearing

Resolved, on the motion of Mr Lawrence: That the committee agree to the request of Witness B to appear *in camera* at the hearing on Monday 5 February 2024.

The public and the media withdrew.

The committee proceeded to take *in camera* evidence.

Persons present other than the committee: Laura Ismay, Arizona Hart, Emily Whittingstall, Hansard reporters and audio-visual broadcast operator.

The following witness was sworn and examined: Witness B.

Witness B tendered the following documents and requested they be kept confidential:

- 'NSWDEER SOP1: Ground Shooting of Feral Deer'
- 'Opening statement to the committee'
- 'Submissions concerning objection to aerial culling in National parks and State Forests concerning any animals'
- 'Factors Associated with Shooting Accuracy and Wounding Rate of Four Managed Wild Deer Species in the UK, Based on Anonymous Field Records from Deer Stalkers'
- 'Animal welfare outcomes of helicopter-based shooting of deer in Australia'
- 'Canting Effect on Point of Impact: Avoid Inconsistent Canting for Better Accuracy and Higher Scores'
- 'Horses, camels and deer get a bad rap for razing plants – but our new research shows they're no worse than native animals'
- 'Functional traits – not nativeness – shape the effects of large mammalian herbivores on plant communities'.

The evidence concluded and the witness withdrew.

5.5 Public hearing

The public and the media were readmitted.

The following witness was sworn and examined: Mr Troy Wilkie, Senior Government Relations Manager, RSPCA NSW.

The following witness was examined on his former oath: Mr Steven Coleman, Chief Executive Officer, RSPCA NSW.

Mr Coleman tendered the following document: 'Potential of reproductive control tools to effectively manage wild horses in Kosciuszko National Park (KNP)'.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 5.34 pm.

The public and the media withdrew.

5.6 Tendered documents

Resolved, on the motion of Mr Fang: That the committee accept and publish the following documents tendered during the public hearing:

- 'Letter from the Office of the Hon Penny Sharpe MLC to Mr Mark Hare, regarding Standing Order 52 – Proposed amendment to the Kosciuszko National Park Wild Horse Heritage Management Plan, dated 9 January 2024', tendered by Mr Fang
- 'Order for Papers - Proposed amendment to the Kosciuszko National Park Wild Horse Heritage Management Plan', tendered by Mr Fang
- 'Email from NSW National Parks and Wildlife Service, regarding Wild horses submission snapshot – end of Week 6, dated 15 September 2023', tendered by Mr Fang
- 'Email chain, regarding SO52 – Failure to return all documents for PMB 624, dated 16 to 19 January 2024', tendered by Mr Fang
- 'Legislative Council Hansard – 29 November 2023 – Proof', tendered by Mr Fang
- 'Personal Statement to NSW Legislative Council Inquiry into the Proposed Aerial Shooting of Brumbies in Kosciuszko National Park', tendered by Mr Johnson
- 'Potential of reproductive control tools to effectively manage wild horses in Kosciuszko National Park (KNP)', tendered by Mr Coleman.

Resolved, on the motion of Mr Fang: That the committee keep confidential the following documents tendered during the *in camera* hearing:

- 'NSWDEER SOP1: Ground Shooting of Feral Deer', tendered by Witness B
- 'Opening statement to the committee', tendered by Witness B
- 'Submissions concerning objection to aerial culling in National parks and State Forests concerning any animals', tendered by Witness B
- 'Factors Associated with Shooting Accuracy and Wounding Rate of Four Managed Wild Deer Species in the UK, Based on Anonymous Field Records from Deer Stalkers', tendered by Witness B
- 'Animal welfare outcomes of helicopter-based shooting of deer in Australia', tendered by Witness B
- 'Canting Effect on Point of Impact: Avoid Inconsistent Canting for Better Accuracy and Higher Scores', tendered by Witness B
- 'Horses, camels and deer get a bad rap for razing plants – but our new research shows they're no worse than native animals', tendered by Witness B
- 'Functional traits – not nativeness – shape the effects of large mammalian herbivores on plant communities', tendered by Witness B.

Resolved, on the motion of Mr Nanva: That the committee agree to the publication status of the documents tendered by Mrs Leisa Caldwell via email, unless there is disagreement, in which case the committee defer consideration until the next meeting.

6. Adjournment

The committee adjourned at 5.38 pm until Wednesday 27 March 2024 (inquiry into proposed aerial shooting of brumbies in Kosciuszko National Park – site visit).

Arizona Hart
Committee Clerk

Minutes no. 5

Wednesday 27 March 2024
Animal Welfare Committee
Macquarie Room, Parliament House at 9.14 am

1. Members present

Ms Hurst, *Chair*
Mr Nanva, *Deputy Chair*
Ms Boyd (participating) (from 9.58 am until 1.03 pm)

Mr Fang
Ms Higginson (participating) (until 11.15 am, from 12.21 pm)
Mr Lawrence (via videoconference)
Mrs MacDonald
Mr Primrose (until 10.48 am, from 11.45 am)

2. Apologies

Mr Borsak

3. Previous minutes

Resolved, on the motion of Mr Fang: That draft minutes no. 4 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received

- 7 February 2024 – Email from Ms Jill Keuning, Australian Brumbies United to committee, regarding the number of brumbies in Kosciuszko National Park
- 9 February 2024 – Letter from Mr Atticus Fleming, Deputy Secretary, NSW National Parks and Wildlife Service to secretariat, providing further information regarding the management of wild horses in Kosciuszko National Park
- 11 March 2024 – Email from Ms Anoushka de Silva, Senior Project Officer, Strategic Coordination Branch, Office of the Secretary, NSW Department of Climate Change, Energy, the Environment and Water to secretariat, advising post-hearing responses from Minister Penny Sharpe may be late
- 20 March 2024 – Email from Ms Margery Boylan, Australian Brumby Horse Register to secretariat, declining invitation to attend and give evidence at public hearing on 27 March 2024
- 21 March 2024 – Email from Mr Jack Gough, Advocacy Director, Invasive Species Council to committee, regarding recent comments in the media and Parliament about the Invasive Species Council
- 22 March 2024 – Email from Ms Monique Principi, Managing Director, Botstiber Institute for Wildlife Fertility Control, declining invitation to attend and give evidence at public hearing on 27 March 2024
- 26 March 2024 – Email from Mr John Pierce AO, Chair, Kosciuszko National Park Wild Horse Community Advisory Panel, declining invitation to attend and give evidence at public hearing on 27 March 2024.

Sent

- 20 March 2024 – Letter from Chair to Hon Steve Whan MP, Member for Monaro, informing him of the committee's site visit to Kosciuszko National Park.

Resolved, on the motion of Mr Fang: That the committee authorise the publication of correspondence from Mr Jack Gough, regarding recent comments in the media and Parliament about the Invasive Species Council, dated 21 March 2024.

5. Inquiry into proposed aerial shooting of brumbies in Kosciuszko National Park

5.1 Public submissions

The committee noted the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 66a, 77a and 537.

Resolved, on the motion of Mr Fang: That the committee authorise the publication of submission no. 538.

5.2 Answers to questions on notice and supplementary questions - public

The committee noted the following answers to questions on notice and supplementary questions were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to supplementary questions from Mr Timothy Johnson, Former Chair, Kosciuszko National Park Wild Horse Community Advisory Panel, received 21 February 2024
- answers to supplementary questions from Dr Jill Brown, Convenor, Heritage Horse and Environment Alliance, received 21 February 2024
- answers to supplementary questions from Mrs Leisa Caldwell, Former member and representative of the Snowy Mountains community, Kosciuszko National Park Wild Horse Community Advisory Panel received 12 March 2024
- answers to questions on notice and answers to supplementary questions from Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage, received 12 March 2024
- answers to questions on notice and answers to supplementary questions from Mr Troy Wilkie, Senior Government Relations Manager, RSPCA NSW, received 13 March 2024.

5.3 Answers to questions on notice - confidential

Resolved, on the motion of Mr Fang: That the committee keep the following answers to questions on notice confidential, as per the request of the author: answers to questions on notice from Witness A, received 29 February 2024.

5.4 Tended documents – hearing Monday 5 February 2024

Resolved, on the motion of Mr Fang; That the committee accept and publish the following documents tendered during the public hearing on Monday 5 February:

- 'Submission regarding amendment to the Kosciuszko National Park Wild Horse Management Plan', tendered by Mrs Leisa Caldwell
- 'Kosciuszko National Park Wild Horse Heritage – Identified Values', tendered by Mrs Leisa Caldwell.

5.5 Charter flight travel – 28 March 2024

Resolved, on the motion of Mr Fang: That the committee authorise the engagement of a charter plane for its visit to Kosciuszko National Park on 28 March 2024, at a cost of \$26,378.

5.6 Public hearing

Resolved, on the motion of Mr Nanva: That the allocation of questions to be asked at the hearing be left in the hands of the Chair.

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witness was sworn and examined: Associate Professor Andrea Harvey, Associate Professor, University of Sydney and Chancellors Research Fellow, University of Technology Sydney.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined: Mr Andy Chambers, Managing Director, AirbourneLogic (via videoconference).

The evidence concluded and the witness withdrew.

The following witness was sworn and examined: Dr Don Fletcher, Retired Ecologist.

Dr Fletcher tendered the following document: Differences between recent horse survey results: Supplementary notes.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined: Ms Lynette Sutton, Founder / Sanctuary Manager Advocate, Genetic Research, Hoofs2010 (via videoconference).

Mr Fang tabled the following document: Drawings of brumbies.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Atticus Fleming, Deputy Secretary, NSW National Parks and Wildlife Service
- Mr Robert Smith, Executive Director Park Operations Inland, NSW National Parks and Wildlife Service.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 1.33 pm. The public and the media withdrew.

Resolved, on the motion of Mr Nanva: That the committee accept and publish the following document tendered during the public hearing: Differences between recent horse survey results: Supplementary notes, tendered by Dr Fletcher.

Resolved, on the motion of Mr Nanva: That the committee accept and publish the following document tendered during the public hearing, with the exception of the names and ages of children which are to be kept confidential: Drawings of brumbies, tendered by Mr Fang.

5.7 Provision of photos to media – site visit 28 March 2024

Resolved, on the motion of Mr Nanva: That the committee authorise the secretariat to provide photos of the committee's site visit on Thursday 28 March to the media, subject to the agreement of those in the photos.

6. Adjournment

The committee adjourned at 1.40 pm until Thursday 28 March 2024, 7.00 am, Execujet Flight Lounge, 394 Ross Smith Avenue, Mascot (site visit – inquiry into proposed aerial shooting of brumbies in Kosciuszko National Park).

Arizona Hart

Committee Clerk

Minutes no. 6

Thursday 28 March 2024

Animal Welfare Committee

Execujet Flight Lounge, 394 Ross Smith Avenue, Mascot at 7.00 am

1. Members present

Ms Hurst, *Chair*

Mr Nanva, *Deputy Chair*

Mr Fang

Ms Higginson (participating)

Mr Lawrence

Mrs MacDonald

Mr Primrose

2. Apologies

Mr Borsak

Ms Boyd

Ms Suvaal

3. Inquiry into proposed aerial shooting of brumbies in Kosciuszko National Park

3.1 Site visit

The committee conducted a tour of inspection of Kosciuszko National Park accompanied by staff from the NSW National Parks and Wildlife service.

The committee received a briefing about Kosciuszko National Park by Mrs Leisa Caldwell, Former member, Kosciuszko National Park Wild Horse Community Advisory Panel and others.

4. **Adjournment**

The committee adjourned at 6.20 pm, *sine die*.

Arizona Hart
Committee Clerk

Minutes no. 7

Monday 20 May 2024

Animal Welfare Committee

Room 1254, Parliament House, Sydney at 1.01 pm

1. **Members present**

Ms Hurst, *Chair*

Mr Nanva, *Deputy Chair* (via videoconference)

Mr Borsak (via videoconference)

Mr Fang (via videoconference)

Mr Lawrence (via videoconference)

Mr Primrose

Ms Suvaal (via videoconference)

2. **Inquiry into proposed aerial shooting of brumbies in Kosciuszko National Park**

2.1 **Summons – Mr Ben Talbot and Mr Adrian Talbot**

Resolved, on the motion of Mr Primrose: That the committee:

- authorise the secretariat to write to NSW Police seeking a response to the letter of 16 May prior to the hearing on 23 May; and
- defer consideration of whether to summon Mr Ben Talbot and Mr Adrian Talbot until after the hearing on 23 May.

3. **Adjournment**

The committee adjourned at 1.14 pm until Thursday 23 May, 8.45 am, Jubilee Room, Parliament House (hearing - inquiry into proposed aerial shooting of brumbies in Kosciuszko National Park).

Arizona Hart
Committee Clerk

Minutes no. 8

Thursday 23 May 2024

Animal Welfare Committee

Jubilee Room, Parliament House, Sydney at 8.49 am

1. **Members present**

Ms Hurst, *Chair*

Mr Nanva, *Deputy Chair* (in-person from 8.49 am and then via videoconference from 3.23 pm)

Mr Borsak (from 8.57 am to 4.46 pm)

Ms Boyd (participating via videoconference until 1.47 pm, and from 3.07 pm to 4.28 pm)

Mrs Carter (substituting for Mrs MacDonald)

Mr Fang

Ms Higginson (participating via videoconference from 9.06 am until 3.00 pm)

Mr Lawrence (from 8.51 am)

Mr Primrose

Ms Suvaal (via videoconference until 2.02 pm, and from 3.31 pm)

2. Previous minutes

Resolved, on the motion of Mr Fang: That draft minutes nos. 5, 6 and 7 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received

- 27 March 2024 – Email from Ms Billie Dean to committee, regarding brumbies in Kosciuszko National Park
- 2 April 2024 – Email from Mr Jack Gough, Advocacy Director, Invasive Species Council to committee, regarding the NSW Government's consultation on amending the Kosciuszko Wild Horse Heritage Management Plan
- 7 April 2024 – Email from Ms Leisa Caldwell, private individual to committee, regarding the NSW Government's consultation on the Kosciuszko National Park Wild Horse Heritage Management Plan
- 9 April 2024 – Email from Ms Andrea Ford, private individual to committee, proposing a brumby auction
- 16 April 2024 – Email from Dr Don Fletcher, private individual to committee, regarding his evidence at the hearing on 27 March 2024
- 2 May 2024 – Email from Witness A, private individual to committee, regarding allegations of animal cruelty
- 7 May 2024 – Email from Ms Lyvia Devine, Director, Ministerial and Executive Services, Office of the Commissioner, NSW Police Force to committee, declining invitation to appear at hearing on 23 May 2024
- 17 May 2024 – Letter from Mr Steven Coleman, Chief Executive Office, RSPCA NSW to Chair, providing information on allegations of horse carcasses found near Wagga Wagga in April
- 17 May 2024 – Email from Jordan Bush, Project Officer, Ministerial and Executive Liaison, Corporate Affairs, NSW Environment Protection Authority to secretariat, declining invitation to appear at hearing on 23 May 2024
- 20 May 2024 – Letter from Mr Simon Draper, Secretary, NSW Premier's Department to Chair, regarding the discovery of horse remains on a property near Wagga Wagga
- 20 May 2024 – Email from Ms Lyvia Devine, Director, Ministerial and Executive Services, Office of the Commissioner, NSW Police Force, advising there is no current investigation into the discovery of horse remains on a property near Wagga Wagga
- 22 May 2024 – Letter from the Hon Penny Sharpe, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage to committee, regarding the brumby rehoming program.

Sent

- 15 May 2024 – Letter from Chair to Mr Ben Talbot, private individual, re-issuing invitation to appear at hearing on 23 May and advising committee may consider whether to issue a summons if he declines
- 16 May 2024 - Letter from Chair to Mr Adrian Talbot, private individual, re-issuing invitation to appear at hearing on 23 May and advising committee may consider whether to issue a summons if he declines
- 16 May 2024 – Letter from Chair to Mr Steven Coleman, Chief Executive Office, RSPCA NSW, seeking information on whether there is a current investigation into allegations of horse carcasses found near Wagga Wagga in April

- 16 May 2024 – Letter from Chair to Karen Webb APM, Commissioner, NSW Police Force, seeking information on whether there is a current investigation into allegations of horse carcasses found near Wagga Wagga in April
- 20 May 2024 – Email from secretariat to Ms Lyvia Devine, Director, Ministerial and Executive Services, Office of the Commissioner, NSW Police Force, following up on letter sent to Commissioner on 16 May.

Resolved, on the motion of Mr Nanva: That the committee authorise the publication of:

- correspondence from Ms Leisa Caldwell, regarding the NSW Government's consultation on the Kosciuszko National Park Wild Horse Heritage Management Plan, dated 7 April 2024
- correspondence from Dr Don Fletcher, regarding his evidence at the hearing on 27 March 2024, dated 16 April 2024.

Resolved, on the motion of Mr Fang: That the committee authorise the publication of correspondence from the Hon Penny Sharpe, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage to committee, regarding the brumby rehoming program, dated 22 May 2024.

Resolved, on the motion of Mr Nanva: That the committee keep the correspondence from Witness A, regarding allegations of animal cruelty, dated 2 May 2024, confidential, as per the recommendation of the secretariat, as it contains identifying and/or sensitive information and potential adverse mention.

4. Inquiry into proposed aerial shooting of brumbies in Kosciuszko National Park

4.1 Partially confidential submissions

Resolved, on the motion of Mr Fang: That the committee keep the following information confidential, as per the request of the author: names and/or identifying and sensitive information in submission no. 539.

Resolved, on the motion of Mr Primrose: That the committee keep the following information confidential, as per the request of the author: names and/or identifying and sensitive information in submission nos. 540, 540a.

4.2 Confidential submission

Resolved, on the motion of Mr Fang: That the committee keep submission no. 539a confidential, as per the request of the author.

4.3 Answers to questions on notice and supplementary questions

The committee noted the following answers to questions on notice and supplementary questions were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to supplementary questions from Associate Professor Andrea Harvey, Associate Professor, University of Sydney and Chancellors Research Fellow, University of Technology Sydney, received 23 April 2024
- answers to questions on notice from Mr Andy Chambers, Managing Director, AirbourneLogic, received 30 April 2024
- answers to questions on notice from Dr Don Fletcher, Retired Ecologist, received 10 April 2024
- answers to questions on notice and supplementary questions from Mr Atticus Fleming, Deputy Secretary, NSW National Parks and Wildlife Service, received 2 May 2024.

Resolved, on the motion of Mr Fang: That the committee keep the answers to questions on notice from Witness B, received 19 April 2024, confidential, as per the request of the author.

4.4 *In camera* witness

Resolved, on the motion of Mr Fang: That the committee agree for Witness C to appear *in camera* at the hearing on Thursday 23 May 2024.

4.5 *In camera* hearing

Resolved, on the motion of Mr Nanva: That the allocation of questions to be asked at the hearing be left in the hands of the Chair.

The committee proceeded to take *in camera* evidence. Persons present other than the committee: Alex Stedman, Arizona Hart, Emily Whittingstall, Tina Mrozowska, Hansard Reporters and audio-visual broadcast operators.

The following witness was examined on their former oath: Witness C (via videoconference).

The evidence was concluded and the witness withdrew.

4.6 Public hearing

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were examined on their former oath:

- Mr Steven Coleman, Chief Executive Officer, RSPCA NSW
- Mr Troy Wilkie, Senior Government Relations Manager, RSPCA NSW.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Dr Lisa Szabo, Director Food Safety and CEO, NSW Food Authority
- Mr Greg Vakaci, Director Compliance, NSW Food Authority.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Jacqueline Johnstone, General Manager – Integrity, Racing NSW
- Mr Wade Birch, Chief Operating Officer, Greyhound Welfare & Integrity Commission.

Ms Johnstone tendered the following document: Racing NSW timeline – Talbot.

The evidence concluded and the witnesses withdrew.

The Chair noted that Members of Parliament swear an oath to their office, and therefore do not need to be sworn prior to giving evidence before a committee.

The Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage was admitted and examined.

Minister Sharpe tendered the following document: Terms of Reference: Investigation into Administration of Wild Horses Re-Homing Program.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined: Mr Ray Hadley, Host, The Ray Hadley Morning Show, 2GB.

The evidence concluded and the witness withdrew.

Mr Fang declared that he lives in Wagga Wagga.

The following witnesses were sworn and examined:

- Mr Peter Thompson, General Manager, Wagga Wagga City Council
- Mrs Fiona Piltz, Executive Director – People and Culture, Wagga Wagga City Council.

The evidence concluded and the witnesses withdrew.

The following witnesses were examined on their former oath:

- Mr Atticus Fleming, Deputy Secretary, NSW National Parks and Wildlife Service

- Mr Robert Smith, Executive Director, Park Operations Inland, NSW National Parks and Wildlife Service.

The following witness was sworn and examined: Ms Melinda Sukhla, Executive Director, Delivery and Assurance, NSW Premier's Department.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 5.11 pm. The public and the media withdrew.

4.7 Tendered documents

Resolved, on the motion of Mrs Carter: That the committee accept the following document tendered during the public hearing: Terms of Reference: Investigation into Administration of Wild Horses Re-Homing Program, tendered by Minister Sharpe.

Resolved, on the motion of Mrs Carter: That the committee accept and publish the following document tendered during the public hearing, with the exception of the address of a private individual, which is to be kept confidential: Racing NSW timeline – Talbot, tendered by Ms Johnstone.

4.8 Redaction from transcript and video recording

Resolved, on the motion of Mrs Carter: That the committee authorise the secretariat to redact the address of a private individual, named during evidence, from the transcript and video recording of the public hearing.

4.9 Summons – Mr Ben Talbot and Mr Adrian Talbot

Resolved, on the motion of Mr Fang: That the committee defer consideration of whether to summon Mr Ben Talbot and Mr Adrian Talbot until the NSW Department of Climate Change, Energy, the Environment and Water completes its investigation into the Administration of Wild Horses Rehoming Program on 14 June 2024.

5. Adjournment

The committee adjourned at 5.16 pm, *sine die*.

Arizona Hart
Committee Clerk

Minutes no. 9

Monday 1 July 2024

Animal Welfare Committee

Room 1043, Parliament House, Sydney at 9.05 am

1. Members present

Ms Hurst, *Chair* (via videoconference)
Mr Nanva, *Deputy Chair* (via videoconference)
Mr Borsak (via videoconference)
Mr Fang (via videoconference)
Mr Lawrence (via videoconference)
Mrs MacDonald

2. Apologies

Ms Boyd (participating)
Ms Higginson (participating)
Mr Primrose
Ms Suvaal

3. Previous minutes

Resolved, on the motion of Mr Fang: That draft minutes no. 8 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received

- 6 June 2024 – Email from Mr Brian Boyle, Office of the Hon Robert Borsak MLC to committee, regarding aerial shooting of deer
- 19 June 2024 – Letter from the Hon Robert Borsak MLC to Chair, regarding aerial shooting of brumbies in Kosciuszko National Park
- 25 June 2024 – Letter from Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage, enclosing unredacted and redacted reports of the investigation into the Wild Horse Rehoming Program.

Sent

- 18 June 2024 – Letter from Chair to Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage, seeking an update on the investigation into the Wild Horse Rehoming Program
- 25 June 2024 – Email from secretariat to Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage, requesting a reply to letter of 18 June.

Resolved, on the motion of Mr Borsak: That the committee keep the unredacted report enclosed in the correspondence from the Hon Penny Sharpe, dated 25 June 2024 confidential, as per the request of the author.

5. Inquiry into proposed aerial shooting of brumbies in Kosciuszko National Park

5.1 Answers to questions on notice - public

The committee noted the following answers to questions on notice were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to questions on notice from Mr Steven Coleman, Chief Executive Officer, RSPCA NSW, received 17 June 2024
- answers to questions on notice from Dr Lisa Szabo, Director Food Safety and CEO, NSW Food Authority NSW, received 20 June 2024
- answers to questions on notice from Mr Wade Birch, Chief Operating Officer, Greyhound Welfare & Integrity Commission, received 23 June 2024
- answers to questions on notice from the Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage, received 18 June 2024
- answers to questions on notice from Mr Atticus Fleming AM, Deputy Secretary, NSW National Parks and Wildlife Service, received 18 June 2024.

5.2 Answers to questions on notice - confidential

Resolved, on the motion of Mr Nanva: That the committee keep the answers to questions on notice from Witness C confidential, as per the request of the author.

5.3 Additional hearing

Resolved, on the motion of Mr Borsak: That:

- the committee hold a further hearing, on a date to be determined by the Chair after consultation with members regarding their availability; and
- the committee invite representatives from RSPCA NSW and NSW National Parks and Wildlife Service, as well as the Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage to attend the hearing.

6. Other business

6.1 Correspondence circulated by Mrs MacDonald

The committee noted correspondence received by Mrs MacDonald in relation to the inquiry into proposed aerial shooting of brumbies in Kosciuszko National Park. The committee deferred consideration of the publication status of this correspondence until its next meeting.

6.2 Correspondence to the Minister

The committee discussed the investigation report into the Wild Horse Rehoming Program provided to the committee by Minister Sharpe.

Resolved, on the motion of Mr Borsak: That the committee write to Minister Sharpe to:

- seek further detail about how the Government intends to keep the population of brumbies in the Kosciuszko National Park under 3,000 over the ten years after the aerial shooting program has brought population numbers down to the statutory cap
- request a copy of the investigation report concerning a staff member from the National Parks and Wildlife Service, as referred to during the public hearing on 23 May 2024.

7. Adjournment

The committee adjourned at 9.28 am, *sine die*.

Emily Whittingstall

Committee Clerk

Minutes no. 10

Wednesday 31 July 2024

Animal Welfare Committee

Macquarie Room, Parliament House, Sydney at 1.30 pm

1. Members present

Ms Hurst, *Chair* (until 4.30 pm, from 4.50 pm)

Mr Nanva, *Deputy Chair*

Mr Borsak

Ms Boyd (participating)

Mr Fang

Ms Higginson (participating)

Mr Lawrence (via videoconference)

Mrs MacDonald

Mr Primrose

Ms Suvaal (via videoconference until 1.45 pm)

2. Previous minutes

Resolved, on the motion of Mr Fang: That draft minutes no. 9 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received

- 1 July 2024 – Letter from Ms Cathy Taylor to the Hon Aileen MacDonald MLC, regarding brumbies in Kosciuszko National Park
- 24 July 2024 – Email from Ms Claire Allen, Director Policy and Engagement, NSW National Parks and Wildlife Service to secretariat, requesting NPWS witnesses appear at the hearing on 31 July 2024 partially *in camera* and partially in public

- 24 July 2024 – Email from Mr Troy Wilkie, Senior Government Relations Manager, RSPCA NSW to secretariat, advising Mr Steven Coleman is unavailable to attend the hearing on 31 July 2024
- 25 July 2024 – Email from Mr Troy Wilkie, Senior Government Relations Manager, RSPCA NSW to secretariat, advising Mr Steven Coleman is unavailable to attend the hearing on 31 July 2024 via videoconference
- 26 July 2024 – Email from the Hon Robert Borsak MLC to Chair, enclosing paper regarding the use of larger calibre bullets for aerial shooting of brumbies in New South Wales
- 29 July 2024 – Email from Ms Claire Allen, Director Policy and Engagement, NSW National Parks and Wildlife Service to secretariat, declining to provide further witnesses for the hearing on 31 July 2024
- 30 July 2024 – Letter from Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage to Chair, regarding long-term management of brumbies in Kosciuszko National Park and enclosing redacted independent investigation report
- 30 July 2024 – Email from Ms Claire Allen, Director Policy and Engagement, NSW National Parks and Wildlife Service to secretariat, declining further request to provide additional witnesses for the hearing on 31 July 2024
- 31 July 2024 – Letter from Mr Mark Steele SC, Vice President, RSPCA NSW to Chair, regarding ongoing inquiries involving RSPCA NSW and recent allegations made against the CEO.

Sent

- 4 July 2024 – Letter from Chair to Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage, regarding long-term management of brumbies in Kosciuszko National Park
- 24 July 2024 – Email from secretariat to Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage, following up on letter dated 4 July 2024
- 24 July 2024 – Email from secretariat to Mr Troy Wilkie, Senior Government Relations Manager, RSPCA NSW, requesting that Mr Steven Coleman attend the hearing on 31 July
- 25 July 2024 – Email from secretariat to Mr Troy Wilkie, Senior Government Relations Manager, RSPCA NSW, requesting that Mr Steven Coleman attend the hearing on 31 July via videoconference
- 25 July 2024 – Email from secretariat to Mr Troy Wilkie, Senior Government Relations Manager, RSPCA NSW, noting that Mr Steven Coleman is unavailable to attend the hearing on 31 July and advising that the committee may have further questions
- 25 July 2024 – Email from secretariat to Ms Claire Allen, Director Policy and Engagement, NSW National Parks and Wildlife Service, accepting request that NPWS witnesses appear at the hearing on 31 July 2024 partially *in camera* and partially in public, and further requesting that the sessions are 45 minutes each and that other *in camera* witnesses appear
- 26 July 2024 – Email from secretariat to Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage, further following up on letter dated 4 July 2024
- 29 July 2024 – Email from secretariat to Ms Claire Allen, Director Policy and Engagement, NSW National Parks and Wildlife Service, reaffirming request for other witnesses to attend the hearing on 31 July 2024.

Resolved, on the motion of Mr Fang: That the committee keep the correspondence from Ms Claire Allen, regarding additional witnesses for the hearing on 31 July 2024, dated 30 July 2024, confidential, as per the recommendation of the secretariat, as it contains identifying and/or sensitive information.

4. Inquiry into proposed aerial shooting of brumbies in Kosciuszko National Park

4.1 Correspondence circulated by Mrs MacDonald

Resolved, on the motion of Mrs MacDonald: That the committee authorise the publication of correspondence from Ms Cathy Taylor, regarding brumbies in Kosciuszko National Park, dated 1 July 2024.

4.2 Report deliberative date

Resolved, on the motion of Mr Nanva: That the report deliberative meeting be held on Friday 27 September 2024.

4.3 RSPCA witnesses

Resolved, on the motion of Mr Nanva: That members provide any questions in writing to Mr Steven Coleman, Chief Executive Officer, RSPCA NSW after the hearing on Wednesday 31 July, with answers requested to be returned within 21 calendar days of the date on which questions are forwarded.

4.4 Correspondence from RSPCA NSW

Resolved, on the motion of Mr Nanva: That, further to the correspondence from RSPCA NSW dated 31 July 2024, the Chair of the Animal Welfare Committee write to the Chair of Portfolio Committee No. 4 – Regional NSW:

- noting that, because of common members on both committees, it is aware of *in camera* evidence given to the 2023 Inquiry into the operation of the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979 on 18 July 2024 which apparently contradicts evidence given by Mr Steven Coleman on the same matter to the inquiry into proposed aerial shooting of brumbies in Kosciuszko National Park on 23 May 2024
- stating that the Animal Welfare Committee is unable to respond to RSPCA NSW at this stage, given the *in camera* evidence was given to Portfolio Committee No. 4 – Regional NSW
- asking Portfolio Committee No. 4 – Regional NSW to consider resolving to provide the *in camera* transcript to both RSPCA NSW and this committee on a confidential basis (including consulting the witness about this), in response to RSPCA NSW's request.

Resolved, on the motion of Mr Nanva: That the committee to defer further consideration of the matter until Portfolio Committee No. 4 – Regional NSW responds to this correspondence.

4.5 *In camera* witness

Resolved, on the motion of Mr Fang: That the committee agree to the request of Witness D, Witness E and Witness F to appear *in camera* at the hearing on Wednesday 31 July 2024.

4.6 *In camera* transcript

Resolved, on the motion of Mr Nanva: That the transcript of today's *in camera* hearing be redacted by the committee secretariat, only to the extent necessary, to de-identify the witness or others engaged in the aerial culling program prior to circulation to members.

4.7 Public hearing

Resolved, on the motion of Mr Borsak: That the allocation of questions to be asked at the hearing be left in the hands of the Chair.

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witness was sworn and examined: Ms Katherine Jurd, General Counsel, RSPCA NSW.

The following witness was examined on his former oath: Mr Troy Wilkie, Senior Government Relations Manager, RSPCA NSW.

Mr Fang tabled the following documents:

- Text messages between Aileen MacDonald and Troy Wilkie
- Extract of transcript from public hearing for the 2023 Inquiry into the operation of the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979, dated 18 July 2024.

4.8 Private meeting

Resolved, on the motion of Mr Primrose: That the committee hold a private meeting.

Witnesses, the public and the media withdrew.

The committee deliberated.

4.9 Public hearing

Witnesses, the public and the media were re-admitted.

The evidence concluded and the witnesses withdrew.

The Chair noted that Members of Parliament swear an oath to their office, and therefore do not need to be sworn prior to giving evidence before a committee.

The Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage was admitted and examined.

Mr Fang tabled the following documents:

- Extract of transcript from public hearing for the inquiry into proposed aerial shooting of brumbies in Kosciuszko National Park, dated 23 May 2024.
- Extract of Department of Climate Change, Energy, the Environment and Water Investigation into Administration of Wild Horses Re-Homing Program.

The evidence concluded and the witness withdrew.

4.10 *In camera* hearing

The public and the media withdrew.

The committee proceeded to take *in camera* evidence. Persons present other than the committee: Sharon Ohnesorge, Alex Stedman, Arizona Hart, Tina Mrozowska, Gareth Perkins, audiovisual broadcast operators and Hansard reporters.

The following witness was sworn and examined: Witness D.

The following witnesses were examined on their former oath:

- Witness E
- Witness F.

The evidence concluded and the witnesses withdrew.

4.11 Public hearing

The public and the media were readmitted.

The following witnesses were examined on their former oath:

- Mr Atticus Fleming, Deputy Secretary, NSW National Parks and Wildlife Service
- Mr Rob Smith, Executive Director, Park Operations Inland, NSW National Parks and Wildlife Service.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 5.32 pm. The public and the media withdrew.

4.12 Tabled documents

Resolved, on the motion of Mr Fang: That the committee accept the following documents tabled during the public hearing:

- Extract of transcript from public hearing for the 2023 Inquiry into the operation of the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979, dated 18 July 2024, tabled by Mr Fang
- Extract of transcript from public hearing for the inquiry into proposed aerial shooting of brumbies in Kosciuszko National Park, dated 23 May 2024, tabled by Mr Fang
- Extract of Department of Climate Change, Energy, the Environment and Water Investigation into Administration of Wild Horses Re-Homing Program, tabled by Mr Fang.

Mr Fang moved: That the committee accept and publish the following document tabled during the public hearing: Text messages between Aileen MacDonald and Troy Wilkie.

Mrs MacDonald left the meeting.

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Fang.

Noes: Ms Hurst, Mr Lawrence, Mr Nanva, Mr Primrose.

Question resolved in the negative.

Mrs MacDonald rejoined the meeting.

Resolved, on the motion of Mr Nanva: That the committee keep confidential the following document tabled during the public hearing: Text messages between Aileen MacDonald and Troy Wilkie.

5. Adjournment

The committee adjourned at 5.41 pm, *sine die*.

Arizona Hart
Committee Clerk

Minutes no. 12

Friday 25 October 2024

Animal Welfare Committee

Room 1254, Parliament House, Sydney at 10.38 am

1. Members present

Ms Hurst, *Chair*

Mr Nanva, *Deputy Chair*

Mr Borsak

Mr Buttigieg (substituting for Mr Lawrence via videoconference) (from 10.41 am)

Mr Fang

Mrs MacDonald

Mr Primrose

Ms Suvaal (via videoconference)

2. Apologies

Ms Boyd

3. Previous minutes

Resolved, on the motion of Mr Fang: That draft minutes no. 10 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received

- 20 June 2024 – Letter from Dr John Tracey, Deputy Director General, Biosecurity and Food Safety, Department of Primary Industries to secretariat, requesting clarifications to the transcript for the hearing on 23 May 2024
- 2 August 2024 – Email from Ms Dianne Thompson OAM, private individual to Chair, regarding brumby running

- 6 September 2024 – Letter from the Hon Mark Banasiak MLC, cc'ing the Hon Emma Hurst MLC, Chair, to Mr Mark Steele SC, Vice President, RSPCA NSW, regarding recent allegations made against the CEO of RSPCA NSW
- 27 September 2024 – Letter from Mr Atticus Fleming, Deputy Secretary, NSW National Parks and Wildlife Service to Chair, providing updates relevant to the inquiry into the proposed aerial shooting of brumbies in Kosciuszko National Park
- 9 October 2024 – Email from Ms Sarah Hodgkinson, private individual to committee, regarding aerial culling of brumbies.

Sent

- 14 August 2024 – Letter from Chair to the Hon Mark Banasiak MLC, Chair, Portfolio Committee No. 4 – Regional NSW, regarding correspondence received from RSPCA NSW.

Resolved, on the motion of Mr Borsak: That:

- the committee keep the correspondence to the Hon Mark Banasiak MLC, regarding correspondence received from RSPCA NSW, dated 14 August 2024, confidential
- the committee keep the correspondence from the Hon Mark Banasiak MLC, regarding correspondence received from RSPCA NSW, dated 6 September 2024, confidential
- the Chair respond to the correspondence from Mr Mark Steele SC, Vice President, RSPCA NSW, dated 31 July 2024, noting that the Hon Mark Banasiak MLC, Chair of Portfolio Committee No. 4 – Regional NSW has responded on the basis that the evidence was given to Portfolio Committee No. 4 and that the Animal Welfare Committee will be taking no further action.

5. Inquiry into proposed aerial shooting of brumbies in Kosciuszko National Park

5.1 Answers to questions on notice and supplementary questions

The committee noted the following answers to questions on notice and supplementary questions were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to questions on notice and answers to supplementary questions from Mr Troy Wilkie, Senior Government Relations Manager, RSPCA NSW, received 30 August 2024
- answers to questions on notice from the Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage, received 30 August 2024
- answers to questions on notice and answers to supplementary questions from Mr Atticus Fleming, Deputy Secretary, NSW National Parks and Wildlife Service, received 30 August 2024.

Resolved, on the motion of Mr Fang: That the committee keep the answers to questions on notice from Witness D, received 30 August 2024, confidential, as per the request of the author.

5.2 Publication of redacted 'Rapid Initial Assessment – Report' prepared by Centium

Resolved, on the motion of Mr Fang: That the committee publish the redacted 'Rapid Initial Assessment – Report' prepared by Centium, provided to the committee on 30 July 2024 by the Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage

5.3 Transcript clarification

Resolved, on the motion of Mr Fang: That the committee authorise:

- the publication of correspondence from Mr John Tracey, Deputy Director General, Biosecurity and Food Safety, Department of Primary Industries, Department of Regional NSW, regarding clarification of evidence given at the hearing on 23 May 2024, dated 20 June 2024
- insertion of a footnote at page 15 and 16 of the transcript of 23 May 2024, as requested by Mr John Tracey, Deputy Director General, Biosecurity and Food Safety, Department of Primary Industries, Department of Regional NSW.

5.4 Consideration of Chair's draft report

The Chair submitted her draft report entitled *Proposed aerial shooting of brumbies in Kosciuszko National Park*, which, having been previously circulated, was taken as being read.

Resolved, on the motion of Mr Nanva: That paragraph 1.13 be amended by inserting at the end: 'The committee notes this was said while in opposition and without a briefing from the NSW National Parks and Wildlife Service on brumby numbers'.

Resolved, on the motion of Mr Nanva: That the following new paragraphs be inserted after paragraph 1.16:

- a) 'In making the announcement, the Minister stated that NSW was "not on track to meet the wild horse population target under the legislated Kosciuszko National Park Wild Horse Heritage Management Plan, which is why we must consider the introduction of aerial shooting, carried out by skilled, highly trained shooters to the highest animal-welfare standards".' [FOOTNOTE: Media release, the Hon Penny Sharpe MLC, Minister for the Environment, 'Proposed amendment to Kosciuszko wild horse management', 7 August 2023.]
- b) 'The Minister provided evidence to the committee that restoring horse populations to manageable and legislated limits was an immediate priority in order to mitigate against further ecological damage:

The damage that's being done is very significant and increasing because the population has been so large and has been growing. The decision to reduce the number of horses as quickly as we can is for two reasons. One is to arrest the damage that's been undertaken and the threats that the horses are providing to a range of other species, and to water and soil and those kinds of things. Secondly, getting down to the 3,000 horses that everyone is trying to work to means that in the future there are fewer horses that will have to be removed from the park. We're dealing with this because the population is too large. We're trying to get it down in the shortest period that we can, in the most humane way that we can do it.' [FOOTNOTE: Evidence, The Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage, 18 December 2023, pp 3-4.]

Resolved, on the motion of Mrs MacDonald: That paragraph 1.18 be amended by:

- a) omitting 'significant community' before 'concern'
- b) inserting 'in sections of the community' after 'concern'.

Resolved, on the motion of Mr Nanva: That paragraph 1.26 be amended by omitting 'ranged from 9 seconds to over 9 minutes' and inserting instead 'ranged from 9 seconds to 9 minutes and 20 seconds with the median time being 1 minute and 29 seconds'.

Resolved, on the motion of Mr Fang: That paragraph 1.26 be amended by inserting at the end: 'However the mean was not made available to the committee'.

Resolved, on the motion of Mr Nanva: That the following new paragraph be inserted after paragraph 1.27:

'However with respect to the trial they noted that the absence of non-fatal wounding in the trial "is an important finding as a rigorous methodology was employed to assess the occurrence of non-fatal wounding in this assessment – namely, by landing as soon as possible and as close as possible to immobile horses, and testing whether they were insensible and dead".' [FOOTNOTE: NSW Department of Planning and Environment, *Animal Welfare Assessment of Feral Horse Aerial Shooting: Kosciuszko National Park, 2023* (2023), p 8.]

Resolved, on the motion of Mr Nanva: That paragraph 1.28 be amended by:

- a) inserting 'very' before 'young foals'
- b) inserting 'but that "all dependent foals were shot and killed in this assessment"' after 'protracted deaths'.

Mr Nanva moved: That paragraph 1.36 be omitted: 'The committee expresses its disappointment that the NSW Government chose to commence aerial shooting while this inquiry was ongoing and finds that it was inappropriate and disrespectful to the inquiry process', and the following new paragraph be inserted instead:

'The committee notes the NSW Government's reasons for commencing aerial shooting while the inquiry was ongoing and expresses its disappointment that inquiry processes were incomplete before doing so.'

Mr Fang moved: That the motion of Mr Nanva be amended by omitting 'NSW Government's reasons for commencing' and inserting instead 'the NSW Government commenced'.

Amendment of Mr Fang put and passed.

Original question of Mr Nanva, as amended, put.

The committee divided.

Ayes: Mr Borsak, Mr Buttigieg, Mr Fang, Mrs MacDonald, Mr Nanva, Mr Primrose, Ms Suvaal.

Noes: Ms Hurst.

Question resolved in the affirmative.

Resolved, on the motion of Mr Nanva: That paragraph 1.37 be amended by omitting 'strongly opposes' and inserting instead 'condemns'.

Resolved, on the motion of Mr Nanva: That the following new finding be inserted after paragraph 1.37:

'Finding X

Kosciuszko National Park is Australia's only alpine ecosystem. A range of plants and animals in the park are listed as threatened species and face an imminent threat of extinction.'

Resolved, on the motion of Mr Nanva: That paragraph 2.3 be amended by inserting 'Some' before 'stakeholders suggested that'.

Resolved, on the motion of Mr Nanva: That the following new paragraph be inserted after paragraph 2.4:

'Ecologist and former ACT Animal Welfare Officer, Dr Don Fletcher, argued that distance sampling is "one of the most widely used methods in the world for estimating abundance of wildlife populations" and that "[t]housands of published, peer reviewed scientific papers exemplify its use" [FOOTNOTE: Submission 136, Dr Don Fletcher, p 5.] Similarly, Professor of Environmental Science, and Director of the Centre for Ecosystem Science (UNSW), Professor Richard Kingsford, supported the survey methodology as "a really important, credible and rigorous method of estimating wildlife populations" [FOOTNOTE: Evidence, Professor Richard Kingsford, Professor of Environmental Science, Director of Centre for Ecosystem Science, School of Biological, Earth and Environmental Sciences, University of New South Wales, 18 December 2023, p 70.]

Mr Nanva moved: That paragraph 2.5 be omitted: 'However, there have been criticisms of the use of distance sampling, with the 2009 'Aerial Survey of Feral Horses in the Australian Alps' advising that analyses of data sets should be done using mark-resight distance sampling', and the following new paragraph be inserted instead:

'The 2009 'Aerial Survey of Feral Horses in the Australian Alps' recommends that analyses of data sets should be done using mark-resight distance sampling, noting that mark-resight distance sampling was a recent development at the time the paper was written.' [FOOTNOTE: Dr Michelle Dawson, *2009 Aerial survey of feral horses in the Australian Alps* (August 2009), <https://theaustralianalpsnationalparks.org/wp-content/uploads/2013/12/2009feralhorsealpsurvey.pdf> p 12.]

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Buttigieg, Mrs MacDonald, Mr Nanva, Mr Primrose, Ms Suvaal.

Noes: Mr Fang, Ms Hurst.

Question resolved in the affirmative.

Mr Nanva moved: That paragraph 2.7 be amended by omitting 'However, other witnesses highlighted that these surveys had not been independently or academically peer reviewed. This is discussed at paragraphs 2.30 – 2.35.'

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Buttigieg, Mrs MacDonald, Mr Nanva, Mr Primrose, Ms Suvaal.

Noes: Mr Fang, Ms Hurst.

Question resolved in the affirmative.

Resolved, on the motion of Mr Nanva: That the subheading after paragraph 2.10 be amended by omitting 'The use of distance sampling' and inserting instead 'Criticisms of distance sampling'.

Resolved, on the motion of Mr Nanva: That paragraph 2.11 be omitted: 'Dr Don Fletcher argued that distance sampling is 'one of the most widely used methods in the world for estimating abundance of wildlife populations', which has been used in 'thousands of published, peer-reviewed scientific papers'. Similarly, Professor Kingsford said that distance sampling 'is a really important, credible and rigorous method of estimating wildlife populations'.

Resolved, on the motion of Mr Nanva: That paragraph 2.12 be amended by omitting 'By contrast' before 'Mrs Claire Galea'.

Resolved, on the motion of Mr Nanva: That paragraph 2.14 be amended by inserting at the end: 'However, according to Dr Fletcher, for "all three surveys the total number of clusters was well beyond the minimum of 60 required, i.e. 301, 458 and 491, respectively. The number of clusters was fewer than 60 only in some sub-component areas. Surveys across the range of horses within KNP (or of any species anywhere) inevitably must (and should) include areas where the population is advancing into new areas, or for other reasons is at low density. In these sub-components of the survey area it is inevitable that fewer clusters will be recorded than elsewhere". [FOOTNOTE: Submission 136, Dr Don Fletcher, Appendix 3, p 7.]

Resolved, on the motion of Mr Nanva: That paragraph 2.15 be amended by inserting at the end: 'However, Dr Fletcher notes "Galea (2023) raises theoretical concerns with the practice of combining surveys, and concludes "no reliable population estimates can be determined". Galea (2023) does not indicate what alternative action Cairns (2019) could or should have taken, but the obvious alternative would be a foolish one, to reduce the survey effort where horses were abundant in order to spend more survey effort counting such places as Bago–Maragle where they were uncommon, until more than 60 clusters were seen in each and every sub-population. Instead, by combining results from both surveys, Cairns (2019) has prudently responded to the reality that some survey blocks have few animals". [FOOTNOTE: Submission 136, Dr Don Fletcher, Appendix 3, p 8.]

Resolved, on the motion of Mr Nanva: That paragraph 2.19 be amended by inserting at the end: 'However, Dr Fletcher argues that "Observers were not counting the same area more than once so there is no question of so called 'double counting' due to local movement of horses". [FOOTNOTE: Submission 136, Dr Don Fletcher, Appendix 3, p 17.]

Resolved, on the motion of Mr Nanva: That paragraph 2.21 be amended by:

- a) omitting 'By contrast' before 'Dr Fletcher emphasised that the distance sampling'
- b) moving it to appear below the sub-heading titled 'Concerns regarding population growth estimates'.

Resolved, on the motion of Mr Nanva: That the following new paragraph be inserted after paragraph 2.25:

'Witnesses raised concerns with regular population surveys conducted by NPWS, which recorded an estimated brumby population growth rate of 37 per cent, which witnesses stated was approximately double the accepted scientific maximum growth rate of wild horse populations. Dr Fletcher addresses these concerns in his submission, noting both that "Wild horse population growth rates up to 39% have been observed by researchers" and "there is no way to determine how much of the large increases in estimated

population size are due to breeding, how much to immigration, and how much to counting error". [FOOTNOTE: Submission 136, Dr Don Fletcher, Appendix 3, p 17.]

Resolved, on the motion of Mr Nanva: That the following new paragraph be inserted after paragraph 2.25:

'Furthermore, Dr Fletcher notes that "It is the nature of exponential population growth to seem slow for a long time while the population is relatively small, then to seem to increase rapidly when the population is larger". [FOOTNOTE: Submission 136, Dr Don Fletcher, p 14.] In addressing the rapid and exponential increase of feral horse populations at Kosciuszko National Park, the Centre for Ecosystem Science stated that "populations of feral horses also rapidly grow, because they can breed from 3 years of age (or 2 years at low densities with high food availability) and continue to breed until 15-18 years. They have a maximum finite rate of increase of between 1.21 and 1.36. They have a high annual fecundity ranging from 0.21 to 0.31 young per adult female, with high juvenile survival from 0.83 to 0.90 per annum and annual adult survival averaged 0.91 per annum". [FOOTNOTE: Submission 117, Centre for Ecosystem Science UNSW Sydney, p 5.]

Resolved, on the motion of Mr Nanva: That the following new paragraph be inserted after paragraph 2.29:

'Dr Fletcher further notes that a comparison of line transect distance sampling estimates to known populations "produced reasonably accurate estimates of abundance with a slight tendency for underestimation, to 33 known populations" [FOOTNOTE: Answers to questions on notice, Dr Don Fletcher, Retired Ecologist, 10 April 2024, p 1.] Dr Fletcher also emphasised that the distance sampling is not intended to make an exact count of the number of horses'. [FOOTNOTE: Tabled document, Dr Don Fletcher, *Comment on 'Independent biostatistical report on the Brumby population in the Kosciuszko National Park'*, 4 October 2023, p 17.]

Resolved, on the motion of Mr Borsak: That the subheading before paragraph 2.30 be amended by omitting 'The lack of' before 'independent academic review'.

Resolved, on the motion of Mr Nanva: That paragraph 2.31 be amended by:

- a) omitting 'have not been independently peer-reviewed by an academic, non-government organisation or other organisation without a financial interest. She also questioned why images to verify the counting and the raw data is not accessible:

This work, contrary to what Stuart Cairns or national parks will say, has never been independently, academically peer reviewed by a non-government agency or a company that is not financially interested in the work. There has never been any imagery provided to verify any of the counting. They have the raw numbers, but they don't publish them.'

- b) inserting 'should be further independently reviewed:

This work, contrary to what Stuart Cairns or national parks will say, has never been independently, academically peer reviewed ... There has never been any imagery provided to verify any of the counting. They have the raw numbers, but they don't publish them.'

after 'However, Mrs Galea asserted that these counts'.

Resolved, on the motion of Mr Nanva: That paragraph 2.32 be omitted: 'Mrs Galea further stated 'we question why ... Why has this not been peer-reviewed independent academic literature?'

Resolved, on the motion of Mr Nanva: That the following new paragraph be inserted after paragraph 2.35:

'In their review of the 2019 survey, the reviewers from the University of St Andrews commented "we have no concerns about design or field methods" [FOOTNOTE: Answers to questions on notice, Mrs Claire Galea, Independent Biostatistician, 30 January 2024, p 30.] and "there is no reason to doubt the reported abundance estimates and the derived finite rates of population growth" [FOOTNOTE: Answers to questions on notice, Mrs Claire Galea, Independent Biostatistician, 30 January 2024, p 31.]

Resolved, on the motion of Mr Nanva: That paragraph 2.36 be omitted: 'Some inquiry participants argued that, given the concerns raised above, distance sampling is an inappropriate method to count brumbies in Kosciuszko National Park. Alternatives were therefore proposed, including counts using imagery, mark-recapture and mark-resight methods, and on-ground community counts', and the following new paragraph be inserted instead:

'Given the concerns of some inquiry participants, alternative count methods were proposed, including counts using imagery, mark-recapture and mark-resight methods, and on-ground community counts.'

Resolved on the motion of Mr Nanva: That paragraph 2.40 be amended by inserting '[W]hile there are issues,' before 'It's really exciting to look at'.

Resolved on the motion of Mr Nanva: That paragraph 2.48 be amended by omitting 'that they were fundamentally different methods and could not be compared' and inserting instead 'that AirborneLogic's method was a count of horses "visible in the open at that particular moment in time" rather than a measure of abundance'. [FOOTNOTE: Evidence, Dr Don Fletcher, Retired Ecologist, 27 March 2024, p 16.]

Resolved, on the motion of Mr Nanva: That the following new paragraph be inserted after paragraph 2.50:

'Dr Fletcher notes that:

With HMR (helicopter mark-recapture) it is necessary to video and carefully describe the horses, not necessarily an easy task. Dawson and Miller (2007) regarded the method as having potential only for small, isolated populations. The recognition of individual animals from images is rapidly becoming less difficult due to machine learning programs and ever faster computers however it is not yet advanced enough or widely available enough to solve this problem for thousands of horses.' [FOOTNOTE: Submission 136, Dr Don Fletcher, p 9.]

Resolved, on the motion of Mr Nanva: That the following new paragraph be inserted after paragraph 2.52:

'Dr Fletcher gave evidence that the author of the above study, which Mrs Galea seeks to replicate, has noted that "this method is only suited to the very small populations, not to the whole Kosciuszko-type thing. They identified a number of deficiencies of what they had done that would need to be addressed to make it a useful method in the future".' [FOOTNOTE: Evidence, Dr Don Fletcher, Retired Ecologist, 27 March 2024, p 19.]

Resolved, on the motion of Mr Nanva: That the following new paragraph be inserted after paragraph 2.57:

'Concerns were raised by other participants about proposed population estimate methodologies that did not follow scientific best practice. Dr Fletcher, for example, warned the committee that "[e]stimating abundance is one of the most challenging elements of field ecology, however there is a great deal of expertise available in how to do it right, and many accepted methods. However, none of the five alternative horse counts used any standard accepted method".' [FOOTNOTE: Tabled document, Dr Don Fletcher, *Differences between Recent Horse Survey Results*, 27 March 2024, p 1.]

Resolved, on the motion of Mr Nanva: That the following new paragraph be inserted before paragraph 2.61:

'Horse control is an emotive topic, and some people in the community genuinely and passionately feel that it is wrong under any circumstances. However, this is not the unanimous view.'

Mr Fang moved: That Finding 1 be amended by omitting 'is fundamentally flawed and cannot be relied upon' and inserting instead 'is contested and additional methods should be considered.'

Question put.

The committee divided.

Ayes: Mr Fang, Ms Hurst, Mrs MacDonald.

Noes: Mr Borsak, Mr Buttigieg, Mr Nanva, Mr Primrose, Ms Suvaal.

Question resolved in the negative.

Mr Nanva moved: That Finding 1 be omitted: 'The methodology used to estimate the number of brumbies in Kosciuszko National Park by the NSW Government is fundamentally flawed and cannot be relied upon'.

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Buttigieg, Mrs MacDonald, Mr Nanva, Mr Primrose, Ms Suvaal.

Noes: Mr Fang, Ms Hurst.

Question resolved in the affirmative.

Mr Nanva moved: That the following new finding be inserted after paragraph 2.60:

'Finding X

The count methodology used by the NSW Government to count horses in Kosciuszko National Park uses current global best practice methods. As horse numbers reduce and technology improves, updates to the count method should be considered in light of differing views in the community on this matter.'

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Buttigieg, Mr Nanva, Mr Primrose, Ms Suvaal.

Noes: Mr Fang, Ms Hurst, Mrs MacDonald.

Question resolved in the affirmative.

Mr Nanva moved: The Recommendation 1 be omitted: 'That the NSW Government:

- immediately fund an independent count of brumbies in Kosciuszko National Park using the mark-resight method, supplemented by additional imagery, including the use of drones and thermal imagery where possible, and
- make the methodology and results of this count, including all photographs, videos and raw counts, publicly available to ensure transparency and accountability'

and the following new recommendation be inserted instead:

'The NSW Government should continue to undertake an annual count of the horses in Kosciuszko National Park, using best practice methodology, and release all results and data publicly. The National Parks and Wildlife Service should consider what new technology or techniques can be used to improve the current method and implement that.'

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Buttigieg, Mrs MacDonald, Mr Nanva, Mr Primrose, Ms Suvaal.

Noes: Mr Fang, Ms Hurst.

Question resolved in the affirmative.

Resolved, on the motion by Mr Nanva: That a new sub heading 'Concerns with inaction on population control of brumbies' be inserted after paragraph 3.5.

Resolved, on the motion of Mr Nanva: That the following new paragraphs be inserted after paragraph 3.5:

'The NSW Government and other stakeholders identified the threats of horse over population to vegetation, soil disturbance and threatened species through trampling, over grazing, fouling of water holes and collapse of wildlife burrows [FOOTNOTE: Submission 117, Centre for Ecosystem Science, UNSW, pp 6-10; Submission 110, NSW Government, Attachment 1, p 3]. Witnesses also observed damage to natural and indigenous cultural values of, and economic risks to, the region'.

The Australian Veterinary Association, citing with approval the NSW Threatened Species Scientific Committee's body of work on environmental impacts of horse populations, supported its determination "of the feral horse as a threatening process". [FOOTNOTE: Submission 121, Australian Veterinary Association, p 3.]

Noting the ecological risks posed by over-population of wild horses, Dr Fletcher states that "from a biodiversity perspective, all Australian governments will agree that saving non-sentient species of organisms from extinction can ethically justify the lethal control of other species". [FOOTNOTE: Submission 136, Dr Don Fletcher, p 25].

Witnesses cited modelling showing an exponential increase in the number of horses required to be removed each year, to meet legislated targets, if controls do not result in population outflows exceeding population inflows. It concluded "delaying action will increase the cost, damage and number of horses killed. For example, a 3-year delay in reaching 3,000 will mean an extra 6-7,000 horses have to be removed without effective control programs in place". [FOOTNOTE: Submission 126, Invasive Species Council, p 9].

Further, Dr Fletcher also noted that if a rate of removal was only sufficient to reduce the horse population gradually "many more animals will be killed than if the removal rate is high enough to cause rapid population decline. So this is a case where it is clearly much kinder to take strong action". [FOOTNOTE: Submission 136, Dr Don Fletcher, p 23.]

Dr Fletcher noted moral and legal obligations under The NSW Kosciuszko Wild Horse Heritage Act (2018) to enact a horse management plan and enables population control measures. A further requirement for horse population management has been established by the listing of 'habitat degradation and loss by feral horses' as a Key Threatening Process in Schedule 4 of the NSW Biodiversity Conservation Act (2016). The NSW government is required under the act to ameliorate the biodiversity threat. [FOOTNOTE: Submission 136, Dr Don Fletcher, p 13.]

Furthermore, Dr Fletcher notes that "feral horses, feral pigs, deer species, feral goats and feral donkeys may be shot from helicopters everywhere in all jurisdictions, except feral horses may not be shot from helicopters in national parks of NSW, by ministerial direction. Yet there is no suggestion that wild horses in national parks differ in their capacity for suffering from wild horses outside national parks... In NSW, the same shooter and aircraft may shoot horses outside the park but only pigs, deer, etc inside. The inconsistency in the current NSW situation is indefensible on animal welfare grounds, and ecologically". [FOOTNOTE: Submission 136, Dr Don Fletcher, p 20.]

The NSW Government submission refers to the Kosciuszko Wild Horse Scientific Advisory Panel, which has previously concluded that "it is a common misconception that non-lethal methods cause less severe animal welfare harms than lethal methods, but this is not always the case (Dubois et al. 2017, Beausoleil et al. 2018, Beausoleil 2020, Hampton et al. 2016). Lethal methods can have less animal welfare impacts if death is instantaneous, particularly if prior capture is not required". [FOOTNOTE: Submission 110, NSW Government, Attachment 1, p 6; Kosciuszko Wild Horse Scientific Advisory Panel, *Final Report of the Kosciuszko Wild Horse Scientific Advisory Panel: Advice to assist in preparation of the Kosciuszko National Park 2020 Wild Horse Management Plan* (September 2020) <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Pests-and-weeds/Kosciuszko-wild-horses/kosciuszko-national-park-wild-horse-scientific-advisory-panel-report.pdf>, p 21.]

Evidence was also provided to the committee that regardless of lethal or non-lethal methods, reducing negative animal welfare outcomes is contingent on appropriate conditions, protocols, and the skills of those involved.' [FOOTNOTE: Evidence, Associate Professor Andrea Harvey, Associate Professor, University of Sydney, and Chancellors Research Fellow, University of Technology Sydney, 27 March 2024, p 6; Submission 121, Australian Veterinary Association, p 6; Submission 136, Dr Don Fletcher, pp 18-19]

Resolved, on the motion of Mr Nanva: That the following new paragraph be inserted after paragraph 3.18:

'However, the independent veterinarians who observed the aerial shooting trial in November 2023 noted that 280 of 285 (or 98 per cent) bullet wounds were found in the thorax or cranium, and every carcass

inspected had at least 3 wounds to the thorax. They further concluded that "non fatal wounding was not observed in this assessment". [FOOTNOTE: NSW Department of Planning and Environment, *Animal Welfare Assessment of Feral Horse Aerial Shooting: Kosciuszko National Park, 2023* (2023), pp 7, 8.]

Resolved, on the motion of Mr Nanva: That paragraph 3.22 be amended by inserting at the end: 'It means that there are multiple shots to the target area literally within seconds and that is an important component in ensuring the most rapid death possible'. [FOOTNOTE: Evidence, Mr Atticus Fleming, Deputy Secretary, Deputy Secretary, NSW National Parks and Wildlife Service, 18 December 2023, p 6.]

Mr Nanva moved: That paragraph 3.24 be amended by inserting at the end: 'However, the same independent vets note in respect to the November 2023 trial that, using a conservative methodology, the median time to insensibility was just 5 seconds, with the time period ranging from 0 seconds to 53 seconds'. [FOOTNOTE: NSW Department of Planning and Environment, *Animal Welfare Assessment of Feral Horse Aerial Shooting: Kosciuszko National Park, 2023* (2023), p 7.]

Mr Fang moved: That the motion of Mr Nanva be amended by inserting 'It is noted that the average time was not provided to the committee' at the end.

Amendment of Mr Fang put and passed.

Original question of Mr Nanva, as amended, put and passed.

Resolved, on the motion of Mr Nanva: That the following new paragraph be inserted after paragraph 3.30:

'The November 2023 Trial found that the Chase Time for horses ranged from 0 seconds to 7 minutes and 21 seconds, with the median time of 54 seconds.' [FOOTNOTE: NSW Department of Planning and Environment, *Animal Welfare Assessment of Feral Horse Aerial Shooting: Kosciuszko National Park, 2023* (2023), p 7.]

Mr Fang moved: That paragraph 3.42 be amended by omitting: 'By contrast, Mr Scott Meyers, Chief Inspector, RSPCA NSW stated that unlike commercial breeding there is no defined season for brumbies;', and inserting instead:

'In contrast to the scientific evidence presented to the committee of a foaling season, Mr Scott Meyers, Chief Inspector, RSPCA NSW expressed his personal opinion that in KNP, there is no defined foaling season for brumbies.'

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Fang, Mrs MacDonald.

Noes: Mr Buttigieg, Ms Hurst, Mr Nanva, Mr Primrose, Ms Suvaal.

Question resolved in the negative.

Resolved, on the motion of Mr Nanva: That paragraph 3.43 be amended by omitting '[and]' and inserting instead '. Whether abandoned or cached,'.

Mr Nanva moved: That the following new paragraph be inserted after paragraph 3.44:

'During the November 2023 trial, all such dependent foals were identified and successfully culled'. [FOOTNOTE: NSW Department of Planning and Environment, *Animal Welfare Assessment of Feral Horse Aerial Shooting: Kosciuszko National Park, 2023* (2023), p 9.]

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Buttigieg, Mr Fang, Mrs MacDonald, Mr Nanva, Mr Primrose, Ms Suvaal.

Noes: Ms Hurst.

Question resolved in the affirmative.

Resolved, on the motion of Mr Nanva: That paragraph 3.46 be amended by inserting at the end: 'But it would also be a terrible thing to say to our staff'.

Resolved, on the motion of Mr Nanva: That the following new paragraphs be inserted after paragraph 3.61:

'As noted in the Independent Assessment of the 2023 Trial, "lead-free ammunition was used in the program examined, eliminating the risk of lead poisoning in wildlife scavenging on these carcasses". [FOOTNOTE: NSW Department of Planning and Environment, *Animal Welfare Assessment of Feral Horse Aerial Shooting: Kosciuszko National Park, 2023* (2023), p 10.]

Mr Fleming stated that part of the carcass management program involves moving carcasses that are "within a particular distance of waterways or a particular distance of campgrounds," and that during the November 2023 trial, no carcasses were left in waterways.' [FOOTNOTE: Evidence, Mr Atticus Fleming, Deputy Secretary, NSW National Parks and Wildlife Service, 18 December 2023, p 14.]

Resolved, on the motion of Mr Nanva: That paragraph 3.64 be amended by omitting 'Ms Nicole Coventry similarly expressed concern that' and inserting instead 'Ms Nicole Coventry expressed a personal view that'.

Mr Fang moved: That the following new paragraph be inserted before paragraph 3.69:

'The committee accepts the aerial culling of the vast majority of feral animals in NSW, is humane and provides for good animal welfare outcomes.'

Question put.

The committee divided.

Ayes: Mr Fang, Mrs MacDonald.

Noes: Mr Borsak, Mr Buttigieg, Ms Hurst, Mr Nanva, Mr Primrose, Ms Suvaal.

The committee resolved in the negative.

Mr Fang moved: That paragraphs 2.69 and 2.70 be omitted:

'During this inquiry, the committee heard numerous concerns about the decision to commence aerial shooting, and the way in which aerial shooting of brumbies is being conducted in Kosciuszko National Park.

The committee holds the view that brumbies are sentient beings with inherent worth, and we have a moral imperative to uphold their welfare. The committee therefore finds that aerial shooting cannot be ethically justified.'

and the following new paragraphs be inserted instead:

'During this inquiry, the committee heard numerous concerns about the decision to commence aerial shooting, and the methods with which the aerial shooting of brumbies is being conducted in Kosciuszko National Park.

The committee holds the view that due to the bone structure and large mass, the humane aerial shooting of brumbies poses unique challenges not found in other species. The committee therefore finds that aerial shooting of brumbies cannot be ethically justified.'

Question put.

The committee divided.

Ayes: Mr Fang.

Noes: Mr Borsak, Mr Buttigieg, Mrs MacDonald, Ms Hurst, Mr Nanva, Mr Primrose, Ms Suvaal.

Question resolved in the negative.

Mr Nanva moved: That Finding 2 be omitted: 'That brumbies are sentient beings with inherent worth and aerial shooting cannot be ethically justified'.

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Buttigieg, Mrs MacDonald, Mr Nanva, Mr Primrose, Ms Suvaal.

Noes: Mr Fang, Ms Hurst.

Question resolved in the affirmative.

Mr Fang moved: That the following new finding be inserted after paragraph 3.70:

'Finding X

The aerial shooting of brumbies creates unique and adverse animal welfare outcomes and cannot be ethically justified.'

Question put.

The committee divided.

Ayes: Mr Fang, Ms Hurst.

Noes: Mr Borsak, Mr Buttigieg, Mrs MacDonald, Mr Nanva, Mr Primrose, Ms Suvaal.

Question resolved in the negative.

Mr Nanva moved: That the following new finding be inserted after paragraph 3.70:

'Finding X

Aerial shooting is the only method that allows the Government to reach the legislated target of 3,000 horses in the park by the 2027 deadline. All other methods are unable to reach the target number by the deadline.'

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Buttigieg, Mrs MacDonald, Mr Nanva, Mr Primrose, Ms Suvaal.

Noes: Mr Fang, Ms Hurst.

Question resolved in the affirmative.

Mr Nanva moved: That Recommendation 2 be omitted: 'That the NSW Government immediately cease aerial shooting of brumbies in Kosciuszko National Park and introduce legislation to outlaw aerial shooting of brumbies in New South Wales', and the following new recommendation be inserted instead:

'Aerial control of horses, as well as other invasive animals, should continue in NSW as a way of protecting the natural environment. Robust settings and frameworks should support this to achieve best practice and safety.'

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Buttigieg, Mrs MacDonald, Mr Nanva, Mr Primrose, Ms Suvaal.

Noes: Mr Fang, Ms Hurst.

Question resolved in the affirmative.

Resolved, on the motion of Mrs MacDonald: That the following new recommendation be inserted after paragraph 3.72:

'Recommendation X

That the NSW Government review the Standard Operating Procedures (SOPs) to ensure that aerial shooting is done in the most humane way possible.'

Mr Nanva moved: That Finding 3 be omitted: 'That the NSW Government has failed to uphold basic animal welfare, by failing to specify maximum pursuit times in their Standard Operating Procedure', and the following new finding be inserted instead:

'That the Standard Operating Procedure has provided a robust framework to allow aerial shooting to occur, but should be reviewed regularly to ensure it is fit for purpose and reflects any changes in best practice.'

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Buttigieg, Mrs MacDonald, Mr Nanva, Mr Primrose, Ms Suvaal.

Noes: Mr Fang, Ms Hurst.

Question resolved in the affirmative.

Mr Fang moved: That the following new paragraph be inserted after paragraph 3.76:

'The committee was concerned the Chief Inspector, RSPCA NSW, Mr Scott Meyers provided unfounded and contested evidence, that wild brumbies do not have a breeding season, in support of the organisation assessing of the aerial culling trial. Given this, the committee does not believe Mr Meyers has the education, training or experience to adequately assess the NPWS aerial shooting trial.'

Question put.

The committee divided.

Ayes: Mr Fang.

Noes: Mr Borsak, Mr Buttigieg, Ms Hurst, Mrs MacDonald, Mr Nanva, Mr Primrose, Ms Suvaal.

Question resolved in the negative.

Mr Nanva moved: That the Finding 4 be omitted: 'That aerial shooting conducted by the NSW Government during foaling season created an enormous and unacceptable animal welfare risk and should have never occurred', and the following new finding be inserted instead:

'There are deeply felt views by some within the community that shooting horses, by any method, is wrong and should not be supported. However, there is no clear evidence that any breaches to animal welfare have occurred.'

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Buttigieg, Mrs MacDonald, Mr Nanva, Mr Primrose, Ms Suvaal.

Noes: Mr Fang, Ms Hurst.

Question resolved in the affirmative.

Mrs MacDonald moved: That the following new paragraph be inserted after paragraph 3.77:

'Mr Atticus Fleming pointed out that introducing cameras into aerial shooting operations involves significant policy implications. Any decision to use cameras would likely need to be applied across all government operations, not just in specific cases as brumby control.' [FOOTNOTE: Evidence, Mr Atticus Fleming, Deputy Secretary, NSW National Parks and Wildlife Service, 27 March 2024, p 38.]

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Buttigieg, Mrs MacDonald, Mr Nanva, Mr Primrose, Ms Suvaal.

Noes: Mr Fang, Ms Hurst.

Question resolved in the affirmative.

Mr Fang moved: That Finding 5 be amended by omitting 'aerial shooting operations' and inserting instead 'aerial shooting of brumbies in Kosciuszko National Park.'

Question put.

The committee divided.

Ayes: Mr Fang, Mrs MacDonald.

Noes: Mr Borsak, Mr Buttigieg, Ms Hurst, Mr Nanva, Mr Primrose, Ms Suvaal.

Question resolved in the negative.

Mr Nanva moved: That Finding 5 be omitted: 'That the NSW Government's failure to require the use of video cameras during aerial shooting operations reflects a lack of transparency and accountability in the program.'

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Buttigieg, Mrs MacDonald, Mr Nanva, Mr Primrose, Ms Suvaal.

Noes: Mr Fang, Ms Hurst.

Question resolved in the affirmative.

Mr Nanva moved: That Finding 6 be omitted: 'The NSW National Parks and Wildlife Service have failed to meet basic animal welfare expectations by using ammunition that is inappropriate and likely to cause unnecessary suffering.'

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Buttigieg, Ms Hurst, Mr Nanva, Mr Primrose, Ms Suvaal.

Noes: Mr Fang, Mrs MacDonald.

Question resolved in the affirmative.

Resolved, on the motion of Mr Nanva: That the following new recommendation be inserted after paragraph 3.78:

'Recommendation X

That the training required of aerial shooters, as well as the type of firearms and ammunition (including both the calibre and the cartridge size of the ammunition) being used to aerially cull brumbies should be reviewed to ensure best practice.'

Mr Nanva moved: That Finding 7 be omitted: 'That aerial shooting of brumbies in Kosciuszko National Park poses threats to human safety that have not been adequately addressed', and the following new finding be inserted instead:

'National Parks (and other government agencies) have been undertaking aerial control of invasive species for decades. There are robust guidelines to ensure that human safety is managed during aerial shooting operations of any animal.'

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Buttigieg, Mrs MacDonald, Mr Nanva, Mr Primrose, Ms Suvaal.

Noes: Mr Fang, Ms Hurst.

Question resolved in the affirmative.

Mr Nanva moved: That Recommendation 3 be omitted: 'That the NSW Government take immediate action to address the animal welfare issues outlined in the findings of this report.'

Question put.

Ayes: Mr Borsak, Mr Buttigieg, Ms Hurst, Mr Nanva, Mr Primrose, Ms Suvaal.

Noes: Mr Fang, Mrs MacDonald.

Question resolved in the affirmative.

Resolved, on the motion of Mr Nanva: That the following new recommendation be inserted after paragraph 3.80:

'Recommendation X

That the NSW Government should have an appropriate, independent third party review the Standard Operating Procedure regularly to ensure it continues to reflect best practice and is robust.'

Resolved, on the motion of Mr Nanva: That the following new paragraph be inserted after paragraph 4.8:

'The provenance of the signatories cannot be confirmed, similar to pro forma submissions (as above).'

Resolved, on the motion of Mr Nanva: That paragraph 4.19 be amended by omitting 'a number of stakeholders argued' and inserting instead 'a few submissions asserted'.

Resolved, on the motion of Mr Nanva: That paragraph 4.20 be omitted: 'Ms Sheree Stepney similarly identified potential environmental benefits of brumbies. Ms Stepney noted that horse manure benefits various species and soils, as well as managing grasslands to help lower bushfire intensity:

Horses must also be studied for their positive benefit to the environment before mass removal of a species that has co-existed in harmony with native flora and fauna for over 150 years. Their manure alone is a micro-habitat that feeds insects, pollinators, lizards, birds, and fungi, sequesters carbon and rebuilds soils - particularly after events like fire. Their ability to manage grassland helps to lower fire intensity - a report commissioned by the Invasive Species Council found that the fires of 2019-20 did not burn hot, or at all, in areas with higher horse density - a haven for surviving flora and fauna.'

Resolved, on the motion of Mr Nanva: That paragraph 4.21 be amended by:

- a) omitting 'This perspective was partially supported by the findings of' before 'the Final Report of the Kosciuszko Wild Horse Scientific Advisory Panel'
- b) omitting 'which' before 'stated'.

Resolved, on the motion of Mr Fang: That the following new paragraph be inserted after paragraph 4.45:

'The committee accepts, the vast majority of the submissions in response to the public exhibition of the draft amending plan for Kosciuszko National Park Wild Horse Heritage Management Plan, were simply pro forma submissions from the Invasive Species Council.'

Mr Fang moved: That the following new paragraph be inserted after paragraph 4.45:

'It is the committee's view, the Minister should have been upfront with the public, in relation to this fact when announcing the results of the consultation process into the draft amending plan. The committee believes the Minister's lack of transparency in relation to the amending of the Kosciuszko National Park Wild Horse Heritage Management Plan has undermined the public's confidence with the reintroduction of aerial shooting of brumbies.'

Question put.

The committee divided.

Ayes: Mr Fang, Ms Hurst.

Noes: Mr Borsak, Mr Buttigieg, Mrs MacDonald, Mr Nanva, Mr Primrose, Ms Suvaal.

Question resolved in the negative.

Mr Nanva moved: That Finding 8 be omitted: 'That brumbies deserve respect and to be treated humanely, and the current aerial shooting program has failed to uphold these values', and the following new finding be inserted instead:

'Rehoming and ground shooting should continue as control methods as well as aerial shooting. Fertility control should be trialled and tested as a future control method.'

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Buttigieg, Mrs MacDonald, Mr Nanva, Mr Primrose, Ms Suvaal.

Noes: Mr Fang, Ms Hurst.

Question resolved in the affirmative.

Mr Fang moved: That the following new finding be inserted before paragraph 4.49:

'Finding X

The Minister's lack of transparency in relation to the amending of the Kosciuszko National Park Wild Horse Heritage Management Plan has undermined the public's confidence with the reintroduction of aerial shooting of brumbies.'

Question put.

The committee divided.

Ayes: Mr Fang, Ms Hurst, Mrs MacDonald.

Noes: Mr Borsak, Mr Buttigieg, Mr Nanva, Mr Primrose, Ms Suvaal.

Question resolved in the negative.

Mr Fang moved: That Recommendation 4 be amended by omitting 'lethal control methods and move towards' and inserting instead 'aerial shooting and investigate'.

Question put.

The committee divided.

Ayes: Mr Fang, Mrs MacDonald.

Noes: Mr Borsak, Mr Buttigieg, Ms Hurst, Mr Nanva, Mr Primrose, Ms Suvaal.

Question resolved in the negative.

Mr Nanva moved: That Recommendation 4 be omitted: 'That the NSW Government cease lethal control methods and move toward humane, non-lethal alternatives for brumbies in Kosciuszko National Park'.

Question put.

Committee divided.

Ayes: Mr Borsak, Mr Buttigieg, Mrs MacDonald, Mr Nanva, Mr Primrose, Ms Suvaal.

Noes: Mr Fang, Ms Hurst.

Question resolved in the affirmative.

Resolved, on the motion of Mr Nanva: That paragraph 5.4 be omitted: 'The Centre for Ecosystem Science UNSW, Sydney indicated that though effective, fencing is expensive and ultimately difficult to maintain.'

Therefore, they believe that it is not a feasible alternative', and the following new paragraph be inserted instead:

'The Centre for Ecosystem Science UNSW, Sydney indicated that though it can be effective, fencing is expensive and ultimately difficult to maintain. This view is shared by the National Parks and Wildlife Service. Kosciuszko National Park is the same size as Bali. To implement an exclusion fencing program would not be feasible in a Park this size'. [FOOTNOTE: Submission 117, Centre for Ecosystem Science UNSW Sydney, p 9; Evidence, The Hon. Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage, 18 December 2023, p 12.]

Resolved, on the motion of Mr Nanva: That the following new paragraph be inserted after paragraph 5.5:

'The Centre for Ecosystem Science UNSW Sydney submitted that "Fencing of sensitive areas is effective but extremely costly and only applicable for small areas. Fences are also difficult to maintain, particularly in rugged alpine areas, and may exclude native herbivores from accessing vital resources".' [FOOTNOTE: Submission 117, Centre for Ecosystem Science UNSW Sydney, p 9.]

Resolved, on the motion of Mr Nanva: That paragraph 5.8 be amended by:

- a) omitting 'a number of inquiry participants insisted that' and inserting instead 'a number of inquiry participants gave their opinion that'
- b) inserting 'her view' after 'Associate Professor Andrea Harvey asserted'

Resolved, on the motion of Mr Nanva: That paragraph 5.9 be amended by inserting at the end: 'Currently, few horses are able to be rehomed annually. This is due to a variety of factors. One key factor is that most rehoming organisations have specific requests when it comes to the types of horses they wish to rehome. Rehoming requests almost always specify the gender, age, colour and sometimes temperament of the horses that they wish to rehome. Some rehoming requests have asked for specific individual horses. This makes increasing the amount of rehoming a challenge as trapping wild horses is difficult, time consuming, and costly, particularly when specific horses have to be targeted' [FOOTNOTE: Evidence, Ms Lynette Sutton, Founder/Sanctuary Manager Advocate, Genetic Research, Hoofs2010, 27 March 2024, p 29.]

Resolved, on the motion of Mr Nanva: That paragraph 5.10 be amended by inserting at the end: 'This view was shared by the Heritage Horse and Environment Protection Alliance, as well as Ms Simone Cooper' [FOOTNOTE: Submission 58, Ms Simone Cooper, p 8; Submission 65, Heritage Horse and Environment Protection Alliance, p 4.]

Resolved, on the motion of Mr Nanva: That paragraph 5.13 be amended by inserting at the end: 'Other witnesses proposed that rehomers should have access to training and appropriate information' [FOOTNOTE: Evidence, Dr Jillian Brown, Convenor, Heritage Horse and Environment Protection Alliance, 5 February 2024, p 56].

Resolved, on the motion of Mr Nanva: That paragraph 5.15 be omitted: 'The Australian Brumby Alliance, an organisation concerned with the promotion, protection and humane management of wild horses in Australia, proposed that regulation should be balanced with ensuring rehomers have access to training and relevant appropriate information', and the following new paragraph be inserted instead:

'Given the number of horses in the Park and the rate of reproduction, and noting that around 500 horses are able to be rehomed annually, it is clear that rehoming can never be the only solution for horse control in Kosciuszko National Park. However, rehoming should continue into the future as one of a suite of control measures.' [FOOTNOTE: Submission 110, NSW Government, p 5].

Resolved, on the motion of Mr Nanva: That paragraph 5.22 be amended by:

- a) omitting 'a number of' before 'submissions'
- b) inserting at the end: 'It should be noted that these submissions opposed any type of lethal control method, and opposed control of horses in the Park generally'.

Resolved, on the motion of Mr Nanva: That paragraph 5.24 be amended by:

- a) omitting 'implemented' and inserting instead 'used'

b) omitting 'many' and inserting instead 'some'.

Resolved, on the motion of Mr Nanva: That paragraph 5.27 be amended by inserting at the end: 'However, Dr Cristy Secombe, Head of Veterinary Policy and Advocacy, Australian Veterinary Association noted the need for further research on how fertility control methods could work in the Australian context:

There are different circumstances and different environments. What works in the United States, in the UK may not be applicable in the Australian context. But without doing research into this, we don't quite know'. [FOOTNOTE: Evidence, Dr Cristy Secombe Head of Veterinary Policy and Advocacy, Australian Veterinary Association, 5 February 2024, p 33.]

Resolved, on the motion of Mr Nanva: That paragraph 5.28 be amended by omitting 'Some questioned the feasibility of reproductive control methods' and inserting instead 'Evidence was received that reproductive control methods weren't feasible to use in this context'.

Resolved, on the motion of Mr Nanva: That paragraph 5.32 be amended by inserting at the end: 'However, they noted that "non-lethal options are unlikely to be effective for broad scale control"' [FOOTNOTE: Submission 121, Australian Veterinary Association, p 9].

Mr Nanva moved: That Recommendation 5 be omitted: 'That the NSW Government provide appropriate funding and ongoing support to brumby rehoming.'

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Buttigieg, Mr Nanva, Mr Primrose, Ms Suvaal.

Noes: Mr Fang, Ms Hurst, Mrs MacDonald.

Question resolved in the affirmative.

Mr Nanva moved: That Recommendation 6 be omitted: 'That the NSW Government urgently fund fertility control trials for brumbies in Kosciuszko National Park, prioritising single-dose fertility control trials', and the following new recommended be inserted instead:

'The National Parks and Wildlife Service further investigate the effectiveness of fertility control as a control method'.

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Buttigieg, Mrs MacDonald, Mr Nanva, Mr Primrose, Ms Suvaal.

Noes: Mr Fang, Ms Hurst.

Question resolved in the affirmative.

Resolved, on the motion of Mr Nanva: That paragraph 6.7 be amended by inserting 'at a later date, after investigations had been conducted' after 'The Minister gave evidence'.

Resolved, on the motion of Mr Nanva: That paragraph 6.8 be amended by inserting at the end: 'In correspondence to the committee, the Minister explained this decision was made "given the ongoing significant safety risks to NPWS staff involved in the wild horse program, that no findings of misconduct were found against the relevant staff member, and to protect their privacy and welfare and that of other persons interviewed during the investigation" [FOOTNOTE: Correspondence from the Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage to Chair, 29 July 2024.]

Resolved, on the motion of Mr Nanva: That paragraph 6.11 be amended by inserting at the end: 'The terms of reference, as well as the final report and the Department's response, are all publicly available on the DCCEE website'.

Resolved, on the motion of Mr Nanva: That the following new finding be inserted after paragraph 6.32:

'Finding X

The National Parks and Wildlife staff who undergo horse control programs are undertaking difficult jobs at the request of Government, and have often faced terrible abuse online and in the community.'

Mr Nanva moved: That Recommendation 7 be omitted: 'That the NSW Government, as a matter of priority:

- implement the recommendations from the investigation report into the Kosciuszko National Park Wild Horses Rehoming Program, and
- investigate ways to ensure there is ongoing authority for the NSW National Parks and Wildlife Service and other authorities including those prescribed under Prevention of Cruelty to Animals Act 1979 to ensure and oversee the wellbeing of rehomed brumbies'

and the following new recommended be inserted instead:

'National Parks should implement the recommendations from the investigation report into the Kosciuszko National Park Wild Horses Rehoming Program, and restart rehoming as soon as possible'.

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Buttigieg, Mrs MacDonald, Mr Nanva, Mr Primrose, Ms Suvaal.

Noes: Mr Fang, Ms Hurst.

Question resolved in the affirmative.

Resolved, on the motion of Mr Nanva: That:

- the secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or findings resolved by the committee;
- the updated report be circulated to members via email;
- the committee hold a meeting once the report is circulated to consider the updated committee comments and adopt the amended report.

6. Adjournment

The committee adjourned at 2.32 pm, *sine die*.

Arizona Hart, Sarah Newlands, Julianna Taahi and Emily Whittingstall

Committee Clerks**Draft minutes no. 13**

Thursday 7 November 2024

Animal Welfare Committee

Room 1254, Parliament House, Sydney at 11.02 am

1. Members present

Ms Hurst, *Chair*

Mr Nanva, *Deputy Chair* (via videoconference)

Mr Borsak (via videoconference)

Mr Fang

Mr Lawrence (via videoconference)

Mrs MacDonald

Mr Primrose

Ms Suvaal

2. Apologies

Ms Boyd

3. Previous minutes

Resolved, on the motion of Ms Suvaal: That draft minutes no. 12 be confirmed.

4. Correspondence

The committee noted the following item of correspondence:

Sent

- 25 October 2024 – Letter from Chair to Mr Mark Steele SC, Vice President, RSPCA NSW, advising that the committee will be taking no further action in response to the RSPCA's letter of 31 July 2024.

5. Inquiry into proposed aerial shooting of brumbies in Kosciuszko National Park

5.1 Publication of correspondence from Minister Sharpe

Resolved, on the motion of Mr Primrose: That the committee authorise the publication of correspondence from the Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage to Chair, regarding the independent investigation report into allegations against a National Parks and Wildlife Service staff member, dated 30 July 2024.

5.2 Consideration of updated draft report

The committee noted that at the last meeting, it resolved to authorise the secretariat to update any committee comments where necessary to reflect changes to recommendations or findings resolved by the committee.

Resolved, on the motion of Mr Nanva: That paragraph 4.46 be amended by omitting 'simply' before 'pro forma submissions from the Invasive Species Council'.

Resolved, on the motion of Mr Nanva: That:

- a) Recommendation 3 be omitted: 'That the NSW Government review the Standard Operating Procedures to ensure that aerial shooting is done in the most humane way possible'.
- b) Recommendation 5 be amended by omitting 'reflect best practice and is robust' and inserting instead 'reflect best practice and is as robust and humane as possible'.

Mr Fang moved:

- a) That paragraph 2.68 be amended by inserting 'the majority of' before 'the committee accepts the validity and accuracy of the NPWS brumby count'.
- b) That paragraph 3.85 be amended by inserting 'the majority of' before 'the committee is persuaded that aerial shooting is the only method'.
- c) That paragraph 3.88 be amended by:
 - i. omitting 'given it' and inserting instead 'the majority of the committee believe that aerial control'.
 - ii. omitting 'aerial control should continue' and inserting instead 'and believe it should continue'.
- d) That paragraph 3.92 be amended by omitting 'to date, the committee believes' and inserting instead 'the majority of the committee believe'.
- e) That paragraph 3.94 be amended by inserting 'the majority of the committee formed the view that' before 'there is no clear evidence that any breaches to animal welfare have occurred'.
- f) That paragraph 4.49 be amended by omitting 'while acknowledging' and inserting instead 'while the majority of the committee holds the view'.

Question put.

The committee divided.

Ayes: Mr Fang, Ms Hurst.

Noes: Mr Borsak, Mr Lawrence, Mrs MacDonald, Mr Nanva, Mr Primrose, Ms Suvaal.

Question resolved in the negative.

Resolved, on the motion of Mr Borsak:

- a) That paragraph 2.68 be amended by inserting 'resolved that it' before 'accepts the validity and accuracy of the NPWS brumby count'.
- b) That paragraph 3.85 be amended by inserting 'resolved that it' before 'is persuaded that aerial shooting is the only method'.
- c) That paragraph 3.88 be amended by inserting 'the committee resolved that' before 'aerial control should continue'.
- d) That paragraph 3.92 be amended by inserting 'resolved that it' before 'believes the Standard Operating Procedure has provided a robust framework'.
- e) That paragraph 3.94 be amended by inserting 'the committee resolved that' before 'there is no clear evidence that any breaches to animal welfare have occurred'.
- f) That paragraph 4.49 be amended by inserting 'that the committee resolved' before 'that aerial shooting is the only method'.

Mr Fang moved: That paragraph 5.16 be amended by inserting 'the NSW Government's position is that' before 'given the number of horses in the park and the rate of reproduction'.

Question put.

The committee divided.

Ayes: Mr Fang, Ms Hurst, Mrs MacDonald.

Noes: Mr Borsak, Mr Lawrence, Mr Nanva, Mr Primrose, Ms Suvaal.

Question resolved in the negative.

Resolved, on the motion of Mr Nanva: That paragraph 5.16 be amended by inserting 'evidence was provided that' before 'given the number of horses in the park and the rate of reproduction'.

Mr Fang moved: That paragraph 5.41 be amended by omitting ', but to date is not advanced enough to be implemented' after 'fertility control is a potential method to limit brumby numbers in Kosciuszko National Park'.

Question put.

The committee divided.

Ayes: Mr Fang, Ms Hurst.

Noes: Mr Borsak, Mr Lawrence, Mrs MacDonald, Mr Nanva, Mr Primrose, Ms Suvaal.

Question resolved in the negative.

Ms Suvaal moved: That, under Standing Order 236, the Chair's foreword be approved by the committee prior to tabling of the committee's report.

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Lawrence, Mrs MacDonald, Mr Nanva, Mr Primrose, Ms Suvaal.

Noes: Mr Fang, Ms Hurst.

Question resolved in the affirmative.

Mrs MacDonald moved: That:

- The draft report as amended be the report of the committee and that the committee present the report to the House;
- The transcripts of evidence, tabled documents, submissions, correspondence, and answers to questions taken on notice and supplementary questions relating to the inquiry be tabled in the House with the report;
- Upon tabling, all unpublished attachments to submissions be kept confidential by the committee;
- Upon tabling, all unpublished transcripts of evidence, tabled documents, submissions, correspondence, and answers to questions taken on notice and supplementary questions related to the inquiry be published by the committee, except for those documents kept confidential by resolution of the committee;
- The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;
- The committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee;
- Dissenting statements be provided to the secretariat within 24 hours after receipt of the draft minutes of the meeting;
- The report be tabled at a time to be confirmed;
- The Chair to advise the secretariat and members if they intend to hold a press conference, and if so, the date and time.

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Lawrence, Mrs MacDonald, Mr Nanva, Mr Primrose, Ms Suvaal.

Noes: Mr Fang, Ms Hurst.

Question resolved in the affirmative.

6. Adjournment

The committee adjourned at 11.36 am until Monday 16 December 2024, Macquarie Room, Parliament House (public hearing – inquiry into the management of cat populations in New South Wales).

Arizona Hart
Committee Clerk

Appendix 4 Dissenting statements

Hon Wes Fang MLC, The Nationals

It is with great regret, I am forced to write this dissenting statement for this report into the proposed aerial shooting of brumbies in Kosciuszko National Park. As Chair of this Inquiry, the Hon. Emma Hurst MLC had composed a robust and objective draft report, ahead of the committee's deliberative. As is demonstrated within the contents of the minutes from that deliberative meeting, which are attached as an annexure to this report, the Labor members, along with support from the Shooters, Fishers and Farmer's (SFF) Party, combined to dissect and dismantle that draft report. They set about stripping large sections of meaningful content out, whilst also amending the findings and recommendations to instead reflect the Minister's position. This final report in no way resembles the draft report, nor does it accurately convey the volume or gravity of the evidence heard.

The NSW Labor Government simply used their numbers on this committee to remove any criticism of Minister Penny Sharpe.

While I did not endorse the entirety of the Chair's draft report, I believed it was largely responsive to the evidence obtained during the many hearings and site visits. I had proposed a number of small amendments, largely seeking to recognise the aerial culling of feral animals is indeed humane and supported by the committee, whilst recognising the size, speed and bone structure of brumbies, posed challenges which meant alternative methods of control were preferable.

I know that brumby advocates will be as bitterly disappointed with this final report, as I am. While NSW Labor had broadly expressed its support for the aerial culling of brumbies, since the change to the Kosciuszko National Park Wild Horse Heritage Management Plan 2021 occurred in October 2023, those brumby advocates felt that the SFF MPs were listening to their concerns. It is now clear, the SFF members were saying one thing to stakeholders, yet continuing with business as usual, which is supporting Labor's agenda. The nickname given to SFF MPs, by other members of the Legislative Council cross-bench, of 'Country Labor', is once again on display with the tabling of this report. It will be for the SFF Party to explain to the community, why they've once again simply done the bidding of their Labor masters.

While this final report is a huge disappointment, given the amount of work which has gone into these hearings, I hope the issues related to our iconic and majestic brumbies have been highlighted and one day they will be recognised as the cultural and heritage icon, I know they are.

Hon Emma Hurst MLC, Animal Justice Party

Below are the actual Findings and Recommendations that were in the draft report that were voted out and changed by the Shooters, Fishers and Farmers Party and Labor Party MPs.

Finding 1

The methodology used to estimate the number of brumbies in Kosciuszko National Park by the NSW Government is fundamentally flawed and cannot be relied upon.

Finding 2

That brumbies are sentient beings with inherent worth and aerial shooting cannot be ethically justified.

Finding 3

That the NSW Government has failed to uphold basic animal welfare, by failing to specify maximum pursuit times in their Standard Operating Procedure.

Finding 4

That aerial shooting conducted by the NSW Government during foaling season created an enormous and unacceptable animal welfare risk and should have never occurred.

Finding 5

That the NSW Government's failure to require the use of video cameras during aerial shooting operations reflects a lack of transparency and accountability in the program.

Finding 6

That NSW National Parks and Wildlife Service have failed to meet basic animal welfare expectations by using ammunition that is inappropriate and likely to cause unnecessary suffering.

Finding 7

That aerial shooting of brumbies in Kosciuszko National Park poses threats to human safety that have not been adequately addressed.

Finding 8

That brumbies deserve respect and to be treated humanely, and the current aerial shooting program has failed to uphold these values.

Recommendation 1

That the NSW Government:

- immediately fund an independent count of brumbies in Kosciuszko National Park using the mark-resight method, supplemented by additional imagery, including the use of drones and thermal imagery where possible, and
- make the methodology and results of this count, including all photographs, videos and raw counts, publicly available to ensure transparency and accountability.

Recommendation 2

That the NSW Government immediately cease aerial shooting of brumbies in Kosciuszko National Park and introduce legislation to outlaw aerial shooting of brumbies in New South Wales.

Recommendation 3

That the NSW Government take immediate action to address the animal welfare issues outlined in the findings of this report.

Recommendation 4

That the NSW Government cease lethal control methods and move toward humane, non-lethal alternatives for brumbies in Kosciuszko National Park

Recommendation 5

That the NSW Government provide appropriate funding and ongoing support to brumby rehoming.

Recommendation 6

That the NSW Government urgently fund fertility control trials for brumbies in Kosciuszko National Park, prioritising single-dose fertility control trials.

Recommendation 7

That the NSW Government, as a matter of priority:

- implement the recommendations from the investigation report into the Kosciuszko National Park Wild Horses Rehoming Program, and
- investigate ways to ensure there is ongoing authority for the NSW National Parks and Wildlife Service and other authorities including those prescribed under Prevention of Cruelty to Animals Act 1979 to ensure and oversee the wellbeing of rehomed brumbies.

As Chair of this Inquiry, I am disgusted by this committee's attempts to remove the strong evidence that was presented to the committee from passionate locals, experts, statisticians, and animal protection advocates.

The evidence was clear - aerial shooting of brumbies leads to a bloodbath, it is not supported by the local community, there are serious concerns about the methodology used to count the number of brumbies in the Park, and there are non-lethal alternatives that haven't even been trialled.

I always knew this Inquiry would be challenging, and that Labor and the Greens would support the ruthless killing of brumbies, no matter the evidence.

However, it was the Shooters, Fishers and Farmers Party who repeatedly supported moves to remove the strong recommendations and findings in the report and fully support the National Parks and Wildlife Service's aerial shooting program. The Shooters Fishers and Farmers Party chose to vote with Labor to re-write this Report which now supports the aerial bloodbath on brumbies despite the Party's long held position against aerial shooting.

The aerial shooting of brumbies in Kosciuszko National Park is not justified and can never be justified. I stand by the recommendations and findings that are above – this was the real outcome of what we heard as a committee prior to the report being gutted by other committee members.

The move by Labor to then stop me from even being able to independently write a Chair's foreword, as is standard practice, and give my own opinion of this inquiry is truly shocking and leaves me questioning what the Labor Party are attempting to hide.

I will not be silenced about this – and the Labor Party moving resolutions in an attempt to silence me has only strengthened my resolve to speak out against this atrocity. I will not sit by and be silenced. My Chair's forward would have highlighted the very evidence we heard and the need to protect these sentient beings, instead I was undermined and my ability to act as Chair was impeded without warning. I truly believe this is atrocious behaviour that has led to a total lack in transparency and accountability.

I apologise to the many people who gave their time and expertise to give valuable evidence about why aerial shooting should not occur. You were heard – you were heard by myself and another committee member – your evidence and advocacy was not in vain. While your evidence was rejected by Labor and the Shooters Party, the brumbies were and always will be worth fighting for.

I will continue to fight every day to protect these animals. This is not over.

