



Ms Arizona Hart
Principal Council Officer
Committee Office
Legislative Council
Parliament of New South Wales
6 Macquarie Street
SYDNEY NSW 2000

By email:

Dear Ms Hart

Thank you for your email about the 31 July 2024 hearing for the Animal Welfare Committee Inquiry into proposed aerial shooting of brumbies in Kosciusko National Park.

I have enclosed my responses to questions taken on notice during the public hearing. I do not wish to propose transcript corrections.

I also enclose responses to the supplementary questions.

If you have any further questions, please contact me at
or on

Sincerely

Atticus Fleming
Deputy Secretary
NSW National Parks and Wildlife Service

30 August 2024

Enclosure

INQUIRY INTO THE PROPOSED AERIAL SHOOTING OF BRUMBIES IN
KOSCIUSZKO NATIONAL PARK

Animal Welfare Committee

Answers to Questions on Notice

Hearing: 31 July 2024

No.	Question
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1. Transcript page 30

The Hon. WES FANG: It wasn't always the case that they used to trap the horses, was it? They used to go in there. You used to have brumby advocates on horseback, they would go in, they would, for want of a better term, corral and herd the horses out of the park into areas. Then they would, from there, rehome them. Given that it used to work so successfully a couple of decades ago, why has a program like that stopped? Given that there is such an appetite for them, given that they've said they're willing to do it and it's actually a better welfare outcome all round, why aren't we doing that? At worst, they're going to end up in an illegal knackery and shot and, apparently, that's not so much of a problem?

ATTICUS FLEMING: I won't aim to comment on the detail, Mr Fang, other than to say the advice that I've seen is that it does not deliver a better welfare outcome.

The Hon. WES FANG: How is that the case?

ATTICUS FLEMING: Because of the stress involved in that operation. Let me try and come back to you on notice around your question generally. The other part of the answer, or response, is to note that it is not one of the approved methods in the plan. Obviously, from the National Parks and Wildlife Service perspective, our job is to implement the plan.

The Hon. WES FANG: Could I facetiously suggest to you that what we could do is the Minister could call for expressions of interest to change the plan, and then we could get some form letters and we could send in 8,000-odd form letters, and then we could change the plan, and then we could actually do that. Because I know that some of those people would welcome that. Given that we can do that to reinstate aerial culling, I'm sure we could do it to do this.

ATTICUS FLEMING: I won't comment on that. I'm happy to take on notice the initial question and come back to you on why the process you've described is no longer considered an appropriate method of control.

The Hon. WES FANG: I'd appreciate that. I know that the brumby advocates would appreciate that as well, because I think they are very keen to do that.

ATTICUS FLEMING: Happy to do that.

The Hon. WES FANG: If we can provide some assistance to do that, I think that would be a good outcome for everybody.

ATTICUS FLEMING: We're happy to provide a response as to why it's not regarded as an appropriate form of control. If there is more capacity for horses to be rehomed, then I think that's great.

Answer:

Historical approaches to wild horse removal via horseback techniques, such as brumby running, were gradually phased out and eventually ceased in the early 1980s. This was because of significant risks to animal welfare, environmental

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impacts and safety, together with changing community sentiment (including from some brumby advocate groups).

The Kosciuszko National Park Wild Horse Heritage Management Plan 2021 states that brumby running and roping will not be considered for use in the management or control of wild horses in the park.

The Kosciuszko National Park wild horse rehoming program already provides a mechanism for wild horses to be made available to the public in a manner consistent with animal welfare objectives. The supply of horses (i.e. capture using current approved methods under the Plan) has not been a factor limiting the number of horses provided to rehomers under the rehoming program.

Further information about brumby running, and issues associated with previous techniques, was discussed and considered in the:

- *Kosciuszko National Park Horse Management Plan 2008*, at: <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Pests-and-weeds/Kosciuszko-wild-horses/kosciuszko-national-park-horse-management-plan-080254.pdf>
- *Review of the 2008 Horse Management Plan and Wild Horse Management Program, Kosciuszko National Park*, at: <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Pests-and-weeds/Kosciuszko-wild-horses/kosciuszko-national-park-2008-horse-management-plan-wild-horse-management-program-review-160272.pdf>
- *National Cultural Heritage Values Assessment & Conflicting Values Report (Context 2015)*, at: <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Pests-and-weeds/Kosciuszko-wild-horses/national-cultural-heritage-values-assessment-conflicting-values-report-2015.pdf>
- *Final report of the Independent Technical Reference Group* (Office of Environment and Heritage, 2016), at: <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Pests-and-weeds/Kosciuszko-wild-horses/final-report-independent-technical-reference-group-supplementary-wild-horse-management-plan-160221.pdf>

2. Transcript page 31

The CHAIR: Why wouldn't the priority be to protect the sensitive areas of the park? If there are brumbies in the sensitive areas, why are you focusing on the retention areas? I understand there might be more animals there.

ATTICUS FLEMING: What I was trying to say is our statutory or legal obligation is to reduce the population in retention areas to 3,000. I can't remember the exact population estimate. It was around 11,000, I think, in those retention areas, which meant, in theory, we needed to take about 8,000 off to get to 3,000. Those retention areas are a mix of the most sensitive areas and some other areas that you might not put in that category. Your question really goes to the original plan and how the lines

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on the map were drawn. I'd have to probably take that on notice to give you a detailed response, but it took into account a range of factors.

One was where the horses were and, in a sense, how we captured a cross-section of the horse population and its association with some of the heritage values in the park, as well as the sensitive areas. We were required by law to try to get a balance between drawing the lines on the map not just around the most sensitive areas but around taking into account what the most sensitive areas are, where the horses are and where horse populations should be retained. That's been one of the great challenges, because there's some conflict there. There are big populations of horses in some of the more sensitive areas. Some of those areas are in retention zones, so we will be retaining horses in areas that include some sensitive sites.

Answer:

Wild horse management in Kosciuszko National Park is undertaken in accordance with the Kosciuszko National Park Wild Horse Heritage Management Plan (the Plan). As required by the *Kosciuszko Wild Horse Heritage Act 2018* (the Act), the Plan identifies the heritage value of sustainable wild horse populations within identified parts of Kosciuszko National Park and sets out how that heritage will be protected while ensuring other environmental values of the park are also maintained.

All areas of Kosciuszko National Park are sensitive and contain important natural, cultural and recreational values. The overlap between the location of wild horses (and their heritage values) and other environmental values in the park presents a challenge in meeting the requirements of the Act.

This plan meets that challenge by dividing the park into 3 distinct management areas and, for the management area in which wild horses will be retained, identifying a target (reduced) population for that area. These areas have been defined based on analysis and consideration of wild horse heritage values relative to the other environmental values contained within them, and taking account of feedback from advisory bodies and public consultation during development of the Plan. Each management area has its own specific objectives.

Under the Plan, wild horse retention areas make up 32% of the park. Sustainable wild horse populations will be retained in these areas because they reflect the wild horse heritage values identified in section 3 of the Plan. The wild horse population in these areas will be reduced to a size that ensures that wild horse heritage values are protected, and other environmental values of the park are also maintained. Tables 2 and 3 of the Plan outline the wild horse heritage values and examples of other environmental values that are present in the wild horse retention management areas.

Across the wild horse retention areas, a population target of 3,000 wild horses will be attained by 30 June 2027.

3. Transcript page 33

The Hon. ROBERT BORSAK: In relation to publishing submissions that were put in relation to the program for brumby culling that came in from the public, why doesn't

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National Parks and Wildlife Service actually publish those submissions and make them available to the public?

ATTICUS FLEMING: To be honest, I can't remember what we have done, so I'd have to take that on notice. But I can give you a response.

The Hon. ROBERT BORSAK: In the past, for example, when National Parks have been reviewing the licensing programs for keeping native animals or taxidermy on native animals and birds, there have been a lot of submissions put in for those program reviews as well, but, equally, National Parks hasn't seen fit to publish them.

ATTICUS FLEMING: I'm happy to take it on notice. Off the top of my head, I don't know what the specific requirements around—

The Hon. ROBERT BORSAK: Could you also take it on notice to explain why they wouldn't be published?

ATTICUS FLEMING: Yes.

Answer:

The *Kosciuszko Wild Horse Heritage Act 2018* (the Act) requires a draft wild horse heritage management plan to be publicly exhibited for at least 30 days. The Act also requires that representations received on the draft plan, and a summary of representations, are to be forwarded to the Minister. These provisions also apply to a draft amending plan proposing to make amendments to an adopted plan or to prepare a new draft plan to replace an adopted plan.

These requirements were met with respect to the amendment to the Kosciuszko National Park Wild Horse Heritage Management Plan, adopted by the Minister on 23 October 2023.

There is no statutory requirement to publish representations or to publish the summary of representations. However, with respect to representations to the exhibition of the amendment to the Kosciuszko National Park Wild Horse Heritage Management Plan:

- the summary of representations report has been published on the DCCEEW website, at: <https://www.environment.nsw.gov.au/topics/animals-and-plants/pest-animals-and-weeds/pest-animals/wild-horses/managing-wild-horses/kosciuszko-national-park-wild-horse-management/amending-the-kosciuszko-national-park-wild-horse-heritage-management-plan>
- extensive information about the analysis of representations received has been proactively released on the DCCEEW website consistent with section 7 of the *Government Information (Public Access) Act 2009*, at: <https://www.environment.nsw.gov.au/topics/animals-and-plants/pest-animals-and-weeds/pest-animals/wild-horses/managing-wild-horses/kosciuszko-national-park-wild-horse-management/amending-the-kosciuszko-national-park-wild-horse-heritage-management-plan/representations-analysis>