



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

Animal Welfare Committee

Answers to Supplementary Questions

Hearing: 31 July 2024

Questions from the Animal Welfare Committee - Rehoming Program Detail

Program Management

1. Application Review Process:

- (a) What specific criteria are used to evaluate applications for rehoming wild horses?
- (b) Can you describe the steps involved in verifying the information provided by applicants, particularly regarding property ownership and horse care experience?
- (c) How are discrepancies in application details addressed?
- (d) What measures are in place to ensure the welfare of horses during and after the rehoming process?

Answer:

- (a) The criteria that must be met to be registered as an approved rehomer, and to then receive wild horses, are set out in the NSW National Parks and Wildlife Service (NPWS) rehoming procedures and guidelines. These are currently being updated by NPWS in response to recommendations of the independent investigation into the administration of the rehoming program. The update will include review by independent veterinary experts and engagement with RSPCA NSW, consistent with requirements of the Kosciuszko Wild Horse Heritage Management Plan.

Once finalised, the procedures and guidelines will be published on the DCCEEW website and/or made directly available to rehoming applicants or approved rehomers as necessary.
- (b) See answer to Question 1(a).
- (c) See answer to Question 1(a).
- (d) See answer to Question 1(a).

2. Welfare of Horses:

- (a) What protocols are in place to ensure the welfare of wild horses during trapping, holding, and transport?
- (b) How does NPWS determine which horses are suitable for rehoming versus other outcomes like knackery or euthanasia?
- (c) Can you provide examples of training or guidelines provided to staff to ensure humane handling of horses?

Answer:

- (a) Consistent with the Kosciuszko National Park Wild Horse Heritage Management Plan (the Plan), NPWS has developed standard operating procedures (SOP) for control methods that are tailored for use in the park. As required by the Plan, the SOPs are developed following engagement with independent veterinary experts and RSPCA NSW.

The NPWS Rehoming SOP addresses animal welfare during passive trapping, temporary holding and transport of wild horses. The SOP addresses matters such as: constructing and setting the trap; handling horses; provision of food and water; transport equipment; travel timeframes; and other matters.

The NPWS Rehoming SOP is currently being updated by NPWS in response to outcomes of the independent investigation into the administration of the rehoming program. Once finalised, the SOP will be publicly released.

- (b) All passively trapped horses are eligible for rehoming, provided they meet the criteria for transport specified in the *Australian Animal Welfare Standards and Guidelines – Land Transport of Livestock 2012* and NPWS SOP.

As many trapped horses as possible are always rehomed. However, rehomers often have specific requirements for horses, including age, sex, colour and temperament. Any horses which do not meet the requirements of rehomers, or horses trapped in excess of rehome demand, are sent to an approved knackery.

- (c) All NPWS staff must meet competency requirements for the handling of horses as defined in the relevant NPWS SOP. Staff training and competency requirements for horse handling include:

- Staff must possess prior experience in the handling of stock and/or handling of wild horses.
- Upon employment, staff complete an on-line training course specific to the handling of wild horses. The course was developed for NPWS by an independent veterinarian.
- Staff complete a low-stress stock-handling course.
- Staff work under the direct supervision of an approved and competent staff member until deemed competent in wild horse handling.
- Within the first three months, staff have their skills in horse handling assessed and approved by a relevant specialist or veterinarian, or another approved NPWS staff member. The assessment criteria were developed by an independent veterinarian.
- Read and attend a briefing on the NPWS SOPs.

The handling of horses during passive trapping is audited annually by an independent veterinarian.

NPWS developed these competency requirements given the absence of a suitable and nationally recognised training course specific to wild horse handling within Australia.

Compliance and Monitoring

3. Ongoing suitability of rehomingers:

- (a) What steps are taken to monitor the ongoing suitability of approved rehomingers?**
- (b) How does NPWS handle complaints and what is the follow-up process?**
- (c) How frequently are rehomingers required to reapply or update their information with NPWS?**
- (d) What follow-up actions are taken if a rehominger fails to provide fate returns or if there are complaints about their treatment of horses?**
- (e) How does NPWS ensure compliance with the guidelines once horses are transferred to rehomingers?**

Answer:

- (a) See answer to Question 1(a).
- (b) See answer to Question 1(a) – noting that all animal welfare complaints are referred to relevant organisations (such as RSPCA NSW).
- (c) See answer to Question 1(a).
- (d) See answer to Question 1(a).
- (e) See answer to Question 1(a).

4. Complaint handling:

- (a) What is the process for handling complaints against rehomingers?**
- (b) How does NPWS track and follow up on complaints referred to external agencies like RSPCA NSW?**
- (c) Are there any documented cases where a rehominger was removed from the program due to non-compliance or animal welfare concerns?**

Answer:

- (a) See answer to Question 1(a) – noting that NPWS refers all animal welfare complaints to relevant organisations (such as RSPCA NSW).
- (b) See answer to Question 1(a).

(c) No, however NPWS has previously placed the applications of approved rehomingers to receive horses on-hold pending further advice from agencies over animal welfare concerns.

The rehoming program was suspended in response to an independent investigation into the administration of the rehoming program before a decision on the rehomingers' approval status was finalised.

Inter-Agency communication

5. Coordination with Other Agencies:

(a) What steps are taken to monitor the ongoing suitability of approved rehomingers?

(b) How does NPWS handle complaints and what is the follow-up process?

(c) How frequently are rehomingers required to reapply or update their information with NPWS?

(d) What follow-up actions are taken if a rehominger fails to provide fate returns or if there are complaints about their treatment of horses?

(e) How does NPWS ensure compliance with the guidelines?

Answer:

(a) See answer to Question 1(a).

(b) See answer to Question 1(a) - noting that NPWS refers all animal welfare complaints to relevant organisations (such as RSPCA NSW).

(c) See answer to Question 1(a).

(d) See answer to Question 1(a) - noting that NPWS refers all animal welfare complaints to relevant organisations (such as RSPCA NSW).

(e) See answer to Question 1(a).

6. Improvement Plans:

(a) What steps are being taken to formalize relationships and communication channels with other government agencies?

(b) How will these steps improve the oversight and management of rehomingers?

Answer:

(a) NPWS will seek to formalise its relationship and communication channels with relevant organisations in responding to Recommendation 2 of the independent investigation into the rehoming program.

(b) This will assist in improving communication and information sharing with relevant organisations, to better inform decision making about rehoming

applications and the continued participation of approved rehomers in the program.

Policy and Procedure Adjustments

7. Revised Guidelines:

- (a) What specific changes are being made to the SOP and guidelines to align them with the program's intent and NPWS's statutory authority?**
- (b) How will the new guidelines address the identified gaps in the application and monitoring processes?**

Answer:

- (a) See answers to Questions 1(a) and 2(a) – noting that these documents will be published once finalised.
- (b) See answer to Questions 1(a).

8. Enforceability and Compliance:

- (a) How does NPWS plan to enforce the revised guidelines and ensure rehomers comply with all requirements?**
- (b) What mechanisms will be put in place to monitor compliance and address non-compliance?**

Answer:

- (a) See answer to Question 1(a) – noting that NPWS does not have the statutory authority to enter private land to regulate the management of domestic animals (including rehomed wild horses).
- (b) See answer to Question 1(a).

9. Operational Procedures:

- (a) What new operational procedures are being developed to support the rehoming program?**
- (b) How will these procedures ensure consistency and thoroughness in managing applications, horse welfare, and rehome compliance?**

Answer:

- (a) See answer to Question 1(a).
- (b) See answer to Question 1(a).

10. Data Management:

(a) How does NPWS plan to improve data capture, consolidation, and reconciliation processes to ensure accurate record-keeping?

(b) What steps are being taken to transition from manual to automated data management systems, if any?

Answer:

(a) Recommendation 4 of the independent investigation into the administration of the rehoming program identifies the need for a formalised administrative procedure to set out repeatable end-to-end processes governing all stages of the program, from initial rehoming applications through to decision-making, handling of complaints and so on. The report also discusses the need for improved data management.

This recommendation has been accepted and work is underway to implement it.

(b) See answer to Question 10(a).

General Overview and Purpose of the Report

11. What were the primary objectives of the investigation into the Kosciuszko National Park Wild Horses Rehoming Program?

Answer:

The focus and scope of the *Investigation report into the Kosciuszko National Park Wild Horses Rehoming Program* are set out in the terms of reference in Appendix A of the report. The report (including terms of reference) has been published on the DCCEEW website at: <https://www.environment.nsw.gov.au/research-and-publications/publications-search/kosciuszko-national-park-wild-horses-rehoming-program-investigation-report>

12. How were the terms of the investigation defined, and who was responsible for setting these terms?

Answer:

On 18 April 2024, the Minister requested that the Secretary, DCCEEW investigate the administration of the NPWS wild horse rehoming program as a whole. The terms of reference were approved by the Secretary.

Methodology and Data Collection

13. Can you describe the methodology used to conduct the investigation?

Answer:

The Committee is referred to the *Investigation report into the Kosciuszko National Park Wild Horses Rehoming Program* published on the DCCEEW website at: <https://www.environment.nsw.gov.au/research-and-publications/publications-search/kosciuszko-national-park-wild-horses-rehoming-program-investigation-report>

14. What sources of data were utilized, and how was the integrity of this data ensured during the investigation?

Answer:

The Committee is referred to the *Investigation report into the Kosciuszko National Park Wild Horses Rehoming Program* published on the DCCEEW website at: <https://www.environment.nsw.gov.au/research-and-publications/publications-search/kosciuszko-national-park-wild-horses-rehoming-program-investigation-report>

Accountability and Oversight

15. Who is currently responsible for overseeing the implementation of the recommendations?

Answer:

The Deputy Secretary, National Parks and Wildlife Service is responsible for overseeing implementation of the four recommendations of the *Investigation report into the Kosciuszko National Park Wild Horses Rehoming Program*.

16. Are there plans to increase monitoring or auditing of the rehoming program following this report?

Answer:

See answer to Question 1(a).

Public and Stakeholder Engagement

17. How has the Department communicated the findings of this report to the public and other stakeholders?

Answer:

The *Investigation report into the Kosciuszko National Park Wild Horses Rehoming Program* has been published on the DCCEE website at: <https://www.environment.nsw.gov.au/research-and-publications/publications-search/kosciuszko-national-park-wild-horses-rehoming-program-investigation-report>. Key stakeholders, including rehoming, were advised about the pause of the rehoming program, the independent investigation and expected next steps. NPWS maintains regular communication with existing and potential rehoming about the rehoming program.

18. What steps are being taken to involve local communities and interest groups in discussions about future changes to the program?

Answer:

As indicated at Questions 1(a) and 2(a), NPWS is currently finalising updated rehoming procedures and guidelines in response to outcomes of the independent investigation into the administration of the rehoming program. These will soon be released, to support all prospective rehoming to be assessed for approval to receive wild horses.

Updates to key program documents, including the standard operating procedure, will be reviewed by an independent veterinarian and engagement will occur with RSPCA NSW prior to being finalised.

All aspects of the rehoming program will remain under ongoing review and stakeholder feedback will be considered on an ongoing basis.

Future Provisions

19. Are there provisions for a follow-up report or ongoing investigation to monitor the situation?

Answer:

The independent investigation report does not recommend a follow up report or ongoing investigation. As noted at Question 18, all aspects of the rehoming program will remain under ongoing review.

20. How will the Department ensure greater accountability and transparency in the rehoming program moving forward?

Answer:

See answer to Question 1(a).

Ballistics and Firearms

21. Could you elaborate on the ballistics testing methodology and the peer-reviewed scientific references supporting the selection of the .308 calibre cartridge?

Answer:

The Committee is referred to the Answers to the Questions on Notice for the 18 December 2023 and 23 May 2024 hearings of the Committee for detailed responses previously provided on this matter.

22. What protocols are in place to review and update the firearms and ammunition used in aerial shooting operations?

Answer:

FAAST (Feral Animal Aerial Shooting Team) is specific to NSW and is a collaboration between the National Parks and Wildlife Service (NPWS), Local Land Services (LLS) and the Department of Primary Industries and Regional Development (DPIRD). The NSW FAAST framework includes, among other things, a FAAST manual that specifies firearms and ammunition to be used in aerial shooting operations. Firearms and ammunition approved through FAAST are used for FAAST operations. Research and trial of firearms and ammunition not currently approved for use in aerial shooting occurs on approval from the FAAST Steering Committee. .

Investigation Procedures

23. What are the standard procedures followed by NPWS when allegations of misconduct or procedural breaches are reported?

Answer:

The Committee is referred to the Answers to Questions on Notice (question 2 specifically) 23 May 2024 hearing of the Committee.

24. Can you provide a detailed account of the recent independent inquiry into allegations related to the wild horse control program?

Answer:

The Committee is referred to the Answers to Questions on Notice (question 2 specifically) 23 May 2024 hearing of the Committee.

In addition, a statement from the Secretary DCCEEW about the investigation was published on the DCCEEW website on 23 May 2024, as follows:

Statement from the Secretary

Specific allegations against an unnamed employee of DCCEEW were aired on 2GB in April. The name of the staff member was subsequently provided to the Department.

On receiving these allegations, an independent investigation was initiated.

The allegations have now been investigated and the Department has determined no misconduct was engaged in by the staff member. The investigation was conducted independently by a private investigation company. Further it involved a comprehensive review of electronic and phone records and interviews with affected staff, amongst other inquiries. The source of the allegation was requested, but declined, to provide further information.

The allegations have been comprehensively considered and the matter has now been closed by the Department.

It is noted that:

- an audit by National Parks and Wildlife Service has found only one horse was unaccounted for out of about 2,760 that were trapped since 2019
- multiple staff are required and are present when trapping occurs, and detailed records are kept of trapping activity, making it difficult for one staff member to act alone
- the staff member against whom the allegation was made has no involvement in decisions to allocate horses to re-homers
- the horses are provided free of charge and are obtained when requested (and if available), suggesting there is no incentive to make improper payments.

Given the nature of the program as outlined above, and the processes in place, it is highly unlikely that conduct as alleged would or could occur.

The broader investigation into the administration of Wild Horses Rehoming Program remains ongoing and a final investigation report is due with the department by 14 June 2024.

Based on the following information, it appears that accuracy and penetration of shots taken, in most cases were acceptable. The equipment is certainly lacking in sufficient power. This raises the question, are the shooters acting in a sufficiently ethical manner or following instructions and ignoring animal welfare.

Extracts from: Animal Welfare Assessment of Feral Horse Aerial Shooting Kosciuszko National Park, 2023

“The extensive use of repeat shooting likely made an important contribution to the observed animal welfare outcomes. Repeat shooting was performed for all animals, with a mean of 7.5 shots fired at each horse, and was done so relatively accurately, with 98% of these bullet wounds found in the thorax.”

“The use of monolithic copper bullets resulted in extensive penetration of horse tissues, with the majority of bullets (although unquantified) either producing exit wounds or being palpable underneath the skin on the far side of the animal.”

Humane Killing Practices

25. The Animal Welfare Report states that no animals were wounded. With an average of 7 (and up to a maximum 15) shots required, What steps do you take to ensure a humane kill?

Answer:

Aerial shooting of horses in Kosciuszko National Park is delivering exceptional animal welfare outcomes. The available evidence demonstrates rapid time to insensibility for horses, and no non-fatal woundings.

The Committee is referred to:

- Answers to the Questions on Notice for the 18 December 2023 and 23 May 2024 hearings of the Committee for detailed responses previously provided on this matter.
- The animal welfare assessment of the 2023 Preliminary Program for aerial shooting in Kosciuszko National Park undertaken by an independent veterinarian: <https://www.environment.nsw.gov.au/research-and-publications/publications-search/animal-welfare-assessment-of-feral-horse-aerial-shooting-kosciuszko-national-park>

26. Can you describe your approach to shot placement and follow-up procedures?

Answer:

In accordance with the NPWS SOP for aerial shooting of wild horses in Kosciuszko National Park, the shooter will only take a shot if the target anatomical area is clearly visible. A primary shot is placed in the target anatomical area, followed immediately by a number of additional shots into the same area. This process is known as repeat shooting and is used to ensure rapid insensibility or death. The next animal is not targeted until repeat shooting has occurred on the first animal. A flyback procedure is then implemented, where the animal is observed for the purpose of confirming it is insensible or dead.

27. Do you think shooting a brumby up to 15 times is a humane outcome? And why?

Answer:

Evidence has been presented to the Committee which demonstrates that the best animal welfare outcomes are achieved during aerial shooting operations when the process of repeat shooting is used. Consistent with this peer reviewed scientific research and expert advice, repeat shooting is included in the NPWS SOP for aerial shooting wild horses in Kosciuszko National Park. The available evidence demonstrates that the animal welfare outcomes from aerial shooting of horses in Kosciuszko National Park have been very good including rapid time to insensibility.

28. The December 2023 Standard Operating Procedure 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. If in doubt, do not shoot

(a) Have you personally experienced or are you aware of a situation, where an average of 7 shots, and up to 15 shots were required to kill a horse?

(b) Has this ever prompted you to question whether the equipment you are issued with is adequate for killing horses

(c) At any point during a shooting run, have you considered not shooting at a fleeing horse, knowing that in all probability, it could take from 7 and up to 15 shots to kill it?

Answer:

(a) No. The data from the Preliminary Program for aerial shooting of horses from November 2023 showed that, as a result of following repeat shooting procedures, an average of 7.5 shots (and up to 15 shots) per animal were used. The independent veterinarian who observed this program noted that death was typically achieved with 1 – 3 bullets. Additional bullets were then placed into the recumbent animals to ensure rapid insensibility or death. The purpose of the additional bullets is to provide certainty that the animal is dead as typically a helicopter will not land to verify death from the ground. It did not take an average of 7.5 (and up to 15) bullets to achieve insensibility or death.

Statements to this effect are wrong.

(b) See response to (a) above.

(c) See response to (a) above

29. Do you agree, that to proceed with the shooting activity, “knowing that in all probability, it could take from 7 and up to 15 shots to kill it” would be in breach of the SOP, (“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. If in doubt, do not shoot.”)

Answer:

Refer to Question 28

Shooting Accuracy

30. What measures are in place to assess your shooting accuracy from a helicopter?

Answer:

Amongst other FFAST training requirements, NPWS shooters must:

- successfully pass accredited FFAST training courses, including the nationally recognised unit of competency *AHCPMG311 Use firearms for pest control activities from aircraft* (this includes a marksmanship component)

- complete seven hours mentored aerial shooting with an experienced FFAST shooter following completion of initial training
- maintain a minimum of ten hours aerial shooting and ten hours ground familiarisation each calendar year
- participate in reaccreditation training, one year after initial accreditation, and then every three years.

31. How frequently are these assessments conducted?

Answer:

As answered in Question 30, NPWS shooters must participate in reaccreditation training, one year after initial accreditation, and then every three years.

32. How did you first gain experience on shooting a moving target in uneven terrain from a helicopter?

Answer:

Refer to Question 30.

In addition, NPWS shooters can fulfil other roles in an aircraft prior to being accredited for FFAST operations (such as navigation). This allows staff to observe operations and learn techniques. These skills are then developed and consolidated through specific FFAST training. Shooting skills are also developed from ground operations prior to becoming FFAST accredited.

Handling Stress and Dynamics

33. How do you handle the stress and dynamic conditions of shooting from a moving platform?

Answer:

Standard operating procedures are followed for all aviation activities undertaken by NPWS. Risks associated with these procedures are incorporated into Job Safety Analyses (JSA) undertaken for all field operations, that are then reviewed in a Job Safety Brief as part of the pre operational briefing. Post operational debriefs occur, which include a review of risk management processes.

34. Are there specific techniques or training that help you manage these challenges?

Answer:

Strict adherence to standard operating procedures, extensive training through the FFAST and Team Resource Management (TRM) program, skills developed through ground shooting programs, and experienced and well trained pilots, all contribute to a highly skilled NPWS team who have a proven and successful track record of managing the challenges of aerial shooting programs.

Ongoing Training

35. What ongoing training do you participate in to stay updated with best practices in aerial shooting and animal welfare?

Answer:

Refer to Question 30.

In addition to FFAST training and reaccreditation, standard operating procedures and associated guidelines are annually reviewed, including feedback from independent veterinarians and engagement with RSPCA NSW.

Feedback and Review

36. How do you receive and incorporate feedback from your operations?

Answer:

Feedback is received by various means and used to inform ongoing operational improvements. That includes:

- daily debriefs at the end of each day of operation
- after action reviews at the end of a particular program
- standard operating procedures and associated guidelines are annually reviewed, including feedback from independent veterinarians and engagement with RSPCA NSW.

37. Are there debriefing sessions or reviews conducted post-operation?

Answer:

Refer to Question 36.

Regulatory Adherence

38. How do you ensure that your shooting practices adhere to the regulations and guidelines set by relevant authorities?

Answer:

Operators are trained to strictly adhere to the standard operating procedure, shooting plan, job safety analyses and other supporting documentation. This documentation must conform to regulatory and procedural guidelines.

Equipment Proficiency

39. How proficient are you with the equipment used in aerial shooting, including the helicopter and firearms?

Answer:

Refer to Question 30.

40. Is there specific training for handling these tools?

Answer:

Any NPWS staff member who handles rifles or ammunition used in aerial shooting operations must hold the appropriate firearms licence and be FFAST trained.

Maintenance and Checks

41. How often do you check and maintain your equipment to ensure optimal performance during operations?

Answer:

FFAST Guidelines include specific requirements for cleaning and maintaining firearms used in operations. As required by NSW firearms legislation, all FFAST firearms must be inspected annually by a licensed firearms dealer who is authorised to work on FFAST firearms.

Team Coordination

42. How do you coordinate with the helicopter pilot and other team members during an operation?

Answer:

Coordination between the pilot, shooter and Air Observer is an important part of FFAST training. All operators in the aircraft wear accredited aviation flight helmets and are in regular communication with each other during operations, using agreed terminology and instructions.

43. Is there specific training for effective teamwork in this context?

Answer:

NPWS requirements are that all personnel involved in low-level flight and FFAST operations must have completed Crew Resource Management (CRM) or Team Resource Management (TRM) training every three years. The principles of this training are reinforced in pre-operational briefing sessions.

Communication Skills

44. How do you handle communication challenges during an operation, both with the ground team and the helicopter pilot?

Answer:

Refer to Question 42.

All operators on board the helicopter have communication with each other and with a dedicated Flight Following officer on the ground. Shooting will only occur if clear communication is occurring between all operators on board. If any communication challenges arise, shooting ceases immediately until these are resolved.