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Personal Statement to NSW Legislative Council
 Inquiry into the proposed aerial shooting of brumbies in Kosciuszko National Park
 5 February 2024

I grew up walking and riding Kosciuszko National Park over my 56 years. Most of my adult life I have spent more than 2 weeks a year in Kosciuszko National Park in some capacity. I am a capable bushwalker, navigator and horseman. I am competent at navigating the back-country and unmarked trails, reading the land and reading trail & animal signs.

In my professional capacity I have managed large scale farming and agricultural investments and their operations (over 20,000 sheep and 2,000 cattle plus cropping).

I was Chair of the original Kosciuszko Wild Horse Community Advisory Panel and drafted the committees report to the Minister. At that time I extensively walked the horse camps and listened to the opinions of local park users and especially horse riders.

This year I spent 5 days in the park on 16-21 January. I was on horseback and covered over 40-60 kms each day.

This year I rode much of the Brumby areas in the North of the Park from Nungar Plain, Boggy, Tantangara, Blanket & Kellys Plain plus Currango, Pockets, 17 Flat & Cooleman Plains.

I have also flown a drone over parts of Currango & Nungar Plains over several different years.

My notes in direct response to the Terms of Reference are below:

(a) the methodology used to survey and estimate the brumby population in Kosciuszko National Park	<p>The methodology is clumsy and statistically prone to large error factors.</p> <p>Inputs and variables estimated by NPWS are over-stated and created causing massive over-statement of numbers.</p> <p>The methodology and variables take no account of horse behaviours i.e.</p> <ul style="list-style-type: none"> Horses move at different times. There are very few horses in the tree canopy. On the plains wet areas are avoided by horses leading to large vacancies. Areas subject to strong weather and risk are avoided by horses.
(b) the justification for proposed aerial shooting, giving consideration to urgency and the accuracy of the estimated brumby population in Kosciuszko National Park	<p>Shooting is a poor tool for control considering;</p> <ul style="list-style-type: none"> terrain & damage to brumby social groups. Leaving carcasses in waterways especially in Karst. This contradicts NPWS' stated Karst protection of waterways and limestone. It attracts wild dogs (an anathema to good water quality) and sighted many wild dogs on carcasses. It creates problems by forming overly large stallion groups and very dysfunctional brumby family groups Shooting appears to be targeting mares and foals. <p><u>The simplest solution</u> would be to work with the community to muster the biggest risk areas and;</p> <ul style="list-style-type: none"> target stallions in initial stages to reduce the greatest numbers. push horse groups off sensitive ground muster & draft off stallions then

	<ul style="list-style-type: none"> • sedate, geld & remove the stallions • Gentle then sell them over an extended period. <p>This all requires more planning than NPWS appears capable of and requires community support that doesn't exist due to NPWS current conduct.</p>
(c) the status of, and threats to, endangered species in Kosciuszko National Park	<p>I consider this risk to be very low as most species recur in other more remote and pristine areas. Please refer to the map I submitted to the Inquiry. I note that</p> <ul style="list-style-type: none"> • Atticus Fleming (NPWS) gave this map to Minister Kean who relied on this to work with me to resolve horse exclusion zones using that map. • Mr Fleming discredited the same map at this inquiry – therefore contradicted himself so he must have misled somebody. Either he misdirected the Environment Minister or this Inquiry.
(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'	<p>I note that</p> <ul style="list-style-type: none"> • An SLR 308 is a poor choice of round for a large running target. It is an accurate round but does not cause enough explosive damage in a soft bodied animal. In large Deer a 30-06 or similar is a preferred round. • trapping is poorly executed and in locations with the wrong populations to protect impacts. • Trapping is not addressing areas that are the clear problem. • Currango Plain has access challenges so its largely ignored by NPWS. It remains the biggest issue.
(e) the animal welfare concerns associated with aerial shooting	<ul style="list-style-type: none"> • During my time in January 2024, I saw Foals and young horses running loose. • I note that whilst exploring and sighting carcasses, it appeared that the shoots had run the horses hard on open ground and I note that those horses not shot can often be made lame or injured by being over uneven ground. Running horse hard over soft country is likely to cause more damage especially in Karst.
(f) the human safety concerns if Kosciuszko National Park is to remain open during operations	<ul style="list-style-type: none"> • To consider the park closed due to "notices" is arrogant. The park boundary is too large and permeable to close safely for the form of shooting contemplated. • People wander into areas by accident. On 19 January 2024 I redirected a lost family of poorly equipped walkers back to safe areas. If this was extended to walkers coming in from unusual or less used tracks, then shooting is a very dangerous option.
(g) the impact of previous aerial shooting operations (such as Guy Fawkes National Park) in New South Wales	No comment

(h) the availability of alternatives to aerial shooting	<ul style="list-style-type: none"> • I refer to my submission to the inquiry. There is a history of antagonism; both from and towards NPWS Parks. This is a three-sided situation that includes the more extreme Green and Horse groups. • There are viable solutions, but NPWS and small loud groups make significant noise and are obstructing functional solutions. • Solutions are difficult as NPWS stated in meetings with me word to the effect that "it's our park and we will do as we see fit". • The Community is deliberately excluded from helping, despite locals running several similar trials to those described. This included; <ul style="list-style-type: none"> • Small group movements with a view to wider mustering to yards • Use of drones to commence movement of horse.
(i) any other related matters.	

These remain my personal observations and views.

Tim Johnson

03 October 2023

Committee Secretary
NSW Legislative Council
NSW Parliament
Sydney NSW 2000

Dear Sir or Madam

Legislative Council enquiry into Shooting Brumbies in Kosciuszko National Park

For three years I was the NSW Environment Ministers appointed chair for the NSW Kosciuszko Wild Horse Community Advisory Panel (CAP) under what was colloquially known as the *Brumby Bill* and I drafted the Community report that was provided to Minister Kean and NPWS.

I feel compelled to draw information to the Council's attention that was previously provided to (and by) the NSW Minister.

I have attached my correspondence to Minister Griffin (NSW) and a letter that was sent to Minister Kean (NSW). These letters spell out in detail the current situation and solutions at a strategic level.

What they contain demonstrate that the wild horses don't conflict in any major way with threatened species and that the existing plans were modified late in the day to accommodate native species while still looking after the heritage of the Brumbies. Where there is cross-over in protected species, then it is clear from the map provided, that they are found widely elsewhere and are not critically endangered by horses.

I note that there are two areas in Northern Kosciuszko National Park and that NSW NPWS appear unwilling to rectify this issue. The most problematic population area is northern Currango Plain where NPWS have no active management measures and have no plans to rectify same. This is appears to be contradictory and compounding the problem.

In the attached letter to Minister Griffin, I offered the option that he was poorly advised by NPWS.

It is especially noteworthy that the Ministers and NPWS have ignored the Science Panel's views and that nobody is addressing a cornerstone problem, namely that there is no long time-span scientific studies in Kosciuszko upon which firm conclusions can be drawn. The only exception is Prof Mark Adams (ex Dean of Environment and Agriculture at Sydney University) and his work in bushfire grazing

I also advised that the CAP considered shooting as a last resort particularly given the public outcry and (by the carcass images I have seen) the likelihood of the painful deaths now inflicted.

I personally worked with Minister Kean on the final plan boundaries and solutions put forward. Minister Kean was a good listener and understood all the implications that comes with shooting horses and that shooting should only be a last resort.

NSW NPWS is not trusted by many of the horse-riding community and the CAP tried to let NPWS know this. NPWS have expressed their lack of regard in this matter to me clearly in private meetings and in my letter to Minister Griffin I confirmed that NPWS take a view that they are the SOLE CUSTODIANS of the high country, and they view the community as a politically appointed nuisance to be tolerated but not heard.

In terms of solutions, a more effective result to manage wild horses is to listen to the Science Panel Chair (Professor David Berman) who advised that the issue of horses near problem locations are often best resolved by removing a single leader or problem horse that is causing the bad herd behaviour. With appropriate removal, the balance of the herd will then self-relocate or disburse. This is a simple and non-violent intervention that could have saved considerable cost and community outrage.

Unfortunately NPWS' view does not allow for more subtle approaches that may require help or community assistance.

There remain several other options to obtain the same result but the ambit shooting of horses that are clearly protected as part of a proper NSW NPWS management plan contravenes the spirit if not the letter of that Management Plan and was deliberately subversive. Shooting pregnant horses remains unethical and a breach of NPWS' own Plan and was either belligerent or ignorantly stupid by NPWS management.

When I chaired the Community Advisory Panel, I worked closely with the Chair and Deputy of the Science Panel as well as NSW Chief Scientist. They were all clear thinkers and offered excellent advice.

There remain many simple and pragmatic solutions to manage horses in KNP however NPWS actively dissuade solutions.

I have attached my prior more detailed letters to NSW Ministers Griffin and Kean for information and background.

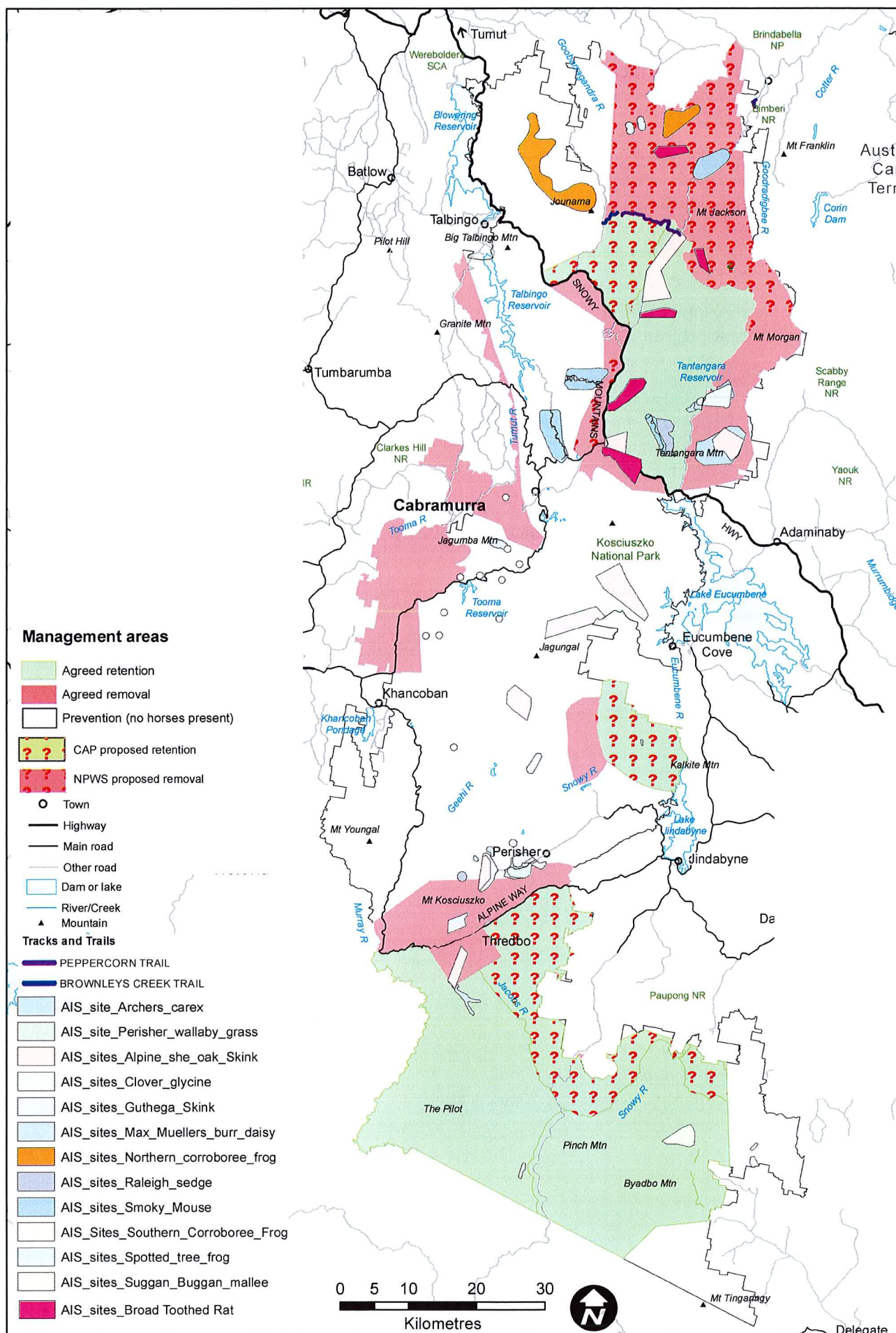
If you would like me to appear to address the substance of my letters and attachments I remain available to do so.

Yours sincerely

Tim Johnson

Attachments

- Letter to Minister Kean
- Letter to Minister Griffin
- Map of Horses and Protected Species in KNP



The Hon. Matthew Kean
Minister for Energy and Environment Member for Hornsby
Suite 5, The Madison,
25-29 Hunter Street,
Hornsby NSW 2077

29 June 2020

Dear Sir

I apologise for the long letter but in this case the issues are nuanced and it requires a strategic framework.

After speaking with you on 9 June I tried to contact Deputy Premier Barilaro without success. My intent was to update him on the progress of the Community Advisory Panel. After completing this written briefing I reflected and decided to write to both of you.

My brief contains many generalisations and is written as the pretext to a discussion rather than offering firm conclusions. It is wide-ranging and requires some focus.

The Community Advisory Panel process has been interrupted by the fires and then Covid-19. As it is a very diverse group and fractured in their views it will be difficult to present a report that is unanimous in many areas. We are regularly reminded by NPWS that we are an Advisory Panel and not a decision making body.

I urge you to read this note in full. In preparing it I have come to realise that there is more ground for agreement than argument between the Ministers. The greatest beneficiaries of the perceived conflict are those seeking their own gains as opposed to a respectful balance of all points of view. After long reflection I have tried to outline the sources of the division that others are attempting to create and highlight the obvious middle ground.

Many of the parties in this debate see that for their perspective to prevail, it must be at a total loss for the opposing view hence their greatest gain has come about via an attempt to set two well intended ministers of the Crown at a win-loss scenario. This is dysfunctional and to the detriment of all.

The over-riding situation that has struck me for both panels is the lack of long span evidence based studies on different impacts and competing influences for all Kosciuszko based issues. In summary we know little about the Park and what we do know would not always meet the evidence standards of a court. The evidence is *particular or narrowly defined* to locations rather than wide-ranging over differing landscapes. It lacks a comprehensive perspective. Compounding this is a lack of strategic understanding about how solutions could be delivered to gain wide-spread acceptance. I have high hopes of both Ministers in this regard for their foresight to create a convergent strategic vision.

To contextualise what is being debated I have compared the areas to travel distances in your electorate that you would know well. In a straight line Kosciuszko Park is as large as travelling from the Hawkesbury River Bridge to Mittagong and as wide as the coast to Penrith.

Out of this area there are generally only two zones where horses have historical context in the Park.

In the north it is a former grazing, settlement and army remount area about as large as a rectangle bounded by the Hawkesbury River Bridge to Olympic Park and about as wide as Hornsby to the coast. The horse population here is widely disputed but a target population heading down to around

2,000 (or a human population equivalent to half of Westleigh) is probably a good reference point across this zone.

In the south it is a former grazing and army remount area about as large as a rectangle from Asquith to Sutherland and about as wide as the coast to Mt Druitt. The horse population here is also disputed but smaller and a target population heading do to around 1,000 (equivalent to less than Cowan and Brooklyn is probably a good reference point).

It is fair to say that all of the panel have no desire to see horses in the high alpine areas. This seems to be misinformation used to fuel conflict. In essence we are talking about relatively few animals in the very large but lower levels of the park.

I genuinely have no sense of where the overall Community Panel will agree these population targets but all agree a move towards a sustainable population makes sense. For some that is zero, for others that is around 3,000 but I think we need to find a reference point to work towards and use science and studies to determine the impacts as well as sustainable populations..

In order to understand the current situation I would like to outline the issues that we face.

There is a historical culture of distrust amongst the many parties here and it is multi-dimensional.

The conflict seeking parties can be loosely divided into a number of camps;

- Those that view the park as their territory to the exclusion of others.
- Those who do not want interference in the areas they see as their strict province.
- Those that do not want any horses removed and oppose any horse management.
- Those that would remove all horses and riders from the park.
- Those that see themselves as defenders of the park or of their unique park perspective.

The above groups should not be read as green, bush-walkers, cyclists or horse oriented under any heading. These are not strict caricatures but instead paint a picture of the multi-dimensional conflicts. In the middle there is a broad group of differing views that are loosely happy for there to be (some) horses but also recognise that everything from people to horses create impacts and that there needs to be balance.

In this context the Community Advisory Panel by its second meeting came to agreement about four broad strategic principles guiding its recommendations. The italics are the agreed principals, the text is my personal interpretation.

- *There is a need to focus on impacts as opposed to numbers.* This means that different areas are impacted differently and therefore need to be managed accordingly.
- *There needs to be a set of locations;* where horses can exist and other zones that exclude them i.e. zero populations in some zones and a sustainable but measured population in others.
- *There needs to be a wide range of horse management methods.* Other tools from Fertility Control to trapping to large scale mustering was discussed and considered.
- *There needs to be an improvement in Trust and Transparency.* From my personal reading of social media and other forums, for better or worse, in some sectors NPWS is not trusted by all of its horse-related stakeholders. This element of the community feels deeply excluded and is one of several strong critics of park management. They are also critical of ongoing horse-management.

The last two issues are core of my writing to you today and this letter remains my personal opinion not the Panel's.

It is true that the Panel has discussed different management tools including shooting. It is also true that shooting deeply divides the community. I have come to a personal conclusion that shooting pollutes the discussion to such an extent that it should be considered as a last resort (if at all) as it diverts all parties away from the core responsibility that is management.

I believe that for management in the park to succeed it requires leadership and compromise. Most importantly it requires all parties critiquing management to take a level of personal responsibility for that management and to also accept wider participation. In this I mean that if the community is invited to participate and assist with horse management in differing guises, rather than being excluded, then responsibility should also sit with them to either be part of the solution or require them to step-back and let others fix it. This approach has been proven successful elsewhere.

Based on my personal experience and discussions with other representative groups that this participation is not taken seriously by existing park management in any meaningful way and is a core-source of conflict. NPWS Management see the park as strictly their province.

Without broad based community involvement in the horse management issue it will continue to be an ongoing *hiding-to-nothing* because there is no multi-dimensional defence to rebut the varying constituencies.

Importantly the Community Panel has not been able to access key information from NPWS to inform its discussions in some areas. This includes

- The Scientific Panel's report was not provided to the Committee on the basis of confidentiality and was for the Ministers Eyes-only. After negotiation it was agreed that the report may only be viewed in a controlled NPWS office.
- No information was provided on the competing population and impacts of other impacting invasive species such as deer populations in the areas (known to exceed 750,000 in the Victorian High Country).
- No information on Pig and Rabbit populations and impacts with numbers known to exceed tens of thousands.
- Advice on impacts of Snowy Hydro increasing flows and diverting other flows cutting creek banks etc.
- Habitat Zones of endangered species such as Frogs, Skinks and Broad Toothed Rats. This may have assisted inform exclusion zones or management recommendations.

In many cases the data may not exist but the admission about the absence of data would be as helpful as having the information.

From a planning perspective you would appreciate that it is difficult to make clear recommendations on partial information. In the same way it is difficult understand cumulative impacts without information and thus anecdotes based on different panel members' experiences have been relied upon. This has also caused division as all perspectives differ. Many of the aforementioned endangered animals rarely occur in many horse habitats and vice-versa but it is difficult to be sure. Compounded by no comprehensive science the arguments deteriorate.

It also appears that NPWS is already sending signals (correctly or incorrectly) that it is unprepared to work with this sector of the community. This will only create further discord where we need trust.

On the horse population issue. Much of the central part of the park that may have had horses in remote locations has now been so badly burnt that it will never be known what populations existed. In the north there is limited re-counting occurring ahead of this year's winter trapping. A process that NPWS advises that it has authority to undertake as they are operating under the 2008 Park Plan of Management. At no time have I been made aware that NPWS advocated shooting this year. When the Science and Community Panels met with NPWS post-fire, we were asked for input into the zones but were clearly told that NPWS did not need any approvals from the Panels to proceed. We had a voice but no known influence.

In conclusion, it is possible to read negativity into my words. This is only partly true. I actually see great opportunity for compromise and solutions but I am dismayed by what I perceive as many self-interested parties seeking to create tension between two ministers of the crown in order to frustrate your good intent.

The cornerstone to success is in the four key principles and most importantly in building trust and participation from a willing community. I think that the challenge to the detractors is that they must accept accountability for the joint management of the issue and by this, I mean the Community as much as NPWS. Transparency and accountability should be the cornerstone to a solution.

I fully appreciate that any strategy can be picked apart by identifying an imperfect outlying situation however I urge you to consider that for the first time in 50 years there is an opportunity to step back from the emotive arguments and find a solution. My belief is that with studies and an evidence based approach a sustainable solution that finds middle ground is achievable.

I commend to you the Chief Scientist who throughout this process has brought clarity and been a calm adviser who is forthright in pursuit of evidence-based solutions to seek a balanced outcome.

In the interim I encourage you to ignore those that seek to cause alarm and discord so that they benefit by inflaming enmity inside the Crown for their own agenda to prevail. This Panel has shown me that both Ministers have more in common than in conflict.

I again caveat this advice as being my own opinions and will not reflect the overall result of the Community Advisory Panel but I hope it gives you encouragement to continue same.

I remain available to speak or meet with you at any time.

Best

Timothy Johnson

Chair

Kosciuszko Wild Horse Community Advisory Panel

Cc The Hon John Barilaro

21 September 2022

The Hon. James Griffin MP
Minister for the Environment
GPO Box 5341
SYDNEY NSW 2001

By Email

Dear Sir

Shooting of Horses and

Kosciuszko National Park Wild Horse Legislation and implementation

For three years I chaired the Kosciuszko Wild Horse Community Advisory Panel under what was colloquially known as the *Brumby Bill* and I drafted the report that was provided to Minister Kean.

I am writing to reintroduce myself following my meeting with your staff on April 20 this year and to seek a short meeting to brief you about the recent shooting of horses in the Kosciuszko National Park. My reason is that I believe that you may have been poorly advised by NPWS.

I believe that there are a number of issues that you may not have been aware of that could have changed NPWS actions and improved the approach undertaken. This has resulted in poor advice from NPWS to you.

The two advisory Panels (Community and Science) that were appointed by your predecessor understood that while shooting is a direct intervention and has a place in some situations, it is also very divisive in an environment where NPWS has limited community goodwill and cannot afford self-destructive behaviour.

The Community Panel made rebuilding trust a key objective of the Wild Horse Heritage Plan and this shooting was poorly conceived and incredibly inflammatory and divisive.

A more effective result would have been to adopt the solutions offered by the Science Panel Chair (Professor David Berman) who advised that the issue of horses near problem locations are often best resolved by removing a single leader or problem horse that is causing the bad herd behaviour. With appropriate removal, the balance of the herd will then self-relocate or disburse. This is a simple and non-violent intervention that could have saved considerable cost and community outrage.

There remain several other options to obtain the same result but the ambit shooting of horses that are clearly protected as part of a management plan contravenes the spirit if not the letter of that Management Plan and was deliberately subversive. Shooting pregnant horses was unethical and a breach of the Plan and was either belligerent or ignorantly stupid by NPWS management.

When I was working with Minister Kean to resolve the final horse retention zones in KNP we also discussed management interventions and we both discussed and agreed that shooting should only ever be a last resort.

During my time on the Community Advisory Panel, NPWS repeatedly asserted that they were operating under the 2008 Wild Horse Management Plan and that shooting remained a permitted

management tool. I note that the current plan is less proscriptive and requires a higher standard of control. This appears to have been ignored by NPWS.

The Community Advisory Panel saw that building trust with the community was critical and the recent NPWS actions have deliberately destroyed years of work. While the strategic intent extract drawn from the Community Panel Report below is short, there are significant underlying details and scientific support to back the overall approach that was undertaken and that your department has now damaged.

In summary the strategic principles and a short explanation of their applications were:

- *There is a need to focus on impacts as opposed to numbers.* This means that different areas are impacted differently and therefore need to be managed accordingly. The science supports this position.
- *There needs to be a set of locations;* where horses can exist and other zones that exclude them i.e. zero populations in some zones and a sustainable but measured population in others.
- *There needs to be a wide range of horse management methods.* Other tools from Fertility Control to trapping to large scale mustering was discussed and considered. The science supports this and the community was prepared to be involved to assist and participate.
- *There needs to be an improvement in Trust and Transparency.* For better or worse, NPWS is not trusted by some of its horse-related stakeholders. This element of the community feels deeply excluded and is one of several strong critics of park management. They are also critical of ongoing horse-management.

When I chaired the Community Advisory Panel, I worked closely with the Chair of the Science Panel and NSW Chief Scientist. They were both excellent at seeking to deliver common sense results to deliver this strategy.

There remains some simple and pragmatic solutions to manage horses in KNP rather than undertaking the blunt instrument approach that NPWS has used.

I will contact your office next few days to see if you can spare some time. If so, then I would be most grateful to meet and discuss same.

I have attached my prior more detailed letter to Minister Kean for information.

Yours sincerely

Tim Johnson
Email
Phone:

Attachment. Letter to Minister Kean in June 2020 with contemporaneous copy sent to Deputy Premier Barilaro