

INQUIRY INTO THE PROPOSED AERIAL SHOOTING OF BRUMBIES IN KOSCIUSZKO NATIONAL PARK HEARING V: POST-HEARING RESPONSES

RSPCA NSW is pleased to provide the following post-hearing responses. Please do not hesitate to reach out if further details or clarifications are required. We are dedicated to providing comprehensive responses to all inquiries.

In Mr Wilkie's opening statement he said: "Allegations of cruelty will be investigated, and inspectors are well placed to use the powers granted to them under POCTAA to respond appropriately. Evidence of cruelty will lead to prosecution of these parties without hesitation, as we've done before." During the course of this Inquiry a number of members of the Animal Welfare Committee have drawn to the RSPCA's attention the concern that an average of 7.5 shots and up to 15 shots have been required by NSW NPWS paid killers shooting from helicopters to kill horses. The RSPCA knows this many shots have been used as it has been published in reports by the NPWS and the RSPCA spent some time in helicopters observing (from a distance) brumbies being shot and killed during the "trial" shoot.

(1) Has the RSPCA undertaken any investigations of its' own to ascertain with complete confidence that brumbies being shot by NPWS paid killers from helicopters in the Kosciuszko NP trial program in 2023-24 are being killed humanely? If no, why not, given the number of shots being required to kill an animal. If yes, will the RSPCA make available to the Committee the internal reports and documents related to these investigations?

(2) True transparency has been lacking in this program due to NPWS refusing to install video cameras so that shooting operations can truly be reviewed and audited. In your reply to me at the last hearing you stated that the RSPCA is supportive of cameras and has told the NPWS this. Can you please provide a copy of any written communications to NPWS on this or state on which dates and to which people in NPWS this was conveyed to and their response to RSPCA.

(3) Mr Wilkie stated at the last hearing, "The RSPCA position identifies the very thing that you're talking about—that it's going to be a humane method when it's done by very skilled people and done with very particular conditions and rules and parameters and things around it. We've done the proactive visits on the basis of checking that the SOPs can be followed, that the people who are there are capable of doing so and that it's being implemented in the way that you would imagine from the document. Reading an SOP and doing it on a mountain, on pretty different terrain and in all different conditions are quite different things, so being able to actually observe it in play is a very different thing." Does the RSPCA accept that 15 shots to kill an animal is not acceptable for anyone on a farm or a volunteer conservation hunter on foot but acceptable for paid killers in helicopters because it is being undertaken in "different conditions"?

(4) Would the RSPCA engage a shooter or a veterinarian to euthanise a horse if they stated on their CV that they had taken 15 shots to kill a horse in previous paid work?

RSPCA NSW is aware of concerns regarding the average number of bullets being used during aerial shooting operations by the NSW National Parks and Wildlife Service (NPWS). However, it is important to clarify that the reported average of 7.5 bullets used during these operations does not equate to the number of bullets required to kill an individual horse. Moreover, there is no evidence that up to 15 shots have been *required* to kill a horse or that any horse was killed only after the 15th shot. We understand that the shooting style used in an aerial cull differs significantly from traditional hunting or trophy shooting, where accuracy and minimal shots are a primary focus. In aerial culling operations, multiple bullets are deployed rapidly within seconds to ensure the humane killing of all targeted animals in a group, minimising the risk of leaving injured animals that might suffer further or necessitate additional pursuit.

During these operations, RSPCA NSW has conducted extensive observations and post-mortem examinations by senior inspectorate staff and independent veterinarians. These investigations have consistently revealed no breaches of the Prevention of Cruelty to Animals Act (POCTAA). The post-mortem results have shown lethal shots directly to critical target areas, with no evidence of prolonged suffering, as indicated by the absence of struggle or paddling marks around the animals. These findings confirm that the culling operations conducted were consistent with their SOP's.

RSPCA NSW has consistently advocated for using Closed Circuit Television (CCTV) in many animal industries. We have communicated this position to NPWS on multiple occasions. We have publicly communicated our position on these

matters since the second hearing of this inquiry on 5 February 2024 and will continue to uphold our commitment to transparency and animal welfare.

This stance is in line with RSPCA's broader position on the use of CCTV in animal handling and slaughtering facilities, as outlined for some years in our published position paper and publicly available knowledge base articles on the topics online. RSPCA continues to recommend the installation of CCTV in these operations to provide additional assurance of humane practices and facilitate continuous improvement in animal welfare standards. While the RSPCA NSW advocates for such practices, it is ultimately up to the NSW Parliament to pass legislation requiring a CCTV system to be installed in operational culling operations, hunting, and all areas where live animal handling occurs, including stunning and killing areas, to ensure transparency and uphold animal welfare standards. CCTV footage should be made available to auditors and authorised inspectors upon request.

Our observations and post-mortem findings have confirmed that the SOPs for aerial culling are being adhered to and that no breaches of POCTAA have occurred. RSPCA advocates for animals to be managed in ways that carry the least risk of causing welfare compromise and recognises the operational realities of effective wild horse management. The use of multiple bullets is a practical necessity in these operations, where the goal is to ensure that all animals in a group are killed swiftly, reducing the risk of prolonged suffering or the escape of injured animals.

RSPCA NSW remains committed to ensuring that all culling operations are conducted with the best standards of animal welfare possible and will continue to monitor and advocate for improvements in these practices where necessary.

The Hon. WES FANG: I'm just going to circulate this first document, if I could pass it up. Whilst I'm doing that, I've just got a few questions. Mr Wilkie, in your opening statement you spoke about groups that didn't believe that aerial culling was humane and were targeting the RSPCA in a political manner. Who are you referring to?

TROY WILKIE: Who am I referring to specifically?

The Hon. WES FANG: Yes, specifically, who are you referring to? You said groups and people were targeting you. Who are you referring to?

TROY WILKIE: There are groups in politics, groups in the media, groups in the communities.

The Hon. WES FANG: Who? I'm asking for specifics here. You've made an allegation. Who is targeting you?

TROY WILKIE: Politicians. Media. Members of the community.

The Hon. WES FANG: Name them. Who? Who is targeting you?

TROY WILKIE: I'll take that on notice.

In the opening statement, references were made to groups and individuals who have made RSPCA NSW a political target due to their opposition to aerial culling operations in Kosciuszko National Park.

Media reporting on this issue has often lacked accuracy, as evidenced in just one example by findings from the ABC Ombudsman, which highlighted significant breaches of editorial standards for accuracy and impartiality in news reports on the aerial culling of brumbies. The reports in question included unsubstantiated claims that have contributed to public misunderstanding and increased scrutiny of RSPCA NSW's role in these operations.

In addition to media inaccuracies, there have been organised protests and demonstrations by members of the public and political figures specifically targeting RSPCA NSW. There are occasions where these protests have been conducted at our veterinary and adoption centres, which were disruptive and affected our staff, volunteers, supporters, and visiting members of the public and their animals. Such disruptions affect our operations and place additional stress on the animals in our care.

We have been aware for some time that in other inquiries exploring the enforcement of POCTAA by Authorised Charitable Organisations, former employees of RSPCA NSW have been contacted by political staffers and asked if they would appear

to give evidence against the organisation. When the former employee shared that they 'have nothing bad to say about RSPCA NSW', including their employment and the workplace culture in the inspectorate or similar, they were told not to worry about it and that they would not be called to appear. This may suggest that some have actively sought to ensure that a fair, balanced, or accurate representation of the organisation's workplace culture has not been provided to that committee.

Furthermore, RSPCA NSW has notably faced heightened scrutiny of our operations, which coincides with the government's brumby management activities. While we understand that aerial culling is a contentious issue, at times, this ongoing focus on our organisation has diverted attention from our broader mission of promoting animal welfare across the state.

In responding to these challenges, RSPCA NSW remains committed to transparency and upholding the highest animal welfare standards, ensuring that our involvement in any operation, including aerial culling, aligns with our mission and the animal welfare legislative framework.

TROY WILKIE: It's a matter of testimony that the RSPCA would support having cameras on the operations that are being undertaken during Kosciuszko National Park.

The Hon. WES FANG: When did you come to that determination? Obviously, that was during the first day of the hearing. In fact, witnesses from the RSPCA hadn't even appeared at that stage. When did you form the view that cameras on operations were something that would be supported by the RSPCA?

TROY WILKIE: I'd have to take it on notice. I don't think it has been a new concept or a new thing of support to have cameras when there are operations of managing animals in general.

The Hon. WES FANG: Was it before you reviewed the SOPs from the National Parks and Wildlife Service?

TROY WILKIE: Like I said, I'll take it on notice for the exact timing of that being a position.

The Hon. WES FANG: What evidence did you have to form the view that the RSPCA was supportive of cameras on the operations?

TROY WILKIE: It was just something that I knew. It was a position that was known to me.

The Hon. WES FANG: Obviously you said in your opening statement that you've reviewed scientific evidence in order to shift a position that you previously were opposed to aerial culling and that you have brought charges against a former government for animal cruelty in relation to aerial culling of brumbies to now not being opposed to it. When that evidence was reviewed, was that also when the position on cameras was adopted by the RSPCA?

TROY WILKIE: I have taken that on notice already. You have asked it previously, and I'll do the same.

The Hon. WES FANG: Given that there has been a shift in the position and that you have reviewed SOPs and provided a letter to the RSPCA saying that you have reviewed the SOPs and you've also indicated to me here, before you've even appeared at the inquiry, that there was support for cameras on operations, why wasn't there an insistence that cameras on operations be stipulated before the RSPCA endorsed or didn't oppose the SOPs from the National Parks and Wildlife Service?

TROY WILKIE: It wasn't for us to—we didn't endorse or not oppose or take a position. We were asked to provide advice that would improve the animal welfare outcomes for the operations. The SOPs were reviewed, advice was given, and then the operation has been undertaken.

The Hon. WES FANG: Did that advice include the use of cameras on the operations?

TROY WILKIE: I'll take it on notice.

This has been answered in response to the supplementary questions.

The CHAIR: Does the RSPCA have the power under POCTAA to proactively inspect the properties of brumby rehomingers?

KATHRYN JURD: The RSPCA has proactive powers in accordance with 24G of POCTAA. I don't believe—I'll give you an answer and then I might seek to take it on notice. I don't believe that the regs would have rehoming organisations caught up within an animal trade, and so I think it's unlikely that, absent a complaint, the RSPCA would have authority to enter land, examine animals, potentially seize those animals.

TROY WILKIE: Sorry, was it for rehoming organisations or for rehomed brumbies? If they're in a private citizen's home or if they're in a rehoming organisation I think it might be a bit of a different answer from Ms Jurd.

KATHRYN JURD: If they're private citizens and there is no doubt that they are not an animal trade, then we would not have the power under 24G.

The CHAIR: Just to clarify, Ms Jurd, if they're a rehoming organisation, you're going to take that on notice, because there is a whole list of regs which I am assuming is very difficult to memorise.

KATHRYN JURD: And I have so many tabs open I can't do that right now.

Brumby rehomingers are not subject to the POCTAA animal trade provisions under s24G. Accordingly, a complaint capable of meeting the threshold in s24E POCTAA would be required before powers could be exercised.