

**Submission
No 38**

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

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Date Received: 11 September 2023

New South Wales Legislative Council Inquiry

Proposed aerial shooting of brumbies in Kosciusko National Park

Dear Committee,

Thank you for the opportunity to make a submission into this very important issue. Whilst the issue is the proposed shooting or killing of the remaining brumbies in the Kosciusko National Park. The events of late have shone a light upon the proponents of **killing the brumbies and the office by Minister Sharpe, The National Parks and Wildlife Service especially Atticus FINCH and her State misfeasance in public Counterparts**. Has this become an ICAC issue? My view is that it has.

Proposed Aerial Shooting of remaining brumbies in Kosciusko National Park

Firstly, let me begin by saying I have recently seen articles in the media by academics from the Australian National University stating that “the public don’t care if the wild horses are shot and killed by air”. Well, I totally disagree with this statement. Why, because the majority of people do not believe in cruelty to any animal.

The committee would be well informed of the Guy Fawkes National Park aerial shooting of brumbies some years ago, with the result that the RSPCA prosecuted the National Parks and wildlife Service. For some reason there was a deal done and not much happened to those responsible. I have had the pleasure of speaking in person with the Jessop’s that saw the Guy Fawkes killings and were witnesses to the horrific injuries suffered by the brumbies in that shooting by unskilled marksman with brumbies alive in agony and pain for days after. It was disgraceful then and disgraceful now.

With the Heritage Brumby Advocates I met with the CEO NSW RSPCA, Chief Inspector NSW RSPCA and their solicitor after the Singelton Army base shooting of horses there in recent years.

Recently in 2023 the NSW and Victorian National Parks and Wildlife Service have employed contract shooters to shoot brumbies with devastating results. Yes, this has all been in the media and more importantly there is photographic evidence of the stomach shots rather than a clean head shot. Foals have been left to die as their mothers had been killed, so starving to death, killed by dingos’ and wild dogs.

There is also evidence of terrible actions by National Parks Rangers of hanging brumby skulls up outside their office.

Recently the evidence indicates that contractors have breached standard operating procedures when they were ground shooting horses. Well, if they cannot abide by these standard operating procedures how could any contract shooter abide by **aerial shooting**.

Standard Operating Procedures

“Only Head (brain) or chest shots must be used, Shots to the head are preferred over chest shots as they are more likely to cause instantaneous loss of consciousness. Chest shots do not render the animals instantaneously insensible and are likely to result in a higher incidence of wounding. Shooting at other parts of the body is unacceptable”.

“Group flight response is a limiting factor for humane and instantaneous killing of horses”.

“Wounded horses must be located and killed as quickly and humanely as possible with a second shot, preferably directed to the head. If left, wounded animals can escape and suffer from pain and the disabling effects of the injury”.

“Accuracy with a single shot is important to achieve an immediate and therefore humane death. A horse should only be shot at when:

1. A humane kill is probable. If in doubt, do NOT shoot.
2. Although horses are large animals, the vital areas targeted for clean killing are small.

NOT EVEN THE LATE CHRIS KYLE-AMERICAN SNIPER COULD ACHIEVE THIS.

Joanne Canning, Expert Equine Scientist has sent all Members of parliament a submission which is very clear. See attached.

I ask this question of the Committee and Minister Sharpe. In the recent ground shootings of brumbies approximately 40 I believe, the contractors just left the horses where they fell and the evidence, I have seen with gut shots not head shots, some had head shots but if the head shot was first there would be no need for the gut shot.

What is most concerning is what appears to be a deliberate attempt to silence a witness whom had to take cover during the shooting. What I mean by this is the National Parks and Wildlife being involved in the manufacture of AVO's against a whistle-blower. I believe that this is still before the Courts so will say no more on the subject.

In New South Wales the committee would be up to date with the offences under the NSW Cruelty to Animals Act.

5 Cruelty to animals

- (1) A person shall not commit an act of cruelty upon an animal.
- (2) A person in charge of an animal shall not authorise the commission of an act of cruelty upon the animal.
- (3) A person in charge of an animal shall not fail at any time—
 - (a) to exercise reasonable care, control or supervision of an animal to prevent the commission of an act of cruelty upon the animal,
 - (b) where pain is being inflicted upon the animal, to take such reasonable steps as are necessary to alleviate the pain, or
 - (c) where it is necessary for the animal to be provided with veterinary treatment, whether or not over a period of time, to provide it with that treatment.

Maximum penalty—

- (a) for a corporation—2,000 penalty units, or
- (b) for an individual—400 penalty units or imprisonment for 1 year, or both.

6 Aggravated cruelty to animals

(1) A person shall not commit an act of aggravated cruelty upon an animal.

Maximum penalty—

- (a) for a corporation—5,000 penalty units, or
- (b) for an individual—1,000 penalty units or imprisonment for 2 years, or both.

(2) In any proceedings for an offence against subsection (1), the court may—

- (a) where it is not satisfied that the person accused of the offence is guilty of the offence, and
- (b) where it is satisfied that that person is guilty of an offence against section 5 (1),

convict that person of an offence against section 5 (1).

The CRIMES Act 1900

The following offences may be more appropriate when the Standard Operating Procedures are not followed and contractors are directed to carry out the killings.

530 Serious animal cruelty

(1) A person who, with the intention of inflicting severe pain—

- (a) tortures, beats or commits any other serious act of cruelty on an animal, and
- (b) kills or seriously injures or causes prolonged suffering to the animal,

is guilty of an offence.

Maximum penalty—Imprisonment for 5 years.

(1A) A person who, being reckless as to whether severe pain is inflicted—

- (a) tortures, beats or commits any other serious act of cruelty on an animal, and
- (b) kills or seriously injures or causes prolonged suffering to the animal,

is guilty of an offence.

Maximum penalty—Imprisonment for 3 years.

(2) A person is not criminally responsible for an offence against this section if—

- (a) the conduct occurred in accordance with an authority conferred by or under the [Animal Research Act 1985](#) or any other Act or law, or
- (b) the conduct occurred in the course of or for the purposes of routine agricultural or animal husbandry activities, recognised religious practices, the extermination of pest animals or veterinary practice.

(3) In this section—

animal means a mammal (other than a human being), a bird or a reptile.

kill or seriously injure an animal includes, in the case where the animal is used as a lure or kill in the manner referred to in section 21 (1) (d) of the [Prevention of Cruelty to Animals Act 1979](#), cause or permit a dog to kill or seriously injure the animal.

serious act of cruelty on an animal includes the act of using the animal as a lure or kill in the manner referred to in section 21 (1) (d) of the [Prevention of Cruelty to Animals Act 1979](#).

All ready the Committee has heard evidence and the Minister has been confronted with evidence that her own advisers and I would say all members of the committee advisers were caught short by their advisors suggesting that the wild horses are out of control, cause damage to the eco systems of the National Parks etc when in actual fact it is the opposite.

The most barbaric form of euthaniser is by aerial shooting of any creature or human being, but you all seem to agree with this. Why. At this point you have all been listening to the National Parks and Wildlife Service **ATTICUS FINCH**, **Stuart CARINS** and the Invasive Species Council whom have not been truthful to you.

Do you want to be responsible for barbaric killing of defenceless horses that provide great pleasure for tourists and people to the park. Can you be assured that no camper or hiker is killed in the cross fire if you allow shooting or any type in the park. Lets face it you were lucky no one was killed in the park by your contract shooters when they opened fire and other people in the park had to dive for cover.

Kind regards

Grant Holman