

**Submission
No 102**

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

Name: Andrew Mallen
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Submission to NSW Legislative Animal Welfare Committee Inquiry into the proposed aerial shooting of brumbies in Kosciuszko National Park

Closing date 13th October 2023

Submission by Andrew Mallen

My name is Andrew Mallen and I appreciate the opportunity to make a submission to the Animal Welfare Committee. I believe the subject under review is very important and I would welcome the chance to deliver evidence to the Committee in person. I will be focussing my attention on Terms of Reference points D, E and G and I am agreeable to my submission being published in full, including my name.

Contents

- Andrew Mallen - Background and experience 2
- Summary 4
- My thoughts and suggestions 5
 - 1. Unsuitability of .308 Win for use with SO, HOR002..... 5
 - Recommendation 1: 5
 - 2. Flaws in HOR002 pictorial aiming points. 7
 - Recommendation 2: 7
 - 3. Negative effects of the emerging, elitist culture within FFAST Teams..... 7
 - Recommendation 3: 8
 - 4. The need for video surveillance of all aspects of culling operations. 8
 - Recommendation 4: 9
 - 5. The potential use of full metal jacket ammunition..... 9
 - Recommendation 5: 9
 - 6. Have there been any other “Guy Fawkes N.P.” fiascos? 10
 - Recommendation 6: 10
- Conclusion..... 11

Andrew Mallen - Background and experience

I am a life-long hunter and shooter with extensive experience in both free-range or fair-chase hunting of game animals, and also the systematic shooting of feral and pest animals in management programs.

My experience is considerable and varied, beginning when I first started hunting with a rifle in 1966. Fast forward to the year 2000 and I was given the opportunity to participate in aerial pig shooting with Walgett Pasture Protection Board in the Collarenebri- Mungindi region. Shooting over an area of 250,000 acres, our kill rate was in excess of 1 pig per minute over a ten-hour period in the air. I was asked to assist each September for a number of years.

Shooting kangaroos for the chiller was a constant chore during my time in the north west of NSW.

Wild Asiatic water buffalo were the target species on a number of Northern Territory hunts in the early 80's. This was my first opportunity to use what some consider to be "big game calibres". I was certainly thankful to be carrying a rifle with real killing power.

In 2003- 2005 I was a member of the Royal National Park Deer Working Group and represented the Australian Deer Association. The group was responsible for the development of a plan to reduce the population of Javan rusa deer in the Royal National Park, down to a manageable number of approximately 1000 animals.

In 2006, I was the shooter approached by Game Council NSW to remove a biosecurity threat, in the form of two breeding pair of Canada Geese. They had begun nesting at a State Conservation Area south of Wollongong. No other Government Agency was prepared to take on this job so I completed it in less than 1 day with total success and no animal welfare issues. I used the right firearm and ammunition combination for this delicate operation, in full public view from a residential area and a surfing beach.

I was employed by the Game Council NSW as Firearms Training and Law Enforcement Inspector from 2007 until 2013 when we transitioned to DPI, until I

left in 2014. During that time, I assisted with the development of the GCNSW Firearms Training Course.

I then managed the busiest rifle range in Sydney for SSAA Sydney from 2014 until 2021, where I introduced new initiatives to improve the skills of hunters in the field and not just shooting from a target bench.

I have been a NSW FAR FLQC Instructor since the course inception and an "R" licence trainer since 2004.

I was the first, civilian "R" licence holder in NSW, after the GCNSW CEO.

I have many different rifles in my collection and I reload for over 40 different rifle cartridges. My knowledge of ballistics and cartridge performance on flesh and bone is extensive and certainly above that of the average firearms user.

I thank you for taking the time to read my submission and look forward to the opportunity to have some input during the coming discussion.

Summary

I firmly believe that animal welfare should always be a primary concern in hunting management and pest control programs. While aerial shooting of horses remains a contentious issue, I offer several recommendations to enhance the overall effectiveness and ethical considerations in such programs.

- 1. Suitability of Firearms:** I raise concerns about the use of the .308 Win cartridge for aerial shooting of horses. I argue that this cartridge may not provide the necessary power and humane killing potential for such large animals. I recommend adopting the 9.3x62 cartridge, which offers higher muzzle energy, greater penetration, and a larger wound channel, thus ensuring more humane and effective shots.
- 2. Aiming Points:** I highlight flaws in the pictorial aiming points provided in HOR002, as they are not suitable for aerial shooting. New images should be developed to illustrate the location of vital organs when shooting from above and from an elevated trailing angle, aligning with the unique conditions of aerial shooting.
- 3. Cultural Influence on Firearm Selection:** I discuss the emergence of an "elite shooter" culture among some FFAST members that impacts the choice of firearms. I recommend a shift in culture to prioritize the suitability of firearms over their appearance and suggest two rifles that can be modified for the required powerful rounds.
- 4. Video Surveillance:** To address concerns about wounding horses and ensure transparency, I propose the introduction of high-definition video surveillance onboard helicopters during culling operations. Secure systems should be employed to independently scrutinize the footage.
- 5. Ammunition Accountability:** I suggest the retention of purchase records for all ammunition used during aerial shoots and regular audits by an independent body to ensure compliance with SOPs and humane ammunition usage. The adoption of "case catchers" can improve safety and ammunition control.
- 6. Independent Audits:** In light of the Guy Fawkes incident, I recommend regular audits of past and future aerial shooting operations to ensure compliance with SOPs and animal welfare standards. The RSPCA is a suitable independent organization to conduct these audits, given its legislative authority.

My thoughts and suggestions

I believe that animal welfare must remain at the forefront of our thoughts, decisions and actions in hunting management and for pest and feral animal management programs.

I am well aware that aerial shooting of horses has been very contentious since the Guy Fawkes National Park event in 2000.

I have some thoughts on the matter that I believe could improve the overall outcome of the management of wild horses in aerial shooting programs emphasis on animal welfare.

1. Unsuitability of .308 Win for use with SO, HOR002

I don't believe that the .308Win or 7.62x51Nato (3000ft/lb ME) is sufficiently powerful to guarantee effective and humane kills on horse sized animals, when used in an aerial shooting situation. The SOP, PIG002, for aerial pig shooting recommends the .308 using 150-160gn HP bullets. Pigs rarely exceed 100kgs and would average about 50kg. How is it then, by increasing the target animal weight by up to 1,200% (600kg horse weight), the same cartridge is deemed adequate with only a 10% increase in bullet weight, no increase in wound channel and only a marginal increase in ME.

The .308Win is adequate on feral pigs and some deer species, and falls into line with some inter-state, legislated minimum calibres for different species. Victoria demands that 100kg fallow deer needs a .243 and 85gn bullet (2000ft/lb ME), 300kg sambar deer need a .270 and 130gn bullet (2900ft/lb ME). So, when applying this logic, a 600kg wild horse would need a far more powerful cartridge to ensure reliable kills under adverse conditions. In NSW, DPI Hunting recommends these same calibres as a minimum when hunting under the "R" licence system on declared public land.

Recommendation 1:

Adoption of the 9.3x62 cartridge which fires a .366 dia. 250gn bullet and develops 3,600ft/lb ME. It was designed in 1908 for widespread distribution among African farmers, providing them with an effective rifle for use on large boned animals and dangerous game. It is the minimum legal cartridge

permitted for hunting elephant and cape buffalo in Zimbabwe. It is used extensively in Victoria to kill sambar deer in heavy cover and I have used it on everything from feral cats to buffalo, camel, kudu, zebra and eland. I have experienced over 1 meter or 40 inches penetration on many occasions.

The 9.3x62 has the same diameter cartridge case (.470") as the .308 Win and will function in a wide range of firearms designed for standard sized rounds. A larger magazine capacity is possible compared to any of the belted magnums i.e., 300 Win Mag (.532" case diameter), and it has less felt recoil.

Those that pursue and kill larger animals will all agree, that muzzle energy (ME) and wound channel diameter are major contributors to a quick kill. Another big factor when shooting down on a large animal like a horse is bullet penetration, any shot from above that hits the broad back area of a horse must travel at least 750mm or 30inches to reach the heart, greater if the shot is angled downwards from the rear towards the front, as would be the case when chasing an animal fleeing from an aircraft. A forward angled shot will almost certainly have to penetrate through the front of the stomach area, which is equivalent to the bullet travelling through a domestic garbage bin full of grass clippings.

The 9.3x62 covers all bases, a meaningful increase in ME, far greater penetration and a larger wound channel. It is available in many semi auto firearms from Europe e.g., Benelli, Merkel Blaser. Ammunition, with a wide range of projectile types, is readily available and reasonably priced.

One rifle in particular stands out, the Benelli R1 Argo, semi auto in 9.3x62 with 10 shot magazine. These rifles have an ingenious recoil reduction system built in to aid in follow up shots. An optional muzzle break is available to further reduce recoil. They are a standard, off the shelf item and perfectly suited for this purpose.

2. Flaws in HOR002 pictorial aiming points.

An inspection of HOR 002 Aerial Shooting of Feral Horses indicates the desired aiming points for killing shots. These images are only relevant for ground-based shooting and the horse image is of the side elevation. The head-brain shot image is relevant but the chest-heart shot image is totally irrelevant. It is intended to be used when undertaking ground shooting, where the shooter is on the same horizontal plane as the target animal and at a 90-degree angle from the animal's spine. The elbow and foreleg would rarely be visible from an aircraft, especially when operations are in timbered country and elevation was required for safety. There is no suggested aiming point for an elevated shot from directly behind the fleeing animal.

Recommendation 2:

New images need to be prepared that clearly indicate the location of brain, spinal cord, heart and lungs when viewed from directly above and also from an elevated trailing angle, as would be viewed from a pursuing helicopter.

NSWPIG SOP 2 mentions that shots at the spine and neck of a pig should not be taken, there is no mention of this in HOR002 and it would be extremely difficult to shoot a fleeing horse in the heart from above and behind and not hit the spine. This needs to be investigated and clarified.

3. Negative effects of the emerging, elitist culture within FFAST Teams.

I am of the opinion, that current SOPs are strongly influenced in a negative way, by a developing culture within the ranks of FFAST members and other professional shooters employed in feral animal control. I call this emerging culture the "Chris Kyle Effect" and is responsible for the appearance of a new "uniform", khaki clothes with contrasting dark pockets and knee patches.

An essential part of this uniform is the paramilitary firearm that this group are exclusively permitted to use i.e., SLR L1A1, M14, M1A, SCAR and M4 derivatives.

These firearms are only chambered in .308, which is clearly underpowered for the HOR002 application.

The fact is, that no semi-automatic firearm chambered for the larger and more powerful rounds required for the humane killing of horses, is available in a paramilitary style rifle. This detracts from the instant, visible, “Chris Kyle” identity that has become synonymous with FFAST members.

The FASST shooter network has substantial input into SOP development and because they wish to keep using these “cool looking black guns”, they push their biased views to promote these rifles suitability, even when the numbers show they aren’t the best rifles for the job.

Recommendation 3:

A concerted effort is required to change the culture within the FFAST ranks, away from this perception of “elite shooter” status. The shortcomings of the .308 round must be pointed out and the benefits of using a more suitable cartridge should be highlighted.

If the decision is made to continue with paramilitary style rifles, there are only two available that can be suitably modified to shoot the more powerful rounds needed.

They are the Ohio Ordinance Works HCAR in 30-06 Springfield or the Noreen BN36X3 in 30-06 Springfield. A competent Gunsmith can re-barrel either of these rifles to handle the 9.3x62 round, the actions is long enough and the magazine will function. Spare barrels could be prepared at time of purchase to minimize downtime at a later date.

4. The need for video surveillance of all aspects of culling operations.

Due to the potential for wounding horses, and less than desirable animal welfare outcomes, a cloud hangs over aerial shooting operations and horses have not been a target species for over 20 years. Noone, apart from the helicopter crew and FFAST team members really knows what goes on, once the chopper clears the first tree line and is out of sight of the ground crew.

To remove the pre-existing and considerable doubt, and to improve the robustness of the SOP system, video surveillance and secure recording of all

phases, right down to each individual shot, must be recorded and independently scrutinised.

Recommendation 4:

High-definition video surveillance, onboard the helicopter, capturing all aspects of the shoot must be introduced to improve perception and to protect the FFAST operators from external accusations. Secure systems, similar to that used by Fisheries need to be installed and the system should be one that can't be tampered with.

A Go Pro, Contour or similar camera, mounted on the firearm and capturing constant video footage whenever the firearms is in use should be mandatory. It will be necessary to carry spare cameras on the helicopter and fit them immediately the main camera fails. All camera footage is to be transferred to a USB during refuelling breaks or every two hours. If the participants have nothing to hide, then they should have no reason to resist these changes.

5. The potential use of full metal jacket ammunition.

As most people are aware, rumours, both positive and negative can make or break a program, no matter how much work has gone into its development. I have personally heard extremely negative suggestion from trusted members within the firearms industry, that ammunition containing full metal jacket (FMJ) projectiles is still being purchased and used by professional shooters engaged in aerial shooting operations. This is directly forbidden in all SOP's covering the humane destruction of pest species and is a very disturbing report. If correct, I can only imagine that this is happening in an attempt to save money.

Considering the lack of scrutiny applied to FFAST operators, this activity could very easily be taking place. Steps need to be taken, to remove rumour and inuendo from the discussion, the general public will have far more confidence in the program if more robust scrutiny is applied.

Recommendation 5:

Copies of purchase invoices or acquisition paperwork relating to, and describing accurately, all ammunition used during aerial shoot to be

retained and to be included with the report at the completion of the shooting operation or at monthly intervals. Regular audits of all ammunition purchase invoices and delivery dockets to be carried out by an independent body.

Video surveillance of the on-board activity will also ensure the use of compliant ammunition and that SOP's are followed correctly. Once again, nothing to hide, no cause for complaint. The adoption of "case catchers", fitted to each firearm, will provide post event proof of the ammunition that is being used. Additionally, it will have the added safety benefit of keeping all empty cases contained safely, and not ending up in the workings of the helicopter controls.

6. Have there been any other "Guy Fawkes N.P." fiascos?

There is no doubt that the Guy Fawkes incident happened, causing the cessation of aerial horse culling. It is necessary then, that we ask the question, how many other similar animal welfare disasters have occurred since then and have gone undetected due to a lack of proper oversight. We can only hope there are none, but that would be a very optimistic position to adopt. Further audits and cross checks of all aerial culling operations should be investigated.

The R.S.P.C.A. would be perfectly suited to performing independent audits and investigations, as they are an NGO with no political ties to DPI or NPWS. They are also equipped with their own legislative power through the Prevention of Cruelty to Animals Act 1979 and the Prevention of Cruelty to Animals Regulation 2017. R.S.P.C.A. could then pursue any legal action against individuals or institutions if necessary.

Recommendation 6:

To ensure that all aspects of relevant SOP's have been complied with during these operations, some simple cross checks can be carried out.

If past Operational Reports are studied, a comparison of the number of shots fired, with the number of animals killed will indicate whether important animal welfare components of the SOP's were followed.

Allowing for the overkill principle of two shots minimum for each kill, and considering that unless a kill shot is achievable, no shot is to be taken, we

could assume that in a perfect world, if 500 shots are fired, then there should be 250 dead animals. It is unreasonable to expect this 100% success rate, but it should be a good indicator of which FFAST teams are operating somewhere near the desirable level as demanded by the SOP's and those that fall well short.

These statistics should be gathered and studied by an independent body with no political ties or financial associations with either DPI or NPWS. The RSPCA is an ideal, independent organisation to carry out any audits or investigations.

Any future aerial shooting operations should be subject to similar audits with records kept of:

- All ammunition quantities and types, assigned to the shoot.
- All ammunition remaining at completion of shoot.
- A comparison made between ammunition expended and total number of animals killed. Allowances made for a predetermined, acceptable number of missed shots or additional finishing shots.

Conclusion

In conclusion, I appreciate the opportunity to contribute to the discussion on the aerial shooting of brumbies in Kosciuszko National Park. I believe that adopting these recommendations will lead to more effective, humane, and transparent practices in wildlife management. Thank you for your time and consideration.

Yours respectfully
Andrew Mallen