

REPORT ON PROCEEDINGS BEFORE

ANIMAL WELFARE COMMITTEE

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

UNCORRECTED

At Preston Stanley Room, Parliament House, Sydney, on Monday 5 February 2024

The Committee met at 9:50.

PRESENT

The Hon. Emma Hurst (Chair)
The Hon. Robert Borsak
The Hon. Wes Fang
Ms Sue Higginson
The Hon. Stephen Lawrence
The Hon. Aileen MacDonald
The Hon. Bob Nanva (Deputy Chair)
The Hon. Peter Primrose

The CHAIR: Welcome to the second hearing of the Committee's inquiry into the proposed aerial shooting of brumbies in Kosciuszko National Park. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the land on which we are meeting today. I pay my respects to Elders past and present, and celebrate the diversity of Aboriginal peoples and their ongoing culture and connections to the land and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us today. My name is Emma Hurst and I am the Chair of the Committee. I ask everyone in the room to please turn their mobile phones to silent.

Parliamentary privilege applies to witnesses in relation to the evidence they give today; however, it does not apply to what witnesses say outside of the hearing. I urge witnesses to be careful about making comments to the media or to others after completing their evidence. In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants. I encourage Committee members and witnesses to be mindful of these procedures.

The Hon. PENNY SHARPE, Minister for Climate Change, Minister for Energy, Minister for the Environment, and Minister for Heritage, before the Committee

The CHAIR: I welcome our first witness and thank her for giving her time to give evidence today. Minister, do you have a short opening statement that you would like to make?

The Hon. PENNY SHARPE: I just might do that. Obviously, my chief of staff had been invited by the Committee to appear before the Committee and he had agreed to do so. Over the weekend, though, I thought about this a great deal. It's actually quite a rare thing to bring staff before a committee, particularly as, I understand it, the main concerns of the Committee are in relation to the return of the SO 52. I take the SO 52 process extremely seriously. I take it seriously as an individual Minister who used it a lot in opposition, and I understand the importance of it to the Legislative Council and the roles and responsibilities that each member seeks to discharge in doing that.

But, secondly, I'm in a unique position, given that I am both the lead Minister for this particular order but also as the Leader of the Government in the Legislative Council. This means that I am responsible not just for what happens in my office, not just for what happens in my agency but across the Government in relation to the way that we return SO 52s. We can get into the details of what has happened to this particular SO 52 but, for me, this is about being very clear with the House and treating the House with respect. Obviously, the House has its ability to hold me to account in relation to any of these matters, but I thought at the end of the day it is much better for me to front today and for me to explain what has happened in relation to this SO 52 and hopefully clear up any of the matters that the members of the Committee may have.

The CHAIR: Most of my questions were focused around the declaration that was signed, obviously, by your staff member.

The Hon. PENNY SHARPE: Yes. You can also ask me about that because I'm ultimately responsible for that. It is the normal practice that the chiefs of staff do sign off on the declaration, but I am very familiar with what has led to that sign-off. I'm very happy to take questions in relation to that.

The CHAIR: I might start by asking about the request for an extension of time. Originally my drafted SO 52 was 21 days, which your department asked me to amend to 42 days, which in good faith I did. Twenty-one days after the SO 52 passed, none of the additional time that was requested was used. Instead, the letter that said that it couldn't be done actually was written in 21 days. I'm just wondering why that extension was requested if it was then ignored by the department.

The Hon. PENNY SHARPE: The first thing I'd say is I apologise to the Committee and to the House in relation to this. I have made it very clear to my agencies that we are to meet the requirements that are placed upon us as a result of these requests through the House. This has not happened on this occasion and, I have to say, the timing over Christmas meant that I was on leave and we were unaware that there was going to be this request. I don't believe that to be acceptable and I have continued to say to my—I have reinforced with my agencies that I require them to do that and if it is going to be late for any reason my preference would be that I would speak directly to the Chair and let you know the reasons for that.

On that particular issue, it is the case that we should've met the 42 days and we haven't. If I can give you an update—my understanding is that on 10 January 10 documents were returned. The rest were due to be returned on 30 January and they were. We have been working closely to deal with the personal information request that Mr Fang has requested. I've had, I believe, another 15 staff over the weekend working through the 11,000 submissions to remove that personal material. We have provided additional documents that have been personal information de-identified. I think they were provided on Friday, if I'm correct. We are working to make sure that we meet the deadlines that are expected by the Committee and I am informed that we will meet the seven-day deadline in relation to the rest of the submissions.

The Hon. WES FANG: Thank you, Minister, for appearing for the second time in two hearings. It's refreshing. I wish some of your colleagues would do the same. Minister, you'll see that I've created a bundle of documents. I believe you would've been given a copy.

The Hon. PENNY SHARPE: No.

The Hon. WES FANG: There is one coming right now. Apologies—obviously I was expecting Mr Baker to be appearing today, so they were more geared for Mr Baker.

The Hon. PENNY SHARPE: That's fine. I will be able to answer those questions on his behalf.

The Hon. WES FANG: Excellent. There are five documents there. I'll draw you to the first one, which has a number "1" in the top right-hand corner and you'll see that I've highlighted—

The Hon. PENNY SHARPE: I'm pleased that you've learnt to put the page numbers on. It makes it much easier. I appreciate that, thank you.

The Hon. WES FANG: I've learnt a lot of tools in the time I've been here.

The Hon. PENNY SHARPE: Continuous improvement—we like to see it.

The Hon. WES FANG: Not too much. You'll see that Mr Baker signed off that to the best of his knowledge there were no documents that were required to be—

The Hon. PENNY SHARPE: Yes.

The Hon. WES FANG: Could I ask you to have a look at page number 2? That's the resolution of the House. You'll see that I've highlighted paragraph (b). It says:

all documents regarding the findings or results from the submissions and survey responses received to the proposed amendment to the Wild Horse Heritage Management Plan between 8 August 2023 and 11 September 2023,

Paragraph (d) says:

any legal ... advice regarding the scope or validity of this order of the House created as a result of this order of the House.

Pretty standard SO 52 return, correct?

The Hon. PENNY SHARPE: Yes.

The Hon. WES FANG: Minister, was it the case that there were literally no documents in your office that related to the results from the request for feedback that you put out there and were collated by the department?

The Hon. PENNY SHARPE: Yes, because all of those documents are returned to the department once I've been briefed upon them. Ministerial offices are discouraged from keeping documents once they've been signed off that need to be returned to the department. In relation to all of these matters, we have done all of that and we have returned them to the department. So we do not want to provide duplicates. The point that you may also be interested in is that nil returns from ministerial offices in relation to these kinds of calls for papers are not unusual. I have actually sought some information around the figures in the previous Parliament. Over 155 SO 52s had nil returns from ministerial offices for exactly this reason—155 out of 262. So it's actually quite standard because good practice—

The Hon. WES FANG: Thank you, Minister.

The Hon. PENNY SHARPE: If you would just let me explain—good practice in terms of managing this under the State archives Act is that you do not want to keep briefs and other material. Once they have been dealt with, they go back to the department because they're all kept together.

The Hon. WES FANG: I appreciate that, Minister; however, I've done a little bit of a time line of what I believe happened in relation to the request for feedback. Obviously on 7 August, I believe it is, you announced that you'd be seeking feedback.

The Hon. PENNY SHARPE: Yes.

The Hon. WES FANG: I think it opened on 8 August. It was due to close on 11 September, but you'd be aware that it was extended to 15 September. Did you authorise that extension?

The Hon. PENNY SHARPE: I'd need to take on notice the detail of that time line. But I would've agreed to it because the point generally is if people ask for an extension of time in relation to a matter such as this, I would've granted it. I wouldn't have been seeking to—

The Hon. WES FANG: Would you have done that in writing?

The Hon. PENNY SHARPE: I'd need to take on notice, because it might just be that we just said yes—it was a discussion. I'd need to check. But I don't believe so, because if there was paperwork around this it would've been provided.

The Hon. WES FANG: But in relation to that, then, you've had the submissions close on 11 September. You've provided advice to that effect. I think at the time you were about—

The Hon. PENNY SHARPE: Sorry, are you suggesting that extending the time frame was the wrong thing to do?

The Hon. WES FANG: No, I'm suggesting that extending the time frame should have been captured in the documents that were provided from the office.

The Hon. PENNY SHARPE: As I said, I'll take it on notice in terms of what the trigger was, but it's quite likely—as I said, I'll take it on notice to check but it is very likely that we would have just said, "Let's just extend it for another four days," and there wouldn't necessarily have been paperwork around that.

The Hon. WES FANG: Minister, you are extending a deadline for a submission—

The Hon. PENNY SHARPE: Which is a good thing, I would have thought.

The Hon. WES FANG: I am not questioning that. I am questioning whether there's an issue around the fact that you've extended the deadline on a verbal instruction only and that there was no request for you to put that in writing. If it was in writing, it should have been returned under the SO 52.

The Hon. PENNY SHARPE: As I said to you, I will find out, and there hasn't been. I'll check. I've got nothing more to add on this.

The Hon. WES FANG: Minister, the only thing I can determine is that in relation to this, either the emails have been deleted or the documents have been shredded.

The Hon. PENNY SHARPE: I reject that.

The Hon. STEPHEN LAWRENCE: What a baseless assertion.

The Hon. WES FANG: This is a very serious issue, Minister, that you've—

The Hon. STEPHEN LAWRENCE: Based on what?

The Hon. WES FANG: The chief of staff—

The Hon. PENNY SHARPE: Is there a question here?

The Hon. WES FANG: The chief of staff has indicated that there are no documents in the office.

The Hon. PENNY SHARPE: Correct.

The Hon. WES FANG: Yet you've admitted to me that you would have been consulted and approved—

The Hon. PENNY SHARPE: I may have been consulted. I said that I will take it on notice.

The Hon. WES FANG: No, you said you would have been consulted in the extension. There are no documents that are provided to indicate that you have anywhere approved the extension. The extension saw those numbers go from 79 per cent to 82 per cent in approval of aerial culling, because the document that I have says 79 per cent and it has increased. So, Minister, where is that paperwork? Your office hasn't returned it.

The Hon. PENNY SHARPE: I utterly reject that. I have said that I will check what the process was in terms of the extension and I will provide it to the Committee.

The Hon. WES FANG: Did you shred the documents, Minister?

The Hon. PENNY SHARPE: Absolutely not.

The Hon. WES FANG: Did you delete the emails, Minister? Did your office fail or deliberately—

The Hon. BOB NANVA: Point of order—

The CHAIR: Order! There has been a point of order taken by the Deputy Chair.

The Hon. BOB NANVA: You can't afford procedural fairness to a witness by talking over the top of her and making baseless assertions.

The CHAIR: I agree.

The Hon. STEPHEN LAWRENCE: It's also shameless grandstanding.

Ms SUE HIGGINSON: That's not a point of order.

The Hon. STEPHEN LAWRENCE: Is that a point of order?

Ms SUE HIGGINSON: "Point of order: shameless grandstanding."

The CHAIR: The Minister has the floor to answer the questions and to put her position forward.

The Hon. PENNY SHARPE: Thank you, Chair. Mr Fang, you may be trying to be Sherlock Holmes here in relation to this. My office has been nothing but open in relation to these matters, and I've been very honest with this Committee in relation to this. There are no documents to be returned from our office, as was set out in the return. You have asked me some details about discussions. I cannot recall correctly, and I have been very clear that I will go away and I will come back. To suggest that anything has been done wrong when I am not able to provide the Committee with the detail that you seek is unfair.

The Hon. WES FANG: Which is why I asked your chief of staff to appear and you've blocked him from appearing today.

The Hon. PETER PRIMROSE: Point of order: The Minister should be allowed to answer the question.

The Hon. PENNY SHARPE: I haven't blocked him from appearing. I have come here to actually be held to account, which is fine. I've answered your question. I will find that information. But I am saying to you that this is not the case. The other point that I would make is the only time we've heard about shredded documents was when Gladys Berejiklian's office shredded \$250 million worth of grants programs.

The Hon. WES FANG: Yes, and it seems like your office is doing exactly the same here.

The Hon. PENNY SHARPE: I utterly reject it.

The CHAIR: Order!

The Hon. WES FANG: Minister, on page 2—

The CHAIR: Order!

The Hon. STEPHEN LAWRENCE: Point of order: It has just been put to the Minister directly that her office has "done the same thing", i.e. shredded documents. That is a misuse of the committee process in circumstances where there is not a shred of evidence of that.

The Hon. WES FANG: That's the point: There is not a shred of evidence, surprisingly.

The Hon. PENNY SHARPE: And it is rejected.

The Hon. STEPHEN LAWRENCE: There shouldn't be these unjustified assertions.

The Hon. WES FANG: Not a single document was returned.

The CHAIR: Order!

The Hon. PENNY SHARPE: No, because there aren't documents to return.

The Hon. WES FANG: Because you shredded them. Is that right?

The Hon. PENNY SHARPE: No. You wish.

The CHAIR: Order! The member will stop making the same accusations.

The Hon. PENNY SHARPE: You might have a fantasy about this but you are wrong.

The CHAIR: The Minister has put her position on the record very clearly.

The Hon. WES FANG: I have further questions.

The CHAIR: If the member has different questions that he would like to move on to, he is welcome to do so.

The Hon. WES FANG: Minister, I'll draw your attention back to page 2. You will see that in section D, I highlighted the question around the legal advice for the scope of validity of the order. Did your office seek any legal advice in relation to the documents that you would have to provide?

The Hon. PENNY SHARPE: I don't believe so, no.

The Hon. WES FANG: So in relation to the information that we've determined isn't—we're not sure exactly what's happened in relation to your approval of the extension.

The Hon. PENNY SHARPE: I can tell you what has happened. We've provided all the documents that we are legally required to. We have said that—

The Hon. WES FANG: Where is the legal advice for that?

The Hon. PENNY SHARPE: Just wait.

The Hon. WES FANG: You have to provide it—part D.

The Hon. PENNY SHARPE: If there—

The Hon. WES FANG: You've just said you got legal advice around your documents.

The Hon. PENNY SHARPE: No, I didn't. You need to have your listening ears on, right? I'm happy to answer your question—

The Hon. WES FANG: You can insult me all you want, Minister.

The Hon. PENNY SHARPE: You need to ask questions and listen to the answers.

The Hon. WES FANG: I've got plenty of questions here into your integrity.

The CHAIR: Order!

The Hon. PENNY SHARPE: You need to listen to the answer.

The CHAIR: The member will allow the Minister to answer the question.

The Hon. PENNY SHARPE: You need to listen to the answer, not just keep restating the question if you don't like the answer. The point here is very clear. We have provided the documents as is required and we have complied with the order as is required.

The Hon. WES FANG: Did you seek legal advice as to the requirements in relation to returning documents?

The Hon. PENNY SHARPE: If there is material that needed to be provided as a result of this request it would have been provided.

The Hon. WES FANG: Minister, that's not the question I asked.

The Hon. PENNY SHARPE: I've answered.

The Hon. WES FANG: Did you seek legal advice?

The Hon. PENNY SHARPE: If there are documents that needed to be provided, then they will be provided.

The Hon. WES FANG: Minister, that is not the question I asked.

The Hon. PENNY SHARPE: It is.

The Hon. WES FANG: Did you seek legal advice in relation to the return? Because you didn't return it.

The Hon. PENNY SHARPE: I don't believe so, no, because this is a very—

The Hon. WES FANG: So will you take it on notice?

The Hon. PENNY SHARPE: Are you going to let me finish?

The Hon. WES FANG: Are you going to take it on notice?

The Hon. PENNY SHARPE: Are you going to let me finish?

The Hon. WES FANG: Yes.

The Hon. PENNY SHARPE: Okay, thank you. This is a very standard SO 52.

The Hon. WES FANG: I know.

The Hon. PENNY SHARPE: The requirements in relation to providing it are very straightforward. We are providing that as we said. Late? Yes, but we are providing it. If you want me to take it on notice and if there's an update that I need to provide to the Committee, I will do so.

The Hon. WES FANG: I'll ask you now to turn to document 4, which is five pages. It's an email that I sent to the Clerk and then the Clerk sent it onwards to the Cabinet Office and then it indicates the return. You'll note that, obviously—and Ms Hurst has already touched on parts of what I'm about to ask—the original SO 52 was moved as 21 days. A request was made of Ms Hurst to have it extended to 42 days.

The Hon. PENNY SHARPE: Yes.

The Hon. WES FANG: Ultimately, the documents weren't returned by the due date.

The Hon. PENNY SHARPE: If you'd like to go to the number of times the previous Government didn't return things on time, I'm happy to go there.

The Hon. WES FANG: Minister, I haven't finished. Minister, if that's your defence—

The Hon. PENNY SHARPE: It's not my defence. I've already apologised to the Committee.

The Hon. WES FANG: Considering that you've sought to hold us to account, I'm now holding you to account for the same things you used to criticise us for.

The Hon. PETER PRIMROSE: You refused to be held to account.

The Hon. WES FANG: Well, that's not even helpful.

The Hon. PETER PRIMROSE: You can dish it out but can't take it.

The Hon. WES FANG: I ask you to turn to page 2 of that document on page 4.

The Hon. PENNY SHARPE: Okay, page 2 of page 4. Which bit are we looking at?

The Hon. WES FANG: Document 4, page 2.

The Hon. PENNY SHARPE: Okay, yes, point two?

The Hon. WES FANG: You'll see at the top of the page I've highlighted dot point one and at the bottom I've highlighted the words "and three working days for the Cabinet Office to comply with the internal approvals process before the production to the Legislative Council". I would ask you now to return back to the first document and you will see that your chief of staff signed that document on 9 January.

The Hon. PENNY SHARPE: Yes, because that was when it was originally due and we had a nil return.

The Hon. WES FANG: It was due on the tenth, correct?

The Hon. PENNY SHARPE: Yes, correct. My office met the time frame.

The Hon. WES FANG: The Cabinet Office requires you to provide the documents within three days prior to.

The Hon. PENNY SHARPE: There were no documents to provide so we were able to sign it then. What point are you trying to make here, Mr Fang?

The Hon. WES FANG: You don't follow process, Minister.

The Hon. PENNY SHARPE: Okay. Do you understand process?

The Hon. WES FANG: Yes, I do, Minister, which is why I'm asking you about it now.

The Hon. PENNY SHARPE: I'm not sure that you do.

The Hon. WES FANG: It then transpired that the documents that we were seeking were returned, I believe, on the thirtieth of the month, which was, I think, Tuesday last week.

The Hon. PENNY SHARPE: Yes.

The Hon. WES FANG: You would be aware that the indication—and I've got it in dot point one here that the Cabinet Office said the department was unable to return the documents because of, effectively, the number of documents and that they would have to redact the documents, right?

The Hon. PENNY SHARPE: Yes. There's 11,000 of them.

The Hon. WES FANG: So you could expect that in not meeting the deadline but then in fact going 20 days over the deadline, that you would provide the documents in the redacted form, given that you've had additional time to allow the Committee to peruse and pursue questions that arise out of the documents. Would it be fair?

The Hon. PENNY SHARPE: Well, no, because my understanding of the process is that the documents are provided—and, again, I accept that they were late. It then requires MLCs to examine the documents and put a request in for the redaction. We have followed that process. There is nothing outside of that.

The Hon. WES FANG: You did follow that process. You know that it then takes seven days, effectively, to provide it—

The Hon. PENNY SHARPE: And we'll provide that, as I said. As I have said to you—

The Hon. WES FANG: As I triggered—

The Hon. PENNY SHARPE: Wednesday you'll get it.

The Hon. WES FANG: I triggered that clause—yes, correct, Wednesday.

The Hon. PENNY SHARPE: Yes, which is in process.

The Hon. WES FANG: Instead of the documents being available to us on 10 January, so that then I could trigger the seven-day redaction process and have them available to us from 17 January, your office and the department only returned those documents last Tuesday. The earliest that I could have got access to those documents to use publicly would have been tomorrow—the day after this hearing. That seems to me to be very auspicious timing on your benefit.

The Hon. PENNY SHARPE: Do you have a question? Is there a question.

The Hon. WES FANG: Minister, did you direct that those documents be withheld until last Tuesday?

The Hon. PENNY SHARPE: Absolutely not. That is an absolutely disgraceful suggestion. I have just said how seriously we take this. I am responsible as the member of the Government in relation to—

The Hon. WES FANG: Well, the timing seems particularly—

The Hon. PENNY SHARPE: No, it's a load of rubbish. Do you want me to—

The Hon. WES FANG: Is it?

The Hon. PENNY SHARPE: Yes.

The Hon. WES FANG: Okay. Well then how is it that the document, even if I triggered the clause, would only have been available to me, at the earliest, from tomorrow—the day after this hearing—even though this SO 52 was passed by the House on 29 November?

The Hon. PENNY SHARPE: As I have explained to you, we requested a later timing, which was not met. That is unacceptable. My department then provided this information—you also need to know that Ministers' offices don't actually and are forbidden from interfering in the way in which our departments provide those documents. This is extremely important. We are not—

The Hon. WES FANG: How did you negotiate an extension?

The Hon. PENNY SHARPE: I didn't negotiate an extension. I was unaware that my agency was putting it in late. As I said to the Committee at the beginning, I have reinforced with my—

The Hon. WES FANG: Before the SO 52 was passed—

The Hon. PENNY SHARPE: Let me finish. I have reinforced with my department the need for them to meet those time frames. If they are going to be late, they need to tell me because I would take it upon myself to liaise with members of the upper House, with whom are colleagues and with whom I take my responsibilities very seriously, in terms of meeting that. I, however, do not have any say, and it would be highly improper for any Minister to interfere in the returns from our agencies. I am disappointed that my agency did not meet that time frame. You are looking for a conspiracy that does not exist. We are looking for a new practice and we are learning the new practice in relation to the redaction of information. If the upper House needs to look at another way of doing that, whether there's just an automatic provision of private information, that's something the Procedure Committee needs to deal with and we should have a conversation about it. There is no conspiracy here. We have fully complied—not within the time frame that people would like, and that's wrong.

The Hon. WES FANG: No, no, not the time frame people would like—

The Hon. PENNY SHARPE: But any other suggestion—

The Hon. WES FANG: The time frame that the House determined you would provide them in.

The Hon. PENNY SHARPE: Yes.

The Hon. WES FANG: And you didn't.

The Hon. PENNY SHARPE: Correct, and I've just explained—

The Hon. WES FANG: Then, conveniently, 20 days passed. Had it been 18 days, I could have had the documents last week.

The Hon. PENNY SHARPE: Okay. Mr Fang, the one point—

The Hon. WES FANG: But it was 20 days, so that it would be tomorrow at the earliest.

The Hon. PENNY SHARPE: I know that you're frustrated. I know that in opposition it is extremely frustrating.

The Hon. WES FANG: No, I quite enjoy it, Minister.

The Hon. PENNY SHARPE: Can you let me finish? You're obviously unhappy. You're obviously a bit angry. But what I'm saying to you is that—

The Hon. WES FANG: I am, because you promised to be transparent and you're being anything but.

The Hon. PENNY SHARPE: Opposition is frustrating.

The Hon. WES FANG: You obfuscate—

The Hon. PENNY SHARPE: We have followed the process. If you wanted—

The Hon. WES FANG: You're probably shredding documents—I don't know. What's going on?

The Hon. PENNY SHARPE: That is absolutely wrong. You can try and smear my office, you can try and smear my staff, but that's on you—

The Hon. WES FANG: Where are the talking points, Minister? Where are the talking points?

The Hon. PENNY SHARPE: There are no talking points!

The Hon. PETER PRIMROSE: Let the Minister answer!

The Hon. WES FANG: Where are the numbers?

The CHAIR: Order!

The Hon. WES FANG: How do you get a summary—

The CHAIR: Order!

The Hon. WES FANG: You indicated, Minister—

The Hon. PENNY SHARPE: Time for you to breathe, Wes. Deep breaths.

The Hon. WES FANG: You indicated to the House that not only—

The Hon. PETER PRIMROSE: In, out! In, out!

The Hon. WES FANG: Don't insult me.

The Hon. PENNY SHARPE: Are you going to let me finish?

The Hon. STEPHEN LAWRENCE: "Don't insult me"! You've set the tone.

The CHAIR: Order!

The Hon. WES FANG: No, you can try and demean me all you want. The question is, where are these documents? Your office returned nothing.

The Hon. PENNY SHARPE: Because there aren't any documents to return, as previously discussed.

The Hon. PETER PRIMROSE: You're not listening, Wes!

The Hon. WES FANG: You would have had draft media releases. You would have had draft talking points.

The Hon. PENNY SHARPE: No!

The Hon. WES FANG: When you announced the change in policy—

The Hon. PENNY SHARPE: What change in policy?

The Hon. WES FANG: —on 27 October—the change to the management of wild horses and the introduction of aerial culling on 27 October—you cited 11,002 submissions, or 82 per cent.

The Hon. PENNY SHARPE: Correct.

The Hon. WES FANG: Minister, if you sent all—

The Hon. PENNY SHARPE: Can I just explain to you how it works? You've not been a Minister—

The Hon. WES FANG: No, no, Minister—

The Hon. PENNY SHARPE: Let me explain to you how it works.

The Hon. WES FANG: No, I haven't, and I don't expect I ever will be. That's not the point.

The Hon. PENNY SHARPE: Well, after this last performance it's looking less likely. Come on, let's go.

The Hon. WES FANG: I appreciate your character assessments, Minister. The point is that you must have kept, out of the briefing that you were provided—you said you were provided a summary, and I've got, as part 5—

The Hon. PENNY SHARPE: Which we have provided to you.

The Hon. WES FANG: Minister—

The Hon. PENNY SHARPE: And we've provided you on—let's just be honest here, Mr Fang.

The Hon. WES FANG: Minister, I haven't put the question yet.

The Hon. PENNY SHARPE: We've also provided you with that.

The Hon. WES FANG: Stop interrupting, please.

The Hon. PENNY SHARPE: All right, I'll wait.

The Hon. PETER PRIMROSE: You interrupted her answer!

The Hon. WES FANG: Minister, the *Hansard* that you provided in contribution to the moving of the SO 52 indicated that you said that they gave you all 11,002 submissions—

The Hon. PENNY SHARPE: I did.

The Hon. WES FANG: —as well as a summary.

The Hon. PENNY SHARPE: Yes.

The Hon. WES FANG: Are you suggesting that, when that occurred, you had no notes that were taken—actually, I'll take a step back.

The Hon. PENNY SHARPE: Can you let me finish what happened?

The Hon. WES FANG: No, let me put the question and then you can clean some stuff up at the end.

The Hon. PENNY SHARPE: Sure!

The Hon. WES FANG: Submissions closed 15 September.

The Hon. PETER PRIMROSE: This is longer than a second reading speech.

The Hon. WES FANG: The change of policy was announced on 27 October.

The Hon. PENNY SHARPE: I'm aware.

The Hon. WES FANG: There are approximately six or so weeks in between there. When were you provided the summary and the 11,002 submissions for you to peruse? I've gone through your ministerial diary. I can't find anything there, and nor would I expect it to be—

The Hon. PENNY SHARPE: My briefing notes don't come from the ministerial diary.

The Hon. WES FANG: No, I understand that—

The Hon. PENNY SHARPE: Which you should be aware of.

The Hon. WES FANG: I'm saying that there's no indication of when you would have had that meeting with the department for them to provide you those documents.

The Hon. PENNY SHARPE: There's not a meeting. A brief comes up from the department and I sign off on it. That's how that happens. I know that you're not familiar with this.

The Hon. WES FANG: And the 11,002—given it took 10 boxes in the SO 52 room, it's 10 boxes for those to be sent individually.

The Hon. PENNY SHARPE: Yes.

The Hon. WES FANG: When did you go through the 10 boxes of documents and the summary?

The Hon. PENNY SHARPE: I was provided with the submissions. I looked through the submissions. I read the summaries, also, from the department and I made my decision. The reason—there's no—

The Hon. WES FANG: When did that occur?

The Hon. PENNY SHARPE: On the documents that you've been provided with, which would be some of the briefing notes, I assume would have the time frame of when I signed off on that. If you want me to take that on notice, I can. I don't understand what your accusation is. Are you suggesting that I'm hiding documents that don't exist?

The Hon. WES FANG: No, Minister—

The CHAIR: Order!

The Hon. WES FANG: —you developed a change—

The CHAIR: Order! Given the time, I'm now seeking if the Government has—

The Hon. PENNY SHARPE: Can I just make one point—

The Hon. WES FANG: I've got one last question, then, if—

The CHAIR: Sorry, Minister, do you—

The Hon. PENNY SHARPE: I just want to finish this one thing, which is about this SO 52. There was a first SO 52 that provided a lot of information on the toing and froing and the discussions that were made in terms of Government and making that decision. What this SO 52 asked for is the documents regarding the findings or results of the submissions and survey responses. The things that you're looking for, Mr Fang, are not covered in relation to this SO 52. If the House is looking for additional material, they're very able to do that. But can I say to you, part of the reason, if you're concerned about whether there's not any more documents, is that I've been talking about this for a long time. I'm pretty across the detail of what is needed. I don't need other people to write me speaking notes in relation to these matters. I seek factual information from the department and I'm able to do that. My final thing that I would say is that you have smeared public servants today, you have smeared my staff in relation to this—

The Hon. WES FANG: I've asked genuine questions.

The Hon. PENNY SHARPE: —and I find that deeply offensive. You're allowed to ask the questions—

The Hon. WES FANG: You can find it as offensive as you like, Minister, but there is no question—

The Hon. PENNY SHARPE: Are you going to let me finish? You've had a lot of time. You've probably spoken for 15 minutes of this 20 minutes, so that's fine. All I'm saying is, I take these matters very seriously.

The Hon. WES FANG: As do I.

The Hon. PENNY SHARPE: Yes, you're wrong on this one. There's no conspiracy here. I don't know how much more openly we could have dealt with what is a very challenging issue for many people—

The Hon. WES FANG: One, you could have provided the documents on time.

The Hon. PENNY SHARPE: —for which people feel very strongly about.

The CHAIR: Order! Given the time, I am going to throw to the Hon. Bob Nanva, who I think has a couple of questions.

The Hon. BOB NANVA: Thank you, Chair. Minister, you've given the Committee an explanation as to how and why a nil return was provided by your office. It is the case, is it not, that once you are briefed those documents are returned to the department?

The Hon. PENNY SHARPE: Yes.

The Hon. BOB NANVA: That is a requirement under the State Records Act, is it not?

The Hon. PENNY SHARPE: Yes, it is, and it's also good practice. You don't want to have signed briefs that are making decisions sitting in Ministers' offices. They should be held with our agencies, as they should be, so that all of the material is available when the House makes an order. We don't want to have duplicates, as well. Having read through many, many different boxes of material over the years, the duplicate issue—sitting where other Opposition and other MLCs sit, frankly you're very happy if they don't appear, because it saves you half the time of looking through them.

The Hon. BOB NANVA: So those documents were not in the possession of your office?

The Hon. PENNY SHARPE: No.

The Hon. BOB NANVA: And they were returned by the department.

The Hon. PENNY SHARPE: No.

The Hon. BOB NANVA: Is it the case that the briefing and summary were returned by the department in the cache of documents?

The Hon. PENNY SHARPE: Yes. I would also make the point that, despite the fact that it was late, we have worked very hard with Mr Fang. We have provided him with the information around the summary of submissions. As I understand, it's about a thousand pages. It has been made public on the website. We've also provided Mr Fang with a USB stick so he would be able to look at that, and we provided that to him last week.

The Hon. WES FANG: When were they provided, Minister?

The Hon. PENNY SHARPE: Late last week.

The Hon. WES FANG: Yes, Friday afternoon. Where was I?

The Hon. ROBERT BORSAK: How would she know?

The Hon. PENNY SHARPE: I don't know.

The Hon. WES FANG: Yes, exactly. It was provided to me on Friday afternoon.

The Hon. STEPHEN LAWRENCE: Point of order—

The Hon. PENNY SHARPE: It's clear from Mr Fang that no good deed goes unpunished. I'll remember that for next time.

The CHAIR: Order! Minister, a point of order has been taken.

The Hon. STEPHEN LAWRENCE: My point of order is that Mr Fang has interrupted Mr Nanva.

The CHAIR: Yes, absolutely. Mr Nanva, do you have further questions?

The Hon. BOB NANVA: Yes, just one final question. Minister, the delay, which you have apologised for on behalf of your department, was caused extensively by having to review 11,000 submissions for areas of privilege and other forms of confidentiality?

The Hon. PENNY SHARPE: It's always been a challenge. Again, my experience in Opposition was that the previous Government had a similar problem. We do have travel over Christmas because of many people being on leave, and when you're dealing with a large volume of documents—they are some of the reasons. I am not making excuses. I have again reinforced to my agencies the need to comply with those and for them to keep me in the loop if they are struggling with that, not to direct them how to do it but to make sure that I can actually inform members of this Committee and the House if there's a problem that's coming.

The Hon. ROBERT BORSAK: I have a question which is completely away from all of this, Minister.

The Hon. PENNY SHARPE: Sure.

The Hon. ROBERT BORSAK: What's your understanding of the limit to which the aerial culling program is going to reduce the numbers in the park to?

The Hon. PENNY SHARPE: It's a good question. I'll give you my answer, but if I want to add to it, I might come back to the Committee around that. The department is taking a very conservative approach. I know there's arguments about numbers, but if we're roughly talking about it, it's between 12,000 to 20,000 horses that we believe are in the park. We're required to reduce it down to 3,000. The trigger point—no pun intended—in terms of watching that on the way down is that we're really working on that lower level of around the 12,000. There'll be a re-examination over time as we're looking at the numbers, if that makes sense.

The Hon. ROBERT BORSAK: That was my next question. It's written into the statute that it has to be 3,000, do you agree with that?

The Hon. PENNY SHARPE: Yes.

The Hon. ROBERT BORSAK: At what stage and how will you know that you've reached that 3,000 limit park wide?

The Hon. PENNY SHARPE: It's a good question. Let me come back to you. I've got a working knowledge of how that's going to occur, but I'd rather provide you with the details—with the experts.

The Hon. ROBERT BORSAK: Further to that, how long do you think it will take, given the current program and the speed with which it's being conducted?

The Hon. PENNY SHARPE: It's hard to know. My view is that the sooner we get the numbers down the fewer horses we actually have to shoot over the longer term, the sooner we can be managing them in the retention areas in a better way, the sooner we can do things like reproductive control. I'd like to see it done as quickly as possible, but there are many different reasons for that—what else is going on around the place. We are being as open as we can around park closures and when operations are being undertaken, and that will continue. We have until 2027; I'm absolutely determined to meet that time frame. But it is my view that the sooner we can get the numbers down, the sooner we can actually manage the population sustainably into the future.

The Hon. ROBERT BORSAK: What confidence can local residents who live in the area around the park and those contractors who work in the park have in the National Parks and Wildlife Service that they will in fact do the right thing and not break the law and go below 3,000?

The Hon. PENNY SHARPE: I will come back to you with the detail of how we'll manage that number, but they should be confident in that. We're very serious about it. As I said, we're taking a very conservative approach at the lower levels. There is a view that we could have as many as 20,000 horses in the park, and we need to continually work through that to make sure that we get down to 3,000. But I'll get you the details about how they're going to do that.

The Hon. ROBERT BORSAK: Minister, you're quite right. There's a view that there could be as many as 20,000, even more, but there's also a view that there could be less than 3,000 there now.

The Hon. PENNY SHARPE: The point that I would make is that since the program began, over 3,000 horses have been removed from the park. So we've already proved that it is over 3,000. Let's just say that there is no chance or view that there is less than 3,000 because it's already been proven not to be the case.

The CHAIR: Minister, thank you for coming to give your evidence today. The secretariat will be in contact with you in regards to any questions that were taken on notice. We've gone a little over time, but thank you for staying a little longer.

The Hon. PENNY SHARPE: That's all right. Thank you very much.

(The witness withdrew.)

Mr TROY WRIGHT, Assistant General Secretary, Public Service Association of NSW, affirmed and examined
Mr KIM DE GOVRIK, Organiser, Public Service Association of NSW, affirmed and examined

The CHAIR: We now welcome our next witnesses and thank them for making time to give evidence today. Do either one of you have a short opening statement you'd like to make?

TROY WRIGHT: I do. The members of the Public Service Association would like to open by thanking the Committee for the opportunity to appear today to give evidence in support of its submission. By way of introduction, I'm the Assistant General Secretary of the PSA, which is union speak for 2IC. I am accompanied by Kim De Govrik, who is a former National Park and Wildlife Service area manager and now an organiser with our union, who has extensive experience in this field. By way of background the PSA is a State-registered public sector union with 40,000 members who are, in the main, employees of the New South Wales Government. They work in a variety of roles and sectors, including corrections, education, child protection and, relevantly for this inquiry, national parks.

Included in our membership are hundreds of National Parks and Wildlife Service rangers whose core responsibility is the management of the delicate natural and cultural heritage of our national park estate. In addition to regulatory responsibilities pursuant to the Act, they do so through the planning, implementation and supervision of projects through their assigned park, which includes controlling weeds and feral animals. Throughout our State, programs of feral animal control are undertaken with respect to pigs, camel, cats, goats, foxes and deer, yet it is only this park and this program that has drawn such unwarranted and personalised attention.

Which leads me to our next point. Our members in this space are dedicated professionals whose working and often personal lives are devoted to the preservation and conservation of our invaluable environment. Unlike so many other stakeholders in this matter, they come with no other agenda than what is good for the national park they are employed to protect. Yet for daring to do their job, they have been subject to harassment and hostility. They've had their images plastered on social media almost as wanted criminals. Their workplaces have had security upgraded. They've been instructed by their managers not to wear their uniform outside of their workplace—measures which are more akin to a law enforcement agency than an environmental one. They report being ostracised within their friend groups and within their communities. Most seriously, in 2022 the Jindabyne visitor centre was threatened with a firebombing and evacuated. In May last year it had a decapitated horse head thrown into the foyer by a member of the public who somehow, despite this criminal behaviour and event, still holds some voice within his interest group.

The heat and emotion need to come out of this debate. It is, in essence, like hundreds of similar decisions made by the National Parks and Wildlife Service and our members every year, an ecological one, driven by the fragile best interests of the park and the natural environment. Our members, as public sector workers, may hold views in favour of the current approach which is based on their experience. However, they do not hold sway over which decision is implemented, and they should not be made into public pariahs for doing so. Starting with this Committee, the language and attitude towards what is an operational matter needs to be dialled down, or else those that engage in such rhetoric need to accept the responsibility for that, should the anger they seek to stir manifest into more than vocal opposition.

Notwithstanding the terms of reference for this inquiry, there are two fundamental questions for the Committee which our National Parks and Wildlife Service membership have firm views on. Firstly, with regard to the need to control feral horse populations, our rangers have provided in our submission links to quality research that supports their fundamental view that feral horses represent such an existential threat to the biodiversity, the heritage values of the park and the catchment quality that the decision is now a dichotomy: It's either a Kosciuszko National Park, or brumbies. We cannot have both.

Secondly, it is the experience of our members that can best guide the Committee with regard to options as to how this would be done, particularly term of reference (h). It is they who have had to carry out failed experiments in the past. It is they who have witnessed the appalling animal welfare issues that have emerged through some of these allegedly more humane options, and it is they who are often charged with supervising, if not carrying out, aerial culling, and have to have the confidence in the process and the method to do so.

We do not envy the Committee's task because, like many areas of public policy, the proactive management of the feral horse population in our alpine parks has stagnated for too long under a Liberal-Nationals Government due to vested interests. But feral horses do not stop breeding because of State elections or committee considerations, and it's how we've arrived in the current unsustainable and urgent situation. The decision on how to control the feral horse population is not a discretionary one. It is obligated by State and Federal legislation and

requires immediate, united and steadfast commitment by all with the power to do so. We wish the Committee well with its deliberations and welcome questions on our submission. Thank you.

The CHAIR: Are members of the crossbench seeking the call to start with?

The Hon. ROBERT BORSAK: No. I do not have any questions.

Ms SUE HIGGINSON: Thank you very much for your submission and your opening statement, and thank you very much for providing us a direct insight to the difficulties that your members on the ground who service all of us and what they've experienced. I feel very, very deeply for that fear and that lack of safety that has been presented in their workplace. I note in your submission—and I'm assuming this has come through your members—that it really is something that we should be providing much more resources to the agency and to the program and that it is actually your members' view that we should be looking to amend and strengthen the legislation because we should be removing all feral horses from the park. I notice that was in the recommendation in the submission.

TROY WRIGHT: Could you take me to the page?

Ms SUE HIGGINSON: Yes. At the end, there was recommendation 4 and it says "that both Federal and State"—and I accept that this submission possibly has had a number of functions, because there have been a number of inquiries. It states:

4 that both Federal and State Ministers consider the amending and strengthening of legislation and management principles governing the removal of feral horse populations ...

I am just wondering if that is seeking that we remove all feral horses from the Kosciuszko National Park.

TROY WRIGHT: I can't speak for every member about what their position may be. I know it is very strongly felt by our membership down at Jindabyne that the current position is that the population is unsustainable. I would just add firstly as an aside that we talk about Federal Ministers. We did appear at the Federal inquiry as well last year—I think it was mid last year—which was into the same issue because, as this Committee would be aware, horses don't recognise State boundaries and often move around, so this isn't just a New South Wales issue and a National Parks and Wildlife Service for New South Wales issue, but it's a Federal Government one and we have been urging action on that front as well.

I think our position and our members' position, if I was to summarise it, is the same for horses as with any feral pest in our national parks: Where they are doing the level of damage horses are in Kosciuszko, they desperately need to be controlled and need to be eradicated to that level. That doesn't mean it's realistic that they would all be eradicated. That does not mean every pest in national parks has been a challenge and all are, ideally, not there; but, weighing in the political and social considerations on this, I don't think their view would be that they be completely eradicated but at least brought in line with what the current goals are.

Ms SUE HIGGINSON: When you said about the politicisation, do you have any suggestions to this inquiry now about what we can do to try to better help the members of your association who are on the ground doing this work and their wellness, their wellbeing, in the exercise of their employment on behalf of the State?

TROY WRIGHT: Yes. Thank you. As I said in our opening statement, I think language is very much the central issue here. It's about encouraging acceptance of the government of the day's position and respect for those undertaking it. Respect is something that our members feel in a number of fields often isn't afforded by members of the public towards them and that's generally generated by the media or politicians. I think this Committee has got a leadership role as far as the way our members are going to be seen carrying out this work: that they are not doing this off their own back; they're not doing it for a thrill; they're not doing it for any other reason than that their job is to protect and preserve the heritage of that park, and this is a crucial part of doing that.

I think that respect hasn't always been there from all levels of society and it needs to start. We are very, very concerned about the escalating level of language, the escalating social media campaigns and the escalating incidents, as I demonstrated in our opening statement, that are actually becoming increasingly concerning for our members down there. They don't deserve it. They're doing a job like anyone else and they should be left out of the debate about whether people think the merits of that job are right or wrong.

Ms SUE HIGGINSON: Just finally, are you aware of whether your members have any control about animal welfare considerations from the other programs that are undertaken in relation to feral horses? Namely, if a horse is taken out and rehomed, is there any follow-up on the welfare checks of those horses once they've left the park within your remit as the park manager?

TROY WRIGHT: I'll turn to my colleague in a moment, who might be able to fill you in on the follow-up point, but the issue with rehoming for our members is that they see that process as more cruel than aerial culling.

I want to explain why, just so that the idea of rehoming is quite clear to the Committee—that it's not a matter of simply like us moving home. It's not a willing process that the feral horse will participate in. They have to be trapped, which causes them enormous stress. They have to be mustered into a collective area, which they're not used to experiencing, and that causes them stress, and then they have to be transported. They have to be put on trucks, and the stories my members or our members have told me personally, anecdotally, are horrific.

Our members have been far more distressed—far more distressed—with witnessing feral horses being captured, transported and then put somewhere else and what those horses go through during that process than being shot, to be blunt. I know that's an unpalatable choice but, from their experience, the entire transportation and rehoming process is horrible. This goes back several years. I remember a group telling me in response to some inquiries—I think it was in 2018—that they had a group of horses. And it's not easy to do: It's expensive. It's time-consuming. They did manage to capture a group of horses. They did manage to get them onto trucks. They took the trucks all the way up to south-western Sydney—I think at Camden at the saleyards. They put them into the saleyards and no-one bought them, and they were sent to the knackery anyway.

Our members were very, very upset with that entire process. "What have we done here? What have we done? We've put horses through greater stress than all the other alternatives available." So that's where they sit as far as their approach to rehoming. The rehoming that has taken place, I understand, is done very locally. They're in support of that because that can be a lot less stressing, but rehoming on a grand scale is naturally going to involve a lot of stress for horses. Are you able to fill in about follow-up on the rehoming process? Is there any?

KIM DE GOVRIK: I'm not entirely certain what happens with the follow-up. Once they're out of our care and control, that's the end of the involvement of the National Parks and Wildlife Service. But I can only endorse what Troy has already said about the capture and mustering of wild animals. I've been involved in this. I worked in Kanangra-Boyd National Park for 28 years. I was involved in a lot of aerial culling and a lot of ground trapping. As recently as 2018 I went in to see how one of those operations was being conducted. As Troy said—he's quite right—the stress and anxiety of those animals whilst being trapped, mustered and transported is quite disturbing for our members. I'm a horse lover. My daughter is a horse lover. I took her to see some of these animals once they'd been impounded, and they started banging up against the enclosure, and I had to take her away because I thought it was just too disturbing for a child to watch. So that's what happens when the wild animals are trapped, like any wild animals.

The Hon. ROBERT BORSAK: Can I ask you a question, Mr De Govrik? Just looking at Mr Wright's submission, on page 7, you've got the graph of the increase. Based on what you've just said and what Mr De Govrik has just said, is it true to characterise the older type of management programs—live capture, mustering, all those activities—as an errant and total and complete failure? You've had an increase from 3,000 in 2001 to where you are now.

KIM DE GOVRIK: They're not an effective and efficient way of controlling the numbers in a national park. Obviously we've had greater success with aerial culling across a broad range of vertebrate pests. If you say a total and abject failure, some animals were destroyed. But, basically, the figures testify to the fact—

The Hon. ROBERT BORSAK: If you're looking at controlling the numbers—

KIM DE GOVRIK: Yes, you're going backwards.

The Hon. ROBERT BORSAK: It's a complete waste of time and money, really, isn't it?

KIM DE GOVRIK: Yes.

The Hon. ROBERT BORSAK: I think that would be the sort of direct language Mr Wright would put to it.

KIM DE GOVRIK: If I can quantify it in terms of cost, when we were doing the work in the catchment lands around the Warragamba Special Area in the Kanangra-Boyd National Park, I estimated that it was costing us about \$5,000 per animal to remove them. If you do the calculations on aerial culling, it's more like between \$100 and possible \$150 per animal. So it's a significant difference.

The Hon. ROBERT BORSAK: With better humane outcomes, in your view?

KIM DE GOVRIK: I believe so. Yes, definitely.

The Hon. ROBERT BORSAK: You said you'd observed aerial culling.

KIM DE GOVRIK: I was actually a marksman.

The Hon. ROBERT BORSAK: You were?

KIM DE GOVRIK: Yes, for about 20 years.

The Hon. ROBERT BORSAK: Did you actually shoot horses from the air?

KIM DE GOVRIK: Yes.

The Hon. ROBERT BORSAK: How many shots on average would it have taken you to put a horse down and kill it?

KIM DE GOVRIK: Usually one or two. But our standard operating procedures were, if we were following a mob, to come back and check each one. It's a considered judgement between generally the pilot and the marksman, but there's also a navigator in there for obvious reasons, sitting next to the pilot. And you'd make a decision on whether you fired more bullets into the carcass.

The Hon. ROBERT BORSAK: In what circumstances would you fire extra bullets?

KIM DE GOVRIK: If you thought the animal wasn't deceased.

The Hon. ROBERT BORSAK: And that was after you came back to it?

KIM DE GOVRIK: Yes, that's correct.

The Hon. ROBERT BORSAK: What calibres were you shooting?

KIM DE GOVRIK: We used to use the ex-Vietnam rifles—308 SLR semiautomatics—in those times.

The Hon. ROBERT BORSAK: What weight of projectile? Do you remember?

KIM DE GOVRIK: Let me just refer to my notes. I think it was 180 grain.

The Hon. ROBERT BORSAK: It was 180 grain?

KIM DE GOVRIK: Yes. They're certainly using 180 grains now.

The Hon. WES FANG: They are using 150, aren't they? Didn't they say, Robert?

KIM DE GOVRIK: No, 180.

The Hon. ROBERT BORSAK: We were told this morning they were shooting 150s?

KIM DE GOVRIK: Okay. I spoke to one of our fast shooters this morning. He said 180.

The Hon. WES FANG: Mr De Govrik, it is interesting that you're formerly a marksman. You would then be aware of the previous SOPs that operated when aerial culling was previously permitted around the early 2000s, before it was ruled out. Have you had an opportunity to look at the SOPs that are currently in use and compare to see how they've improved those SOPs?

KIM DE GOVRIK: To be honest, I haven't. But I have spoken to some of those professional marksmen in National Parks about the SOPs. What I would suggest is that it's a dynamic situation. The SOPs will vary with improvements in technology, additional safety features and what have you. I'd have to infer that they're definitely an improvement on what they used to be. I can't be specific on the detail.

The Hon. WES FANG: You were a marksman out of helicopters previously, I think you said?

KIM DE GOVRIK: That's correct.

The Hon. WES FANG: You used the 308 SLR?

KIM DE GOVRIK: That's correct—20-shot magazine.

The Hon. WES FANG: In relation then to the current operation, they're using a 7.62 round. I think that's right, Robert?

The Hon. ROBERT BORSAK: Yes, that's what it is—308 NATO.

The Hon. WES FANG: Do you expect that there should be a need to fire up to 15 rounds into a horse to ensure that it's humanely killed?

KIM DE GOVRIK: I'd like to think that when they're being dispatched from an aircraft the first two shots would be adequate and then, perhaps, some additional shots. But I'm not going to—

The Hon. WES FANG: When you were aerial culling, I think you said you'd normally be able to kill a horse within one or two rounds. Is that right?

KIM DE GOVRIK: That's correct.

The Hon. WES FANG: Actually, Mr De Govrik, were you involved at all at the shooting at the Guy Fawkes National Park?

KIM DE GOVRIK: No, I was not.

The Hon. WES FANG: Because it would have been at the same time, wouldn't it?

KIM DE GOVRIK: Can I just say, I was an area manager and there was an area manager who oversaw that shoot. He was, I believe, younger than myself and I don't know how much experience—I didn't know the gentleman and how much experience he had but, obviously, things have changed since those days.

The Hon. WES FANG: What I'm trying to drill down on is exactly what has changed and what is different in relation to the way that National Parks is implementing its SOPs. Given that you had experience previously and you've spoken now to people that have operated under the new SOPs, are you confident that a situation like Guy Fawkes won't occur again?

KIM DE GOVRIK: I'd certainly like to think that that wouldn't happen. But, as I said, I'm not across the most recent SOP. I don't work for National Parks.

The Hon. WES FANG: No, you work for the PSA.

KIM DE GOVRIK: I work for the PSA and work for our members. But, from what I can gather, the new SOPs are a good step in the right direction and will guarantee animal welfare.

The Hon. WES FANG: Mr Wright, you've presented the views of members in your submission. Is it a uniform, unilateral view of your members?

TROY WRIGHT: Yes. I couldn't swear before the Committee today that there may not be one or two objecting members but, certainly, where we've held member meetings on this issue and where we've held delegate meetings from delegates right across the State, it has been a uniform view in that room.

The Hon. WES FANG: I found that parts of your opening statement were somewhat political, I'll say, in nature. Obviously the PSA has a historic and, I'd say, long-term link with the Labor Party.

TROY WRIGHT: I object to that. We're not affiliated with the Labor Party or any other political party.

The Hon. WES FANG: You're a union and looking after your union mates. I think that in relation to your opening statement where you sought to single out certain political parties was certainly political. Would you agree with that?

TROY WRIGHT: Yes.

The Hon. WES FANG: In that respect, then, when you've elected to make a political statement during an opening of your evidence here, would it be fair to say that, perhaps, the views that you purport to be of your members are somewhat tainted?

TROY WRIGHT: No, I think the views we hold on the management of the public sector and, specifically, the management of the National Parks and Wildlife Service under the previous Government are based on our experience of that. I would like to expand on that, if I may, because it goes towards—

The Hon. WES FANG: Sure, but I would like to put one other thing to you before you do that. In that case, then, Mr Wright, don't you believe that you perhaps demean your evidence today by making political statements in your opening statement? Doesn't that somehow discredit everything else that you've got to say?

TROY WRIGHT: Not at all.

The Hon. WES FANG: So you think it's appropriate to be making political statements before a committee—

The Hon. PETER PRIMROSE: Point of order: Again, it's not time for a speech. The question has been put. The witness is here to give evidence. Please allow the witness to give evidence.

The Hon. WES FANG: Well, I wish he was here just to give evidence, but he's not; he's making a political statement.

The CHAIR: Order! You don't need to make reflections on the witnesses. Please pose your question—nice, short, sharp, clear.

The Hon. WES FANG: Thank you, Chair. I appreciate the guidance.

TROY WRIGHT: May I respond to the question?

The CHAIR: Yes, you may.

TROY WRIGHT: In 2017—and this goes to the core of not only this question but something Mr Borsak asked earlier, and it goes towards that chart. We go towards this in any issue confronting the National Parks and Wildlife Service at the moment. In 2017, despite our protestations and the protestations of many environmental and community groups at the time, the Government at the time decided to restructure the National Parks and Wildlife Service. The National Parks and Wildlife Service, at that point, across the State had areas. It had approximately 32 areas where the management of the parks was broken into areas. Each area not only had an area manager, like Mr De Govrik—and that's why Mr De Govrik is working with us, because he was made redundant through this process—it had someone responsible for fire management, it had someone responsible for weed management and, most importantly for this Committee, it had someone responsible for feral animal management. Those committees—

The Hon. WES FANG: As interesting as that is, Mr Wright, I'm not sure how this relates to—

TROY WRIGHT: No. Those areas—

The Hon. STEPHEN LAWRENCE: Point of order—

The CHAIR: Order!

The Hon. WES FANG: Point of order—

The Hon. STEPHEN LAWRENCE: He should be allowed to answer.

The CHAIR: The first point of order I will hear is from Mr Lawrence.

The Hon. STEPHEN LAWRENCE: I would suggest the witness shouldn't be interrupted. He is clearly on track. It's relevant evidence. He's responsive. Mr Fang just wants to grandstand, and that's why he's interrupting. We've been putting up with it all day.

The CHAIR: Mr Fang, you had a point of order as well.

The Hon. WES FANG: The first point of order is that Mr Lawrence's point of order is irrelevant. The second point of order is that this evidence is not anywhere within a bull's roar of being relevant to the terms of reference of the inquiry.

The Hon. PETER PRIMROSE: To the point of order: The Hon. Wes Fang made a number of accusations in relation to alleged political statements and other comments.

The Hon. WES FANG: And this is just a continuation of that.

The Hon. PETER PRIMROSE: The witness is now responding to those by providing factual information directly relevant to the allegations made by the Hon. Wes Fang in his question.

The CHAIR: I'll allow the witness to finish the answer.

TROY WRIGHT: Thank you, Chair. Prior to that restructure—and, sorry, Mr De Govrik has corrected me—we had over 40 areas across New South Wales, where each area had those staff on hand, those professional staff managing the parks within that ambit. That restructure was essentially to merge areas and reduce it to nine. Across the State, we were left with nine fire management officers, nine area managers and, most importantly in this inquiry, only nine officers in the National Parks and Wildlife Service responsible for feral animal control.

We have seen not just the horse population escalate since that restructure and since that reduction in feral animal officers, or feral animal control people, but we have a catastrophic situation right across the portfolio in regard to all feral animals. Our union asserts, through our members and through our members' experience, it's directly because there aren't enough employees responsible for the control of feral animals on a reasonable local basis. One of those areas is now the size of Tasmania. There is one person responsible for controlling feral animals in an area the size of Tasmania. Until that restructure is reversed, we anticipate that situation is going to continue.

The Hon. ROBERT BORSAK: Mr Wright, does the union recognise the cultural and economic value of horses in the Kosciuszko National Park?

TROY WRIGHT: I think so. That's probably not something we've canvassed, about the broader issues, with our range of members. I can talk from a leadership perspective that we recognise that national parks perform a range of purposes for a range of people. I certainly imagine there is a fair bit of tourism and interest in seeing the brumbies, but that's counterbalanced with their escalating population and the environmental damage they're having.

The Hon. ROBERT BORSAK: You put your finger on it. It's an issue of balance, isn't it?

TROY WRIGHT: Yes.

The Hon. ROBERT BORSAK: It's an issue of balance. What you're asserting is that the current levels of the balance are wrong; you're not sure where the balance actually is. Is that your evidence?

TROY WRIGHT: As a union leader, no, I'm not, but I do put my trust in the people that are employed by the National Parks and Wildlife Service to make those expert decisions.

The Hon. ROBERT BORSAK: Mr De Govrik—or perhaps to you, Mr Wright—you're not necessarily saying that the only economic benefit that will come for the communities that live in and around Kosciuszko National Park come from Public Service Association jobs? You are saying that there are other benefits that come from—

KIM DE GOVRIK: Most definitely, Mr Borsak. But that's mainly about tourism. Probably 90 per cent of the tourists go there to either ski, bushwalk, hiking, mountain biking. I'm not going to say there's a significant interest. There's a minimal interest in going to see brumbies, and that might be by some of the trail riding companies that have trail rides in northern Kosciuszko National Park. But that would be probably even less than 1 per cent of the people that go to Kosciuszko to recreate.

The Hon. ROBERT BORSAK: I hear what you're saying. Obviously, the natural beauty of the park is uppermost in everyone's mind, and that is one of the reasons why people do horse trekking and stuff in parts of the park. I accept all that.

KIM DE GOVRIK: Yes.

The Hon. ROBERT BORSAK: But at the end of the day it's all about not just the interests of the park, which are pre-eminent because if you've got a beautiful park and it's well maintained, people will come—they will ski and they will do all the things that you talk about—but it is important to recognise the traditional value of those brumbies, is it not?

TROY WRIGHT: Yes.

KIM DE GOVRIK: Yes. But I really would like to make this point. We're talking about Australia, the "extinction nation". What a wonderful tag for us to have? We are talking about our native flora and fauna. When people get all emotional and start talking about the heritage value of wild horses—not in national parks. National parks are set aside for nature conservation and recreation. It's not the long paddock; it's not a horse paddock. If we want to continue to be tagged as the "extinction nation", then—that's what's going to happen if we don't really bring these numbers down. I think it's more important to protect our Australian native flora and fauna in a national park, and there's only 10 per cent of the State that is covered by national park. That's far more important than having 20,000 brumbies running around, destroying the habitat of our heritage, Australian heritage, which is our flora and fauna.

The Hon. ROBERT BORSAK: Where are the majority of extinctions occurring?

KIM DE GOVRIK: Extinctions in terms of?

The Hon. ROBERT BORSAK: Well, in terms of what you've just described.

KIM DE GOVRIK: Across Australia.

Ms SUE HIGGINSON: New South Wales is the highest.

The Hon. ROBERT BORSAK: No, I'm talking about New South Wales.

KIM DE GOVRIK: Well, I mean, there's—

The Hon. ROBERT BORSAK: Can you support the assertion that national parks don't preside over extinctions of animals?

KIM DE GOVRIK: Look, I'm not an expert on that matter.

The Hon. WES FANG: But you're providing evidence on it.

The Hon. ROBERT BORSAK: But you're providing evidence to that effect. In other words, Mr De Govrik, how do you back up what you're saying? We all want a beautiful national park. We want to preserve the natural heritage. That's all said and done.

KIM DE GOVRIK: I think it's a given that if you destroy the habitat for our flora and fauna, there will be extinctions, eventually. If this population of horses increases to escalate and climb, I would assume that there will be further extinctions—one would assume.

Ms SUE HIGGINSON: The scientific committee says so.

The Hon. ROBERT BORSAK: But as Mr Wright said—and I think you'll agree—it's an issue of balance, isn't it?

KIM DE GOVRIK: Yes.

The Hon. ROBERT BORSAK: And these horses have a value outside of just being there, don't they? The question is how many should be there.

KIM DE GOVRIK: They have a value, but—

The Hon. ROBERT BORSAK: Are you giving evidence that there should be none there?

KIM DE GOVRIK: No, I didn't say that.

The Hon. ROBERT BORSAK: Okay.

KIM DE GOVRIK: But what I'm saying is that brumbies can range over 90 per cent of the State or through other land tenures, but what I would like to see is the priority in national parks beyond the values that we set aside national parks for.

The Hon. ROBERT BORSAK: That's legislatively what is meant to be done, isn't it? I mean, that's what the law requires, doesn't it?

KIM DE GOVRIK: Yes.

The Hon. ROBERT BORSAK: Yet we do see other activities in parks—all the ones you outlined earlier—whether it's skiing or bushwalking and all the things that are necessary and important for people to actually be engaged with public land to preserve it. Otherwise, if there's no engagement there will be no preservation. Do you agree with that?

KIM DE GOVRIK: That's correct, and I think there's a significant amount of support for retention of our national parks, resourcing of our national parks, to make sure that they're there for future generations.

The Hon. ROBERT BORSAK: Do you agree that those parks should be available and accessible to people who live in and around and all over the State—in fact, all over Australia—and that access should be important?

KIM DE GOVRIK: Yes.

The Hon. STEPHEN LAWRENCE: Mr Wright, am I right in assuming from your opening statement and your written submission that you hold real concerns for the welfare of your members who are working in the national park?

TROY WRIGHT: Yes, absolutely.

The Hon. STEPHEN LAWRENCE: And you see a connection between inflammatory statements by politicians and those welfare concerns?

TROY WRIGHT: Yes, and I've detailed two significant incidents there. But it's the social media stuff that's probably utmost in our members' minds, as far as the harassment and commentary on there.

The Hon. STEPHEN LAWRENCE: You said in your opening statement that concern about the culling of brumbies is not matched by concern about the culling of other feral animals. Would you agree with the suggestion that some of the statements by politicians have been quite hypocritical, in the sense that they express those concerns about brumbies but not about other feral animals?

TROY WRIGHT: I think our members are equally concerned that—the hypocrisy is the concern about brumbies but not the concern about the species that they threaten, whether it be the corroboree frog or other species like that. I think our members are concerned or surprised by the weighting that appears to be given to different species.

The Hon. STEPHEN LAWRENCE: In your view, are we talking about inflammatory and hypocritical statements by politicians that are causing a threat to your members?

TROY WRIGHT: I think we're talking more about the inflammatory commentaries coming through from interest groups. But if I didn't make it clear in my opening statement, I think politicians have got a role in calming that down through their public commentary.

The Hon. STEPHEN LAWRENCE: Do you have any suggestions about how, as a political group, we can send a message to those interest groups that the Government is responsible for its decisions, rather than the public servants being responsible?

TROY WRIGHT: I think it's exactly that, and I think there needs to be—I really look forward to this report being published. I really hope it gets the attention it deserves in the media. I've been very disappointed with some of the stories last week in the mainstream, in the national broadsheet newspaper, which seemed to take a little bit of a sensationalised view of the reporting of the cull. I don't think that helps at all. I really hope this report and the Committee's findings can be a balanced, positive report that talks about balance, that talks about the long-term sustainable views of the Kosciuszko National Park and the importance to all of us of that, and the importance of the work our members do achieving that.

The Hon. STEPHEN LAWRENCE: Lastly, are there any individual stories that you can share with us—obviously without naming people—that give a sense of the impact on the welfare of your members?

TROY WRIGHT: The ones I alluded to are very important. I think the two that I laid out in my opening statement are probably the most significant. The bomb threat was particularly scary. They had to evacuate a visitors centre, and that's not something that you would anticipate would happen at a National Parks and Wildlife Service visitors centre. It's not somewhere that should come under threat, ever; it's something that should be embraced by everyone. The incident in May last year—for someone to throw a decapitated horse's head into the foyer of a public building where members of the public and families and children are, to go to that effort—is appalling. It's appalling. That person, I understand, was criminally charged. I don't know if that matter has been resolved or if it's still before the courts. But that person is still holding some sway in the community and being sought for comment when, really, their behaviour precludes them from ever being engaged and ever having a comment about this issue ever again.

The CHAIR: That brings us to time, so thank you very much for coming to give evidence today and for giving us your time. If any questions were taken on notice then the Committee secretariat will be in contact with you both about those questions. The Committee may have further questions that they would like to put to you as well. Thank you, again, for coming to give evidence today.

(The witnesses withdrew.)

(Short adjournment)

Mr ANDREW WILESMITH, Ngarigo Custodian and Horseman, before the Committee via videoconference, affirmed and examined

The CHAIR: Welcome back to the inquiry into the proposed aerial shooting of brumbies in Kosciuszko National Park. Do you have an opening statement that you would like to give or any information you'd like to give to the Committee before we move on to questions?

ANDREW WILESMITH: Yes. I oppose the aerial cull by the National Parks and the Government. I challenge the National Parks' count. The brumbies reduce the fire risk, and the Aboriginal forefathers and the fire management annual cruel burnings.

The CHAIR: If it's all right with you, I might start with a few questions. In your understanding, do you feel that there was adequate consultation by the Government or the parks department with your community about the decision to commence aerial killing?

ANDREW WILESMITH: No.

The CHAIR: Were you consulted at all before the decision was made?

ANDREW WILESMITH: Just basically what the National Parks and the Government wanted to do, and then they just did it. They didn't consult with us in relation to going forward.

The CHAIR: Can you tell us about the concerns that you have with the aerial shooting taking place and the Government's plans to conduct future aerial kills?

ANDREW WILESMITH: I strongly oppose any aerial culling at all, and I strongly oppose the National Parks going forward with trapping because, from me being a custodian and being on country, I just don't see the numbers being accurate. I believe that the Government and the Minister are actually giving false and misleading information and bringing our State and our country into disrepute.

The CHAIR: Can you talk a little bit about the connection and history with the Ngarigo people and the brumbies?

ANDREW WILESMITH: Personally, as a custodian, I ride up on the mountains a fair bit. I find that the brumbies are actually better off being there because, out in the area from the 2003 bushfires and the 2019-20 bushfires, having the brumbies there actually saved some of the area from being burnt by the fires. As a Ngarigo custodian, I believe that we could use them as a fire preventative tool. Seeing after the bushfires and being a bush firefighter myself, I've seen that by actually grazing the area, it's reduced the threat to property in the Kosciuszko National Park.

The CHAIR: Is that because the horses eat the grasses and things that otherwise would cause a bigger burn risk if there's a fire?

ANDREW WILESMITH: That's exactly right because if you've got no fuel, you've got no fire. If you've got a little bit of fuel there that's left, it'll be a slow-to-moderate burning fire; it won't be a catastrophic wildfire like we've seen in 2003 and 2019-2020.

The CHAIR: Is there frustration from the local Aboriginal group that are custodians on the land that there hasn't been a proper consultation process as part of the proposal to kill all those horses? What would you like to see happen in the future?

ANDREW WILESMITH: Yes, there is. There is frustration in the Indigenous community. For one, I've asked the Government and the Minister to sit down and have a chat to me about our brumby management plan that we've put together ourselves. It's a happy medium for everyone and it basically puts a bit more face value towards national parks. I understand that everyone won't be happy with it, but it's a happy medium going forward. And, going forward, National Parks have refused to control the horse numbers in one particular area and that is the Currango area. They're shooting horses in all the retention areas and they're not doing what they should be doing legitimately.

They haven't consulted with us or anything and haven't sat down and spoken with us. I believe they've spoken to other Indigenous groups. Let's face it, if other mobs come on the country where we've had corroborees and stuff in the past, in the history, just because you travel across those lands, it doesn't mean that you're the custodian of those lands. So that's our frustration and National Parks aren't sitting down and talking with us, as such. That's got to change.

The CHAIR: You said you had written to the Minister requesting a meeting to talk about what plan you would like to see as the custodians of the land. Have you heard anything back from the Minister's office?

ANDREW WILESMITH: No, it's just been reverted back to National Parks, and I've actually had an email previously from National Parks stating that if I've got any managerial issues concerning the parks, that I'm to take it up with Parks and not the Minister. I find that pretty intimidating and offensive, and if I want to write to the Minister, I will write to the Minister and I'm not going to get Parks' approval.

The CHAIR: Fair enough. Some of the advocacy groups that we've heard from as part of this inquiry, including the Invasive Species Council, have claimed that the aerial shooting of brumbies will improve the protection of Aboriginal heritage. However, you're saying that this isn't something that the traditional custodians of this land have been calling for. What is your response when advocacy groups imply that the traditional custodians of this land are advocating for this?

ANDREW WILESMITH: At the end of the day, we want our culture and everything protected. But in protecting that, we don't want to see the horses being shot and then all of a sudden you've got a high fuel load and then it's going to burn out anyway. That's just not the way it is. This country is a tinder box at the moment. If it dries out even more, we're going to get another catastrophic wildfire, and I think National Parks and the politicians need to look at that, as a major issue. It's more concerning than the horse numbers that are here now. The horse numbers that are here now, I believe, personally, that they're fabricated, and I support the new independent brumby count that Mr Harvey has put together. I support that 150 per cent.

The CHAIR: I also want to get your perspective on one concern that's been raised with us quite a lot in this inquiry and that is the fact that a lot of these animals that will be shot will be left there to rot. I know with some of the shooting programs the horses' bodies were left to rot in waterways and, obviously, if they're claiming to shoot many thousands of horses, they will be left on country to rot. I want to get the perspective of the traditional custodians of that land. How do you feel about the fact that those carcasses will literally be left to rot on your lands? Has there been any consultation around that?

ANDREW WILESMITH: No, there hasn't been, and the animals shouldn't be left here, because it's supposed to be a national park. It's not a waste management facility for National Parks just to leave dead animals and that laying around the park. It's not right. I've seen children walking past these dead bodies of the horses. That is not right and it's very confronting for the children. Would they like their children to be walking past dead carcasses laying everywhere? You're 100 per cent right, that bodies are rotting in gullies and waterways. I ride this country all the time, I'm part of a tourism business, and I see what's actually going on here. I've invited Ministers to come up and have a look for themselves to see what's actually going on here. One way or another, they're always busy and it seems that they don't want to take the time to come and have a look at it, and I find that offensive. It's not just about the Invasive Species Council, it's not just about any government and it's not about anyone else. It's about coming up and seeing the actual issues that are going on up here. I just don't agree with this at all, and I strongly oppose it.

The CHAIR: Would it be right to say that the traditional custodians of the land in this case are being ignored on this issue and are being excluded from the consultation just because their view is different to what other advocacy groups are calling for?

ANDREW WILESMITH: Yes, that's correct.

The Hon. WES FANG: Thank you, Mr Wilesmith, for appearing today. I want to get a sense of the amount of feedback and consultation you've been asked to provide by the National Parks and Wildlife Service and also by the department in relation to this aerial cull. We have heard that the Indigenous carers and owners of the land have been consulted. You've obviously been a long-time resident and custodian of the area. Can you provide to me your views in relation to that consultation and have you had the opportunity to give feedback in relation to the proposed cull?

ANDREW WILESMITH: When the new plan of management came out, it took the Minister 270 days to bring the draft management plan out, and it only gave people, including us custodians, the Ngarigo, 30 days to consult on it. I put a call out to extend this and I also received an email stating that the consultation period won't be extended—it's 30 days and that's the limit. That's the end of that. I find that very, very offensive.

The Hon. WES FANG: Did you indicate in that correspondence, Mr Wilesmith, that you were one of the traditional custodians of the land and that you actually lived on country?

ANDREW WILESMITH: Yes, I did, actually. I've also done interviews with the ABC stating that.

The Hon. WES FANG: Is it fair to say, then, that you were required to seek out an opportunity to provide that feedback; you weren't consulted directly. You've then sought an extension in relation to the opportunity to provide that feedback and not only were your views not sought out like perhaps the Government did with other

stakeholders, but you weren't provided an extension for that feedback? Do you want to suppose as to why that might be?

ANDREW WILESMITH: No, I just don't think—I just think the Government takes the opinion of other people who believe that they've got custodianship over our land as more beneficial, because obviously some of them don't want the horses here, and everyone's got their differing opinion. But they haven't come to the rightful owners and sought any information from us, as such.

The Hon. WES FANG: When you found out that they were going to recommence aerial culling, were you provided any opportunity to have a further say on the matter? Were you approached in relation to people that might be in harm's way when they're culturally spending time on country? Because, obviously, they are seeking to shut the park for quite a number of months while they will be aerial culling. Were any time frames put to the traditional custodians of the land as to when it would be more or less convenient?

ANDREW WILESMITH: No, there definitely wasn't. Other Indigenous mobs, there may have been, but not to the Ngarigo.

The Hon. WES FANG: Do you feel like your views have potentially been excluded from the consultation because you support the brumbies living in coexistence with the national park?

ANDREW WILESMITH: Yes, I do.

The Hon. WES FANG: Fair. I might have some more questions later, Chair.

The Hon. AILEEN MacDONALD: Thank you, Mr Wilesmith. You mentioned that you have a business in the park. What kind of business is it?

ANDREW WILESMITH: I don't own the business. I work for a tourism business in the Kosciuszko National Park, and it's a horse trek business.

The Hon. AILEEN MacDONALD: A horse trek business, right.

The Hon. ROBERT BORSAK: It is owned by Mr Cochran.

The Hon. AILEEN MacDONALD: And you are an employee. What do you do in that business?

ANDREW WILESMITH: We get clients that come from cities and around Australia and join us on a horse trek, and we take the people through the Snowy Mountains—the north and the south—and take them on guided rides through the mountains. They like to see the brumbies in the park and roam around there.

The Hon. AILEEN MacDONALD: How long would a trek usually last?

ANDREW WILESMITH: The rides?

The Hon. AILEEN MacDONALD: Yes.

ANDREW WILESMITH: The rides are three-, four- and five-day rides.

The Hon. AILEEN MacDONALD: Do you often see brumbies when you are doing the ride?

ANDREW WILESMITH: Yes, we do.

The Hon. AILEEN MacDONALD: I have not done a ride. How close would you get to the horses?

ANDREW WILESMITH: We can get 50 metres away. We can get 100 metres away. We can see them as far as you want to look. But the bottom line is the numbers are not there, and, as it goes now, they're seeing brumbies as well as dead carcasses laying in waterways and out in the open.

The Hon. AILEEN MacDONALD: Yes. That is not good.

ANDREW WILESMITH: Roaming around, I don't see that much damage at all from the horses. I just see that they're happy grazing around, and, to me, they're reducing the fuel load. I don't want to see our park and our land going up in smoke, which can be prevented. And it is preventable, from the 2003 to the 2019-20 Dunns Road bushfire. This is all preventable. It doesn't have to be like this, and I don't want to see it being like this.

The Hon. ROBERT BORSAK: Thank you for coming, Mr Wilesmith—or at least we are seeing you in your car. Just quickly, you are here talking in what capacity?

ANDREW WILESMITH: As a custodian.

The Hon. ROBERT BORSAK: You are talking as a custodian.

ANDREW WILESMITH: And as a person that roams the Kosciuszko National Park and takes people on horse rides through the tourist business.

The Hon. ROBERT BORSAK: So you are saying you have a cultural representation and an economic representation.

ANDREW WILESMITH: Hang on. This is not about me. This is about the brumbies and about the aerial culling in the Kosciuszko National Park, and I'm not going to steer away from that.

The Hon. ROBERT BORSAK: That is why this Committee is taking evidence. That is exactly what it is all about. But I am asking you, in relation to your representation: You say that you are a Ngarigo horseman. What does "Ngarigo horseman" actually mean? I do not understand that terminology.

ANDREW WILESMITH: I'm a Ngarigo man and a proud Ngarigo man. I train horses and I train brumbies as well. So obviously I'm a horseman.

The Hon. ROBERT BORSAK: Do you own horses?

ANDREW WILESMITH: Yes, I do.

The Hon. ROBERT BORSAK: You do own horses. Are you recognised by the Ngarigo Nation Indigenous Corporation?

ANDREW WILESMITH: Yes, I am.

The Hon. ROBERT BORSAK: You are recognised. Did you not, in fact, resign from that corporation in February last year?

ANDREW WILESMITH: Is this about me, or is it about the brumbies and the management of the national park?

The Hon. ROBERT BORSAK: I am just asking the question in relation to yourself.

ANDREW WILESMITH: Has that got anything to do with you?

The Hon. ROBERT BORSAK: It has everything to do with the evidence you are giving.

ANDREW WILESMITH: Hang on. No. Where did you get that information from?

The Hon. ROBERT BORSAK: You are here to answer questions, not ask them. And the reality is you are here representing the Ngarigo Nation Indigenous Corporation.

ANDREW WILESMITH: No.

The Hon. WES FANG: Point of order: The witness should also be aware that Andrew Thaler is in the room and he has been passing Mr Borsak information. That might be useful context for Mr Wilesmith to have.

The Hon. ROBERT BORSAK: Mr Wilesmith can have all the context, but he is still required to answer the questions.

The Hon. WES FANG: I would also ask that when a question is put to him he is allowed to answer.

The Hon. ROBERT BORSAK: I am giving him plenty of opportunity to answer them.

ANDREW WILESMITH: Mr Borsak, I will answer your question. The person who you got that information off, he's been on social media defaming people's character, and the only reason he got that information is from my ex-partner, who is a disgruntled ex-partner, and there's a legal proceeding taking place on Thursday in relation to this. So I strongly oppose—

The Hon. WES FANG: Point of order: I think we are now delving into areas that are well outside the terms of reference.

The CHAIR: I agree. I think we have moved well beyond the terms of reference.

The Hon. ROBERT BORSAK: To the point of order: I still have not got an answer to my question.

The CHAIR: There was a follow-up on the point of order from Mr Bob Nanva.

The Hon. BOB NANVA: To the point of order: Notwithstanding the provenance of the information, the questions are directly relevant to the terms of reference of this inquiry.

The CHAIR: The answers and the position we have been moving to now are not directly relevant to the terms of reference of the inquiry. Mr Borsak may continue his questions, but I remind him to remain respectful.

The Hon. ROBERT BORSAK: Mr Wilesmith is presenting himself as a representative of the Indigenous owners of that part of the park and other areas, and I asked him, simply, on what basis of fact does he do that. He has not answered the question.

The CHAIR: You may put the question to him.

ANDREW WILESMITH: I got permission from the Elders to do so, Mr Borsak.

The Hon. ROBERT BORSAK: So the overriding economic value of horse trekking—and I am not saying it is worth nothing; I think it is an important contribution to the activities of the park—is not your primary concern?

ANDREW WILESMITH: I am strongly opposing your accusations.

The Hon. ROBERT BORSAK: I have a copy of an email you sent to the Minister's office in which you were complaining about the loss of income. I am not saying that complaint is not valid, but I think we need to understand exactly where you are coming from and what you are actually trying to say. Is it income or is it Indigenous representation?

ANDREW WILESMITH: What I'm trying to say—that letter was sent to the Minister as a personal letter from myself. It was written by me personally, and it had nothing to do with anyone else. Okay? It was my way of trying to get the Government to see reason. And obviously you don't see reason, so here we are. And I'd prefer that we stick to the facts of what I've spoken about. I'm not getting involved in legal proceedings, because they're ongoing. And Mr Thaler needs to—

The Hon. ROBERT BORSAK: You signed off the letter as a proud Ngarigo horseman and a director of the NNIC.

ANDREW WILESMITH: Exactly.

The Hon. ROBERT BORSAK: I have information that you actually resigned from the NNIC in February 2023; this letter is dated 1 November 2023.

ANDREW WILESMITH: No, Mr Borsak.

The Hon. ROBERT BORSAK: Did you misrepresent yourself?

ANDREW WILESMITH: No, I did not. And how did you come to obtain that letter? That was a personal letter to the Ngarigo Elders, and that letter was handed to Mr Thaler by a disgruntled ex of mine. That proceeding is still going to court as we speak, and I will not be speaking on it any further. Does that answer your question?

The Hon. ROBERT BORSAK: You actually haven't addressed the question, but I will move on.

ANDREW WILESMITH: I have answered your question.

The Hon. ROBERT BORSAK: I will move on.

ANDREW WILESMITH: We will move on to the next question.

The Hon. ROBERT BORSAK: Is it true that you resigned in February 2023 from the Ngarigo corporation?

ANDREW WILESMITH: Yes. I've sent a letter to the Elders, yes. It's up to the Elders as to whether they accept—

The Hon. ROBERT BORSAK: On what basis and why did you resign?

ANDREW WILESMITH: Hang on, hang on. You asked the question. You let me answer it, okay? I sent that to the Elders and it's up to the Elders whether they accept it or they don't. Ngarigo business has got nothing to do with the Government or anyone else.

The Hon. ROBERT BORSAK: It seems to me, Mr Wilesmith—

ANDREW WILESMITH: Can I make that loud and clear to you?

The Hon. ROBERT BORSAK: Sorry?

ANDREW WILESMITH: Can I make that loud and clear to you? I've just answered your question.

The Hon. ROBERT BORSAK: You can make it loud and clear, but whether that's an answer to the question I've asked doesn't actually enlighten me in any way, shape or form.

ANDREW WILESMITH: I've just answered you. Has it got anything to do with you? It's between me and the Elders.

The Hon. ROBERT BORSAK: It seems to me that you may well be, in your letter to the Minister, misrepresenting yourself as a representative of the Ngarigo Nation Indigenous Corporation—

ANDREW WILESMITH: No, I wasn't. No, I was not.

The Hon. ROBERT BORSAK: —from which you had already resigned.

ANDREW WILESMITH: That is not right. No, I hadn't.

The Hon. ROBERT BORSAK: How can you complain about having no consultation in this process when you, in fact, are not a representative of that corporation?

ANDREW WILESMITH: Yes, I am the Ngarigo horseman, and they see me as that.

The Hon. WES FANG: Point of order: I don't believe that Mr Wilesmith indicated that he made the representation as part of that corporation. I believe he made it as a traditional custodian of the land, which he has every right to claim.

The Hon. ROBERT BORSAK: Well, everybody down there can claim to be a traditional custodian of the land, even if they are not recognised by Ngarigo corporation. Is that what you are suggesting?

The Hon. WES FANG: I did not suggest anything, Mr Borsak. I'm just saying that—

The Hon. ROBERT BORSAK: That's what you are suggesting.

The Hon. WES FANG: I'm just making the point of order that that's not what he said.

The CHAIR: I think we've strayed well beyond—again—the terms of reference. We've asked the same question over and over and over to Mr Wilesmith. I suggest that, if there are further questions in regard to the terms of reference, then we move on to those, please.

The Hon. ROBERT BORSAK: To the point of order: I think it's highly relevant when a member of the public turns up here to give evidence purporting to represent an Indigenous corporation and gives evidence that they weren't properly consulted, that they have some bona fides to that effect. It seems to me that we are not seeing any bona fides here from Mr Wilesmith. I will rest on that.

The CHAIR: What I will say, though, to that point of order is that you have put those questions multiple times. What I have heard from Mr Wilesmith is that some of these aspects have something to do with a court case that is ongoing, and I've also heard Mr Wilesmith talk a little bit about his position within resigning but also still being a traditional owner of the land. I think that that's been clearly made evident by the witness that is here.

The Hon. ROBERT BORSAK: Further to the point of order: You can't make an assertion and expect it to have the same weight in evidence that you can't back up.

The CHAIR: But what I am trying to say, Mr Borsak, is that you've made your point. You've asked those questions, those questions have been put and I don't think you're going to get any further information.

The Hon. ROBERT BORSAK: I can go to another point. Mr Wilesmith, did you, in fact, promote a fundraising campaign that sought to raise money because you were going to put an interlocutory injunction against the Federal and State governments in relation to this program of culling?

ANDREW WILESMITH: Yes, that is correct.

The Hon. ROBERT BORSAK: That is correct? You did?

ANDREW WILESMITH: Yes.

The Hon. ROBERT BORSAK: How much money did you raise?

ANDREW WILESMITH: I haven't spoken to the Elder about that yet. The Elder and I were the ones that were doing it. It had nothing to do with the Ngarigo themselves. It was between me and the Elder and the Ngarigo peoples, who are the Elders.

The Hon. ROBERT BORSAK: So you don't know how much money was raised. Was an interlocutory injunction put on the Government, both State and Federal?

ANDREW WILESMITH: No, not at this stage it wasn't, because people from other parts of the horse-protecting fraternity tore it apart, because they thought that they wanted to be in the limelight and they didn't want us to be there for the brumbies. By them doing that, they wanted to take the limelight into their own selves to be the protectors and the saviours of the brumbies.

The Hon. ROBERT BORSAK: So how much money was actually raised? You don't know that? What was it spent on?

ANDREW WILESMITH: It was around about \$1,700, and it's still sitting in the trust account.

The Hon. WES FANG: Mr Wilesmith, in relation to the evidence that you've just provided, I thought I'd give you the opportunity to expand a little bit on some points. Is it fair to say that, in relation to your position as a traditional custodian, you are part of the Ngarigo—you've lived, worked and operated in the Kosciuszko National Park area and you view yourself as a custodian of the traditions of your people?

ANDREW WILESMITH: Yes, I do and I'm proud to be, and I'm not going to be answerable to anyone over it.

The Hon. WES FANG: That's fair enough. In relation to your views in relation to brumbies, is it fair to say that there are different views between certain groups within the protection of brumbies collectively? As in, some of those groups that seek to protect brumbies might disagree with other groups as to the methodology around how you would achieve that, but, ultimately, the goal is the same—the support for an accurate number in the count of brumbies and the sustainable management of brumbies is at the forefront of all of those groups' positions?

ANDREW WILESMITH: From my perspective, yes, it is to an extent. From what I see from other brumby advocates, only to a certain degree.

The Hon. WES FANG: So what we perhaps have seen today play out is some of those differences being ventilated, but, ultimately, the views of supporting brumbies is universal. It's perhaps a difference of opinion in how that is actioned. Is that a fair assessment?

ANDREW WILESMITH: Yes, that's a fair assessment.

The Hon. WES FANG: And where that is the case, is it fair to say that—putting the differences aside between all the disparate groups that are involved in seeking to protect brumbies in the national park—nothing that was ventilated this morning removes your position that you are a proud Ngarigo man who has grown up on country and has, for his entire life, worked with and understood the horses and brumbies in the national park, and you're presenting a view that supports at least a re-count and the protection of those brumbies from aerial culling?

ANDREW WILESMITH: Absolutely, and my views will never change. My views will never change.

The Hon. WES FANG: And it's not uncommon for there to be different views between traditional Elders in relation to the management of certain issues, and obviously this is one issue. You can have different Elders having different opinions and you can have different traditional custodians having different opinions on an issue, but you are recognised as a Ngarigo man who has lived on country and has that experience. Is that correct?

ANDREW WILESMITH: Yes, exactly right. I'm still part of the Ngarigo Nation Indigenous Corporation. The email that Mr Borsak was talking about, I don't know how it came into his hands, but the person that's obviously fed that to him—

The Hon. WES FANG: Mr Wilesmith, we don't need to go into the details of that. On a holistic approach, you are a Ngarigo man who is presenting your views today as somebody that has lived on country and has those views. The questions around your consultation are as relevant as they were when I asked them previously. Do you believe that that is a fair assessment?

ANDREW WILESMITH: That's a fair assessment.

The Hon. STEPHEN LAWRENCE: Sir, I think you said in your opening statement that the presence of horses in the park reduces the risk of fire. Is that what you said?

ANDREW WILESMITH: Who am I talking to?

The Hon. STEPHEN LAWRENCE: Sorry, Stephen Lawrence. I'm one of the Committee members.

ANDREW WILESMITH: Okay. Can you repeat that question again?

The Hon. STEPHEN LAWRENCE: Did you say earlier in your evidence that the presence of these wild horses in the park reduces the risk of fire?

ANDREW WILESMITH: Yes, it can reduce the risk of fire.

The Hon. STEPHEN LAWRENCE: Do you have any evidence that you can point the Committee to that supports that statement?

ANDREW WILESMITH: I was a previous volunteer firefighter and I've got experience in fighting wildfire. I fought the Dunns Road bushfire and I've seen the—the knowledge and experience I've got with that is what I've seen and what I've lived with.

The Hon. STEPHEN LAWRENCE: So apart from your personal opinions based on your experiences, you can't point us to any other evidence of an expert nature or anything like that?

ANDREW WILESMITH: I think you could look at the history of it and see back in the day when grazing was in the mountains. When the cattle and that were in the mountains, were we seeing such catastrophic wildfires that are near uncontrollable that we're seeing today?

The Hon. STEPHEN LAWRENCE: The number of horses in this area has quite dramatically increased since 2001, would you agree with that?

ANDREW WILESMITH: No, I don't.

The Hon. STEPHEN LAWRENCE: Okay.

The CHAIR: That takes us to time. Thank you very much for the evidence that you gave today. If there were any questions taken on notice or if the Committee has any further questions, the secretariat will be in contact with you about them. Thank you for your time today.

ANDREW WILESMITH: No worries. Thank you very much for your time.

(The witness withdrew.)

Dr CRISTY SECOMBE, Head of Veterinary Policy and Advocacy, Australian Veterinary Association, before the Committee via videoconference, sworn and examined

The CHAIR: I welcome the next witness. Thank you for coming to give evidence today. Do you have a short opening statement?

CRISTY SECOMBE: Yes, I do. Good afternoon. We would like to begin by thanking the Parliament and the Committee for the opportunity to contribute through both our submission and attendance here today to talk to our submission. The Australian Veterinary Association is the peak national organisation representing veterinarians in Australia, and our members come from all fields of veterinary practice. The feral horse—brumby—management issue in the Kosciuszko National Park is a sizable and complex issue. The impact of the horses on the environment and the many threatened species affected by that environmental impact is justification for control. Control programs must be based on scientific assessment and aim to minimise the welfare impact on the target horses. We are of the opinion that in this situation, of the available control techniques, shooting—ground or aerial—in accordance with nationally agreed standard operating procedures is the most humane. Control must be implemented within an adaptive management framework coordinating all aspects of the operation, including continuous monitoring and assessment that is transparent to all stakeholders.

The Hon. WES FANG: Thank you very much for appearing today and for your submission. Before I start drilling down into details, can you provide some holistic detail around what you perceive to be the difference between an aerial cull such as the one in Guy Fawkes River National Park that ultimately led to aerial culling being outlawed in New South Wales by the State Government at the time, and what has changed now in relation to the aerial culling program that has been implemented by the National Parks and Wildlife Service?

CRISTY SECOMBE: Things that have probably changed are in relation to having much more clearer and achievable outcome-based objectives in terms of knowing exactly what needs to be done and having the mechanisms to be able to provide evidence that these animals have been culled in the most humane way possible in the circumstances that the culling needs to occur, and they are resulting in the least harm to the animals. Looking at the report of the November cull that happened, there's clear evidence that there has been no non-fatal wounding of horses, which, of course, is an exceptionally poor welfare outcome—if horses are non-fatally wounded—because that doesn't achieve the objectives.

The Hon. WES FANG: In relation to the methodology that is employed for the aerial culling of brumbies, we've been provided a view that, ultimately, it's not so much about a humane killing method but it is, rather, an effective killing method. Ultimately, when you are shooting a horse from a helicopter, unless you jag a head shot, it's unlikely that you will land a fatal blow to the horse with the first shot. Could you provide your views around the difference between what is a humane kill and what is an effective or an appropriate kill? Do you believe that it's possible to have a horse that is shot that doesn't necessarily die immediately and you can consider that to be humane and effective?

CRISTY SECOMBE: I think the first point I would like to make is that it is well acknowledged that the most humane way to euthanise a horse is by a kill shot directly to the brain that is going to result in immediate unconsciousness. That is exceptionally difficult to achieve from a moving helicopter. A head shot that doesn't hit the brain and occurs anywhere above the fourth cervical vertebrae may result in the horse becoming unconscious immediately, however it may not die instantly. But it is time to unconsciousness that is particularly important. If that head shot misses the head and results in hitting the neck—so from the cervical vertebrae forward downwards—it may result in unnecessary pain and suffering because the animal goes down but is still conscious.

The chest shots, the rationale behind that is that you'll have massive tissue destruction and exsanguination, and the animal will lose consciousness—not immediately but within a short period of time—ideally as soon as possible. But those times can vary depending on the amount, where the bullet hit et cetera. It's about looking at the full assessment of all of the factors that come into play around that to determine what is the lowest welfare impact to the horses. We would presume that is the reason for chest shots in this situation; however, as we indicated in our submission, justification is clearly required. We need to be able to see why they chose to do that and what the rationale for that was.

The Hon. WES FANG: In relation to the evidence that you've just provided, you would be aware—and I've put these questions previously to the RSPCA—that where you have to euthanise a domesticated horse, there's usually protocols around the way that you would do that. One of those protocols that isn't listed is allowing a horse to run around a paddock, that you would then get a helicopter—run it until it was exhausted and fire 15 rounds into its targeted area as per the National Parks SOP. Could you provide to me a reason as to why it's appropriate in one aspect to allow National Parks to do that to a brumby in Kosciuszko National Park but it's not appropriate that somebody who needs to euthanise a domesticated horse would be allowed to do so?

CRISTY SECOMBE: I think the important word here is "domesticated". A domesticated horse allows people to be able to approach it and come into very close proximity to it; therefore, it allows humane euthanasia by a direct shot to the brain to occur. To be clear, humane euthanasia in a domesticated horse can include shooting a horse directly into the brain. I can say that, in my past life as a veterinarian—I'm a horse vet—I have humanely euthanised horses by a direct bullet into the brain as well as pentobarbital injection. Both of those include requiring you to be in extremely close proximity to the animal, and you can usually administer some other drugs prior to the euthanasia process. The difference here is that these animals are not domesticated. They cannot be approached; you cannot get close to them. It's a completely different scenario. It's difficult to compare the two scenarios because one animal is domesticated and one animal isn't. It's in its natural environment and it has a relatively short period of time of distress before euthanasia, due to the techniques that are used.

The Hon. WES FANG: I accept that there are difficulties. It's part of the evidence that we're trying to drill down into, which is how it is that the differences exist. In relation to both of the scenarios that I've painted for you, would you agree that a domesticated horse and a brumby are close enough to being similar in relation to their nervous system, their make-up, their ability to feel pain and their ability to feel fear? Would that be a fair assumption between a domesticated horse or a racehorse and a brumby?

CRISTY SECOMBE: Physiologically, it would be. I think the important thing to also note here is that environmental circumstances would modify that response as well. A brumby, for instance, would probably exhibit a large fear/stress response if placed in the same environment as a domesticated horse. In contrast, a domesticated horse is well habituated to that, so they wouldn't have the same fear and stress response.

The Hon. WES FANG: But would it be fair to say that should a domesticated horse and a brumby both be shot, the instantaneous feeling that both would have when they're not instantaneously knocked out through a head shot but rather taken with a chest shot would be the same? They would both feel the same level of pain and they would both feel the same level of distress. Would that be fair?

CRISTY SECOMBE: Yes, that would be correct.

The Hon. WES FANG: So I come back to the original question that I asked about why we're not permitted to euthanise a domesticated horse in the same manner that we do brumbies. It would seem to me that we can euthanise a domesticated horse in a more humane way than aerial culling, which is why we're not permitted to aerially cull domesticated horses. On the flip side of that, we think there is probably a more humane way of euthanising brumbies other than using aerial culling. Given that we're not allowed to use aerial culling to kill domesticated horses because there's a better way, if there's a better way for doing the same job to brumbies, isn't it incumbent upon the Government to do that?

CRISTY SECOMBE: I think it does come down to what is the most humane way. Essentially, when it has been evaluated in the context of the feral horse in the environment that it lives in, shooting is a humane way—ground shooting or aerial shooting. Then aerial shooting comes into the context of the environment, terrain et cetera. It's not as simple to say that just because we can't do it in domesticated horses, we shouldn't do it in feral horses. I think that it's much more complex than that.

The Hon. WES FANG: I don't disagree that it's a complex issue. We've covered the component that says the mechanics of a horse are similar between a domesticated horse and a brumby. They'll both feel pain in the same way. If there's a chest shot in the targeted area and they're shot the first time and not instantaneously killed, they will feel pain and they will feel distress. And that is after the helicopter has chased them around for a number of minutes in order to exhaust them so that the shooter can get a better shot given that it won't be running as fast. I think you said a humane killing was paramount but that the circumstances meant that the humane element could be varied because of the circumstances. Where you've got a brumby in a national park and there is a more humane way of killing it, but it's more effective to kill it using aerial culling, that's prioritising another method over what is the most humane. Is that not the case?

CRISTY SECOMBE: I appreciate that I'm going to talk about the complexity of the situation again, but it's also in terms of if there is to be a certain amount of reduction in a certain period of time, because it is absolutely important that any practice has clear and achievable outcome-based objectives. If the most humane way does not result in clear and achievable outcome-based objectives, then you could argue that it may not be the most effective and best method for the welfare of the animals. So I think it depends on the number of horses that need to be culled at a certain period of time.

The Hon. WES FANG: My last question is that, whilst I appreciate your view from a veterinary standpoint, and I respect it—and no-one should really be moralising on this issue, because it is a difficult one—your opinion is based on scientific training. But an organisation such as the RSPCA, which is predominantly designed for the benefit and the betterment of animal welfare, should perhaps prioritise the most humane method

over the most effective method. Would that be a reasonable assumption to make? They have vets, but they are not a veterinary organisation. They're an animal welfare organisation. They're tasked with ensuring the most humane—is that not the case?

CRISTY SECOMBE: It's difficult for me to make a comment on that. I would say that they're tasked with ensuring that the animal welfare outcomes of all animals are humane. In the case where you might need to have a large number of horses culled because other animals might be impacted, then they probably do a risk-based assessment on which method is the most humane in that specific context. Once you have the horses' numbers down to the appropriate amounts, the choice of methods for keeping those numbers at that level might be different to what it is if you're trying a significant active reduction of numbers.

The Hon. WES FANG: But isn't that an impossible question to ask? Because, ultimately, what that argument would draw me to conclude is that if you're in the first round of brumbies to be killed you'll get the less humane method and if you're lucky enough to be in the second batch, when the numbers are more controllable, you might get a more humane method of being culled. I would think that is certainly a wicked problem to have but also creates some ethical issues for organisations, like the RSPCA, who are targeted with animal welfare. They should be advocating for the most humane method. If it's a question of resourcing, then they should be advocating for that, not lowering their standards because they've got to increase the numbers. Would that be a fair assumption?

CRISTY SECOMBE: I think you're exactly correct when you said it's a wicked problem in terms that—I don't think it's as easy as answering yes or no to that question because we're looking at the welfare of all animals, not just the horses.

The CHAIR: Was the AVA consulted at all about the Government's aerial shooting plan or the standard operating procedure?

CRISTY SECOMBE: No, not to my knowledge.

The CHAIR: In regard to the standard operating procedure, I noticed that in your submission you advocate for a critical limit in terms of the pursuit time. The Government's SOP doesn't specify any kind of maximum pursuit times. Do you think that that's a concern in regard to animal welfare?

CRISTY SECOMBE: I think that it makes it very difficult to know in terms of when do you stop pursuing and when is an appropriate—what is the cut-off? I think it is important to have some guidance and decision-making around that. I think that that critical limit for pursuit times needs to be developed through an engagement process with subject matter experts who can provide their opinion based on scientific evidence, and that scientific evidence may come from other species that are also culled using aerial shooting.

The CHAIR: Is there any welfare concern from a veterinary perspective in regard to conducting the aerial shooting during foaling season or the months where there are the most foals being born?

CRISTY SECOMBE: I think that, ideally, you would want to minimise the number of foals on the ground at the time of an aerial cull. It is quite challenging because although the reproductive breeding season for our domesticated horses, we say, is quite short—because that suits the way horses are managed domestically—in actual fact the reproductive season is quite long. It's all related to day length. I think it's ideal to want to minimise that, but that may be challenging in some circumstances.

The CHAIR: In regard to shooting occurring in the high-heat summer months, does this create additional concerns in regard to heat stress, particularly, again, if there's no maximum pursuit time?

CRISTY SECOMBE: I think, ideally, you'd want the shooting to occur in the cooler temperatures. Yes, you would not want to pursue this in high temperatures.

The CHAIR: Would you like to see some of the trials into fertility control begin now so that we can start to get that data and that research in Australia—trials into the different fertility control methods that are available and whether that's going to work in Kosciuszko National Park?

CRISTY SECOMBE: Definitely. I think that non-lethal control methods such as fertility control should definitely be further pursued and researched. As indicated in our submission, it's a complex issue. There are different circumstances and different environments. What works in the United States, in the UK may not be applicable in the Australian context. But without doing research into this, we don't quite know. Also, the other aspect is there are, or there could be, some unintended consequences with fertility control, such as in the US work that's been done fertility control has actually increased the length of life of mares because they haven't been breeding as often. Looking at and understanding it in the context of Australian environments is absolutely imperative; however, research needs resourcing.

The Hon. AILEEN MacDONALD: I note in your submission that you said that "ground shooting of feral horses is the most humane method". Then on page 3 you say that you're "supportive of aerial shooting when ground shooting is not possible". Based on what you've seen, do you believe that ground shooting hasn't been possible in this operation?

CRISTY SECOMBE: I can't comment on the recent activities in November. I do note that in that report there was commentary around the terrain that the activities occurred on. I think the point here is a transparent, open discussion and justification from NSW National Parks as to why they chose aerial shooting over ground shooting in terms of—I think if it can be justified and there's evidence provided, then, as we indicated, we are supportive of aerial shooting if ground shooting cannot be undertaken.

The Hon. AILEEN MacDONALD: On page 3 you also mention seven principles. Do you believe that these seven principles would have been used by National Parks and Wildlife Service during the recent culling? Can you see that they've applied these principles?

CRISTY SECOMBE: What we have seen is the report that has been placed on the website. I think that these principles have been adopted for the most part. What our point was is that really it would be good to see if these are core—these set of principles come from an international consensus around what is required for feral animal management control. So actually calling these out and providing justification against each of them, I think, leads to an increased transparent and open process.

The Hon. BOB NANVA: Thank you, Doctor, for your time this morning. In your submission, you've noted that the AVA is supportive of the population numbers determined in the most recent survey, which would put the estimated population at about 14,000 to 23,000. You also note that you agree that there is a direct link between horse densities and ecological impact. With that context in mind, would you agree that there is a requirement for broadscale population control at Kosciuszko National Park?

CRISTY SECOMBE: Yes, we would agree with that. Based on the ecological and environmental challenges that these animals are posing and their numbers that have been estimated, control is required.

The Hon. BOB NANVA: The Committee has heard previously from other witnesses that the literature on controlling large pests in a broadscale manner would seem to suggest that to bring those sorts of numbers under control you would have to use a combination of either poison baiting or aerial shooting and that, in the hierarchy of what is most humane, aerial shooting is the more humane out of those two broadscale population control propositions. Would you agree with that?

CRISTY SECOMBE: Yes, 100 per cent we would agree with that. Aerial shooting provides the least amount of time of suffering to animals compared to poisoning. We would not support poisoning at all as a method of control with feral horses.

The Hon. BOB NANVA: Are you supportive then, broadly, of the management plan that exists at the moment, which seeks to bring population numbers down to a more sustainable level using aerial shooting but then maintain those numbers using a combination of other control methods, including non-lethal control methods and ground shooting, trapping and rehoming?

CRISTY SECOMBE: Yes, we are.

The CHAIR: Thank you so much for your time giving your evidence today. We really do appreciate your time. If there were any questions that were taken on notice, the Committee secretariat will be in contact with you. The Committee may also have additional questions which we will email to you through the Committee secretariat.

(The witness withdrew.)

(Luncheon adjournment)

Mr TIMOTHY JOHNSON, Former Chair, Kosciuszko National Park Wild Horse Community Advisory Panel, sworn and examined

Mrs LEISA CALDWELL, Former Member and Representative of the Snowy Mountains Community, Kosciuszko National Park Wild Horse Community Advisory Panel, sworn and examined

The CHAIR: Welcome back to the inquiry into the proposed aerial shooting of brumbies at Kosciuszko National Park. I now welcome our next witnesses and thank them for taking the time to give evidence here today. We now have some time for a short opening statement.

LEISA CALDWELL: I'm sorry. I'm very nervous, and this is a bit long.

The CHAIR: That's okay. Take your time.

LEISA CALDWELL: But I'll speak as fast as I can. Previously, I have been a member of every wild horse committee engaged by Kosciuszko National Park since 2000. Thank you for this opportunity to speak to an issue that is fundamental and extremely important in our part of the world. It's very difficult to explain in three minutes this very complex subject of 40 years for us, whether it's the ludicrous numbers stated today or the insane cruelty of shooting or the lack of science on the brumbies.

I am going to give you a little history of how we got here today. Our family and many of our peers and their families have lived in the mountains for generations, since the 1800s. The mountains are literally our backyard and the local mountain communities have a deep family history rooted in the vicinity of what is now the Kosciuszko National Park. These people had been managing the brumbies for generations, until the park prohibited us. We are not just visitors getting a snapshot view once or twice a year like most; this is our home and our life. We see the whole life cycle of the mountains. These people know these mountains intimately and they know the horses intimately. Their landscape knowledge is more profound than any other group of people that visit or even work in the park.

This local community is outraged today. We, our brumbies and our heritage have been treated with nothing but contempt by governments for too long. Our experience and cultural heritage is ignored. In 1985 we established a group called the Snowy Mountains Horse Riders Association. This was because the National Parks had overnight—and without any public consultation whatsoever—prohibited us from riding our horses in our traditional areas of the mountains, where our ancestors had lived, worked and died over generations.

As a consequence, this also stopped us from managing the brumbies as we had done successfully as a part of our culture for over 150 years. We protested: Who will manage the horses? The response from National Parks back then was that the brumbies had negligible impacts and management wasn't required. This proved even further that we had indeed been managing them all along. But lo and behold, in 2000 National Parks asked the Horse Riders for assistance on removing a dozen or so horses from the Rams Head, near Thredbo. They started to develop a plan of management for horses for the alpine area only and we were happy to help.

Let's be clear: We have always agreed that the true alpine elevations and high subalpine elevations should be kept horse free, as well as other sensitive areas. Let's also be clear that it has been extremely rare to find horses in these areas for the last 70 years. Using the disinformation of brumbies destroying sensitive alpine ecosystems is deceitful and nothing but propaganda. The brumbies inhabit elevations of generally 1,500 metres and lower. The sensitive alpine elevation is above the tree line, at around 1,800 metres and higher. We have offered to remove any horses that might wander close to these areas, but we are threatened with prosecution.

Back in 2000 our knowledge and experience was mostly respected by National Parks. We felt that we had a good rapport with them so we continued to help them for a few years. It was the local horsemen that caught those Rams Head brumbies by passive trapping and we showed National Parks how to do it. We did this as volunteers, at no expense to the taxpayer. In 2003 the fires came and wiped out many of the horses in the southern end of the park. When the surviving horses started to get re-established again, National Parks changed the plan to include the whole park and pretty much shafted our offers of assistance, and instead paid big money to private contractors to trap them, and then did it themselves.

We agree that the brumbies have always needed management, but National Parks need educating in that management from the horse experts. No, the horses may not be native, but they are obviously extremely important to many people; otherwise, we wouldn't be here today. We strongly reject that aerial shooting could ever be considered humane in areas of dense forest and steep mountains. The independent and peer-reviewed 2017 welfare study on aerial shooting by Hampton and others could only manage 63 per cent for potentially instant deaths, and that was in perfect flying and shooting conditions of flat, open desert terrain. How can forested and mountainous areas ever achieve equal or better outcomes? The Kosciuszko trial doesn't even tell us the percentage of so-called

quick deaths, just that 43 all died after pumping, on average, 7½ shots into them. Only 16 per cent out of 270 were even checked, so they have no idea how the other 227 horses may have suffered.

Therefore, we also strongly object to the new SOP that seems to have been merely developed to change the rules of engagement to suit a more open-slaughter and less ethical humane treatment. The new SOP is deliberately vague and sparse of protocol, which enables them to get away with these barbaric procedures. We strongly reject that brumbies have or are causing the damage that is alleged. Both independent scientific committees stated that there is a lack of science on the impacts of horses. Both scientific studies stated more than once that removal of horses should be based on localised impacts, not based on numbers. Their own scientists are ignored. We strongly reject the biologically impossible numbers stated that appear to be manipulated to justify this slaughter, even though all surveys have only ever actually physically seen a fraction of these numbers. It's absurd that they can assume that they don't see up to 80 per cent of them. Horses don't hide in burrows.

Brumbies have been in the mountains for nearly 200 years, often in immense numbers, including in the high alpine areas. These have absolutely undeniable important heritage value to the Australian people and overwhelmingly meet significant heritage criteria. There are some mobs of brumbies that we now know, through DNA and genetic research, have extremely significant historic ancestry going back to the original first arrivals of the Iberian and Spanish and Portuguese horses. Research has shown that through natural selection, the horses have gained important survival traits and genes that domestic horses cannot have. The numbers have always fluctuated due to drought, snow or fire, but also the horses did have natural predators—they were the mountain horsemen. The horses were managed for generations by the local horsemen alone, and they should be involved to help with solutions and to gain social licence. The last few decades of mismanagement and the anti-horse lobby now have only themselves to blame for this ongoing issue.

TIMOTHY JOHNSON: Madam Chair and esteemed members, thank you for taking time to hear me today. I own three brumbies that I broke in, trained and have ridden for over 20 years. I grew up walking and riding in the Kosciuszko National Park for over 56 years. For most of my adult life, I've spent more than a fortnight in the park in some capacity. I'm a capable bushwalker, navigator and horseman. I'm competent navigating back country and unmarked trails reading the land, the trail signs and animal signs.

In my professional capacity I've managed large-scale farming and agricultural investments and their operations for over 20,000 sheep and over 2,000 cattle, plus cropping operations. I was chair of the original Kosciuszko Wild Horse Community Advisory Panel and drafted the committee's report to the Minister. At the time I extensively walked the horse camps and listened to the opinions of many local park users, especially the horse riders. This year I spent five days in the park between 16 and 21 January. I was on horseback and covered 40 to 60 kilometres a day. I covered areas that were mostly in the north of park, which were heavily the brumby areas. I also have, in the past, flown my drone over Currango and Nungar plains in several different manners.

In relation to the specific questions raised by this Committee, I wanted to point you to the statement that I supplied to the Committee before my opening statements. My view is that the methodology is clumsy and statistically prone to large errors. Whilst Cairns's methodology may or may not work, the inputs themselves are managed by the National Parks and Wildlife Service. I believe that those inputs themselves are overstated and create the differentiation in the numbers and the overstatement. I think they take no account of horse behaviours. Those are my opinions.

In my recent time going through the park, I saw many horse carcasses that had been shot. I think the shooting itself is a poor tool in the way that it's being implemented. It doesn't account for the terrain. It doesn't account for the leaving of brumby carcasses, especially where it's critically meant to avoid having carcinogenic carcasses in waterways. I've advocated strongly for many years that working with the community is to bring the best solution. As I have tabled with the Committee, I think that the risk created by the horses in the locations where they've been quarantined to, that risk to threatened species remains very low. The map that I submitted to this inquiry—supplied to me by Minister Kean at the time and used in forming the plan—speaks to that.

I note that in the adequacy of the way the New South Wales laws are implemented, trapping is a poorly executed methodology, in many cases. In the locations, it's targeting the wrong populations. Particularly, Currango Plain has a lot of horses and is largely ignored by National Parks and Wildlife. I also note that some of the methodologies in the more recent release of information by National Parks, including things like bolt guns and the like, just doesn't ring true to somebody who has run an agricultural operation. It's just too dangerous and it doesn't make sense.

I also want to point out the human safety factor. On 19 January I redirected a family of walkers heading into wilderness because they'd taken a wrongly marked trail. Had those three people continued to walk into wilderness, the next stop was 50 kilometres south at Snowy Hydro 2.0. The national park boundary is incredibly

permeable. Therefore, the ability to close the park under any circumstances is a complete nonsense. It's highly dangerous and could bring people into serious risk.

Lastly, I need to bring to the attention of the Committee that there is a very significant history of antagonism from all sides. I see this as a three-sided situation. There are green groups and horses groups that can be extremely antagonistic, but the National Parks and Wildlife Service themselves have stated to me in a number of meetings, "It's our park and we'll do as we see fit." They are very antagonistic. They implied to me that governments come and go but they are the custodians of the park and we should butt out. To their view, the community should be excluded. To my personal knowledge, many locals have tried to manage the horses and, when I've spoken to them, they've quietly trialled things like moving horses around. But they've avoided drawing attention to that activity because National Parks takes a very aggressive view of anyone trying to be even remotely constructively helpful. I'd also draw your attention to my correspondence to Minister Griffin and to Minister Kean, copied to Deputy Premier Barilaro, where I reiterated these views.

I would also like to put on record that one of the most important parts of the science panel's report to government was that there is a lack of long-span evidence of any type of science. The science that's being currently relied upon does not stand the test of evidence that would be put up in a court of law. It's opinion pieces published in journals, in many cases, but it's not either academically peer reviewed nor does it stand the test that could be put before the Supreme Court of New South Wales. It's really important to have note that of that.

That said, I would simply like to leave you with the perspective that in many cases many different groups are seeking for their opinion to prevail at the total loss of another group's opinion rather than realising that the middle ground is actually quite large and can, for the most part—I think for most green advocates and for most horse advocates, there is a lot of common ground that can be resolved. The way that the park has implemented its current processes has been very negative in terms of public backlash. They've also avoided the core recommendations that the community panel made to Government and that was that there is a need to focus on impacts as opposed to numbers.

There needs to be a set of locations where the horses can exist and others where they should not exist at all. There are a range of management methodologies that should be used, and we advocated that shooting should be a last resort under any circumstance. Fundamentally, there needs to be improvement in trust and transparency. This lack of trust and transparency is a fundamental issue to community support in the ongoing management of the park. If that's okay, I'll leave it there.

The CHAIR: Thank you both for coming today. I know how difficult it is, in your former positions, to be coming here to give evidence, so we really appreciate that. I have a few questions. This is to either or both of you. It was interesting, what you were talking about. We know that there's an environmental impact on the park, but it sounds like you're both saying that there's no evidence that the environmental impact is directly related to the brumbies. Is that the case?

TIMOTHY JOHNSON: No, ma'am. What we're saying is that all animals and all activities cause impact, whether it's man, horses or otherwise. What we're saying is, for example, where there are impacts they're relatively low and they're in areas which have been extensively grazed. Leisa?

LEISA CALDWELL: Yes.

TIMOTHY JOHNSON: When Professor Berman was talking to the science panel about the way impacts occurred, he walked creek banks. He'd walk up a creek for a kilometre, cross the creek and come back down a kilometre. There might be one or two crossing points but the rest of the area, the banks were undamaged. So whilst there was impact, it was relatively limited in the scheme of one in 1,000 metres rather than 10 in 1,000 metres.

The CHAIR: So you're saying that a lot of the environmental damage that we're seeing is from a variety of impacts, whereas there's this spotlight as though the brumbies are the problem and then the solution?

LEISA CALDWELL: Absolutely.

TIMOTHY JOHNSON: Yes, ma'am.

The CHAIR: So things are oversimplified?

LEISA CALDWELL: One example is a few photos that I've seen, from Invasive Species and others and the media, are of a group of horses on a dried bank that looks damaged—or it looks poor anyway. It looks like it's been ravaged by a plague of rabbits or something but with horses on it. In fact it's on the top of the Tintangara Dam, which is a man-made dam, and the water levels go up and down. So, of course, when the water goes down, there's going to be green shoots come up which attracts the horses, but a few months later it could have two metres of water over it. It's the same with the Snowy River and so many other catchments. They don't see the whole

lifecycle—that's the point—and they're just taking snapshots of one time and cherry-picking certain times that look bad to make it look bad.

TIMOTHY JOHNSON: If I could add to Leisa's statement, the other part of that is that particular area, not only is it subject to repeated inundation in any given year but Snowy Hydro diverts the Goodradigbee River around via the Goodradigbee Aqueduct to the top of Tantangara Dam. At any given time of the day, there is the equivalent of 20 firehoses fired down that creek from the top of the dam via Snowy Hydro 2.0. That naturally causes an increased flow that cuts the banks. These nuances take away from the overall case.

The CHAIR: Do you feel that without the evidence that the environmental issues are predominantly caused by horses aerial shooting and the associated animal welfare issues can be justified?

LEISA CALDWELL: Not at all.

TIMOTHY JOHNSON: I do not agree with aerial shooting in any capacity. There are areas where horses are clearly visible in significant numbers, but those are often areas where National Parks has neglected to actually trap the horses or to try and bring them out or work with the community to bring them out.

LEISA CALDWELL: Those areas where the highest density of horses are were previously extensively grazed by tens of thousands of cattle and hundreds of thousands of sheep for over 100 years. When the community advisory panel visited with National Parks and ecologist Dr Hope, who tried to show us some of the so-called damage, he actually said that he can't tell whether whatever these changes are in the ground that he was showing us were from the cattle from 50, 60, 100 years ago or whether it was from the brumbies today. They couldn't tell.

The CHAIR: As part of the recommendations within this inquiry, should we be looking at more environmental impact studies to actually understand what's going on here?

LEISA CALDWELL: Absolutely. We've been calling for studies for decades.

TIMOTHY JOHNSON: I would advocate specifically for long-span science. The only long-span science that we're aware of—and that's the scientific panel, when I asked both the chief scientist of New South Wales and the chair of the panel. The only long-span science that's been undertaken in the mountains was done by Professor Mark Adams, the former dean of environment and agriculture at the University of Sydney. He did a 20- to 25-year fire study on the Snowy Plain. Other than that, there is no other science that we're aware of that's been undertaken. The cornerstone of both the community panel and the science panel was both long-span scientific studies, and during that time the horses should be managed towards a target number in order that we could both set a number based on the science but we also had time to make better assertions as to what was appropriate.

The CHAIR: When you take a step back from some of this, it does seem bizarre that there is such a spotlight on one species of animal that is blamed for all these environmental problems. It's quite strange when you really think about it. I'm wondering, from your insights and from your time on these advisory panels—I guess the confusion is what's the motive to then pick a species and blame them when the evidence isn't there?

LEISA CALDWELL: Personally—and it's not from my time on the panel so much as 50 years living there—I think the motive is ultimately they don't want any people in the park. They think the brumbies attract people. I hear they're now about to remove the trout, which is also an introduced species. What's frustrating for us is we see that Snowy Hydro, for example, has just built three townships adjoining where the horse areas are, and the damage that has caused—gouging acres and acres of land and building new roads and everything—and the hypocrisy that that horse over there is causing a hoof print or something, so it needs to be shot, and yet this is happening right next to them. That's the frustration for the local people. They took the cattle out of the mountains many years ago because of supposed damage, which we don't have issue with, but they replaced them with ski resorts that bring two million people to the mountains every year. It's the balance, and that we just seem to be at the bottom end of it all the time.

TIMOTHY JOHNSON: To add to Leisa's statement, when you travel the back country and some of these very indistinct animal pads and the like—horses are a convenient scapegoat because they are highly visible and they occupy open country. But when you get into the back timber, there's hundreds of thousands of pigs in that country. There's huge amounts of deer sign and deer rubbings. When you read the trail signs—so I was out on one particularly wet day in January, and you could see the hoof prints getting filled with very large wild dogs. You could see the deer prints. You could see the pig prints. You could find the pig signs where the pigs have turned the ground over in acres and acres of land. It wasn't a small impact; it was very significant. They're hunting feed in the ground. But it doesn't occur near a road and where it's convenient for somebody to either walk or fly over. You've got to be on foot, and you've got to be prepared to go a long way into the back country to find these things because, as our shooters party representatives would understand, these animals operate in back country, often in the dark. Often they're nocturnal, so they're less visible.

LEISA CALDWELL: Under shrubbery.

TIMOTHY JOHNSON: Yes, very much so.

The CHAIR: Mrs Caldwell, you made a submission to the Federal inquiry on the management of the horses. I am just wondering if you read the final report and what your thoughts were on that final report. I know that there's been a lot of criticism of the report and the fairness of the evidence. I just want to get your opinion as someone who gave evidence.

LEISA CALDWELL: To be honest, I only breezed through it because I was very frustrated at the time because I actually did put in a submission and then made a complaint to the secretariat that nobody from the local area or from either community panels had been invited, which—in the end they said, "We'll fit you in for half an hour in the lunch hour." With a half an hour break, four of us spoke into a telephone. We didn't get on the video or anything, and we were excluded from *Hansard* then. So out of frustration, I didn't really look at it much.

The Hon. WES FANG: Thank you both for appearing today. We've heard already a number of pieces of evidence, and certainly the previous witness to you provided some evidence, that aerial culling is not the most humane method of culling. But it seems to me, in relation to the management of the numbers in the park, that's the way that National Parks is seeking to go. It's been put to me that there's perhaps other ways of managing brumby numbers and that one of those might be rehoming brumbies. Can you provide any insights you might have in relation to the difficulties you would have in seeking to rehome brumbies and how engaged National Parks is in relation to assisting members of the community to rehome brumbies? Mrs Caldwell, do you want to start?

LEISA CALDWELL: I'm not too familiar with the rehoming process. I know quite a few rehomers, and I've heard that instead of being contacted when there have been horses available National Parks apparently neglected to let them know that they were available. But there seems to be a trend for brumbies at the moment. There's quite a market for them and there are other uses for them as well, which I would like to mention before I go. But there's always somewhere for them to go and there should be. One of the programs that I was going to suggest is called the stock whip program, which was a proposal that the former Kosciuszko National Park manager and then became the local council general manager—while he was at council he had this proposal of doing what they do in America for prisoner rehabilitation and taking the horses for that.

That obviously didn't come to fruition, but I think that would be a fabulous idea for any horses that aren't rehomed but also to be used for returned veterans and the like for help with therapy and things. But most of all there are not the numbers that are there that need to come out. The whole thing with the horsemen that they've done over the last 180 years that they had been managing was them not trapping and capturing so many all at once. They would just be caught here and there, and that's how they were managed.

The Hon. WES FANG: Before I ask Mr Johnson to contribute on that as well, just in relation to your comment about the numbers and the inconsistencies in the numbers that we're seeing at the moment, and the question around what the actual number is, do you believe that it is required of government to have a more rigorous look at the numbers and perhaps a recount using different methodologies so that we've got a more accurate number, not just using one methodology and one count type—that the Government itself implements a number of different methodologies, a number of different methods, in order to arrive at the number? Would that be a reasonable position?

LEISA CALDWELL: Absolutely. The CAP, the Community Advisory Panel, was promised by National Parks that they would implement different methodologies parallel with Dr Cairns's distance sampling methodology to make comparisons—and hopefully also have independent observers on board, which they did back in the day when it first started, as well as using stakeholders to be part of it.

The Hon. WES FANG: Can you understand why they're reluctant to do that?

LEISA CALDWELL: I believe personally it's because they can easily manipulate the numbers with this particular method that they're using.

TIMOTHY JOHNSON: To follow both questions, in meetings with the National Parks they expressed a view that their responsibility for the park ended at the park boundary and therefore the dealing with rehomers was very much a matter of when they brought the horses down to Blowering and they yarded them, somebody else would then take them off their hands. I had discussed with Minister Kean at the time the idea that in order to properly assist with rehoming one of the most important things was to engage with the community where horses could be retained in a local facility and drip-fed into the market so that nobody was overwhelmed at any given time because there are too many to be taken. It would also create local opportunities like stock whip and so on that Leisa's talked about and would also help with the local economy. That was never adopted because, when we looked at the scope of the brief that we were given by the legislation, we couldn't get into that level of detail in

terms of an implementation plan, but it was a reasonably low-cost solution to take the problem off the table and it also was far more humane.

In addressing part of your second question, I think it's important to note that when you look at the number of horses sighted in consistent overflights by Parks, the number of horses sighted over a number of years has not actually changed. What's changed is the inputs to the model. Instead of assuming there were three horses, there were five. But if you look at the number of horses sighted on ground, that was not wildly variable. When you look at other methodologies that were adopted, the Chief Scientist for New South Wales, Professor Hugh Durrant-Whyte, had recommended using drones and the cost of those drone overflights was about one-tenth of the cost that National Parks and Wildlife Service was currently incurring for their helicopter-based flights. Therefore, it was a very effective methodology for either checking or doing more regular counts in order to support that. He'd also advised both panels that they could be done in real time in order that the data could be assessed far more quickly.

The Hon. WES FANG: Would it be a reasonable assumption, then, to assume that if a more flexible, more consultative method of rehoming was adopted by National Parks there would be an increase in the number of brumbies that could be rehomed and saved instead of being shot, and that ultimately the animal welfare outcomes may actually be better instead of the alternative which is currently adopted, which is to shoot them from helicopters?

TIMOTHY JOHNSON: I strongly agree with your assertion, sir.

The Hon. WES FANG: I now want to just briefly touch on the position that National Parks has taken in relation to the areas which they see as suitable for wild horse activity, as they call it—so brumbies in that location—versus the more sensitive areas. I guess it's the submission from both of you that ultimately the impacts are what's important, not the numbers. Can you provide some insight into how the impacts can differ and how the impacts have changed over the years that mean that National Parks is seeking to go down this aerial culling route? Has there been a change to the situation? We keep hearing that there are endangered species that are being impacted. Have you seen, with your experience, having ridden in the area, a change in the environment or a greater degree of change?

LEISA CALDWELL: No, I haven't. What has changed things is from the 2003 fires. With the regrowth that came after those fires, it made the bush that thick and dense in some areas where the horses used to live, they couldn't go back to those areas. So their areas had now changed. That's certainly the case in the southern end.

The Hon. WES FANG: That leads me to an interesting point. There was the Dunns Road bushfire which then promulgated down and became the fire that effectively swept through Kosciuszko National Park. That was in 2020. Would you be able to provide some insight as to how much impact that fire had on the national park versus what you've seen by way of impact from the brumbies? And can you provide some insight as to what had the greater impact on endangered species and what landscape changes occurred due to those fires versus the brumbies?

LEISA CALDWELL: It was different in all areas. The Dunns Road fire that came through the Kiandra area came through in a fire storm. It wasn't just a regular bushfire, and that's where there was a handful of horses that were killed. God knows what native wildlife was also killed. But it cooks the soil as well. It changes the whole dynamics of the ecosystem, and then it leaves even more fuel for the next time. There are some trees that haven't come back from the 2003 fires yet because they burnt too hot.

TIMOTHY JOHNSON: In support of Leisa's statement, in my capacity as the community panel chair, I was in the park about a week before the fire and about a week after the fire. I looked on the ground and to say that the entire area was scorched is an understatement. It was absolutely decimated. Mountain ash forests that had been there for hundreds of years had been destroyed. Those areas have now become massively inaccessible. The damage was still there when I was there less than three weeks ago. The species were certainly cooked into the ground and nothing survived.

Furthermore, during that time immediately after the fire, Parks took me around Currango Plain in my capacity as part of the community panel. We flew over that area and what was also very clear was that a lot of horses that were local had been pushed up onto that Currango Plain area. Therefore, it distorted the population and the way the population appeared to somebody who didn't know their behaviours. There were large areas where those horses could not go back to, but had clearly been burned to death. There is no question that there were a lot of horses that were in outlying areas that would have been killed during that time, and they would never have been found. The heat was just too immense.

The Hon. WES FANG: In relation to the management of national parks and the damage that occurs in that national park, would it be fair to draw the conclusion from the evidence that, ultimately, something like a

bushfire that happened in the 2020 Dunns Road fire that ended up sweeping through is more likely to create more impact on vulnerable or endangered species than the brumbies are? It could be controversial to say but, ultimately, better management of the national parks to prevent fire is probably going to be more effective in relation to endangered species than trying to manage brumby numbers. Would that be a fair, reasonable assumption?

TIMOTHY JOHNSON: If I could say something first, and then I want to pass to Leisa. One of the things Dr Berman said as part of the science panel was that he had found different corroboree frogs in the southern end of the national park, in areas where they'd never been found before. He had found them in areas that were highly disturbed by feral animals. Whether they were pigs, deer or horses doesn't matter. He made a case for the fact that the frogs and the endangered species were occurring in areas that had been disrupted by third-party animals that were not native to the area. Therefore, again, studies needed to be undertaken. Whereas, as you observed, when a fire comes through, everything gets killed. Leaning on what the scientists are telling me, I'd say that some disruption is healthy, and clearly that has been the case in those circumstances, but the jury's out as to other areas. But, clearly, fire is bad news, at least on that scale.

LEISA CALDWELL: I recall from my research that the frogs were actually first found I think in the '40s, in Tom Mitchell's property in a cattle yard—in a cow pad. That was where they were first found, and they were in abundance. There were very healthy populations back then.

Ms SUE HIGGINSON: Thank you for your evidence so far. Can I confirm that neither of you have qualifications in ecology or earth system sciences at all?

LEISA CALDWELL: No.

TIMOTHY JOHNSON: No, and nor do we advocate that we do.

Ms SUE HIGGINSON: No, I realise that. Can I also confirm that—

The Hon. WES FANG: That sounds like the questions that I asked of Jack Gough.

Ms SUE HIGGINSON: In terms of the—

The Hon. WES FANG: That threw her.

Ms SUE HIGGINSON: Can I also confirm, Mr Johnson, that your description of your qualifications are that you are engaged in new urban villages. You're head of the property and development Alpha Coal Project, infrastructure and value engineering, property investor manager, property developer, project manager and builder. They're your quals.

TIMOTHY JOHNSON: That's a loose background.

Ms SUE HIGGINSON: And you were appointed to the community panel because you're a community representative?

TIMOTHY JOHNSON: I was appointed by the Minister. I couldn't tell you the Minister's reasons. One of the things that you didn't include in that series of qualifications is that I was the head of property, investment and development for the University of Sydney. In that capacity, I have no ecological qualifications nor do I advocate that I do. I simply was the manager of assets that were owned by the university on behalf of academics for the purposes of undertaking academic study, and that therefore exposed me to their thinking, and listening and learning from them.

The Hon. WES FANG: More qualified than Jack.

Ms SUE HIGGINSON: Point of order: Could you ask the member to restrain so that I can ask questions?

The CHAIR: I uphold that point of order.

Ms SUE HIGGINSON: The other question I would have for both of you is, what is your experience and your anecdotal knowledge of other national parks in New South Wales?

The Hon. WES FANG: They're former Greens staffers. Oh, no, that's Jack.

The CHAIR: Order!

Ms SUE HIGGINSON: Enough, please, Wes. Please, just leave me alone. Sorry, I'll restate the question. Could you tell me any other anecdotal experience that you have, if any, in relation to other national parks in New South Wales?

TIMOTHY JOHNSON: I'll allow Leisa to answer first and then I'll answer.

LEISA CALDWELL: I can honestly say I don't really have a lot of experience in any other national parks, other than being a one-day visitor here and there over my lifetime, including all around the country, not just New South Wales.

TIMOTHY JOHNSON: My experience in national parks is I've extensively walked Kanangra, Blue Mountains, Pigeon House, up around New England around the Guy Fawkes and Ku-ring-gai National Park.

Ms SUE HIGGINSON: As a visitor?

TIMOTHY JOHNSON: As an extensive bushwalker.

Ms SUE HIGGINSON: Fantastic.

TIMOTHY JOHNSON: As I said, I've been doing this since I was probably about 12 years old. I've been going to the bush on my own. I've continued to do that for most of my adult life. I've walked in those capacities, because most of those parks do not permit horses to be ridden. In more recent years, I've stayed in Kosciuszko where I can ride a horse because I have a serious knee injury that doesn't permit me to walk long distances.

Ms SUE HIGGINSON: In relation to threatened species management, you have no qualifications in that regard?

LEISA CALDWELL: No, no academic qualifications.

TIMOTHY JOHNSON: I have no academic qualifications. However, when I was working in my capacity with the University of Sydney, I worked with the staff who were doing studies on our farms, and we had to take their views on board and work with them in the way in which we managed the properties and the way in which they engaged with ourselves, so only anecdotally.

Ms SUE HIGGINSON: Mr Johnson, in terms of your appointment to that committee that you were on in relation to the horse management issue, you accepted that position because you have an interest in the horses or Kosciuszko? What was your motivation for joining that—

TIMOTHY JOHNSON: I don't pretend to know the Minister's mind, ma'am.

Ms SUE HIGGINSON: No, sorry, your acceptance of it.

TIMOTHY JOHNSON: I accepted it because the position was offered to me.

Ms SUE HIGGINSON: By John Barilaro, was it?

TIMOTHY JOHNSON: They never spoke to me before I was appointed, so I can't tell you their mind. I wasn't being flippant.

Ms SUE HIGGINSON: Which Minister?

TIMOTHY JOHNSON: Minister Kean was the only one that I had to deal with in that capacity, who was the environment Minister. I don't profess to know their mind or why. I simply applied in an interested manner.

Ms SUE HIGGINSON: I don't think any of us know their minds.

TIMOTHY JOHNSON: I'm just saying that I didn't know that. I simply was an interested party. I undertook when I took the role on, both to the Minister and to the committee and to National Parks, that I would chair that committee following the Australian Institute of Company Directors guidelines. I was very careful that I did it that way rather than deviated from their guidelines, because otherwise I felt that it would be open to criticism of the process itself. Also, it would not give everyone a fair hearing, and I thought it was very important that everybody had a voice.

Ms SUE HIGGINSON: What was your interest in accepting it?

TIMOTHY JOHNSON: My interest was that I was a horse rider. I had been involved in seeing the brumbies and a participant in the park for a long time, and I felt that I had something to contribute. I actually didn't expect to be made chair, but I was very pleased to accept the role.

The Hon. WES FANG: In relation to the questions that Ms Sue Higginson just put to you both, can I just seek to clarify that neither of you is seeking to claim that you're fronting a community organisation that's seeking to profess to be experts in relation to species?

TIMOTHY JOHNSON: No, sir, and I have no affiliation with any particular advocacy group, one way or the other, in the park at this current time.

The Hon. WES FANG: So neither of you has qualifications in relation to those areas?

TIMOTHY JOHNSON: No, sir.

The Hon. WES FANG: Have either of you been Greens staffers before?

TIMOTHY JOHNSON: No, sir.

The Hon. WES FANG: Well, that rules you out of heading the Invasive Species Council. In relation to the evidence that Ms Sue Higginson also elicited from you about your contributions in relation to the community panel, could you provide some insight as to the work that the community panel did, the work that the Minister asked you to look at and, ultimately, how this Government—that is, currently the Labor Government—has sought feedback from community members in relation to what's occurring at the moment in Kosciuszko National Park? Mrs Caldwell?

LEISA CALDWELL: As far as our charter on the community panel was guided by the legislation, I haven't got the legislation in front of me, but one of the things that is requested on it was that the community panel needed to identify the heritage value of the horses. No other members of the community panel seemed to be going down that road, so I took it upon myself to do an independent heritage report, because that is a passion of mine, if you like. I have studied family and local history. I'm actually a heritage officer in local government. So that was my thing. I produced that independently, which I have tabled here today, of the heritage report, to understand the heritage of the horses and where they've come from.

The Hon. WES FANG: Do you think that the current Labor Government has in any way sought to recognise and respect the heritage aspects of the brumbies in Kosciuszko National Park? Have they done anything that leads you to believe that the iconic status that brumbies carry amongst the Australian populace has been recognised and respected?

LEISA CALDWELL: No, I think it has been totally ignored.

The Hon. WES FANG: Do you think that the aspects of the colonial and the folklore status that the brumbies have has in any way been celebrated by this Government?

TIMOTHY JOHNSON: I haven't seen anyone celebrate it for a long time. It's very disappointing.

The Hon. WES FANG: Do you believe that the brumbies do have the ability to provide a heritage and cultural aspect to this country?

LEISA CALDWELL: Absolutely.

TIMOTHY JOHNSON: Absolutely.

LEISA CALDWELL: National Parks' own commissioned report that they had done in 2016 by a group called Context, which included three or four different heritage consultants—when you are applying for a heritage listing of any item, you need to meet a criteria out of nine to reach national heritage listing; you only need to meet one. The horses, in their report, met five. So, well and truly, they have significant heritage value.

TIMOTHY JOHNSON: I agree with Leisa. The thing that I find most disappointing is that that history resonates with young people. When I was in the park earlier in January and I was riding around on a brumby and I spoke to people and they found out that I was riding a brumby, it made it that much more special for people. I think it truly resonates with people, and it's very seriously neglected.

The Hon. WES FANG: You would have seen earlier today that the Minister, obviously, presented to the hearing. We know from having looked at ministerial diaries that one of the first things that the Minister did when she became Minister was to attend at Kosciuszko National Park and, I guess, look at the area. I believe the second thing she did was meet with the Invasive Species Council, on her disclosures. Now, that is obviously curious, given that the Minister has carriage of a number of issues—energy and the environment, heritage et cetera—but her priority first was Kosciuszko National Park and then meeting with the Invasive Species Council. Were you, the community groups and the brumby advocates, provided a similar opportunity to present to the Minister and actually engage with her in the same way that the Invasive Species Council was able to get access immediately to the Minister?

LEISA CALDWELL: Absolutely not. In fact, I got to have a meeting with our local member, Steve Whan, via Ngarigo people inviting me to come along to their meeting with him—because I don't think I would have got a meeting on my own—where I requested him, as his constituent, to arrange a meeting with the Minister either in Sydney or preferably down in the park, but with the local people, so we could show her what we see and tell her our story. After the meeting in person, I also followed it up with emails requesting and thanking him for the meeting et cetera, et cetera, on a couple of occasions, and I still haven't even received a response—not even a generic response from him.

The Hon. WES FANG: That's disappointing. I can appreciate that.

TIMOTHY JOHNSON: To my knowledge, no brumby groups have met with the Minister or had the opportunity to meet with the Minister.

The Hon. WES FANG: It's interesting, obviously, that the Minister would prioritise the Invasive Species Council in her meeting schedule but hasn't sought the alternate view. When you're responsible for the management of brumbies, you'd seek to understand both sides. Would that be a fair assumption that you would think?

LEISA CALDWELL: It would be nice to think that she could get a balanced view. But, as well as that, politicians and the media are continually taken to these same places for propaganda, the same places where there are dense populations of horses—at the Currango area, for example. It's like they've got these propaganda sites ready, and that's where they take the cameras. That's why we would like them to see other areas with the local people so we can tell them our side of the story.

The Hon. WES FANG: Mr Johnson, you actually touched a bit on the issues around safety. When there's going to be a widescale closing of a national park in order to implement aerial culling, the difficulty in securing the boundaries of a national park is, I think, pretty obvious, given that we keep hearing how brumbies don't respect boundaries. Ultimately, bushwalkers may do the same. Can you provide some insights as to how easy it is to get off track, shall I say, in relation to the national park and find yourself somewhere you're not supposed to be, and the safety aspects of widescale aerial culling in the national park when you've got potential bushwalkers and the like all around?

TIMOTHY JOHNSON: Certainly. On 19 January I was heading into the Blue Waterhole on horseback. As I came down the hill into the Blue Waterhole, I met a family, including a husband, a wife and a young child. They told me that they were heading into the Nichols Gorge walk. By the time I'd reached the Nichols Gorge walk and saw the sign, I realised that not only had they misread the sign, but they were heading into wilderness and their next stop was Snowy Hydro 2.0. I turned my horse around and I followed that family back, and they'd got halfway to an area called Currango gap, at which time I was able to pull them up and let them know that they were lost and they needed to go back the wrong way. It was further disappointing that they only had two litres of water and no food. They were in a cast area where all the water was limestone, which is unhealthy for people to drink. Had they got lost, it would have been very difficult to find them. But also, that park has hundreds of miles of public roads where any bushwalker or any day hiker could simply wander off the road and continue through.

There are people currently walking the National Trail out of Victoria that'll come through on back trails into New South Wales that would never see signs saying the place is closed. There are lots of people that don't like walking on tracks. The park is not only highly permeable but it's arrogant to believe that it's any other way. The other part of the safety piece that I'd put to you was also that anyone who can get close enough to wild horses to use bolt guns and all sorts of silly things like that clearly don't follow safe operating procedures, because we couldn't do it with cattle at Sydney university without them in a crush. The good Lord knows how anyone could do it safely without endangering National Parks and Wildlife staff undertaking similar activities. So, generally, I think the wholesale destruction of wild animals in that environment is very dangerous, compared with community groups herding up horses and bringing them out of the park into an area where they could be gentled and handled, and either sold or passed to the public for the benefit of all.

The Hon. AILEEN MacDONALD: Mrs Caldwell, in your submission, you wanted it recorded that at the Federal inquiry your evidence was not included in *Hansard*. Why do you think they didn't include it?

LEISA CALDWELL: I don't know. We were left off the—we weren't included in the original inquiry until later, and we got a call from the secretariat to say that myself and three other people would be included in their lunchbreak, which I had to do by phone because the internet wasn't working properly. And then, when *Hansard* came out, we were omitted.

The Hon. AILEEN MacDONALD: Because it was in the lunchbreak, do you think it was not part of the inquiry?

LEISA CALDWELL: Well, what was the point then?

The Hon. AILEEN MacDONALD: Yes, that's what I'm wondering. If they've asked you to come along and then not included your statement, what is it that you said?

LEISA CALDWELL: I read an opening statement half the size of my one here today, but similar to it.

The Hon. AILEEN MacDONALD: You've also mentioned the methodology of distance sampling. I think you mentioned drones. Have you made a recommendation to have a different way to count?

LEISA CALDWELL: Absolutely. As I stated before, on the community advisory panel, the New South Wales chief scientist was the deputy chair. He, on a few occasions, made recommendations that thermal imaging using drones would be ideal because he is an expert in exactly that. But they also promised to try other methodologies in parallel—so to use two or three or even four different methodologies, including stakeholders, because some of them are dung counts and having independent observers in helicopters counting, which they have done in the past, and that sort of thing.

The Hon. AILEEN MacDONALD: So perhaps one of our recommendations as a result of this inquiry could be to recommend other forms of counting, do you think?

LEISA CALDWELL: Yes, parallel with each other, but using independent people as well.

The Hon. AILEEN MacDONALD: My final question is—and pardon my ignorance—is the community advisory panel no longer in existence?

LEISA CALDWELL: The original one finished in 2021. Then there has been another one formed, which I believe has 12-month appointments, which is probably about due to be renewed again. But their names haven't been made public.

Ms SUE HIGGINSON: In terms of the methods, do you acknowledge that most experts and statisticians who have expertise in those matters—particularly in relation to animal counts—say that distance sampling is the best methodology that we have for the circumstances in Kosci and the alpine region?

TIMOTHY JOHNSON: Sorry, ma'am. I made a very clear statement that I didn't dispute the science and the way in which Professor Cairns had undertaken it. What I said was that the way in which the variables and the inputs have been put forward and the way in which you measure the length of those samples can significantly introduce statistical variation that's unrealistic. So if you start a run back X minus 10 and you run it to Y plus 10, and there are only horses between X and Y, the statistical variance just by having a long run will do that. But also, as they've said, clearly when you look at the data and the way it's constructed—let's say five years ago they said, "When you sight a single horse it's worth three, because there are so many others." That's an input done by Parks, not by Cairns. When you look at that, they have significantly increased. Every horse that's sighted is assumed to be significantly more.

So from five years ago to today—and I'm only speaking metaphorically—they've said, "What was previously 'one horse equals three' is now 'one horse equals five'." But if you look at the raw number of horses counted on the ground, it hasn't varied significantly. There's been variance; I don't doubt that. But it's not as great as has been put forward by simply changing the inputs into the model. One area I do have a background in is I have a master's degree in financial mathematics, and I do understand how to work a model.

Ms SUE HIGGINSON: But not in relation to counting lots of animals over a landscape.

TIMOTHY JOHNSON: Sorry, maths is maths.

Ms SUE HIGGINSON: You're talking about inputs into a model.

TIMOTHY JOHNSON: And a model is just mathematics.

Ms SUE HIGGINSON: Well, there are a bunch of assumptions made.

TIMOTHY JOHNSON: Yes, and I'm saying the assumptions are variable.

Ms SUE HIGGINSON: And that's why Dr Cairns's explanations are incredibly elaborate.

TIMOTHY JOHNSON: I'm not arguing with Cairns's mathematical model; I'm simply saying I can read the maths and understand it, and therefore I'm highlighting to you where the variability is and where the inputs may be varied to give you a distortion of what is sighted on the ground versus what has been counted.

Ms SUE HIGGINSON: Are you suggesting, then, that you are cognisant of all of those assumptions that have gone into feeding into the model?

The Hon. WES FANG: Now you're verballing, Sue.

Ms SUE HIGGINSON: Point of order: Could the member please refrain while I am having my time with the witness?

The CHAIR: The Hon. Wes Fang will refrain, but I also ask Ms Sue Higginson not to speak over the witness while they're giving an answer.

TIMOTHY JOHNSON: National Parks provided the inputs for before for each of those counts and therefore were able to delineate what was the difference between those counts and, therefore, they could be

understood. But I don't profess that I would have a similar qualification to Professor Cairns. It's his area of expertise. All I was doing is reading, "One plus X equals Y," and therefore I could understand the maths.

LEISA CALDWELL: Can I add to that? Dr Cairns did explain to us that the methodology was developed by St Andrews for the Serengeti, so it's a very different landscape. A lot of it is based on assumption, and he said he can only base his information on the data he is given and that that data is given by people who are assuming that there are horses living in certain areas where we know they are not.

Ms SUE HIGGINSON: And you know they are not because you say that you've seen it at all times, to say that they're not there?

LEISA CALDWELL: Yes.

Ms SUE HIGGINSON: With all of those thousands of hectares, you know that they're not there.

LEISA CALDWELL: We cover—yes.

Ms SUE HIGGINSON: Because you were there the whole time.

LEISA CALDWELL: Yes, because we don't just travel there the whole time, but we can track where horses have been and we can see where horses live.

TIMOTHY JOHNSON: And we can tell you how old the dung is, how old the footprints are and how old the damage to a tree or a blade of grass is. One of the finest horsemen and bushmen I've ever met is Leisa's husband. He's an expert at that sort of thing.

Ms SUE HIGGINSON: I wouldn't remotely question your horse skills; I'm sure you're absolutely fantastic.

LEISA CALDWELL: It's not just horse skill; it's bush craft as well, and bush skills and knowing the landscape of the land.

Ms SUE HIGGINSON: Which are very different to ecological expertise and science.

LEISA CALDWELL: Maybe, but we can tell where horses are or have been in the last week, six weeks, six months or 12 months.

The CHAIR: We have to finish it there, but we thank you both for your time giving evidence today. We really appreciate the fact that you've both come here in person to give evidence as well. There may be further questions from the Committee, which the Committee secretariat will be in contact with you about.

LEISA CALDWELL: Am I able to do a closing statement, quickly?

The CHAIR: Yes, you may.

LEISA CALDWELL: I do have a few documents to table, which are the heritage report, which I have already mentioned, but also I would like to table a submission by Dr Andrea Harvey, who is a registered specialist veterinarian. Andrea, now an associate professor of the Sydney Uni vet school, as well as a research fellow at UTS, has many published studies, including seven on wild horse welfare. She was the deputy chair of the scientific panel. She has rehomed over 40 brumbies herself and gelds many brumby stallions for other rehomers. I am submitting her submission to the inquiry. Andrea's work was also referenced in the Kosciuszko shooting trial.

I implore the committee to come and visit these mountain areas personally, to see for yourself, but let us show you. Let us show you what we see and not be just taken to those propaganda sites, like I was saying before. We've requested for decades for independent studies and monitoring. The scientific panel strongly recommended that the Kiandra horses would be ideal for pilot studies, but some of them were shot in the Spring foaling season in 2022, against the SOP at the time, and that was never justified. Both scientific committees, as well as National Parks senior staff, have always stated that this mountain community must be involved in the management of horses for it to ever gain public approval.

A senior area manager at a feral horse workshop presentation said, "What has been learnt from the process to date is that staff must be committed to the process of community involvement and this commitment must be ongoing ... Involving the community does have many benefits. It also results in greater ownership of the issue among the key stakeholders ... Finally and most importantly, it provides the opportunity to build long-term positive relationships with stakeholders and sections of the community. This support is vital in managing contentious issues."

I must also mention here that Minister Sharpe and several other Labor party members were absolutely resolute in their statements heard in this building only a few years ago. They stated adamantly that they "would

never" introduce barbaric aerial culling. In fact, some members were offended at the suggestion—and yet, here we are. How can we ever believe in the integrity of governments or their bureaucracies again?

And finally, the horses hold a significant place in the hearts of many people, just by instinct. Horses are not merely feral intruders; they have been a keystone species on earth for millions of years. For around 10,000 of those years, they had a profound and unique history of partnership with humans that is unequalled by any other species on the planet. If you think about it long enough, this century is seeing, for the very first time ever in human history, that horses are no longer actually essential for humanity. They have helped humanity build civilizations and served mankind for millennia and are a part of the human psyche. That is why we are here today. Horses are extra special with profound connections to mankind compared to any other species, and so deserve some recognition and certainly more compassionate treatment above all. Australians are well known to go into bat for the underdog, so here we are—batting.

The CHAIR: Thank you. We need to move on to the next witness. If any questions were taken on notice, the Committee secretariat will be in contact. Also for any further questions from Committee members, again, we'll be in contact.

(The witnesses withdrew.)

Ms JOANNE CANNING, Community Member, before the Committee via videoconference, affirmed and examined

The CHAIR: I am sorry we are running a little bit late. Do you have an opening statement that you'd like to make to the Committee?

JOANNE CANNING: I have, and it is a little bit longer than requested, I'm afraid, but there have been a lot of changes since I made my submission. I will speak as quickly as I can. I am an independent equine scientist and horse trainer with over 50 years experience. I have written four books that were approved and published by the British Horse Society, covering all aspects of equine health, care, management and training. I have handled and trained horses and ponies of all sizes and types, including wild horses. I have spent thousands of hours over four years researching the situation with the wild horses in Kosciuszko National Park, including the surveys, the purported damage and the humaneness of management techniques. I worked with Claire Galea to put together the proposed alternative count and took part in the meeting with the National Parks and Wildlife Service and the Minister's assistant.

Very early on in my research I became aware that there is a very powerful group of people—both politically and financially—that have, it would seem, "waged war" on the wild horses. The hypocrisy involved in this is, quite honestly, astounding. It would seem that any amount of damage can be done to the park if it is advantageous to humans or brings in dollars. That includes tearing up large chunks of habitat of the native fauna. I studied the report from the Independent Technical Reference Group. They made it clear that there was a severe lack of independent scientific studies done on the effects of the wild horses in these parks. The recently published research by Dr Berman has been very helpful in this respect and he has also highlighted much of the criticism that I have also made of the research methods that have been previously used.

There is also a massive amount of self-referencing involved in papers used against the wild horses, and mostly they are not independent and they reference studies that are not equine related or relevant to Australia. I would just comment here, ecology is just one branch of science. Ecologists have been involved in the study of wild animal populations but they are not the only ones qualified to research and discuss the subject. In fact, according to AI, the most qualified are actually wildlife biologists, but they also state equine science plays a vital role in studying the abundance of wild horses by examining population dynamics et cetera. With regard to the population surveys, I noticed quickly that there were purported annual population increases, particularly in the northern block of Kosciuszko National Park, that were in fact biologically impossible for the species, so I started doing calculations.

The first thing I noticed was that the reported 37 per cent per annum increase between 2014 and 2019 calculated, in fact, as nearer to a 41 per cent increase because no account had been taken of horse removals. I then looked back at other surveys and realised that something seemed to have gone drastically wrong since about 2009. The estimates were all over the place. Having received documents via GIPAA, I realised that St Andrews university had in fact questioned the biologically impossible results of the surveys. It's not just this area of the park. There was a purported annual increase of 95 per cent per annum in the southern region of the park between 2020 and 2022.

It's important to understand that there are two completely different surveys that have taken place: one is the official published surveys done by Dr Cairns using distance software that are producing these biologically impossible estimates; the others are annual headcounts undertaken by rangers. These counts have produced numbers that are much more feasible. They fly a meandering path and fly to the areas where they know the brumbies are. They hover over them and count them. They are large, easily seen animals. They only cover the open plains area. However, horses graze, with short breaks, 24 hours of the day. They would predominantly be on the open plains except for when it's very hot or there are bad insects. These times of year are avoided. The rangers know exactly where the horses are to count them. They can apparently find them and view them sufficiently to shoot them—so they can count them. So a headcount is perfectly possible and is, of course, the gold standard for wildlife counting.

In 2020 they counted 2,468 horses on the open plains. The Cairns estimate for the northern block for 2020 was 12,511. Are we seriously supposed to believe that there were over 10,000 horses hiding in the trees? We know that the highest percentage of horses are in the northern block and, of those, the highest percentage are mostly on the open plains. If the count that we proposed was undertaken, we would know fairly exactly the number of horses in that region. It would be easy to establish then the inaccuracy of the surveys that have been published and used officially. Would that not be what everyone wants, considering we are told that no-one wants to shoot horses?

Regarding the shooting, both ground shooting and aerial, you have several submissions from very qualified vets, including some that were on the scientific advisory panel, that state categorically that shooting horses anywhere other than in that small spot on the head that achieves instant loss of consciousness is absolutely not humane. This is also the position of the RSPCA according to their submission to the Senate inquiry. It is just not possible to shoot free-running horses accurately in this small target area, so they aim for the thorax, either hitting just the lungs or, with aerial shooting, often the spinal column to partially paralyse and disable them. It's horrific and cruel and they would suffer enormously. Blasting them full of bullets may speed up the death, but they would still suffer enormously. Thank you.

The CHAIR: I might start with a couple of questions myself. As an equine scientist, I want to understand what your key concerns were with the way that the brumby populations have been estimated in the park. You raised concern in your submission about biologically impossible population growth rates. Can you help unpack that a little bit further for the Committee?

JOANNE CANNING: Yes. The population growth rates in Kosciuszko were always said, in the past, to be around about 6 to 17 per cent, maximum. In fact, they said Kosciuszko really was normally around 8 per cent, and that's in all the official documents that have come from National Parks and Wildlife Service. So a 41 per cent increase is just not possible. It's not been possible anywhere, even in other countries like in the USA where populations are monitored. Normally they work on around 15 per cent. It has been up to 20 per cent, but it's certainly not 41 per cent. And, absolutely ridiculously, 95 per cent, obviously, in the southern region, would be even more ridiculous.

So I did calculations myself, starting with the survey that had been done by Montague-Drake in 2005. I took those figures because they were specifically just for Kosciuszko—it got the north and south split up—and then I added on 17 per cent every year from that and then took off the horses that had been removed from the official figures. And, as you will have seen by my submission—and I'd done new calculations since with all the new figures that have come out from the shootings and everything—it's just not possible for there to be those figures that they're bandying around, because it is bandying around.

The other thing is, as well—and I had a discussion with Mr Fletcher on Facebook about this. When you're in a helicopter and you're looking across—150 metres is what they look at on either side of the helicopter—to try and say that you only see 57 per cent of the horses that are 150 metres from the helicopter is quite ludicrous to me. On my piece of land where my horses graze, I can stand in the roadway—it's 200 metres long—and I could most certainly count the horses in the field, even from down on the ground, quite accurately. I think that is part of where it's going wrong. I can't talk from the statistical point of view, because Claire has already covered that, but, from a science point of view, it's just not possible for horses to reproduce and increase at those rates.

The CHAIR: How long is a wild brumby pregnant for?

JOANNE CANNING: For 11 months.

The CHAIR: Based on the proposed increases, how many foals would had to have been born for the increases that are being proposed?

JOANNE CANNING: As I say, the 95 per cent is so ludicrous it's unbelievable, because you would have to have stallions and foals having foals and no horse would die. It's so ludicrous. But, even at the 41 per cent, it would mean that no horses would die and that, if there was 50 per cent mares, every mare would have had to have a foal every year, even if it's mares that are only six months old, which is impossible, obviously. As I say, it's just not possible. Those numbers are just not possible.

The CHAIR: Your submission also references the work of Dr Berman, and his research highlights how difficult it is to assess the environmental impact of horses. We have heard a bit today about the fact that it's difficult to have reliable data that shows that the environmental damage we are seeing is largely caused by the brumbies at all. Can you unpack that a little bit further as well? And are you aware of any research that does link the environmental damage at Kosciuszko Park to the brumbies?

JOANNE CANNING: There's been a lot of research papers that have been quoted. I said in my opening statement, a lot of them are self-referenced, I've noticed, and certainly not independent. Methodology that has been used to do these things has been faulty, which was also criticised by Dr Berman—where they haven't eliminated deer. And the damage that deer do, obviously, is much worse than what any horse would ever do, because they do wallow and enjoy digging up all sorts of things. I was refreshed to see Dr Berman's research—long-awaited—and he basically made a lot of the same criticisms that I had made about the methodology. Like with the waterways, as I heard earlier on with the testimony from the other gentleman—I can't remember his name, sorry—about that, saying that the banks of the waterways that are measured, they're affected by other things. And it seems so hypocritical, because there is so much damage being done by human tourism, and that is well

documented, obviously, and yet that's being expanded with new tracks being put in, new cycle routes, new ski runs and whatever.

Yet the brumbies seem to be picked on, and they don't trample. I mean, I live on a sphagnum bog. You may laugh at that and find that hard to believe, but I can assure you, I do. And I can assure you that since I've been here with my horses we have more sphagnum moss than we've ever had. They don't trample it. Horses don't trample their own food. You know, they eat grass, so if they were trampling it and killing it, they'd have nothing to eat, would they? It's the same as with the water situation: They don't pollute their own water because they need it. They need the clean water supply to drink from. Yes, when they put their feet in the water, it causes a little bit of disturbance in the water, which settles back down again, but a lot of the things that I've read, to me, from either equine science or even a commonsense point of view, are quite ridiculous, to be honest.

The CHAIR: Since you have given your submission, we have had two more documents that have come forward. There is the standard operating procedure in regards to the aerial shooting as well as the New South Wales Government's report on the preliminary aerial shooting program. Have you had a chance to look at either of those documents? Do you have some feedback for the Committee in regards to both of those?

JOANNE CANNING: Yes. In regard, first of all, to the standard operating procedures, to me, they've just been changed to suit the new agenda, which was to be able to aerial-shoot the horses. Most of the shooters know that they can't get what is recommended and what is humane, which is a shot to that small part on the forehead. They know they can't do it. Basically, okay, let's change the rules and let's make the SOP so that we can shoot in the thorax instead, which won't cause instant loss of consciousness. Most horses, as I said in my opening statement—they would probably aim for the spine, which would paralyse the horse's back end and knock them over and disable them, but they are not dead, obviously. Yes, pumping them full of bullets will eventually kill them, but is that humane? No, it's not. As Mr Fang said, the only humane way is in the head. The RSPCA agrees with that, as do the vets that you've got submissions from. Changing the rules doesn't make it humane.

The Hon. WES FANG: Thank you very much for appearing today and providing the insights that you have. It has certainly been insightful and provides a very balanced perspective, I think, to some of the other evidence that we have heard in relation to the support of the culling of brumbies. I want to first drill down on the issue of the numbers and the contradictory issues around the breeding cycles and the methodology. Could you provide to us an insight around the contradictions and what other experts have said in relation to Mr Cairns's methodology and where it perhaps comes undone?

JOANNE CANNING: I can't talk, as I said, about statistical things really, because I'm not a statistician, obviously. I can only talk from an equine science point of view. As I said, a well-known, well-published maximum increase rate for horses is 20 per cent a year, so 40 per cent is just completely wild. As I said in my opening statement, to try to say that there are 10,000 horses hidden in the trees in 2020, because Parks counted 2,468 and Cairns estimated over 12,000—you don't have to be a scientist or a mathematician to realise how ridiculous that is. Horses are not monkeys; they are not tree dwellers. They would mostly be out on the open plains eating grass, obviously.

It's not just Kosciuszko either. I looked at Barmah National Park. The same kinds of incidents were there where, as soon as the distance software started being used, it started to create problems there. They had had a steady population of 150 to 200 brumbies in Barmah for many years, because of the situation there. Obviously it's not the ideal area for horses to live. Suddenly the distance software came in and, wallop, they increased by 60 per cent. The other thing is that there were localised surveys done—supposed to be as trials—in certain areas. If you look at my submission I did a table of that in comparison with what Cairns had estimated for those regions. The localised survey people who did it—I don't know who it was who did it, but they also used distance software and yet the estimates were so far below Cairns's estimates, it's unbelievable.

The Hon. WES FANG: In relation to the numbers in Kosciuszko National Park, though, what do you think would be the last time we had an accurate count? Obviously you've mentioned that there were around 2,400 counted by National Parks and Wildlife Service staff in 2020—was it?

JOANNE CANNING: Yes.

The Hon. WES FANG: Do you believe that that was an accurate representation of the numbers within the park at that stage?

JOANNE CANNING: Not the whole park, because on those counts that they do it's just the open plains area in northern Kosciuszko. But we know that there have been up to—according to Mr Cairns, the highest percentage of horses has always been in the northern block anyway. Up to 89 per cent at one point, he reported, were in the northern block. In that northern block, obviously, the highest percentage of horses are on the open plains. Cairns counted 86 per cent, for instance, last time in the open plains, so we know that's the highest amount.

So, yes, there would be some in the trees—you know, the 2,468—but if you said there was another 25 per cent or something in the trees, that would be it.

The Hon. WES FANG: Let's extrapolate some of those numbers then, and we will move it forward. So we've got—for round figures—we will say 2,500 in the northern block, and I think you said it was around 89 per cent of the numbers were in that northern block. So let's, for example, say that 90 per cent are in the northern block, so there would be around 2,750 horses, I would say—around about, using round figures—for the total park. Now, knowing what you know around the behaviour of horses and the breeding cycles of horses, let's assume for a minute that we've got a perfect situation where no horse passes away, where the breeding cycle is as a normal equine scientist would expect it to be, if we had around 2,700 horses in the national park in 2020, what do you expect the numbers would be in 2024?

JOANNE CANNING: That's not something I could just work out in my head, but I've done new calculations anyway up until the present, but I've used a 17 per cent increase, which is what I did before. I've worked out that with the shootings and right up to date now, in the northern part of Kosciuszko the likelihood is now that there are around 796 remaining. In the whole of the park, I would say there would be around 2,288, according to my calculations. That's adding on, as I said, 17 per cent, which is a fair amount. Even Mr Fletcher worked out it's at 15 per cent, and the Invasive Species Council talks about a 15 per cent increase. I've been generous and given 17 per cent. You could go up to 20 per cent. But yes, I reckon there are less than 1,000 in the northern region, and in the whole park there are certainly less than 3,000.

The Hon. WES FANG: Let's assume for a minute that you are correct and that we have a number of horses in the park that is below the 3,000 mark. Obviously the 3,000 mark is the trigger and the number that is expressed in the legislation, and also it is the Minister's stated target. Doesn't that make it even more important now that we have a better understanding of the horse numbers so that we don't continue a cull and entirely exterminate the brumby numbers from Kosciuszko National Park?

JOANNE CANNING: Yes, absolutely. That's what's been promised in the legislation and it's in the management plan that there would be 3,000 horses retained. I've said in my submission all along that it's a good way to basically eliminate all the horses in the park, isn't it? If you say there are 14,000 or 18,000 horses and you've got to get down to 3,000, you're going to aim to kill 15,000 horses, so basically you're going to shoot the lot. So there has absolutely got to be another count method used that's going to give a sure-fire—I think it's up to the National Parks and Wildlife Service to prove, without any doubt, that there are more than 3,000 horses remaining in that park, and I'm talking about with photographic or video evidence, not by using computer statistics and modelling.

The Hon. WES FANG: If it was my unstated aim to ultimately remove every single brumby from Kosciuszko National Park, I suspect that—and you would agree with me—the things that I would need to do would be to overestimate the population, to ensure that a recount or a different methodology in the count was not implemented, to ensure that the numbers that I insisted was the case is the case, and I would be seeking to find the quickest way of culling the brumbies that I could. Certainly we know that at least 800 have been culled, from the last numbers that were provided to us.

That all seems to be not only just the circumstance that would provide the opportunity to exterminate all the brumbies within the Kosciuszko National Park, but it also seems to be exactly what is occurring at the moment—that the Government isn't allowing other methodologies to be implemented to count the horses. It is seemingly rushing the aerial culling, given that the Minister's first point of call was to visit Kosciuszko National Park and the second was to meet with the Invasive Species Council, and it is not allowing a recount to occur. Can the public have any confidence that the Government has done all it can do to ensure that the numbers are accurate so it can continue this aerial cull?

JOANNE CANNING: No, absolutely not. Absolutely not. I even wrote to St Andrews university in Scotland—in fact, I even telephoned them in the end, because they wouldn't respond to me and were referring me back to the National Parks and Wildlife Service. I actually phoned them in the end and spoke to them, and ended up getting a response, but they still fobbed me off. Somebody has got to take responsibility for this. There are papers that have been issued here. Those surveys should never have been published because they can't say they're scientifically sound when the papers themselves have got estimates in them that are not biologically possible for the species. How is that scientifically sound? It's not. It can't be, can it?

The Hon. WES FANG: Ms Canning, whilst you probably weren't able to hear it, given that you are on videoconference, "Lawrence of Arabia" over there has been indicating that I'm promoting conspiracy theories.

The Hon. STEPHEN LAWRENCE: I said that the full conspiracy theory has now come out.

The Hon. WES FANG: I know that I'm not the only one who has this view. If the Government was seeking to actually ensure that there was confidence and an accurate number of horses, it would allow other methodologies of the count to be brought forward and would be actively encouraging it. Would that not be a sensible position for the Government to adopt?

JOANNE CANNING: Absolutely, yes.

The Hon. WES FANG: So it is, in effect, the Government that is progressing this lack of rigour around the numbers because it is only allowing one methodology to be implemented to determine the numbers for the horses.

Ms SUE HIGGINSON: There you go.

JOANNE CANNING: Yes, definitely—

Ms SUE HIGGINSON: That is the conspiracy revealed. There it is.

The Hon. STEPHEN LAWRENCE: The full conspiracy theory.

JOANNE CANNING: —I mean, the meeting that we had that I went into with Claire, it was quite clear that it was a box-ticking exercise and nothing more.

Ms SUE HIGGINSON: Thank you very much, Ms Canning, for your evidence. I think that you had told Ray Hadley—and I apologise if I'm incorrect here, but I am fairly sure this is what I had read—that some of the horses had just been peppered with bullets and left to bleed to death. Is that correct? Is that what you told Ray Hadley, or was that Ray Hadley making something up?

JOANNE CANNING: I can't honestly remember my exact words to him, so that is a difficult one to answer. But, basically, with the aerial shooting now—I would say 15 bullets was "peppered with bullets", wouldn't you?

Ms SUE HIGGINSON: And that they were just left to bleed to death, is that something that you said?

JOANNE CANNING: They are bleeding. When a horse is shot in the thorax, that's what happens: It is massive internal bleeding. I know that the submissions that you've had from some of the veterinarians have said that also.

Ms SUE HIGGINSON: Yes, I see.

JOANNE CANNING: The bleeding to their lungs.

Ms SUE HIGGINSON: Yes. But that is considered the lethal means.

JOANNE CANNING: Sorry, what do you mean?

Ms SUE HIGGINSON: That that is—

The Hon. WES FANG: It's a slow lethal means, but yes.

Ms SUE HIGGINSON: Yes—well, no, not particularly slow.

The Hon. WES FANG: You just agreed with me. That's good.

Ms SUE HIGGINSON: Anyway, sorry, I'll move—

JOANNE CANNING: Yes. I mean, they would die, but they're drowning their own blood, basically.

The Hon. WES FANG: Thanks, Sue. That was good.

Ms SUE HIGGINSON: Ms Canning, going back to the methodology and the counts, how many distance sampling surveys have you been involved in over the course of your professional career?

JOANNE CANNING: Sorry, I don't understand the question. What do you mean "involved in"? I've researched them.

Ms SUE HIGGINSON: That you have been engaging—

JOANNE CANNING: I haven't actually done distance sampling myself.

Ms SUE HIGGINSON: No, I realise that.

JOANNE CANNING: I did say that I'm not a statistician and I haven't studied the surveys from that perspective; Claire Galea did. I studied it from an equine science point of view and not from a statistical point of view, and it is a statistical software, obviously.

Ms SUE HIGGINSON: I see. So you're relying entirely on Claire Galea's assessment of that methodology?

JOANNE CANNING: No. I'm relying on my own assessment from an equine science point of view in that it is producing biologically impossible estimates for that species—nothing to do with the statistics. Claire has got her own criticisms of that side of it. I studied it from a different perspective completely. It's not possible for horses to reproduce at those levels—the levels that are being bandied around.

Ms SUE HIGGINSON: Correct me if I'm wrong, because I don't want to say that you said something you didn't say, but I think you said that equine scientists have shown that many threatened species are not under threat from horses. I think that is what you have submitted.

JOANNE CANNING: No. I didn't say that at all.

The Hon. WES FANG: That's a verballing of her.

Ms SUE HIGGINSON: That wasn't in your submission?

JOANNE CANNING: No, I didn't—

Ms SUE HIGGINSON: Sorry, I am referring to something that I read. I don't have it in front of me. It was just some notes I took when I was reading.

The Hon. WES FANG: Isn't someone texting you the questions?

JOANNE CANNING: No, sorry, I didn't.

The CHAIR: Order! You don't need to keep interjecting.

JOANNE CANNING: I didn't say that at all, no.

Ms SUE HIGGINSON: I apologise, Ms Canning. We have some banter on the part of the Committee members, so I apologise if that's difficult to interpret.

JOANNE CANNING: I can't hear that, anyway.

Ms SUE HIGGINSON: I will leave it there. Thank you very much.

The CHAIR: Ms Canning, is there anything else that you wanted the Committee to hear today that you haven't been asked as a question that you feel we need to hear, or are there any recommendations that you would really like to see in the report from this inquiry?

JOANNE CANNING: My recommendations really would be that it absolutely needs a head count by whatever method we can do to determine exactly how many horses are in the park; Dr Berman's research needs to be taken more notice of because I do feel that has been passed by—and it's very important, his research. There are other papers and research that has just come out within the last few days, as you said, about invasive species and the fact that they're not any more damaging than native species. From the point of view of the shooting thing, it's just completely hypocritical for the RSPCA, when there are vets putting submissions to say that horses should only be shot in the head and either you do it that way or you don't do any shooting at all.

In fact, anyway, the shooting wouldn't be necessary because I am absolutely certain there are already under 3,000 horses remaining in that park. I think any further management could be dealt with by either rehoming—and I would add, sorry, I listened with horror earlier on to the two gentlemen that were talking about rehoming. I'm sorry to say it like this, but I don't know how else to say it: It was absolute rubbish. I have trained horses for over 50 years, including wild horses. One day that they may be a bit stressed being transported to a home, but then to have a lifetime of life—and a happy life, most of them have—it's not more humane to then shoot them. That's a ridiculous statement to make. At the end of the day, it's like saying to somebody, a human being, "You're having a really bad, stressful time, so it's best you commit suicide or end your own life because, putting up with that stress, it'd be much better to just be dead." That's how ridiculous it is. It was totally ridiculous what they were saying, in my opinion.

The CHAIR: Thank you for coming to give evidence today.

JOANNE CANNING: Thank you for listening.

The CHAIR: If there were any questions that were taken on notice, the secretariat will be in contact with you about that. The Committee may have further questions that they want to put to you as well. Again, the secretariat will be in contact with you. Thank you very much. I know you're calling in from another time zone, so we really appreciate you giving us your time today.

(The witness withdrew.)

(Short adjournment)

Dr JILLIAN BROWN, Convenor, Heritage Horse and Environment Protection Alliance, before the Committee via videoconference, affirmed and examined

The CHAIR: Welcome back to the inquiry into the proposed aerial shooting of brumbies in Kosciuszko National Park. I welcome our next witness. Do you have a short opening statement that you would like to give?

JILLIAN BROWN: Yes, I do. I would like to start by introducing myself and saying a little bit about the group that I represent, the Heritage Horse and Environment Protection Alliance. I'm a retired academic. I live on a rural property and have a number of wild horses—several of them wild-caught foundation bloodline horses, Walers. My great-grandfather bred Walers for export to British India, and I grew up hearing stories about our special Australian horse. So when I had the opportunity to be part of attempts to re-establish what is currently classified as a rare and endangered breed, I jumped at it. This has given me several years of experience in working with wild-caught horses. I have also spent much of my life riding in the high country.

In addition to this, I'm a keen conservationist, with a third of my property locked up as a wildlife reserve, and with wildlife corridors on both sides of my property connecting remnant bushland with State forest. Others in the group are very much the same. They either currently own wild-caught horses or have done so in the past. They all value the central role that these horses have played in the development of our country and our cultural identity. At the same time, they are actively involved in a range of conservation activities. As the name of our group, the Heritage Horse and Environment Protection Alliance, makes very clear, it is absolutely possible to be both brumby advocate and conservationist. To position the two in opposition achieves absolutely nothing.

Now on to the points that I'd like to make, if I may—enough about me. I'd like to re-emphasise that wild horse advocate groups are ready and willing to work with the Government and National Parks to resolve the issue in ways that are both humane and effective. We need to be open to a range of alternatives. We also need to be willing to work with each other, rather than regarding the other as the enemy. The Australian Waler horse is currently classified as rare and endangered. It is our heritage horse. It is our equivalent to the American Quarter Horse. Everyone knows about American Quarter Horses; not many know about Australian Walers. The bloodlines of this rare breed are held in the brumby population. If we get rid of all of the brumbies, we get rid of any possibility of re-establishing the Australian Waler horse. Once they're gone, we can't ever get them back.

There is a study currently being conducted by the University of Sydney, under Dr Brandon Velie, to establish the genetic status of wild brumbies. That work is going to supplement and extend the work currently being done on DNA collection with regard to the wild-caught Walers, which is being done through the University of Texas as part of the global equine genome project. My third point is I think it's become very clear through the process of this inquiry that aerial culling of wild horses is unbelievably cruel. There are other ways to deal with this issue. We need to do it rather than continuing what's currently going on. Also, the number of wild horses in the alpine area is open to dispute, as is their impact on the environment. There are an increasing number of studies which indicate very strongly we need to look carefully at what the impact is rather than just assuming that all damage is due to brumbies. We need to consider the impact of other species as well, including man.

Alternatives that we could use are being used very successfully in other parts of the world. These include relocation, rehoming. Now, I emphasise rehoming with appropriate central management and financial support, fertility control, protection of sensitive environmental zones not only from wild horses but also from other invasive species, including man, and the maintenance of sustainable and protected numbers of wild horses in appropriate areas. It'd be also interesting, I think, for us to consider the potential of our brumbies as a tourist attraction. In other parts of the world, wild horses are valued rather than being slaughtered. There are also a couple of points from transcripts of the previous hearing I'd like to refer to. The first is concern that was expressed about the welfare of wild horses being transported. I acknowledge that, if this is done poorly, it's an appalling thing to happen but, if it's done appropriately, wild horses are able to cope with transport.

In bringing foundation bloodline Walers in from the wild, over 200 horses have been successfully transported from the Northern Territory to the southern parts of Australia. For example, 66 horses were transported from a property bordering the Tanami in the Northern Territory, which is about 30 kilometres north-west of Alice Springs. Some of those horses travelled as far as Tasmania and did so successfully. In terms of personal experience, my own Waler stallion, who was part of this group, was brought back to the mainland from Tasmania and the horse transporter said he had rarely transported a horse that was so calm and cooperative. There was also a point made that there is no particular foaling season for horses in the wild. This is factually incorrect. The centre for invasive species management website says, "Feral horses breed in spring to summer and have a gestation period of about 11 months." Mares start cycling when the days start to lengthen and when the conditions are appropriate for them to be in foal.

Foaling rates in the paddock—that is, foaling rates which are most similar to those in the wild as compared to other methods of breeding—have a lower gestation rate. In my own observational experience with my wild-caught foundation Walers, the mare is very much in control of what's going on. She's only prepared to mate when she's fertile and if she finds the stallion a desirable mate and if the lead mare allows her to do so. Several other people, including Jan Carter, who is an experienced rehomer, have never had mares foaling between February and August. So there is clearly a defined foaling season and to say there is not is just incorrect. To allow culling of horses during the period when mares are heavily in foal or have babies following them at foot is unforgivable.

I also found the variation of 10,000 between the lower estimate of 12,000 and 23½ thousand deeply disturbing. It can't be considered in any way an accurate count, and I put the word "count" in inverted commas. If this was presented as part of any research study, it would be thrown out. I urge the inquiry to return to the comments of Claire Galea and her suggestions for an alternative approach. That up to 15 shots are being used, with a median of 7.5, is absolutely staggering. The recommended approach for shooting a horse is a headshot, ideally focused midway between the eyes on the forehead. You can't do that aerial culling. It's hard enough to do it ground shooting. But to shoot a horse 15 times is unforgivable. I'm happy to respond to any questions on what I've just said and I can rave about Walers for as long as anybody wants me to.

The Hon. WES FANG: Before we start the questioning, I wanted to give you the opportunity to provide the Committee with some view as to your credentials. There has been a lot of questioning of credentials of people today and obviously you've got the title "Doctor". Can you provide some details as to your expertise so that it's not questioned by other members later?

JILLIAN BROWN: I'm happy to do so. My horse expertise—and I use the word "expertise" in inverted commas again—is personal. It's gained from way too many years being involved with horses. But my research qualifications, which are actually in some way relevant to this inquiry, include the whole construction of identity and the power of words and how we label certain aspects of life and the power of that labelling. For example, the term "feral horse" is far more detrimental to the status of that animal than "wild horse". I think you understand my point.

The Hon. WES FANG: I do. There's a lot about the language that we use and the perspectives that the language provides—that provides people with an imagery of an entity such as a brumby by calling it a "feral horse" or a "wild horse".

JILLIAN BROWN: Yes.

The Hon. WES FANG: I accept that. I just wanted to make sure that we cleared that up so people weren't misinterpreting your title later on. I appreciate the submission that you've made. In particular, I'm keen to drill down on some of the issues around rehoming. The evidence to date that we've heard around the rehoming of brumbies has been that it is a negative experience. During your opening statement, you provided some context to that and said that, if it's done in a certain way, it can certainly be traumatic. Can you provide some context as to ways it could be done that would allow the brumby to succeed in a rehoming circumstance? As a follow-up, can you provide some context as to how many people there might be that would be looking to help and assist rehoming brumbies instead of seeing them shot?

JILLIAN BROWN: That is a really important question to think about. I've taken on a number of wild-caught Walers, i.e., brumbies. I'm careful to say "wild-caught Walers" because of their particular bloodlines. If it is done calmly and gently via a process of passive trapping, where the horses are not terrified and handled brutally, horses will willingly go where they are guided. And, in my opinion, the best horse you can possibly have ever is a wild-caught horse that hasn't been mucked around, because they're open to communicating with people, they're open to bonding, they're incredibly clever, they think about things, they don't panic. So they're brilliant horses in all sorts of ways. Plus, they're really tough.

In terms of rehoming, I think there needs to be support and supervision and central management because, when we talk about bad experience with horses, this happens when people who don't know what they're doing get involved. That's as true for domestic horses as it is for wild-caught horses, possibly more so for wild-caught horses because you have enthusiasts who don't actually know what they're doing or people whose response to a wild animal is brutal. But with appropriate supervision, training and support from people who do know what they're doing—and there are a lot of people out there who do know what they're doing and do it very successfully—I'm sure we could get a really strong rehoming program going and more and more people would be willing to put their hands up and say, "Yes, please, I'll take a brumby or two," or preferably three, because that's the ideal number.

The Hon. WES FANG: I understand. Would you suggest then that it's perhaps more of a question around resourcing and the will, I'll say, of National Parks and the Government to implement a proper and rigorous rehoming program more so than it is anything else?

JILLIAN BROWN: Yes.

The Hon. WES FANG: If there was the appropriate funding, the appropriate resourcing, the suitably qualified staffing and a network of volunteers, do you see that there would be any need at all to continue culling brumbies in a way that, I guess, leads to the worst possible animal welfare outcome, which is the brumby dies? Do you see that there could be a better way?

JILLIAN BROWN: Absolutely I see that there could be a better way. In terms of the worst possible outcome, I'll just go back to that for a moment. The worst possible outcome is not that the brumby dies but the brumby is wounded, terrified and dies over an extended period of time in a way that would be completely unacceptable if we were talking about a domestic animal. Going back to your question, absolutely.

The Hon. WES FANG: We've heard today from a number of veterinary experts who have said that ultimately the aerial culling shooting program typically does not lead to instantaneous death. While the degree may vary, the horse is unlikely to die immediately. The period may vary and the circumstance may vary, hence the reason why we've seen up to 15 shots put into a horse. In that circumstance, given that we know that there is a better way or a different way, do you think that that should have been, perhaps, the work of the Government in the first instance, as opposed to seeking to go down the path of just increasing the numbers they cull, which is aerial culling?

JILLIAN BROWN: Absolutely. I agree with you, totally and completely. We should have started with approaching the various brumby support groups and working together cooperatively to come up with a better way. Just going back to your comment about vets saying it's not instantaneous death, in the few very sad occasions I've had to have one of my brumby Walers put down, which I do by having the vet euthanise it, the vet has commented on the exaggerated amount of the drug needed for a brumby because their survival instinct is so very strong. Whereas if you're shooting a domestic horse by chasing it around a paddock and terrifying it and then shooting it, which you'd be charged with cruelty for doing, you might be able to kill the horse with a number of shots, a brumby will keep running long after that because their instinct to survive is so strong. But I'd really like to say that, if we could work together, we could come up with an appropriate training program for rehoming. We could assist rehoming. We could encourage many more people to put their hand up and take a brumby. But it needs government and National Parks to work together with us to make that possible.

The Hon. WES FANG: I know I was approached by a number of rehoming organisations when there was an announcement they were going to reintroduce aerial culling asking if we could make some representation on their behalf to allow them in to try to rescue some of the brumbies if possible. So the will is there, isn't it? You would see the will amongst the groups exists.

JILLIAN BROWN: Absolutely it is.

The Hon. WES FANG: I have one last question before I hand over to somebody else, and it's kind of a personal-type question from my own perspective. You talk of your love of Walers. Can you provide a little bit of context and history as to how important Walers were to, for example, the Light Horse in the First World War, the history of Walers in the country and how iconic they are not only to the efforts made in World War I but also in general to the folklore that is the Australian way of life? Sorry, I say that because my great-grandfather was a member of the Light Horse.

JILLIAN BROWN: Fantastic!

The Hon. WES FANG: So whenever I hear Walers mentioned, it makes me think of a time when they all had to take their horses overseas to fight a war that was on foreign shores, and it wasn't only the soldiers that made that contribution, it was the Walers as well.

JILLIAN BROWN: I'm really happy to talk about that. And, like you, I have a deep family connection with them. My great-grandfather bred them for export to British India, and I actually have a book which has excerpts from the *Bombay Times* where they have ads for Walers, which is just lovely. The first horses arrived with the First Fleet and from that period onwards we imported horses, but only the very toughest and best could survive the sea trip. We then started breeding them ourselves, and horse breeders purposefully ran their breeding stock as brumbies to ensure that only the strongest and the best survived. If there were any problems with temperament, they did not use them. One of the outstanding characteristics of the Waler is the way in which they bond with their owner, and soldiers who rode them in the First World War talk about the very, very special connection they had with their horse, which makes good sense, doesn't it?

The Hon. WES FANG: It does.

JILLIAN BROWN: Because if you're in a battle, you come off, you don't want your horse to leave.

The Hon. WES FANG: That's right.

JILLIAN BROWN: I have had friends from Melbourne visit me who are non-horse people, they go out in my paddocks and come back talking about how my horses are more like dogs than horses because they see a person and come up to say hello. If I go out with a halter and a lead rope, I have horses competing to put their heads in the lead rope, and several of them are wild caught. They are just magnificent horses in every sense of the word.

The Hon. WES FANG: And those blood lines still exist today up in Kosciuszko National Park amongst the brumbies, is that correct?

JILLIAN BROWN: They do. They exist in isolated groups of brumbies that have not been close enough to civilisation to have modern breeds interact with them. When we're looking for foundation blood line Walers, we're looking for horses from areas that have been genetically isolated but also with a past history of breeding the Walers. That is certainly true of the Kosciuszko brumbies.

The Hon. WES FANG: You've spoken of the work that the University of Sydney is doing in trying to map out the DNA of the brumby populations and particularly the different types of blood lines that exist within the brumbies there. Are you able to provide a little bit of insight into that?

JILLIAN BROWN: That's at a very early process at the moment, but there has been an ongoing DNA collection process through the University of Texas for a number of years now, so that every old blood line Waler that is brought in from the wild is DNA tested and that DNA is sent off to the University of Texas. That's part of a global equine study. It's a really important thing to be doing.

The CHAIR: Ms Higginson, any questions of this witness?

Ms SUE HIGGINSON: No. All I would say is thank you. I have a deep love for Walers, too, and I have a beautiful Waler—

JILLIAN BROWN: Oh, go you!

Ms SUE HIGGINSON: —mare who was taken from the Guy Fawkes many, many years ago before the proliferation of the wild horses across the park in the numbers that we're seeing now. So I very much appreciate your deep love for Walers.

The CHAIR: One thing that has come under some criticism is the fact that the Government actually decided to commence the aerial shooting of brumbies before this inquiry began, even though the inquiry had already been established before the shooting began. Do you have any thoughts that you want to put on record in regards to the fact that aerial shooting started before this inquiry was able to hand down recommendations?

JILLIAN BROWN: I'm appalled by it. I'm appalled by the fact that they've set up an inquiry and then, to all practical purposes, are ignoring the inquiry and whatever findings you come out with because they're busy killing horses. Some years ago now, when they first started killing brumbies in Victoria and I found out about it, I thought, "People just don't know how cruel this is. As soon as they do know, they'll stop it, because no sane person would say it's okay to do what's happening." I've spent a lot of time and a lot of money and I have contacted as many politicians as I possibly can—by phone, by email, by letter, in person—and I'm coming to believe that when people do know, they just don't care, which I am appalled by. Horses were integral to the development of this country. They're an important part of our cultural and historic identity. Even if they weren't, we owe them better than this. What we're doing is appallingly cruel, it is appallingly wrong and it needs to stop right now.

The CHAIR: In your submission, and also in your opening statement, you indicated a willingness to work with the Government to try to find a way forward that both protects the brumbies and the native environment. Have you found any willingness from the Government to work with brumby advocacy groups to find a way forward there?

JILLIAN BROWN: Absolutely none.

The CHAIR: So have your efforts in this have been largely ignored? Would that be correct to say?

JILLIAN BROWN: They're either ignored or I get response to say they acknowledge that this is an emotive issue but blah, blah, blah. But I haven't actually heard anybody say, "What can we do? How can we help? How can you help? How can we be involved to resolve this?", which is incredibly disappointing.

The CHAIR: I want to talk to you a bit about fertility control. In your submission you note that fertility control has been an effective method that's been used in the USA and the UK. Do you feel, as an advocate and working within an environmental protection alliance, that the brumby supporters and the members of your organisation would agree with and support trials into fertility control methods?

JILLIAN BROWN: Absolutely, 100 per cent. We'd put money into it if that made it happen.

The CHAIR: The Australian Veterinary Association in its submission has been calling on the Government to start that fertility control work now. I actually passed a motion some years ago in the previous Government calling on those fertility control trials to start, and still no trial has even begun. There's been no funding or anything for any of these trials. Do you have any insights or does your organisation have any thoughts about why there's such a strong pushback against a fertility control method at least being trialled as a first instance?

JILLIAN BROWN: I'm deeply puzzled by it, I really am. I can't help but think that the Government and National Parks have committed themselves to this one approach, and they're locked into it and will defend what they're doing at any cost, including the cruelty to the animals and the actual truth of what's going on in terms of the justification for it and in terms of what's happening. A fertility control trial program would be so easy to establish. We've got information available to us from a range of countries overseas. We could have a confined group. We need only start with, I don't know, less than a hundred horses. It would be easy to do. If we needed to, we could crowdfund the thing.

The CHAIR: Absolutely.

JILLIAN BROWN: It's just willingness to let it happen.

The CHAIR: Yes, absolutely. You mentioned the Guy Fawkes aerial shooting in your submission. Are you concerned that we're going to see the same thing happen at Kosciuszko National Park, some of the same welfare issues that we saw at Guy Fawkes? Or do you believe that there's been evidence of some kind of change in process that will see that we won't see that same outcome?

JILLIAN BROWN: We will see the same outcome but on a much larger scale. The fact that the aerial culling is going on right now when there are young foals running afoot means the horror of it will be even worse. The vets in the transcript from the earlier hearing, where they talk about foals being found with the umbilical cord still attached—that is foals in moments after birth. I can't comprehend how someone can let that happen and think that that's okay.

The CHAIR: Did you read the Government's report that it released after its trial aerial shooting program?

JILLIAN BROWN: I have read so many things, I'm sorry. I can't bring that to mind immediately.

The CHAIR: No, that's okay. I only ask if you've read it so, if I ask questions about it, we know which document we're talking about. But that's fine, I totally understand. I've got a few questions in regards to the community response to these programs when they're running. I am assuming you get a lot of community feedback within your organisation. What's been the impact on the community and those who advocate for animal welfare, and the toll on mental health for the people working in that space?

JILLIAN BROWN: Everyone I speak to about it, everyone who knows about it is incredibly, deeply distressed by it. There are a number of people I know and who are part, unfortunately, of my organisation who have said that for their own mental health, they've had to pull back from it. They can't process the things that they're seeing any longer. When I'm in contact with my wider group—that is, people who live in the cities—no-one says to me, "This is okay." Everyone I speak to says, "This is an absolutely horrific thing. It needs to stop."

The CHAIR: There were some witnesses that came in earlier today who said that there were threats and aggression from people who were advocating for the welfare of the brumbies towards parks department staff. I've heard the opposite. I've heard that various staff and various people within advocacy groups who are advocating for these animals to be killed—that the welfare activists are also receiving threats. Is that something that you've heard, that people who are trying to advocate for these brumbies are being threatened with legal action for speaking out, having their safety threatened? Have you heard of those examples yourself?

JILLIAN BROWN: No, I haven't heard of those. I am aware that every time this conversation comes up, people who are pro-culling start talking about how staff members are threatened and how aggressive and unpleasant we are. I'm not aware of that at all. I think it's part of the false division which is being imposed on us, where brumby advocates are positioned as lunatic anti-conservationists who are supporting vast mobs of brumbies thundering across the plains killing koalas as they go versus the conservationists who want nothing in Australia that hasn't been here since the 1700s, which probably means we should all leave. If you've got those two extremes, that does nothing to help resolve the problem. I know that on my side of the artificially erected fence we're happy,

we're willing. We have our hands held out saying, "Let's work together." I would like to assume it's the same on the other side and that we're all motivated to find the best possible humane, effective, ongoing solution.

The CHAIR: I might just get a thought from you as well. One thing that's come up as criticism throughout this inquiry is that the standard operating procedure was actually changed recently by the Government to allow aerial shooting to happen during foaling season, despite the fact that there are vets and experts who had made recommendations that it should be, at a minimum, for welfare reasons, avoided during the times when more foals are being born, and the trial shooting actually happened at that really intense period where most foals were being born. What's your feedback on that? Has that also led to community mistrust in this process that this has happened during foaling season and that the standard operating procedure was simply changed to allow that to occur?

JILLIAN BROWN: I think what happened is that we have certain people who have said, "There is no foaling season because I think there isn't." That comment has been seized on and changes have been made in response to that, which are incomprehensible. I think if the wider public knew, or were presented with the horror of it, there would be a vast community outcry.

The CHAIR: Is it your position or your organisation's position that there is a foaling season?

JILLIAN BROWN: Absolutely there is. And not only is there foaling season; the mare controls what happens. I had the most beautiful wild-caught Waler stallion, Davey, and also wild-caught mares. When the mare was in season, which was always during the time when the days were lengthening, when the conditions were appropriate for them to be in season, if I put the mare in with my stallion, he didn't just walk up and mount them. He courted them: He danced, he displayed, he came up, he kissed, he danced away. And the mares would either say, "Yep, you're right," or "No. Go away. I don't like you," and he would obediently retreat. One of my mares, Madam Butterfly, is much taller than my stallion and she was happy to mate with Davey. She backed up; she moved her tail out of her way; she opened her legs. She looked round and said, "Oh, you're a lot shorter than I am," and she crouched down. It also depends on the lead mare.

The Hon. WES FANG: Parental advisory, I think, for the last few sessions!

JILLIAN BROWN: I have been known to demonstrate that whole thing.

The Hon. WES FANG: In quite graphic detail!

The CHAIR: One thing that has come up in this inquiry is that some people proposed that a wild brumby may not necessarily have the same foaling season as a domestic horse. But you're suggesting that the wild brumbies that have been rehomed, that you're aware of, do still have a season of foaling which is very similar to domestic horses.

JILLIAN BROWN: Absolutely. And why would they not? Domestic horses and wild horses—their foaling season is dictated by the length of the days. So far as I know, the length of the days are not different for wild horses; the length of the day is still the same. In fact, the foaling season for wild horses, if anything, would be reduced because mares come into season when the days lengthen, when the grass is green, when there's plentiful feed—when they judge it's a good time for them to get pregnant. Domestic mares have got access to feed and water; they're not dependent on lengthy grass et cetera. So, if anything, you're likely to get far fewer foals among brumbies than you do with domestic horses. Plus, there's also the role of the lead mare, who may decide no other mares are allowed anywhere near her stallion.

Ms SUE HIGGINSON: Dr Brown, just one point on the breeding season. Some of the evidence that we've had is the fact that the gestation period is 11 months to 12 months and that, staggered through, that means that the welfare outcomes, in terms of judging when to terminate a horse's life through these lethal controls, at what point do you assess that in terms of the foal? Is it at six months gestation? Is it post-birth? There's a very long period there. The foaling season is not the only identifier in terms of those outcomes that you would consider for the horse and foal. There is a more strategic consideration than possibly a four-month period or five-month period that we might call the foaling period. You've actually then got those later gestation periods to consider as well and therein lies the complexity around the timing of these programs.

JILLIAN BROWN: If I can understand your question, are you asking me when would be the best time to shoot them?

Ms SUE HIGGINSON: No, not really. I think that we leave that to the experts.

JILLIAN BROWN: Oh, good. I'm so glad you're not asking me that.

Ms SUE HIGGINSON: I was asking about the gestation period and getting your confirmation of what you understand is the gestation period.

JILLIAN BROWN: The gestation period ranges from 11 to 12 months, as you said. Some mares drop their foals a little earlier; some hang on to them later. You certainly don't want to be shooting horses when mares are heavy in foal, and you certainly don't want to be shooting horses when they have newborns running behind them or trying to run behind them. Foals are unlike zebras or gazelles, which hit the ground ready to run. Foals don't. They're a bit shaky and wobbly for the first week or so.

Ms SUE HIGGINSON: Thank you.

JILLIAN BROWN: I don't want to say, "These months are the great ones. Go out and kill them then."

The CHAIR: I understand that. Dr Brown, did you have anything else that you wanted to put to the Committee or anything that we haven't asked you today that you feel that we need to hear as part of your evidence?

JILLIAN BROWN: No. I don't think so. You've had my submission. I've also sent in something today to Arizona. I'd like to finish with an absolute plea: These are incredibly special horses and pro-brumby advocates are standing ready and willing, pleading to work with the Government and with Parks to find a better way forward for these horses. Please, let us work together. Let us help. Let us get this sorted in a way which isn't abominably cruel.

The CHAIR: Thank you so much for joining us today and for giving your evidence. If there were any questions taken on notice, the Committee secretariat will be in contact with you. There may be further questions from the Committee members. If we do have further questions, the Committee secretariat will be in contact with you and send those through as well.

JILLIAN BROWN: Please do. And an open invitation: If anybody is in my part of the world, come and meet my brumby Walers.

(The witness withdrew.)

(Short adjournment)

Mr STEVEN COLEMAN, Chief Executive Officer, RSPCA NSW, on former affirmation

Mr TROY WILKIE, Senior Government Relations Manager, RSPCA NSW, affirmed and examined

The CHAIR: Welcome to our next witnesses for the Committee's inquiry into proposed aerial shooting of brumbies in Kosciuszko National Park. Thank you for coming today to give evidence. Would the RSPCA like to make an opening statement?

STEVEN COLEMAN: Yes, thank you. As you know, RSPCA NSW has previously provided a submission, given evidence in person and provided further information based on the first hearing's questions on notice, and we have again accepted the opportunity to attend in person today to assist this Committee. In an effort to provide new information based on the previous hearing, we have worked with our national colleagues at RSPCA Australia in providing a more contemporary status in relation to potential reproductive control tools to effectively manage wild horses in Kosciuszko National Park. Consistent with our earlier position, those inquiries have revealed, in essence—based on published studies—reproductive control options may offer potential as niche tools to help manage wild horses in Kosciuszko National Park. However, Australian studies would need to be conducted to determine suitability, but we can provide that briefing note to this Committee if needed.

For the purposes of clarification, our role in this matter has been: One, we have provided animal welfare advice on the basis of a request from National Parks and Wildlife Service. This is consistent with advice and feedback that we provide to other institutions about animal welfare. Two, we have been clear with National Parks and Wildlife Service that we also seek to audit the program based on animal welfare grounds. Thirdly, consistent with routine complaints that we receive, we have investigated one complaint already, and we will investigate any further complaints that are made to RSPCA NSW with any evidence that alleges a breach of POCTAA in relation to Kosciuszko National Park.

Our role in this program is to advise the New South Wales Government when requested, which we hope will help ensure the best welfare outcome possible for the horses that National Parks and Wildlife Service are legally required to remove, and to monitor and investigate any allegations of animal cruelty under POCTAA. The reduction target of 3,000 brumbies by 2027 was set by the former Coalition Government and is being continued by the current Labor Government. Population estimates conducted by both the former Coalition Government and the current Labor Government consistently indicate that there are many thousands more than 3,000 in the national park.

RSPCA NSW provided the same advice regarding aerial culling to the multiple environment Ministers in the former Coalition Government as we are to the current Labor Government. The former Coalition Government tried twice to reinstate aerial culling under two separate Ministers. The current Minister for the Environment is the third consecutive Minister to analyse the problem of wild horse overpopulation and conclude that aerial culling is required to address this issue as one method. Attempts to use other methods like rehoming have failed to significantly reduce the number of wild horses in the national park. Recent figures show that more than half the horses captured for rehoming end up in the knackery after enduring what we would consider a traumatic capture and transportation process. We spoke briefly about rehoming methods on the last occasion, and we would welcome further questions from the Committee about rehoming methods today in the context of humaneness.

Looking ahead, we encourage investment in the research and development of non-lethal population control methods such as single-shot contraception. Once the horse population is reduced to a sustainable level, such methods could serve as the primary means of control, and it is one which I believe all stakeholders would be more comfortable with. We look forward to taking your questions on this matter and discussing how, out of the options currently available, we can best manage the humane control of wild animal populations in national parks. Chair, would you like me to offer up the one-page briefing note from RSPCA Australia?

The CHAIR: Sure. We'll now move on to questions. I have some follow-up questions from the last hearing. I understand that chief inspector Mr Meyers isn't here, but he did state at the last hearing that he personally didn't believe that there was a particular foaling season. Mr Coleman, you confirmed that that's why RSPCA NSW had changed its position in regard to shooting during foaling season. We've received veterinary expert evidence at this inquiry stating that there is a foaling season or a particular time of year where there will be a significantly larger number of foals. Did the RSPCA rely entirely on the personal position of chief inspector Mr Meyers, or did you speak to the vets that work within the RSPCA to come to that conclusion about the foaling season?

STEVEN COLEMAN: Thanks, Chair. It's both. From recollection, I think our chief inspector at the last hearing talked about the fact that he has been in the park at different times of the year and on each occasion he's seen foals.

The CHAIR: Just to clarify on that point, the evidence that we got from a vet in this space said that, while a horse can give birth to a foal at any point in the year, when we talk about a foaling season we're talking about an intense foaling season, so a period in the year when there will be a large number of foals. She recognised that there are other periods in the year where there might be a foal around but that there was still a strong foaling season where there was a significant number of foals.

STEVEN COLEMAN: We have tried to find papers relating specifically to foaling seasons in Kosciuszko National Park. The closest we could find—I think it's Dr Michelle Walters. From memory, her conclusion was that she couldn't determine whether there is or isn't a specific foaling season and—to use your words, Chair—an intense foaling period.

The CHAIR: Sorry, so you're going against veterinary evidence and expert opinion based on the fact that you couldn't find any research papers that looked into the issue at all?

STEVEN COLEMAN: No, we're not going against any advice. The advice, the information and the first-hand observations that we've made have informed our view.

The CHAIR: Were there observations by anybody other than chief inspector Mr Meyers, or are you basing the position just on his personal observations?

STEVEN COLEMAN: No, another inspector has also observed the same thing.

The CHAIR: Have you looked into observations from experts in the space that would actually understand the biological nature of horses and wild brumbies?

STEVEN COLEMAN: Yes, I've consulted with our chief veterinarian as well.

The CHAIR: What was their position?

STEVEN COLEMAN: We're unable to determine that there either is or isn't a foaling season. It's obviously ideal not to. It's obviously ideal, but we can't find a period of time when that is more ideal than another period of time.

The CHAIR: It just seems strange that it sounds like there was an unqualified recommendation made by a couple of staff members, who are probably highly skilled at inspecting animal cruelty but have no qualifications in this space, who have seen a foal here or there at other times of the year, which the vets have said is quite normal. It just seems odd for a leading animal welfare authority to support a government change in a standard operating procedure that was an animal welfare provision, to agree to that being removed, based on the fact that there are no research papers. We are hearing there is not much research into the brumbies at Kosciuszko National Park at all, but to remove a welfare provision based on the fact that no-one has invested in research seems quite extreme.

The Hon. WES FANG: Can I put a counter to this question?

The CHAIR: I want to get a response to that first.

STEVEN COLEMAN: Chair, I would have more reservations if any organisation was undertaking a culling program and not doing it properly, irrespective of what they came across.

The CHAIR: I'm sorry, I don't understand.

STEVEN COLEMAN: If a government decides to undertake a culling program where there is a chance that there will be young involved, if as part of that program there is an SOP that reflects a practice where that animal is humanely euthanised or culled, then I would expect that.

The CHAIR: But that's not in the SOP. The SOP has removed the requirement not to shoot during the seasons where vets are telling us there is going to be the largest number of foals. Originally, that was in the SOP, and the Government has said that that has been removed because the RSPCA has said that they have found no evidence of a foaling season. Essentially, the RSPCA has been put down as the reason why a welfare provision was removed.

STEVEN COLEMAN: Then that's a matter for government. If they've taken a view and it happens to be from us, that's up to the Government to determine whether that's appropriate or not.

The CHAIR: But I'm just trying to work out why that would be your view, that it would be acceptable to remove an animal welfare provision, when the only evidence that I can use, really, is that the vets are saying that there is a foaling season. The only evidence you're giving me that there is not is personal opinions from two staff members who are unqualified to have any sort of evidence to give, and the fact that no research has ever been invested in.

STEVEN COLEMAN: And on that basis, we're unable to determine or substantiate whether there is or isn't a foaling season in Kosciuszko National Park.

TROY WILKIE: If I may, I think, at the end of the day, it's understandable there will be foals present—

Ms SUE HIGGINSON: At all times, yes.

TROY WILKIE: —all year round. In that circumstance there needs to be a way of managing foals all year round. Whenever National Parks does undertake these operations, they have to deal with the foals, and so it's more important for us to ensure there are practices to manage foals for this program rather than just picking a particular season.

The CHAIR: But wouldn't you pick a season where there was going to be significantly less foals? The evidence that we have consistently heard from vets, from horse scientists, is that they are more likely to give birth and there is going to be a significantly increased number of foals in a certain period of months. So wouldn't a welfare measure be to avoid any sort of programs during those months where we know that there is going to be an increase in foals?

STEVEN COLEMAN: Are we able to get access to that evidence?

The CHAIR: The vets that are saying that?

STEVEN COLEMAN: Yes.

The CHAIR: Yes, absolutely.

STEVEN COLEMAN: Great.

The CHAIR: Their evidence has already been publicly put on the record in this inquiry.

STEVEN COLEMAN: Okay.

TROY WILKIE: The vet saying it is one thing, but then also what is the research they're relying upon to say that, because if they've got a particular study—

The CHAIR: But we can't say that because there is no research we're just going to ignore a welfare impact. We know that there is a significant increased welfare impact to do an aerial shooting program while there are foals at foot. What you're suggesting is that because no-one has ever invested in research to prove that brumbies have a foaling season that, therefore, we're going to ignore the fact that there is one and go ahead—

TROY WILKIE: But that's not what I'm saying. I'm saying that there will be foals—

The CHAIR: —or remove a welfare measure that's been put into place previously.

TROY WILKIE: There will be foals present year round and so we have to have a way of managing the foals year round.

The CHAIR: But we're talking about a significant increase in foals in a particular season and you're saying that because there is no research paper to prove that that exists, therefore, we're going to pretend it doesn't.

TROY WILKIE: No. I'm just saying if you're going to share what the vets have said, it's not just them having said it and being a vet, but what research or what evidence they're relying upon to make that assertion would also be really helpful to have shared.

The CHAIR: Yes, it's all public.

The Hon. WES FANG: I'm going to put the question in another way, because this has been slightly frustrating for me and I think also the Chair. There has been previously, in the SOP, an indication that culling should not occur during foaling season. That has been removed by the Government. The Chair has rightly said that veterinary people have indicated to us that there is a foaling season for brumbies. Now whether you or your staff agree with that or not, ultimately, that's the evidence that veterinary experts have provided to us. Where there is a circumstance that the Government is seeking to change its SOP—and you've indicated that you have provided feedback on that SOP—and the Government has removed that requirement for the foaling season, because it is citing you as the evidence. But ultimately that's the way that it has gone, because apparently you reviewed its SOP, so it must have proposed it and not the other way round.

So we're left with the question of who proposed what and when. Ultimately, veterinary experts are saying that there is a foaling season. Would it not be appropriate for you to say, "Well, let's not do it then, even though there may be foals all the year round. Ultimately, that's when there is most likely to be the most foals"? When the aerial trial was conducted, it was done when there was most likely to be a foaling season as per what the veterinary

experts said, and you've reviewed that and said, "Okay." Can you understand the issue and the contradiction that the Chair is trying to raise and I can see?

TROY WILKIE: I do understand it, but I think when they've got multiple points of view being shared that are contentious, it's then for the Government to make the decision on what their SOP will say.

The Hon. WES FANG: So then the Chair's question to you was: Where is the evidence that says that you can remove the part of the SOP that says there is no foaling season, given that the only evidence that we've been provided by the RSPCA so far is from a chief inspector and now another staff member who seem to indicate anecdotally they don't believe that there is a foaling season? You better have more than that.

STEVEN COLEMAN: Can I just clarify the question? When you say that a vet or an expert has given evidence that there is a foaling season for brumbies, is that specific to Kosciuszko National Park or is that just brumbies—because there are brumbies right across New South Wales?

The CHAIR: We've heard from both. We've heard both incidences put to different witnesses.

The Hon. WES FANG: Well, I mean, if you're going to reduce it—

Ms SUE HIGGINSON: We should also clarify for the witnesses now that that evidence was that it was around spring and summer.

The CHAIR: Sorry, is this a point of order?

The Hon. WES FANG: Are you giving evidence? This is what you did last time.

Ms SUE HIGGINSON: No, you're—

The CHAIR: Is this a point of order?

Ms SUE HIGGINSON: Point of order: The witnesses are asking for more information about the evidence you're suggesting—

The Hon. WES FANG: And the point we're making—

Ms SUE HIGGINSON: —and putting to them—

The Hon. WES FANG: Point of order: The point is that it isn't for the witnesses to be asking us for the evidence. They're the RSPCA. They're the ones that have reviewed the SOP. They should have the evidence when they're removing—

The CHAIR: That's enough. The witnesses did ask a question, but I feel that the Hon. Wes Fang was answering that question.

The Hon. WES FANG: I'm going to move on, because I've got a ton of questions. Chair, do you mind if I start?

The CHAIR: Yes, that's fine.

The Hon. WES FANG: I want to start with basics. When the Guy Fawkes National Park issue occurred, it was the RSPCA that prosecuted the argument, through the courts, that there was animal cruelty in relation to the aerial culling and that is, effectively, why the New South Wales Government ceased aerial culling. Can you provide evidence to this Committee about what you have seen changed in relation to the SOPs, the way that the aerial cull is conducted, and how the management is going to ensure that there are no adverse animal welfare outcomes should the aerial culling continue?

STEVEN COLEMAN: Mr Fang, if I go back to the transcript, on the last occasion I think it was the Hon. Aileen MacDonald who asked a question about what's changed for our organisation between the two. Pages 47 and 49 go to that, but I will talk more. The reason I can talk more is because I was directly involved with the Guy Fawkes incident. I was going from one position to another at the time. I think I was chief inspector moving into the deputy CEO's role. And I can confidently say that, as an organisation, the truth is we knew very little. We knew nothing about aerial culling.

Now, putting aside brumbies for one second, aerial culling has been a tool used by different organisations for many, many years on many different species. Whilst we're here specifically talking about brumby culling, our organisation is keen to make sure that aerial culling for every species is done properly. At the time of or shortly after the Guy Fawkes incident, number one, we had no discussion and no involvement with the Government back in the day. This is 24 years ago. As an organisation, we knew very little about the practice. In fact, we knew nothing about the practice. There were a range of views about aerial culling across the RSPCA federation, and so

I saw fit at the time to take it on as a particular—not challenge, but a program, to properly understand the merits of aerial culling for whatever species is involved.

We didn't get a complaint about Guy Fawkes directly. The first we heard of it was when the public heard of it, which was in the media. I have certain views about the motives of the informant at the time, but can I say this: Having inspectors go into Guy Fawkes River National Park with a vet and, of the hundreds of carcasses that they came across over a period of about a week and a half, trying to determine a six- or seven-day carcass with multiple bullet wounds and trying to work out which one killed it first was an impossibility. Day after day I would receive a call from the officer in charge from the park, and he would ring and say, "We've got no evidence." Now the public, rightly, because they were confronting images back in the day—they are today as well. I understood, as an organisation, that the public—there was absolute outrage, and there was enormous pressure on the RSPCA to prosecute.

The Hon. WES FANG: I appreciate this and I am loath to interrupt you at this stage, but we have only got you for a limited amount of time. While I appreciate the context, I am seeking to understand what methodology has changed, or is it the case that your position has changed, and the conduct of the aerial cull is the same?

STEVEN COLEMAN: I will summarise. Our organisation is now informed. We've been directly and indirectly involved in training of aerial culling. Now we understand. We now have an approach, working with government to provide information that is requested, because we think that's the responsible position. The easier path for our organisation would be to do nothing, say nothing and pretend that it's not happening. That's the easy path.

The Hon. WES FANG: That leads me to the obvious question: In relation to the Guy Fawkes prosecution that was led by RSPCA, would that prosecution occur today if the circumstances were mirrored?

STEVEN COLEMAN: As the inspectors were leaving the park back in 2000 in Guy Fawkes River National Park, one horse walked out alive. It had clearly been shot from the air, and we saw it fit to prosecute the Government because we thought that one animal—there was sufficient evidence, if you apply the DPP prosecuting guidelines, to satisfy a prosecution. What we don't want to see happen, Mr Fang, is that, in 2024, there is another horse that walks out alive having been shot. We don't want that to happen. Is a prosecution an option if that was to occur? Absolutely it is.

The Hon. WES FANG: I am going to now turn to the process. Who raised the issue of aerial culling with you, and when did they raise it?

STEVEN COLEMAN: Sorry, can you—

The Hon. WES FANG: Who from the Government or National Parks raised with you the issue of aerial culling, and when did they raise it?

STEVEN COLEMAN: The prospects of aerial culling?

The Hon. WES FANG: Yes.

TROY WILKIE: I think that could go back years. There's been so many attempts of environment Ministers—

The Hon. WES FANG: Let me rephrase. Since the 2023 election, when did the new Labor Government raise the prospect of aerial culling with you, and when did they raise it?

STEVEN COLEMAN: To the best of my recollection, it would have been representatives from the department, and we're talking months ago, Mr Fang. I couldn't give you a precise date.

The Hon. WES FANG: Can you take that on notice and let me know when the issue was first raised?

STEVEN COLEMAN: Sure.

The Hon. WES FANG: Thank you. We know that the Minister visited the national park and then the day after or some time very soon after, as one of her first orders of business, met with the Invasive Species Council. Were you aware of those meetings and did you have any input into the aspects of the proposed aerial culling at the time?

STEVEN COLEMAN: No.

The Hon. WES FANG: No.

STEVEN COLEMAN: Sorry, can I just add to that? What I did often receive is numerous requests from the Invasive Species Council. I chose not to engage, Mr Fang, because I was very clear on their position.

The Hon. WES FANG: That was a very creditable decision, Mr Coleman. I would endorse it. I want to dive into some more of the issues that we heard about today. We heard from Dr Cristy Secombe from the AVA. Did you manage to hear her evidence?

STEVEN COLEMAN: I heard components of it, yes.

The Hon. WES FANG: I hope you would have heard the part where she provided the view that, ultimately, when we are seeking to euthanise an animal, we should use the most humane method and that there was a view that aerial culling is not the most humane method, but, where the circumstance is warranted, it can be implemented. Did you catch that part of it, and would you agree with that sort of precis of her evidence?

STEVEN COLEMAN: I think that's right.

The Hon. WES FANG: Yes. That then leads to the difference in views that are provided to the Committee and to the Government in relation to animal welfare, veterinary views or invasive species management. There is a number that the Government wants to reduce the brumbies to. They say that they have to do it on a large scale and the best way to do that is aerial culling. Broadly, would you say that is how we have landed at a point where the Minister seeks feedback on a proposal to reintroduce aerial culling?

STEVEN COLEMAN: Broadly.

The Hon. WES FANG: Yes. So we now have a situation where there are a number of ways. Previously we were euthanising brumbies in the National Park by ground shooting or by capturing and euthanising whilst captured. There was also the rehoming issue, but that has obviously been fully ventilated elsewhere. That is probably not what we are discussing today.

STEVEN COLEMAN: Sorry, Mr Fang, rehoming is not worth discussing today?

The Hon. WES FANG: No, I am saying it is not part of what I am discussing with you now.

STEVEN COLEMAN: Sorry. My apologies.

The Hon. WES FANG: I am drilling into the changes to the SOP and what we had by way of euthanising. I am putting aside what I think is the gold standard, which is rehoming, and if you were to endorse that and only that, I would think there would be many people, including myself, who would be fully supportive. By all means, Mr Coleman, if you are happy to make that recommendation, I will stand next to you and join you there. But, again, that is probably not what we are talking about. This is the inquiry into the aerial culling of brumbies. We have the two established methods of ground shooting or trapping and then euthanising, and the Government seeks to implement aerial culling as another method. We heard from the AVA representative today that the most humane method is a head shot or—and I forget the name of the chemical, but—

STEVEN COLEMAN: Sodium pentobarbital?

The Hon. WES FANG: That would be the one. I am not a scientist; I am just an average bloke. But the evidence that was provided to us was that aerial culling is not the most humane method. Would you agree with her evidence that aerial culling isn't the most humane method?

STEVEN COLEMAN: From the evidence that I recall she gave. I think she outlined that, though, Mr Fang, in the circumstances in which an animal is to be culled.

The Hon. WES FANG: Correct. But I'm drilling into the technical aspects, and we will get to the morality of it in a little bit. But, technically, the evidence from the ABA was that aerial shooting for brumbies—I've got no problems with smaller animals being aerial culled. It's been demonstrated to be a very reasonable position. But the size of a horse, the small brain and large targeted area, and the amount of metal that it takes to kill the horse can vary depending on how much it runs, the speed and everything else. But, ultimately, it can vary. It was that variability that the vet indicated was where the lack of being the most humane method was. Would you agree with her evidence that aerial culling is not the most humane method of euthanising brumbies?

STEVEN COLEMAN: Again, if I go back to that evidence, on the basis that she had to qualify the basis upon which someone would do a certain method—aerial culling—obviously a headshot is preferred over a chest shot, but there is theory and then there is practice. We have grave concerns that if there was an SOP that reflected a process whereby the shooter was shooting at those animals' heads from a helicopter, I would have grave concerns about that.

The Hon. WES FANG: I agree. I think that's where we are all in furious agreement here. Ultimately, the size of the target area—if they were to go for a headshot—the instability and the distance from which an aerial moving platform is to be able to hit a headshot on a brumby that's moving, despite the fact that you may run it and create any number of animal welfare issues on that perspective—which, again, is something that I will touch on

later—is too difficult. So the SOP is now a targeted area on the horse where, ultimately, the first one or two shots will likely bring the horse down and then there are insurance shots. But the evidence, again, from the vet was that it's likely that the horse won't immediately die. You would agree, in that instance, that it is not the most humane method of euthanising a brumby. Would you agree?

STEVEN COLEMAN: Two components. What are we talking here? Two seconds in difference, together with what the Act provides a regulator to consider, and those are three words—and we sincerely hope that this Government tackles a rewrite of the Prevention of Cruelty to Animals Act. But when you have three words that describe "unnecessary", "unreasonable" and "unjustifiable" as elements of an offence, it's fair to say that, number one, the ABA's position is they accept that aerial culling is appropriate. That's their position.

The Hon. WES FANG: But they qualified that.

STEVEN COLEMAN: But the same could be said on any component, Mr Fang. If we are talking the difference of two seconds for an animal that has been determined to be culled, then in the circumstances of a wild animal, it's a reasonable outcome.

The Hon. WES FANG: So that's where I want to start drilling down on the morality issue. You perhaps would have heard that I took questions to the ABA around the capacity for a domesticated horse and a brumby to feel pain. Certainly from a physiological aspect, both are equine species, both are likely to feel pain in a similar manner, both are likely to experience fear in a similar manner. You will also, I suspect, recall the evidence you gave previously when I said to you, "What's the difference? Why can't I cull a thoroughbred or a domesticated racehorse in a similar manner to what National Parks is doing in relation to brumbies?" You said, "One is a horse in a paddock and the other one is a brumby in a national park." Would you agree that, ultimately, the brumby and the horse in a paddock experience pain in the same way, experience fear in the same way and they are, to all intents and purposes, the same, other than that one is in the national park and one is domesticated?

STEVEN COLEMAN: No, I wouldn't agree, and can I say I'm not a vet. But if you've got a domesticated horse that has been conditioned to certain circumstances, in any human interference with that animal you would expect the stress level of that horse to be significantly less than a wild animal in a national park that rarely intersects with a human. So at the outset there is a different response to certain activities that you're trying to describe, which is why you might recall when you asked this question last time there was a significant pause, because I understood what you were trying to achieve in that, but the two examples are, in effect, chalk and cheese.

The Hon. WES FANG: Here is the bit that I'm failing to reconcile in my mind: The evidence that you've just given is that a domesticated horse is less likely to feel pressured and upset by the presence of humans because they are, in effect, domesticated.

STEVEN COLEMAN: Yes.

The Hon. WES FANG: The SOP effectively has those horses being run out before being shot. That horse—a wild brumby—is more likely to experience fear and trepidation for a much longer period of time by the actual fact that it is being run out by a helicopter until it is tired and then it is shot. Now, the charter of the RSPCA is that you are to, in effect—all creatures great and small—protect animals. You are right: The brumby will experience more fear because it isn't used to human interaction, and yet it is being chased around by a helicopter until it is tired enough that they can get a stable shot and then it is shot through its lungs, its thorax or its targeted area. I agree with you that they are different circumstances, but I would contend that if you are talking about one animal being more fearful and experiencing more distress, then it is actually the brumby that is going to experience that more than the domesticated horse.

Can you somehow please convince me that what is happening in Kosciuszko National Park is humane and appropriate? You are terrorising a group of horses, some of which have foals. You are putting them through that to then only shoot them, and potentially not shoot them dead straightaway, but some seconds of being shot before their insurance shot is put into them to make sure they are dead—up to 15 shots.

STEVEN COLEMAN: Mr Fang, I wish that none of us were sitting here. I truly wish that we weren't in this position where a government has to make a tough decision about something so emotive. That's what I wish. I've seen wild horses not shot from the air, in lieu of being trapped, put on a horse float kicking and screaming, transported out of the park kicking and screaming—this is not seconds, this is minutes; this is running into hours—and then transported. So when you go back to the Act and you apply the three principles of reasonable, necessary and justifiable, my view is a horse that is running from the helicopter and not being chased down, that's not what we have seen—

The Hon. WES FANG: It's called run down under the SOP, is that not correct?

STEVEN COLEMAN: —but experiences a level of flight—

The Hon. WES FANG: Fear.

STEVEN COLEMAN: —which is the natural reaction.

The Hon. WES FANG: From fear.

STEVEN COLEMAN: From whatever you want to call it.

The Hon. WES FANG: From fear. I don't know why you don't want to say the word. It's fear.

STEVEN COLEMAN: Call it fear. But in the circumstances, it is then shot in the placement areas in seconds, versus other alternatives, including ground shooting, where, if that process goes awry, the chance of being able to find that animal thereafter is challenging, versus the other method of rehoming. We currently have two investigations on foot right now involving people who have taken on brumbies. We have reached out to National Parks to ask that the process by which a rehoming organisation gets to take some of these animals needs review. Two live investigations from people who have taken on brumbies and, in time, the evidence will come out that they are not capable of doing that. There is no perfect process by which to eliminate these horses. It doesn't exist. I hope that when we get to a point at which, whatever the agreed number is with government—and I think there was earlier evidence about starting a trial now. We would support a trial on sterilisation methods so that we're not in this predicament again.

The CHAIR: I some have further questions, and then I will come back to Mr Fang. My follow-up question concerns the foaling season. Mr Coleman, you said that your chief veterinary officer also gave you an opinion on whether there was a foaling season anymore. Was that in writing?

STEVEN COLEMAN: I will have to take that on notice. I don't think so, Chair.

The CHAIR: If it was in writing, can you provide us a copy of that?

STEVEN COLEMAN: Sure.

The CHAIR: My last question is in regards to the foaling season itself. Obviously the former SOP documents were based on the expert opinions of welfare organisations and veterinary experts that certain periods of the year are to be avoided. I assume, in the reverse of what you said about the fact that there is no evidence to prove that there is a foaling season, that to remove a welfare measure one would need a lot of scientific evidence to show that this foaling season has disappeared. Was there any scientific evidence that you relied on to show that there is no longer a foaling season, or that the original position from the SOP shouldn't carry over to a new SOP?

TROY WILKIE: Could we just take a step back? It wasn't that the RSPCA made a suggestion to government, "Let's get rid of the foaming season provision."

The CHAIR: No, I understand that. The Government has put that position forward to the RSPCA for advice. Is that correct?

TROY WILKIE: And we've said, "There needs to be provisions that can deal with foals, and you will have foals year round, as an observation." So, as was explained, it's been observed of foals being there year round, and so we have to have provisions in there to deal with foals. And then, separately, they've said, "This is going to be removed." And we've said, "Well, you've got the provision to deal with foals." So it's not so much that we've proposed that they eliminate that based on something—

The CHAIR: I'm not suggesting that you proposed it. What I'm trying to say is that this was put in as a provision for animal welfare originally, and the Government has suggested removing it from the SOP, and has sought feedback from the RSPCA in regards to that new position. I'm wondering why, rather than saying, "Actually, no, I think we should look at the consideration that there was previously at least considered to be a foaling season," and that where there's evidence where there's large numbers of foals, that there should still be that welfare provision left in—

STEVEN COLEMAN: Madam Chair, can we take that on notice?

The CHAIR: Yes.

STEVEN COLEMAN: I want to make sure exactly what we did and didn't say in terms of response back to National Parks.

The CHAIR: Thank you, I would appreciate that. I also have some questions about the questions on notice from the last hearing. The RSPCA produced 16 photos and one video. It doesn't seem to show any aerial shooting. Can I confirm that those were all of the photos and videos taken by the RSPCA during the preliminary trial that you attended?

STEVEN COLEMAN: I think, from memory, there was a series of photos that reflect the post-mortems that the veterinarian that we engaged did on the day, and some footage from a distance, I think, showing the actual shooting helicopter.

The CHAIR: What the Committee received was one video of a 30-second clip of random scenery with no horses present and no shooting occurring in that video. Do you know why we were provided with that video?

STEVEN COLEMAN: I saw the video that was provided, and when you zoom in, you can see the helicopters or the shooting helicopter. But you do have to zoom in. I'm happy to take that on notice, Madam Chair, if there's any other footage.

The CHAIR: The question is can you confirm that those are all the photos and all the videos taken by the RSPCA during that trial?

STEVEN COLEMAN: I will have to check.

The CHAIR: Can you take that on notice?

STEVEN COLEMAN: Sure.

The CHAIR: If there are additional photos or any additional footage, I ask that those also be tabled.

STEVEN COLEMAN: Sure.

The CHAIR: At the last hearing we heard the chief inspector say that he had no concerns with the way that the shooting operation ran, but in that 30-second clip you can't see anything—even if you zoom in. I couldn't even see horses being present anywhere in the park in that 30-second clip. I'm wondering how he was able to use that 30-second clip to conclude that no cruelty occurred.

TROY WILKIE: I don't think he—

STEVEN COLEMAN: He was in the air for more than 30 seconds.

TROY WILKIE: He didn't use the video to ascertain his position across the two days. He used his observations over the two days to ascertain his position.

The CHAIR: But how could he have made any observations if that was the line of sight that he saw?

STEVEN COLEMAN: Right.

TROY WILKIE: But that was only the line of sight for 30 seconds over the two days.

The CHAIR: Yes. But why would that be the line of sight that he would film for 30 seconds?

STEVEN COLEMAN: I'm happy to take it on notice and find out if there is any more footage.

The CHAIR: Thank you. Mr Coleman, I will put this to you directly: Have you asked or spoken to the chief inspector about any footage that was collected? What was the point of the footage being collected? Was that so that vets could look at it, or so that you could have your own information on record about what was happening? Or was it just an accident that he said, "Oh, I'll just film this 30 seconds"? It's just a bit confusing.

STEVEN COLEMAN: It would be abnormal for any of our inspectors to not take photos or video footage of certain aspects of inquiries or observations. It just forms part of their day-to-day activities.

The CHAIR: And that's why I'm confused as to the footage that we received. It doesn't seem to show anything, really, of substance—to really look at that trial and to be able to go away and reconsider it.

TROY WILKIE: I recall that the chief inspector was talking about the photos and even had brought the photos along in case they were going to be of use. I think he mentioned at one point that he also took a video. He didn't bring that video along because he thought it would be useful; it was then asked that he also include the video and he said, "Well, sure," because he was happy to. But it was never purported from him that that was going to be the video that changed everyone's opinion, nor was it brought along on the day. So I just don't think that's what its usefulness was for.

The CHAIR: Sorry, that's not what I'm suggesting. The 16 photos are of the post-mortems; that's clear.

STEVEN COLEMAN: Yes.

The CHAIR: We were told that there was video also taken. I take what Mr Coleman has said, that it's quite normal for an inspector to film and to take various photos of different aspects of a trial. Obviously that allows other people to look at that evidence to consider if there are any other aspects that the RSPCA needs to

consider. But, from that, we can possibly see some evidence from the post-mortem, but no evidence of the actual trial of shooting from what we were being provided with.

STEVEN COLEMAN: I'm happy to check if there's additional footage.

The CHAIR: Thank you. Could you also provide on notice some information about the team's decision around how to take any footage or whether there was a need to collect evidence during the trial, and why that, if it is the only piece of evidence that was collected, would be the only piece that was collected?

STEVEN COLEMAN: Can I—

The CHAIR: And that might be a conversation with the chief inspector, on notice.

STEVEN COLEMAN: Yes, sure—well, except to say that the regular activity of taking photos and video footage is a day-to-day activity of the inspectors, irrespective of whether something is a trial or not. If they are to go and observe something, it is often the case that they will take photos and video footage, including this.

The CHAIR: Yes. Thank you. My understanding from documents produced under a GIPAA application is that there have been another 500 or so horses aerial shot as part of this program since November. Was the RSPCA involved or was it included, or did it attend any of those further shooting programs?

STEVEN COLEMAN: No, we didn't attend.

The CHAIR: Do you have any planned involvement in the aerial shooting operations that are commencing in March and running until October?

STEVEN COLEMAN: Not locked in, because we haven't had specific dates yet. But we've certainly made it clear to National Parks that our intention is to audit the program at different times.

The CHAIR: How regular is the communication between National Parks and the RSPCA? Will you be informed each time they are actually conducting an aerial shooting at the park so that you're able to come?

STEVEN COLEMAN: I would expect that. I have asked for that.

The CHAIR: Thank you. Sorry, Mr Fang, but I will go to Mrs MacDonald first.

The Hon. AILEEN MacDONALD: Thank you, Mr Coleman. In the submission, under "(h) the availability of alternatives to aerial shooting", you mention passive trapping and rehoming. In your opening address today, I think you indicated that you had more information about rehoming. Could you just give us an update? You didn't have a lot in your submission as to what that new information would be on rehoming.

STEVEN COLEMAN: I just wanted to reiterate to the panel that, if the panel thinks that trapping and rehoming is somehow the panacea, it is not. I'm not suggesting that it's a tool that should be removed, but we can't be naive about the fact that a wild horse that, for whatever reason, is trapped and then taken from its environment doesn't come without a level of stress. That's nonsense, because it does, such that we have now also got these two matters on foot relating to brumbies that have been taken from the park, or attempted to be rehomed from the park. There's a need, from our perspective—and, again, I know our chief inspector has had some dialogue with National Parks about this issue. But once the animal leaves the park—and I get that National Parks is trying to limit its responsibility for those animals; I do understand that—we think it needs review. What we don't want to have is these unintended consequences of people taking on these animals in good faith but not having the skills or the capacity to properly look after them, and then it becomes an additional welfare issue where now we're responding to complaints about brumbies in situ, having been rehomed.

The Hon. WES FANG: I will rapid fire these ones because we're running out of time. The review of the SOP, did that really only take one day?

STEVEN COLEMAN: I don't think it took one day.

The Hon. WES FANG: I believe it was provided to you and then a letter was dated the next day indicating that you had reviewed it.

STEVEN COLEMAN: I'm not sure that's the sequence.

TROY WILKIE: No, that's different. We responded to an email with an email that was separate to reviewing the SOP.

The Hon. WES FANG: Was the SOP reviewed? How long did it take? I'm happy for you to take it on notice. You might not have the details with you.

STEVEN COLEMAN: I can say it was, at minimum, weeks.

The Hon. WES FANG: In that instance, can you provide the rigour around how you looked at the SOP and how you tested some of the methodologies and the changes, i.e., the issues around the foaling season?

STEVEN COLEMAN: Sure.

The Hon. WES FANG: It might be that you're right and there has been some disconnect. There's been an assumption that the SOP was reviewed in 24 hours. If it hasn't, I would be interested to see the actual work that you did in relation to the changes between the previous SOP and now.

STEVEN COLEMAN: I can clarify that it was not done in 24 hours. We might be quick, but we're not that quick.

The Hon. WES FANG: I appreciate that. In relation to the recording of the cull, you'll know that I asked you questions last time. Have you at all changed your position on that? I think, ultimately, if you are to lead a successful prosecution, there will need to be some recording of the cull. It's the case, at the moment, that everyone seems to be reluctant to do that. I don't understand what that reluctance is. Would you agree that, in order for you to lead a successful prosecution, the provision of footage—not like the one that was provided to us from your organisation but a 360 camera on the helicopter and scope recordings from the shooters—would assist in any potential prosecution? Are you going to insist on that moving forward to have the SOP considered gold standard?

STEVEN COLEMAN: I've asked National Parks to consider that very method, not just for the purposes of a prosecution but just so there is transparency around what is actually happening.

The Hon. WES FANG: You've got my full support on this one, but I would also suggest that you are the RSPCA and that the Government seems quite reliant on your review of the SOP. If you were to insist that this happened, I suspect it would. Without trying to verbal you, can I request that you be more forthright in your suggestions and say that it would be an RSPCA gold standard that there is a requirement for scope sights and a 360 camera on the helicopter before any more aerial culling occurs?

STEVEN COLEMAN: I hear you, and I will continue to have those discussions with National Parks.

The Hon. WES FANG: You've just gone up in my estimations, Mr Coleman.

STEVEN COLEMAN: We've achieved one thing.

The Hon. WES FANG: From my perspective, it's important. How would you prosecute? Given that you've now had feedback on the SOP, if there is a complaint around a cull and somebody believes that they came across a decomposing carcass, and they believe that the animal was shot outside of the targeted area—if there is evidence that an animal has only been shot outside of the targeted area, which would effectively mean it's outside of the SOP, but is still dead, would that lead to a prosecution?

STEVEN COLEMAN: Potentially. It's certainly one option.

The Hon. WES FANG: And would you seek to outsource that investigation or would you seek to bring it in house, given that you had input in the SOP?

STEVEN COLEMAN: This came up last time about potentially being conflicted. I don't share that. We've made it really clear that, just because we give advice, at the end of the day, if someone is in control of managing animals and a culling program and there's a deviation from the SOPs, that doesn't prevent the RSPCA from taking action.

The Hon. WES FANG: I will get to my last question now. Previously in today's hearing, you indicated that, ultimately, you'd prefer if we weren't in this situation and that we didn't have the requirement to aerially cull brumbies. I'm going to ask more of a philosophical question. In the instance that you've got National Parks and Wildlife Service, which, under the direction of the Minister, is now seeking to aerially cull brumbies—so you've got one body wanting to shoot brumbies—who advocates for the brumby? Who advocates for it to at least be the most humane, most quick and most painless death possible if not the RSPCA? Who is best placed to advocate for a more humane way of culling brumbies if not the RSPCA?

STEVEN COLEMAN: It would be arrogant to suggest that it's only us. I think you've heard evidence today from a number of people who would advocate for the best outcome for brumbies. I'm not sure I understand your question there.

The Hon. WES FANG: We've heard that it's not the most humane way of euthanising a brumby. Ordinarily, I would've thought that the body that is most likely to advocate for the most humane method of euthanasia for an animal would be the RSPCA. In this instance, it seems that it's not. Who now has that role?

TROY WILKIE: I wouldn't accept the premise that we're not advocating for the brumbies. We've clearly done a lot of work to try to make sure that the Government implements its plan in the most humane way possible and to minimise any unjustified or unnecessary harm to the animals. All of that work across months and, in fact, across multiple Ministers—therefore, years of work—I don't think you could then clarify it as us not being part of the discussion on making this the most humane practice possible.

STEVEN COLEMAN: Can I just qualify that a little bit more? I don't think it's right to say that aerial culling is not humane. I think the evidence from the AVA is that their position is that they support aerial culling because it is humane. We're talking two seconds, or thereabouts, between a head shot and a chest shot. That's the variation. If you apply a level of humaneness around that, we're talking about two seconds. But we have to apply the circumstances that we're presented with. That's the legislation in New South Wales, which talks about reasonable, necessary and justifiable.

The Hon. WES FANG: I will give you credit. We asked you back; you came back. I applaud you for that. I thank you for the commitments that you've given in relation to some possible changes.

STEVEN COLEMAN: Can I just make one last comment? I think it was raised at some point about who may have been laughing at the last hearing. Can I just say the RSPCA will never laugh about this issue. This is no laughing matter.

The Hon. WES FANG: I'm not sure that—

The CHAIR: Yes, I'm not sure what that was in relation to, but I think that's a fair thing to put on the record. Thank you for coming to give evidence today. For any questions that were taken on notice, the secretariat will be in contact with you about that. There may be further questions from the Committee, which, again, the secretariat will be in contact with you about. Thank you again for coming to give evidence.

(The witnesses withdrew.)

The Committee adjourned at 17:35.