



# Australian Brumby Alliance Inc. (ABA)

Guy Fawkes River National Park  
(2000-2002) Aerial Shoot Controversy

## ABA Desktop Review Report October 2014

*The ABA review adds to the YouTube video <http://www.youtube.com/watch?v=AL9KILqL1bl> on the Guy Fawkes aerial shoot in 2000 and RSPCA's July 2002 prosecution [Attachment1].*

### **Introduction**

During the three days of 20-22 October 2000 an aerial cull was conducted by National Parks & Wildlife Services (NPWS) contractors in helicopters in Guy Fawkes River National Park (GFRNP), NSW. The results of this cull provoked such public outrage, that aerial shooting of Brumbies (Wild Horses) in NSW was banned - a ban that stands to-day.

In July 2002, RSPCA-NSW brought 12 charges against NPWS alleging cruelty to animals; however these 12 charges were dropped, in favour of a guilty plea by NPWS to one charge. Issues over GFRNP's controversial aerial shooting in rugged, remote terrain continue today.

The Australian Veterinarian Association (AVA), immediately after the 2000 aerial shooting stated that their policy on helicopter horse culling applies;

- “specifically to open arid and semi-arid country, where helicopters can easily pursue any injured animals to ensure they can be put down without undue suffering”, and
- “the very rugged forest terrain in the GFRNP is not suitable for this because of the obvious difficulty in conducting the operation in the most humane manner possible.”

Today, as the cruelty issues evidenced in 2000-2002 start to fade, growing numbers of people are claiming that the public backlash in 2000 was just an over-reaction to one cruelty case.

The ABA reviewed GFRNP desktop records available in 2014 and has summarised below the results in PartA, expanded records/references in PartB and ended with the Appendix1 video.

As a result, the ABA is confident that in 2000, there was significant and compelling evidence from witnesses, the AVA and RSPCA-NSW for the RSPCA-NSW to prosecute NPWS with 12 charges of cruelty and aggravated cruelty to animals and seek justice through the courts.

That the 12 charges against NPWS of cruelty to animals were dropped, in favour of a guilty plea by NPWS to *committing an act of cruelty during the cull*; that in pleading guilty NPWS acknowledged *unintentional cruelty upon a small number of horses*, and were ordered to pay RSPCA NSW's legal costs of \$50,000 by Magistrate Grahame Hanson - is proof RSPCA-NSW's convincing cruelty case would have been proved; if NPWS had not plea bargained.

The key lesson learnt from RSPCA's 18 month investigation, witnesses to support the case in court and that no charity would risk losing \$50,000 on laying anything but a watertight case to prosecute on 12 cruelty charges – IS that aerial shooting, in rugged terrain, should never be an considered, because of the obvious difficulties of conducting the operation ‘humanely’.

## **Part-A – Summarised Information in Date Sequence**

**30-Oct-2000** [*Australian Veterinarian Assoc. (AVA) Media release*] said they were;

- Appalled by brutal slaughter of 600 horses,
- NPWS misrepresentations that inferred the AVA had been involved and accusing the NSW Government of twice publicly misrepresenting AVA policies in an effort to moderate public reaction to the shooting slaughter of over 600 horses in GFRNP,
- AVA policy on helicopter culling of horses applies *specifically* to open arid and semi-arid country, where helicopters can easily pursue any injured animals to ensure they can be put down without undue suffering,
- The very rugged forest terrain in GFRNP is not suitable for this because of the obvious difficulty in conducting the operation in the most humane manner possible,
- Expressed outrage at the apparent lack of concern by NPWS for the welfare of the many horses which suffered terribly in this incident, and noted
- Increasing public criticism from reports that many of the horses had sustained large numbers of bullet wounds to the body, legs and even the rump when marksmen are meant to kill humanely with clean shots to the head, and concluding that
- If the AVA been consulted before the cull they would have advised of their position, and added that the AVA is incensed that the NPWS and its Minister have sought, retrospectively, to infer they were directly involved in this cull or that the AVA had somehow approved it. We did neither", Dr McGilvray (AVA) said. **[Ref1]**

**31-Oct-2000** [*Hansard p9387*] Mr Fraser spoke to the inhumane slaughter of horses in Guy Fawkes River National Park, including;

- He will seek to table photos of horses killed by NPWS,
- Mr Greg Everingham, who appeared on national news broadcasts last night (30-10-2000), actually rode a horse into the area to have a look at what had occurred, and
- Had photographic evidence that one horse was shot in the front leg twice, in the back leg and then in the body. Another horse was shot in the gut five times, once in the neck and once in the head. Yet another horse had two shots to the back, two in the gut and three in the jaw. "That is not humane",
- NPWS ran horses up a hill, gathered them together, immobilised them—and later came back, I hope, to finish them off,
- Called on the Minister for the Environment to ask the RSPCA to conduct a full and independent inquiry into this matter. **[Ref2]**

**2-Nov-2000** [*Hansard Page: 9737*]: Mr Fraser talks on GFRNP slaughter;

- NPWS must be taken before the court. The RSPCA euthanized a pony this week with two high-calibre bullet wounds to its shoulder after nearly 2 weeks,
- Asks the Minister to instruct the Environment Protection Authority to investigate the NPWS with a view to prosecuting the service for a breach of the Act.
- Thanks the Minister for announcing an inquiry that should have a report a report in two weeks,
- Asks that the report be tabled in the House and released publicly so Parliament and people of New South Wales can see the action taken that reflects the horrific nature of the offence perpetrated by the NPWS. **[Ref3]**

**6-Nov-2000** [*Guardian reports*]

- GFRNP locals were enraged after discovering the badly mutilated carcasses scattered across the park. "The manner in which these horses were killed was absolutely barbaric, it was damned murder said landowner Greg Everingham who had contacted the RSPCA, which also claimed it discovered several bullet-riddled horses had survived the cull to stagger on for another day.
- The AVA said aerial culling should only be considered in Australia's dry open plains, where helicopters could easily track and put down injured animals without causing undue suffering. "The very rugged forest terrain in the GFRNP is not suitable for this because of the obvious difficulty in conducting the operation in the most humane manner possible," said AVA vice president Dr Garth McGilvray.
- The AVA President Dr Tony English is leading the culling inquiry and has already condemned "lack of concern by the NPWS for the welfare of the many horses which suffered terribly in this incident". [Ref 4]

**16-Nov-2000** *Media: Kate Woods* - Aerial Culling of Feral Horses Banned

- Aerial culling of horses has been permanently banned in all New South Wales national parks, Environment Minister Bob Debus said today.
- Mr. Debus today released an interim report by Dr English, on the GFRNP aerial cull of horses. This initial report relates to the specific Guy Fawkes operation, which Dr English concludes was planned and carried out in a professional manner by NPWS.
- Mr Debus said Dr English will now review all procedures and protocols governing the NPWS operations for culling of feral animals before making a final report. A Code of Practice for the capture and transport of feral horses will be developed to control feral horse populations in national parks in consultation with NPWS, Dept. of Agriculture, RSPCA, AVA, Rural Lands Protection Boards and other community groups. Also to develop an acceptable plan to reduce the horse numbers still in GFRNP.
- Mr Debus had already referred the interim report to the management committee of the Feral Animals Aerial Shooters Training Course (FAAST), asking them to work with Dr English to review current aerial shooting protocols for all species. [Ref5]

**23-11-2000** [*Hansard p10793*] Mr Fraser's concern Dr English's report has inaccuracies;

- When Dr English went to GFRNP he was accompanied by NPWS officers. I believe he was shown evidence they wished him to see [report P19]
- Point 72 refers to the rifles and ammunition used. It states: *All 3 had use of their own dedicated L1AI SLR, which they had used on the FAAST course, and each rifle was fitted with an Aim point red dot scope, zeroed to hit the point of aim at 50 metres. Each shooter had at least 15 of the SLR's 20 round magazines, into which they each loaded their own 19 rounds of 150 grain soft point .308 calibre ammunition.* That is incorrect. Whilst they may have had the bullets, in fact they purchased lots of 1500 rounds from the Australian Defence Industries. The ammunition they purchased was military ammunition—it was jacketed military ammunition; it was not soft-pointed ammunition. If they had used the ammunition as described in the report, the bullet would have entered the beast, penetrated no more than nine inches, and would not have killed it. The ammunition they used passed straight through the animal.
- I am also concerned that Dr English saw only 39 horses. If 617 horses were killed, as claimed by the NPWS, why did he look at only 39? I believe he was taken to horses that were probably killed in a manner that would have been acceptable to anyone, on the basis that they were humanely killed. Photographic evidence I have, videos of at least 67 horses examined privately, showed that they were not humanely killed.

- The report (by Dr English) claims AVA protocols support aerial culling. But fails to add that it should not be used in terrain such as Guy Fawkes, but only to flat areas and the need to ensure all animals are dead.
- Regarding the horse that found two weeks after it had been shot the report states: *While it was assumed that the 2 shots had been fired from a helicopter due to their position on the top of the body, in the absence of bullet fragments it was not possible to prove beyond doubt that this was so. The possibility of the shots being fired from high ground was discussed, but no firm conclusions were drawn.* That statement is misleading. We know that people culled these horses from helicopters. The report suggests that that horse may have been shot from the ground. The report is full of misinformation. I believe that misinformation has been fed to Dr English and the Minister by NPWS. [Ref6]

**1-Dec-2000** [Hansard p11467] The Hon. M. I. Jones asked - Why is the RSPCA having to prosecute NPWS for the slaughter of horses at Guy Fawkes River National Park? Why is the Government not enforcing legislation? [Ref7]

*18 months later RSPCA 12 prosecution charges against the NPWS were settled*

**4/5-July-2002** [Colong wilderness] "A settlement announced today over a long-running court case between RSPCA and the National Parks and Wildlife Service clears the way for the removal of remaining feral horses in Guy Fawkes River National Park" and "The 12 charges by the RSPCA were dropped in return for the NPWS pleading guilty to a new charge accepting that at least one horse did suffer cruelty." [Ref8]

**4/5-July-2002** [Daily Telegraph] reports

- NPWS said its ban on aerial culling of horses would continue – despite being cleared of any wrongdoing in the controversial killing of 606 horses at GFRNP. The NPWS escaped conviction in a NSW Local Court on animal cruelty charges stemming from a legal brumby cull in October 2000. One horse out of the 606 shot from helicopters was found alive with bullet wounds two weeks later and put down by RSPCA officers. A magistrate dismissed the charges brought against the service by the RSPCA. However the NPWS pleaded guilty at Downing Centre Local Court, Sydney to one charge of committing an act of cruelty during the cull, acknowledging "unintentional cruelty upon a small number of horses".
- 11 charges were dropped in exchange for one guilty plea, which centred on the one mare found alive with two bullets in its body at least a week after the cull.
- Magistrate Grahame Hanson recorded no conviction, telling the court: "Without proceeding to conviction the charge is dismissed." But he ordered the service to pay the charity's legal costs, amounting to \$50,000.
- Hanson told the court that while people felt "revulsion" for the cruelty, all evidence pointed to the culling being carried out professionally by NPWS officers. The NPWS director-general Brian Gilligan said independent experts found the "operation was professionally and humanely carried out but accepted there was evidence that at least one and possibly up to four horses may have unintentionally suffered", adding "It is important to stress this 1 charge does not relate to the whole operation, but refers to a small number of horses only. NPWS has now changed its approach to Wild Horse management, working closely with the RSPCA and the community." [Ref9]

**26-06-2002** [*Hansard Fraser p3853*]

Andrew Fraser MP stated that “this is subterfuge of the worst kind, as is what will happen on 3 July. The RSPCA has contacted its witnesses and told them that under section 5 (1) of the Prevention of Cruelty to Animals Act they will not be needed at court because a plea has been entered into.” Mr Fraser adds; he will forward evidence of the cull in the GFRNP, to the Independent Commission Against Corruption. **[Ref11]**

**26-06-2002** [*Hansard Fraser p3853*]

- Mr Fraser spoke of the GFRNP brumby cull 20-22 October 2000 as a matter of public importance. Mr Brian Gilligan and Dr Tony English have said that the cull was done in a humane manner - this is something I cannot accept as I believe that what has been said by Dr English, the Minister and Mr Brian Gilligan is false because;
- A report by Dr English (15-11-2000) on the cull of Feral Horses in GFRNP October 2000, submitted to the Parliament, comprises 26 pages but the first 20 pages of the report deals with the history of GFRNP and the brumbies in the park. The slaughter of Brumbies is not addressed until page 20. Four wounded horses were located and shot from the helicopter on the third morning. The fact that one horse was shot twice but not killed, and not located by this process, was obviously at odds with this protocol which was that they were looking at the horses, making sure they were shot more than once—indeed, some of the horses were riddled with up to 25 bullets.
- Dr English only viewed 39 carcasses but in his report and in discussions with me he stated that the location of each horse shot was global positioned. If that were the case, I believe Dr English and the Government had an obligation to inspect more than 5%.
- As a result of that fiasco, 12 charges were brought by the RSPCA against the NPWS. On numerous occasions NPWS had the matter adjourned. It is set down for hearing on 3 July, with witnesses to be called to give evidence to support the RSPCA claim that the horses were killed in an inhumane way.
- Whilst it was assumed that the horse found three days after the shooting had 2 shots fired from a helicopter due to their position on the top of the body, the report said that in the absence of bullet fragments it was not possible to prove beyond doubt that this was so. The possibility of the shots being fired from high ground is discussed, but no firm conclusions were drawn.
- Dr English was employed to give an independent report, yet for him to infer, after the NPWS admitted that it had shot between 227 and 616 horses in 3 days, that someone else had entered the park at that time and shot the horse from high ground, is nothing short of a disgrace. It is hiding the real facts. The report further states:
- The fact that this horse was not killed and then not detected alive in subsequent fly overs could have been due to its colour, which would have made it very difficult to see against the brown landscape. It can also be assumed that the horse was lying down or did not move much due to its wounds, and a stationary animal is always much more difficult to detect from the air than a moving one. This is subterfuge of the worst kind, as is what will happen on 3 July.
- The RSPCA has contacted its witnesses and told them that under section 5 (1) of the Prevention of Cruelty to Animals Act they will not be needed at court because a plea has been entered into. The NPWS will plead guilty to one count of cruelty to horses. I

believe that almost two years later the NPWS has decided that it can plead guilty to a minor offence and plea bargain with the RSPCA. I know that the RSPCA is happy with the plea, but I am not.

- Photographic evidence to be produced during the three week court case would have proved each of the 12 charges and embarrassed the NPWS to such an extent that its credibility, which is not very good anyway, would have been shot. NPWS inhumanely slaughtered these animals but tried to suggest otherwise.
- I commend the actions of the RSPCA. However, it has accepted the plea having already spent thousands of dollars bringing the prosecution and having the matter adjourned. The RSPCA is scared that if the matter goes to court NPWS will weasel its way out by claiming it is an entity, or by some other process, and the RSPCA will lose and have to pay costs. I call on the Minister to direct the NPWS to plead to all 12 charges, admit liability and that it botched its attempt to slaughter these horses.
- Mr Debus said that the prosecution has been the subject of careful discussion between the legal teams of the RSPCA and NPWS. Since then NPWS learnt from community reaction to GFRNP feral horse cull and is working with local communities to form practical and widely accepted plans to deal with this serious environmental problem.
- If it were not for this slaughter revised techniques would not be in place. The Minister should report his department to the appropriate authorities, ensure that it is prosecuted to the hilt, and not let it cop out on a plea bargain which does not reflect the slaughter in GFRNP. [Ref11]

**Note 1:** Page16, Code of practice and standard operating procedures for the humane capture, handling or destruction of feral animals in Australia (Trudy Sharp/Glen Saunders published November 2004). States “*Inappropriate ammunition was used to cull horses in Guy Fawkes National Park (per Dr. English GFRNP cull report). FAAST procedures and the Draft COP for killing, capture, handling and marketing of feral livestock animals state that 180 grain ammunition should be used for aerial shooting of horses, but only 150 grain was used (unless this is an error in the English report)*”. [Ref12]

**Note 2:** Rosalie Chapple’s report on the politics of feral horse management in Guy Fawkes River National Park, NSW states “*The RSPCA prosecuted the Service for cruelty to horses, focusing on the case of a mare found alive a week after the cull, despite having been hit twice by shots into the correct target zone. The court judgement in July 2002 dismissed allegations of cruelty.*”

BUT the ABA notes with concern that Rosalie’s report omits to mention;

- The 12 charges by the RSPCA were dropped in return for the NPWS pleading guilty to a new charge accepting that at least one horse did suffer cruelty, and
- NPWS acknowledged “unintentional cruelty upon a small number of horses, and were
- ordered by Magistrate Grahame Hanson to pay RSPCA legal costs of \$50,000 [Ref8]

Key:	NPWS	for The National Parks and Wildlife Service
	GFRNP	for The Guy Fawkes River National Park
	AVA	for The Australian Veterinarian Association

## **Part-B – Expanded Information/References**

Key:	NPWS	for The National Parks and Wildlife Service
	GFRNP	for The Guy Fawkes River National Park
	AVA	for The Australian Veterinarian Association

### **[Ref1]**

30-Oct-2000 - The Australian Veterinarian Assoc. (AVA) are appalled by brutal slaughter of 600 horses and NPWS misrepresentations –<http://www.kbrhorse.net/news/brumby02.html>

The AVA today accused the NSW Government of twice publicly misrepresenting AVA policies in an effort to moderate public reaction to the shooting slaughter of more than 600 horses in a national park near Dorrigo. The helicopter cull, supposedly using expert marksmen, was approved by the NPWS and occurred about two weeks ago.

The issue has attracted increasing public criticism in the light of reports that many of the horses had sustained large numbers of bullet wounds to the body, legs and even the rump when marksmen are meant to kill humanely with clean shots to the head.

The AVA Vice-President, Dr Garth McGilvray, said the organisation had a very detailed written policy outlining the specific circumstances - and types of terrain - where it accepts that properly controlled helicopter culling of wild horses may be necessary.

He said: "Firstly, we would like to express our outrage at the apparent lack of concern by NPWS for the welfare of the many horses which suffered terribly in this incident.

"Our policy expresses the view that helicopter culling may be the most humane method of reducing populations - but it emphasises that the AVA requires that it be done as a last resort by expert marksmen, who are regularly retrained and tested.

"The Minister for Environment, Mr Bob Debus, and later, his departmental head, Mr Brian Gilligan, used careful phraseology in media interviews to imply that the operation had the endorsement of the AVA. Any such suggestion is absolutely untrue.

"The NPWS did not even approach anybody in an official capacity at the AVA until the evening of October 30 - about two weeks after the culling took place - and that belated effort was clearly designed only as an attempt to moderate criticism of what they did.

"Our policy on helicopter culling of horses applies specifically to open arid and semi-arid country, where helicopters can easily pursue any injured animals to ensure they can be put down without undue suffering. "The very rugged forest terrain in the Guy Fawkes National Park is not suitable for this because of the obvious difficulty in conducting the operation in the most humane manner possible.

"Had they consulted the AVA before the cull we would have advised them of our position.

"The AVA, which represents the majority of veterinarians in Australia, is incensed that the NPWS and its Minister have sought - retrospectively - to infer we were directly involved in this cull or that we had somehow approved it. We did neither", Dr McGilvray said. 30-Oct-2000 - *End AVA of report*

### **[Ref2]**

31-10-2000 Hansard p9387 - Mr FRASER (Coffs Harbour) [6.01 p.m.]: I raise an issue of grave concern to my community and, I believe, to the entire New South Wales community, that is, the inhumane slaughter of horses in GFRNP, west of Dorrigo, as reported in news bulletins last night. I have in my possession photographs, which I will seek to table, of horses killed by officers of the NPWS. Mr Greg Everingham, who appeared on national news broadcasts last night, actually rode a horse into the area to have a look at what had been done. If the service killed 600 horses, that equates with approximately 300 tonnes of horsemeat which they now tell us will be eaten by quolls and goannas. If there are so many quolls in the national park, they should not be on the endangered species list.

I have photographic evidence that one horse was shot in the front leg twice, in the back leg and then in the body. Another horse was shot in the gut five times, once in the neck and once in the head. Yet another horse had two shots to the back, two in the gut and three in the jaw. That is not humane. The service ran these horses up a hill, gathered them together, immobilised them—a horse that has been shot will be fairly immobilised—and later came back, I hope, and finished them off. I advised the Minister for the Environment that I proposed to make this statement tonight and I note that he is in the Chamber. I call on him to ask the RSPCA to conduct a full and independent inquiry into this matter. My photographic evidence indicates culpable findings against employees of the NPWS and the shooters and I expect them to be prosecuted to the full extent of the law.

Mr DEBUS (Blue Mountains—Attorney General, Minister for the Environment, Minister for Emergency Services, Minister for Corrective Services, and Minister Assisting the Premier on the Arts): Let me be absolutely clear that I in no way condone any inhumane treatment of the animals at GFRNP. I am aware of the very serious allegations that have been made concerning the manner in which some of these horses were culled. I assure the House that the service will co-operate fully with the RSPCA and provide it with all the necessary information it requires for its investigation of the matter and I will be announcing some other measures.

**[Ref3]**

2-11-2000 Hansard Page: 9737 - Mr FRASER: Honourable members will be aware that the proposed inquiry must find that the treatment of these animals was inhumane. The NPWS must be taken before the court, and I believe it will be found guilty and convicted of a charge under the Cruelty to Animals Act.

The RSPCA inspector who went into the area this week found a pony with two high-calibre bullet wounds to its shoulder. The pony had been living in the park in this condition for about two weeks and had to be put down. Honourable members would be left in little doubt about the condition of a horse with two bullet wounds to its shoulder for two weeks. It is proof that the NPWS has breached the Cruelty to Animals Act—and has done so on at least one occasion. The photographs I laid on the table of the House only the other day are further evidence of the barbaric nature of the slaying of these icons.

I ask the Minister to instruct the Environment Protection Authority to investigate the NPWS with a view to prosecuting the service for a breach of the Act. If the service is telling the truth and 617 animals have been shot—with more than 3,000 rounds of semiautomatic fire, as I have heard—that constitutes 617 offences. Each offence carries a fine of \$250,000, which means that the NPWS could be subject to fines up to \$150 million. The Minister announced an inquiry after I raised this matter in the House the other night, and I thank him for doing so. I ask him to expedite that inquiry. The Minister is hopeful of receiving a report within two weeks. I ask him to table that report in the House and to have it released publicly, to ensure that we satisfy all members of Parliament and representatives of the people of New South Wales that action has been taken that reflects the horrific and heinous nature of the offence perpetrated by the NPWS.

**[Ref4]**

Park rangers' horse cull enrages public [Guardian Mon 6 Nov 2000]

<http://www.theguardian.com/world/2000/nov/06/worlddispatch.patrickbarkham> The modern-day man from Snowy River might be a park ranger. But their stock is far from iconic today, after rangers in helicopters shot 617 wild horses in GFRNP. Local people were enraged after discovering badly mutilated carcasses scattered across the park. "The manner in which these horses were killed was absolutely barbaric. It was damned murder - that's what it was," said landowner Greg Everingham. Mr Everingham contacted the RSPCA, which claimed it discovered several bullet-riddled horses had survived the cull to stagger on for another day.

The NPWS said its first aerial cull was long overdue and had only been made possible after bush fires had cleared out undergrowth, enabling helicopters to track and kill the horses. However, the Australian Veterinary Association (AVA) said that aerial culling should only be considered in Australia's dry open plains, where helicopters could easily track and put down injured animals without causing undue suffering.

"The very rugged forest terrain in the GFRNP is not suitable for this because of the obvious difficulty in conducting the operation in the most humane manner possible," said vice president Dr Garth McGilvray.

AVA president Dr Tony English is leading the inquiry into the culling. The AVA has already condemned the "lack of concern by the National Parks and Wildlife Service (NPWS) for the welfare of the many horses which suffered terribly in this incident". [Patrick Barkham Guardian (UK) [patrick.barkham@guardian.co.uk](mailto:patrick.barkham@guardian.co.uk)

#### [Ref5]

16-Nov-2000 *Media release Kate Woods* Aerial Culling of Feral Horses Banned: DEBUS.

Aerial culling of horses has been permanently banned in all New South Wales national parks, Environment Minister Bob Debus said today.

Mr. Debus today released an interim report by the head of Sydney University's Department of Veterinary Clinical Sciences, Dr Tony English, on the aerial culling of horses in the Guy Fawkes River National Park.

"This initial report relates to the specific Guy Fawkes operation, which Dr English concludes was planned and carried out in a professional manner by the NPWS." Mr Debus said.

"Dr English will now review all the procedures and protocols governing NPWS operations for the culling of feral animals before making a final report"

Mr Debus said in keeping with community expectations, he had ruled out any future aerial culling of feral horses in national parks.

"A better way must be found to control these feral animals. I am determined that it will be found." he said. I accept that the heavy weight of scientific opinion is that aerial culling is, in many circumstances, an acceptable method as a last resort and that it is a method employed in a number of other states and territories. "However, I have listened to the community on this issue. The close bonds between humans and horses and their place in the history of our country mean that this sort of operation is unacceptable to a great many people.

"A detailed Code of Practice for the capture and transport of feral horses now will be urgently developed to guide all future operations to control feral horse populations in national parks".

Mr Debus said he had extended Dr English's terms of reference in order for him to develop this code, in consultation with the NPWS, Department of Agriculture, RSPCA, the AVA, Rural Lands Protection Boards and other interested and community groups. I also have asked him to develop - again in consultation with key organisations - an acceptable plan re reduce the number of horses remaining in Guy Fawkes National Park. I repeat, this will not involve aerial culling."

Mr Debus said feral animals would not be allowed to remain unchecked in national parks.

"Their numbers must be controlled. Dr English's report makes clear the significant environmental damage these horses cause, such as erosion, spread of weeds, overgrazing and fouling the waterholes." he said. "They also compete with native fauna for scarce food and water and can carry serious diseases, which could be passed to other livestock, threatening farmer' livelihoods."

Mr Debus said he has already referred the interim report to the management committee of the Feral Animals Aerial Shooters Training Course (FAAST), asking the committee to work with Dr English to review current aerial shooting protocols for all species as part of his ongoing investigation.

"In line with Dr English's recommendations, the Government will provide funding for studies on improving the methods of assessing the impacts of feral horses and options for their management in a range of habitats. "National Parks also will work with Department of Agriculture and Rural Lands Protection Boards and community groups on an education program about the harm feral animals cause our environment."

Dr English's report is separate from the RSPCA investigation into potential breaches of the Prevention of Cruelty to Animals Act. A copy of Dr English's report has been referred to the RSPCA for its information. *Media contact: Kate Woods 9995 6500/ 0408 464 809*

**[Ref6]**

Hansard p10793 23-11-2000 - Guy Fawkes River National Park Animal Slaughter.

Mr FRASER (Coffs Harbour): I wish to discuss the report by Dr A. W. English provided at the request of the Minister. The House was provided with an executive summary of the report but I now have a copy of the 27-page document. I am extremely concerned, gravely concerned in fact, that the report is full of inaccuracies. I would make the statement upfront that I do not reflect on Dr Tony English in any way when I talk about these inaccuracies. I do reflect on the fact that Dr English, when he went to Guy Fawkes River National Park, was accompanied by NPWS officers. I believe he was shown only evidence that they wished him to see. I draw the attention of honourable members to page 19 of that report, in particular to point 72 which refers to the rifles and ammunition used. It states: *All 3 had use of their own dedicated L1AI SLR, which they had used on the FFAST course ... each rifle was fitted with an Aim point® red dot scope, zeroed to hit the point of aim at 50 metres. Each shooter had at least 15 of the SLR's 20 round magazines, into which they each loaded their own 19 rounds of 150 grain soft point .308 calibre ammunition.*

That is incorrect. Whilst they may have had the bullets, in fact they purchased lots of 1500 rounds from the Australian Defence Industries. The ammunition they purchased was military ammunition—it was jacketed military ammunition; it was not soft-pointed ammunition. If they had used the ammunition as described in the report, the bullet would have entered the beast, penetrated no more than nine inches, and would not have killed it. The ammunition they used passed straight through the animal. It did not hit the thorax or the lungs.

I am also concerned that Dr English looked at only 39 horses. If 617 horses were killed, as claimed by the NPWS, why did he look at only 39, that is, 27 on one occasion and 12 on the other? I believe he was taken to horses that were probably killed in a manner that would have been acceptable to anyone, me included, on the basis that they were humanely killed. The photographic evidence that I have, the videos that were shown of at least 67 horses that were examined privately out there, showed that they were not humanely killed.

I do not believe the information contained in the report about the AVA protocols which states that the AVA protocols actually support aerial culling. They do support aerial culling, but recommend that it should not be used in the type of terrain where it was used on this occasion. They refer to flat areas, and going back and killing the animals. The one part of the report that really disturbs me is contained in the addendum under the heading "Interpretation" on page 26. The report mentions the horse that wandered out of the bush two weeks after it had been shot. The report states: *While it was assumed that the 2 shots had been fired from a helicopter due to their position on the top of the body, in the absence of bullet fragments it was not possible to prove beyond doubt that this was so. The possibility of the shots being fired from high ground was discussed, but no firm conclusions were drawn.*

I suggest that was because of the absence of bullet fragments and the type of bullets used. That statement is misleading. We know that people culled these horses from helicopters. The report suggests that the horse may have been shot from the ground. The report is full of misinformation. I believe that misinformation has been fed to Dr English and the Minister by

the NPWS. I renew my call for a full, open, public inquiry, because I have evidence that I can put before an inquiry which will damn those people and show that the report is full of lies and half-truths that have been fed to Dr English by the service.

**[Ref7]**

Hansard page 11467 - 1-Dec-2000 - Guy Fawkes River National Park Animal Slaughter  
<http://www.parliament.nsw.gov.au/Prod/parlment/hansart.nsf/V3Key/LC20001201020>

The Hon. M. I. JONES: I address my question to the Treasurer, representing the Minister for the Environment. Why is the RSPCA having to prosecute the NPWS for the slaughter of horses at GFRNP? Why is the Government not enforcing legislation?

**[Ref8]**

5?-July-2002 - Horse Cull Court Settlement Vindicates National Parks

<https://www.colongwilderness.org.au/campaigns/feral-horse-action-plan>

“A settlement announced today over a long-running court case between the RSPCA and the NPWS clears the way for the removal of remaining feral horses in GFRNP.” And “The 12 charges by the RSPCA were dropped in return for the NPWS pleading guilty to a new charge accepting that at least one horse did suffer cruelty.” 5?-July-2000

**[Ref9]**

July 2002 - The Daily Telegraph: *The NPWS said its ban on aerial culling of horses would continue – despite being cleared of any wrongdoing in the controversial killing of 606 horses at Guy Fawkes River National Park.*

The service escaped conviction in the NSW Local Court on animal cruelty charges stemming from a legal brumby cull in October 2000. One horse out of the 606 shot from helicopters was found alive with bullet wounds two weeks later and put down by RSPCA officers. A magistrate dismissed the charges brought against the service by the RSPCA.

The NPWS had pleaded guilty in the Downing Centre Local Court, Sydney to one charge of committing an act of cruelty during the cull, acknowledging “unintentional cruelty upon a small number of horses“. 11 charges were dropped in exchange for the one guilty plea, which centred on the one mare found alive with two bullets in its body at least a week after the cull. Magistrate Grahame Hanson recorded no conviction, telling the court: “Without proceeding to conviction the charge is dismissed.” But he ordered the service to pay the charity’s legal costs, amounting to \$50,000.

Hanson told the court that while people felt “revulsion” for the cruelty, all the evidence pointed to the culling being carried out professionally by officers of the NPWS. “Like all activities, an inevitable risk which is least desired may come to pass” he said.

NPWS director-general Brian Gilligan said independent experts found the “operation was professionally and humanely carried out but accepted there was evidence that at least one and possibly up to four horses may have unintentionally suffered”.

Mr Gilligan of NPWS said. “It is important to stress that this one charge does not relate to the whole operation, but refers to a small number of horses only. The service has now changed its approach to wild horse management, which involves working closely with the RSPCA and the community.” End

**[Ref11]**

26-06-2002 [Hansard Fraser p3853] - Matter of Public Importance

Mr FRASER (Coffs Harbour: I intend to concentrate on the brumby cull that occurred in Guy Fawkes River National Park on 20 to 22 October 2000. The reason I raise this as a matter of public importance today is self-explanatory. The Minister for the Environment, the Director-General of NPWS, Mr Brian Gilligan and Dr Tony English have all said on numerous

occasions that the cull was done in a humane manner. That is something I cannot and will not accept. I put to the House that what has been said by Dr English, the Minister and Mr Brian Gilligan is false.

I would like to quote to the House from a report issued on 15 November entitled Report on the Cull of Feral Horses in GFRNP October 2000, submitted to the Parliament by Dr English. The report comprises 26 pages but the first 20 pages of the report deals with the history of GFRNP and the brumbies within the national park. The report does not address the slaughter of the brumbies until page 20. Section 75 of the report states: The intention was to shoot no horses closer than 300 metres from the river but when this was not possible the carcasses were later moved away by slinging under the helicopter. Some 40 were moved in this way, these generally being animals that were so poor and weak that they did not move away when the helicopter approached. I do not believe that. In fact, the evidence is contrary to what is stated in report. The report continues: Four wounded horses were located and shot from the helicopter on the third morning. The fact that one horse was shot twice but not killed, and not located by this process, was obviously at odds with this protocol.

The protocol was that they were looking at the horses, making sure they were shot more than once—indeed, some of the horses were riddled with up to 25 bullets. Dr English only looked at 39 carcasses but in his report and in discussions with me he stated that the location of each horse that was shot was global positioning system noted. If that were the case, I believe Dr English and the Government had an obligation to inspect more than 5 per cent.

As a result of that fiasco, 12 charges were brought by the RSPCA against the NPWS. On numerous occasions the NPWS had the matter adjourned. It is set down for hearing on 3 July, with witnesses to be called to give evidence to support the RSPCA claim that the horses were killed in an inhumane way. Annexure D refers to the horse that was found three days after the shooting and states: Whilst it was assumed that the 2 shots had been fired from a helicopter due to their position on the top of the body, in the absence of bullet fragments it was not possible to prove beyond doubt that this was so. The possibility of the shots being fired from high ground is discussed, but no firm conclusions were drawn. Honourable members would be surprised at the anger that wells up in me when I read that statement. Dr English was employed to give an independent report, yet for him to infer, after the NPWS admitted that it had shot somewhere between 227 and 616 horses in three days, that someone else had entered the park at that time and shot the horse from high ground, is nothing short of a disgrace. It is hiding the real facts. The report further states:

The fact that this horse was not killed and then not detected alive in subsequent fly overs could have been due to its colour, which would have made it very difficult to see against the brown landscape. It can also be assumed that the horse was lying down or did not move much due to its wounds, and a stationary animal is always much more difficult to detect from the air than a moving one.

This is subterfuge of the worst kind, as is what will happen on 3 July 2002. The RSPCA has contacted its witnesses and told them that under section 5 (1) of the Prevention of Cruelty to Animals Act they will not be needed at court because a plea has been entered into. NPWS will plead guilty to one count of cruelty to horses. This is astounding. I believe that almost two years later the NPWS has decided that it can plead guilty to a minor offence and plea bargain with the RSPCA. I know that the RSPCA is happy with the plea, but I am not. There were 12 charges yet the NPWS will plead to only one charge.

Photographic evidence to be produced during the three-week court case would have proved each of the 12 charges and embarrassed the NPWS to such an extent that its credibility, which is not very good anyway, would have been shot—to coin a phrase. The NPWS inhumanely slaughtered these animals but tried to suggest otherwise.

I commend the actions of the RSPCA. However, it has accepted the plea because it has

already spent thousands of dollars bringing the prosecution and having the matter adjourned. The RSPCA is scared that if the matter goes to court the service will weasel its way out by claiming it is an entity, or by some other process, and the RSPCA will lose and have to pay costs. I call on the Minister to direct the NPWS to plead to all 12 charges. It should admit its liability and the fact that it botched its attempt to slaughter these horses in October 2000.

Mr DEBUS (Blue Mountains, Attorney General, Minister for the Environment, Minister for Emergency Services, & Minister Assisting the Premier on the Arts) The prosecution has been the subject of careful discussion between the legal teams of the RSPCA and NPWS, which have considered the issue in detail. Since that operation a huge amount work has been done by the NPWS, animal welfare groups, including RSPCA, environment groups, horse riding groups & interested community members to help find solutions to this very vexed question.

Mr DEBUS: The NPWS has learned from the community reaction to the Guy Fawkes feral horse cull. It has worked with local communities to formulate practical and widely accepted plans to deal with this serious environmental problem.

Mr WEBB (Monaro): I commend the honourable member for Coffs Harbour for continuing to raise the slaughter—there is no other word to describe it—of one of Australia's national icons, the brumby, in a national park in his area.

I condemn him as Attorney General and as Minister for the Environment for allowing the NPWS to put a plea in on one charge only. I suggest that it should plead guilty to all 12 charges that were brought by the RSPCA. Do not hide behind a future management technique. If it were not for this slaughter those techniques would not be in place. The Minister should report his department to the appropriate authorities, ensure that it is prosecuted to the hilt, and not let it cop out on a plea bargain which does not reflect the slaughter and the savagery that was evident in Guy Fawkes River National Park. End

#### [Ref12]

<http://laptop.deh.gov.au/biodiversity/invasive/publications/pubs/40595-final-report.pdf> Page 16 of the **Code of practice** and standard operating procedures for the humane capture, handling or destruction of feral animals in Australia, by **Trudy Sharp & Glen Saunders** – Published 2004. States “*Inappropriate ammunition was used to cull horses in **Guy Fawkes National Park** (see English report on the cull). FAAST procedures and the Draft COP for killing, capture, handling and marketing of feral livestock animals state that 180 grain ammunition should be used for aerial shooting of horses, but only 150 grain was used (unless this is an error in the English report)*”.

**Note:** Most of the ABA summary document has substituted;  
NPWS for The National Parks and wildlife Service  
GFRNP for The Guy Fawkes River National Park  
AVA for The Australian Veterinarian Association

**In Conclusion:** The following film and transcripts must be viewed. The film is a visual and auditory reminder to anyone, who 14 years after the aerial shoot, still deny the seriousness of the 12 charges brought by RSPCA-NSW. Furthermore, the community's intense anger after the aerial shoot and again after NPWS's plea bargain was far from an over-reaction - it was a genuine result from realising that NPWS would avoid what many frustrated citizens felt, was their day in Court to defend the highly defensible 12 cruelty charges. The statement by Brian Gilligan “I have listened to the community on this issue and I have **permanently banned** all aerial culling of all feral horses in all national parks in this state **permanently**” was essential.

Australian Brumby Alliance Inc.  
21 October 2014

# **ABA Appendix 1 - Government Whitewash on Slaughtering Brumbies YouTube Video**



Our thanks to 'Brumby Watch Australia' for uploading this YouTube video in March 2010. <http://www.youtube.com/watch?v=AL9KlLqL1bl>

Below are *some* transcripts used in video link <http://www.youtube.com/watch?v=AL9KlLqL1bl>  
*The list is incomplete so it is important that everyone view all the video before reaching any conclusion/s. Of particular interest is the variation between RSPCA-NSW Steve Coleman's cull words as recorded 200- 2002, with his view given in 2010 when the video was made.*

## **Video Writes;**

“RSPCA-NSW CEO Steve Coleman (2010) whitewashed “irrefutable evidence” of “animal cruelty” charges the RSPCA laid against national Parks for their helicopter shooting of some 226 Brumbies .... many left to die ... Coleman sanctioned just one charge of cruelty in a plea bargain with NP that stop evidence being tendered by farmers who found the slaughtered horses exposing the NP covert culling....

## **Video Writes;**

“NSW national Parks Director General “Brian Gilligan” “plea bargained” with the RSPCA-NSW for cruelty to just .... “one” horse thus supressing evidence being presented in court by waiting independent witnesses.”

## **Video Writes;**

“Dr Tony English's independent report was developed from his NSW Government funded clinic at NSW University ...

**David Gillett** of Brumby Watch Australia talks of Australian Wild Horse folklore ...

## **TV Presenter (2000-2002) Reports;**

“The State government pleaded guilty on a charge arising from the mass slaughter of wild horses, but the charge was later dismissed”.

## **Keith Muir (Colong Foundation CEO) Said;**

“shooting the horses so that's the only way to control the horses”

## **Video Writes;**

“Keith Muir, CEO of the Colong Foundation is calling on the Government to lift the ban on aerial culling of feral animals.”

**TV Presenter (2000-2002) Reports;**

“The RSPCA launching court action alleging the animals had suffered needlessly.

**Peter Cochran (Snowy Trek Horse Riding Operator) (2000-2002) Said;**

“There is certainly no excuse for that they did, it was wholesale slaughter and it destroyed for all time the reputation of the NPWS as responsible managers of national parks.

**TV Presenter (2000-2002) Reports;**

“The Wild Life service insisted the aerial cull was on the whole humane and extremely successful, conducted by highly trained marksman”.

**Greg Everingham (Local farmer) (2000-2002) Said;**

“It was a dam mess; it was a disgrace to call yourself an Australian from what I’d seen”.

**TV Presenter (2000-2002) Reports;**

“But the RSPCA has begun legal action against the NPWS over the now infamous wild horse cull near Coffs Harbour ...the RSPCA alleges there were various acts of cruelty and aggravated cruelty on a total of 226 horses found within GFRNP.”

**TV Presenter (2000-2002) Reports;**

“It (RSPCA-NSW) said it has evidence to support allegations of aggravated cruelty on 225 animals.”

**Steve Coleman (2000-2002) Said;**

“We believe it was a cruel operation that is why we took it before the court.”

**News Presenter (2000-2002) Reports;**

“His (RSPCA-NSW/Steve Coleman) decision to prosecute came late yesterday, just after an independent review concluded that the horses had been killed humanely”.

**TV Presenter (2000-2002) Reports;**

“Yesterday an independent review found they had been, just as national parks had predicted.”

**Brian Gilligan (NSW national Parks Director General) (2000-2002) Said;**

“I am absolutely confident that the professionalism and the commitment and the intention of the staff of the service will be shown to be fact when intendant review is finalised”

**Video Writes;**

“Dr Tony English relies totally on Government funding and is commissioned to report on Government mismanagement”.

**Greg Everingham (2000-2002) Said;**

“It was a dam mess; it was a disgrace to call yourself an Australian from what I’d seen”  
[*Repetition of an earlier statement*].

**TV Presenter (2000-2002) Reports;**

“The defence today preferred to describe it as an admirable shooting saying that it was a freak accident the mare didn’t die, she suffered 2 direct hits and was seen to collapse to the ground, they agreed she suffered terrible, but stressed vets were at a loss to explain how she survived”

**Brian Gilligan (2000-2002) Said;**

“what we are acknowledging is that aerial culling of horses is unacceptable to a significant portion of the community and we respect that, and therefore it won’t be used.” And “We’ve learnt a lot from this exercise and we now do things differently.”

**Greg Everingham (2000-2002) Said;**

“horses shot in the stomach, legs, shot through their mouth with their teeth blown out, some aerial shots had been made from directly trying to finish the horse off and it was only around the nose and through the mouth that the horse had been shot”.

**TV Presenter (2000-2002) Reports;**

“Today’s pleas bargain meant that what Greg saw and photographed wouldn’t be heard in court or considered in a judgement”.

**Greg Everingham (2000-2002) Said;**

“And in my opinion they have dodged the issue by doing what they’ve done in Sydney (in court); it’s just typical of them, like they think they are above the law.”

**TV Presenter (2000-2002) Reports;**

“Today National Parks pleaded guilty to one count of animal cruelty, conceding 4 horses had suffered, one found still alive up to 10 days after being shot” “and that poor horse suffered far more than was necessary.”

**Steve Coleman (2000-2002) Said;**

“We (RSPCA-NSW) fought it to the *nth* degree and that was our primary purpose. We understand there is a need to cull certain types of animals, but it is imperative that it is done humanely”. “A horse that was found alive some 2 weeks after the original cull and I can’t tell you enough the suffering and torment that animal must have gone through”.

**Brian Gilligan (2000-2002) Said;**

“I have listened to the community on this issue and I have **permanently** banned all aerial culling of all feral horses in all national parks in this state **permanently**.”

**Greg Everingham (2000-2002) Said;**

“In my opinion they should have been dam well been put in court and dam well made to pay the price.”

**The Hon. Mr Fraser** speaks that he considers a cover-up has been perpetrated.

**Video Writes;**

“magistrate Graeme Hanson recorded no conviction: telling the court; “Without preceding to conviction the charge is dismissed.” “But he ordered the service to pay the charity’s legal costs, amounting to \$50,000.00. “Hanson told the court that while people felt revulsion for the cruelty, all the evidence pointed to the culling being carried out professionally by officers of the NPWS.”

**Video Writes;**

“The Australian Veterinary Association today accused the NSW Government of twice publically misrepresenting AVA policies in an effort to moderate public reaction to the shooting slaughter of more than 600 horses in a national park near Dorrigo.”

**End of video** thanks the following television networks for footage used in this production ... Nine, Ten, Seven, NBN, and Win.

*End of ABA Review of GFRNP controversial aerial shoot in 2000 and subsequent actions*