



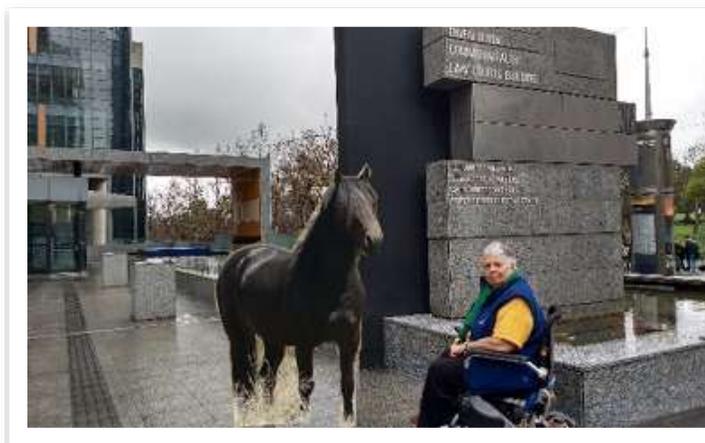
Brumby Bridges

The quarterly newsletter of the ABA

WINTER 2019

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ABA vs PV *The Brumbies Day in Court*

While we must wait for a Court decision,
regardless of the outcome, this is a first in the
drive to protect Australia's Wild Horses

The ABA

The *Australian Brumby Alliance Inc. (ABA)* was established in 2008 to help facilitate the efforts of like-minded wild horse interest groups throughout Australia. We do this by sharing information and expertise as well as providing a collective voice with regard to the humane management, welfare, preservation and promotion of what we consider to be a National Treasure - *The Australian Brumby*.

ABA News

President's Chat

An amazingly busy, fascinating and major learning curve over the past few months. The speed with which the ABA had to respond to new information from our legal team just kept increasing. Tight timelines were additionally compressed as Parks Victoria (PV) constantly dragged their responses to a few days after their mapped out schedule deadlines, leaving us less response time. "So what's new !" I hear you saying! [See page 3](#) for more courtroom activities.

The benefit of asking questions in court is they have to be answered. [See page 4](#) for PV's 'spin' reply for why PV ignored the 2012 PV survey findings where positive Brumby replies outnumbered negative replies.

The ABA's media team *The Six O'clock Agency* organised the Channel 7 Sunrise report to go to air the day the court hearing began. The Sunrise film crew put the ABA's message across well, that is, we need to work together on new robust studies to identify sustainable Brumby populations living in sustainable areas, while the anti-Brumby lobby promoted their usual isolating mantra.

Loneragan, a professional survey company was asked by Six O'clock to conduct a Victorian state wide survey on attitudes towards managing sustainable Brumby populations. The replies of 1,006 people living in Victoria aged 18 years and over demonstrated that:

- 82% believe that Brumbies are an important part of Australia's history to preserve,
- 84% support further research into the impact of other wild animals, extreme weather events, or humans on the Bogong High Plains,
- 52% were concerned, 48% were not concerned, about the potential environmental impact of wild Brumbies on the alpine regions, and
- 88% support efforts to preserve a small herd of Brumbies living in the wild if there was little evidence of impact on their negative environmental impact on the Bogong High Plains.

The results are most encouraging, and show that the ABA's approach to urging combined studies on Wild Horse

specific impacts (positive & negative) is the way to go to end current polarised views.

Topping off an amazing few months, the Sydney Morning Herald published an article July 22, 2019, that loudly resonates with ABA counsel's cross examination of PV's two environmental expert witnesses. While scientists are under extreme pressure for results in Australia, universities and institutes *self-regulate*, with the result that they either cover up or overlook faults. A team of science writers from the international group **Retraction Watch** has been involved in monitoring [Australian research paper retraction](#) from publications and is calling for a *national office* to handle study concerns and hold academics to account. [See page 5](#) for more on: *Hundreds of scientific research papers published by Australian scientists have been found to be unreliable or compromised, fueling calls for a national science watchdog.*

This is a watershed moment to shift the pendulum towards recognising Brumby Heritage national values, in managed numbers. The 100,000s dollars wasted by PV's resolute determination to remove entire Brumby populations would be better spent on joining with the ABA's comprehensive, robust research project being developed by the University of Southern Queensland – but will Parks Victoria refuse the USQ research permit? Read the Spring Brumby Bridges newsletter to discover the answer.

Jill Pickering

ABA vs PV Week 15-July to 19-July-19

Background

Late in 2018 the Australian Brumby Alliance (ABA) filed an application in the Federal Court of Australia seeking an urgent interim injunction against Parks Victoria (PV) to stop it interfering with Brumbies in the Bogong High Plains and taking any action that might cause a significant depletion of other Alpine Brumbies. This application was due to be heard in the Federal Court 14 December 18.

However late Thursday 13 December 2018, both parties agreed that PV will undertake “to remove no more than” the specific mob of 15 Brumbies that have moved into the adjacent Mt Nelse area of the Bogong High Plains, and “no more than 200” Brumbies from the Eastern Alps. While the Mt. Nelse Brumbies will be rehomed, no such guarantee is in place for the 200 Eastern Alpine Brumbies.

Our week in court

On Monday 15 July 2019 we finally began our “day in court” against PV. The ABA legal team presented sound legal arguments, which PV’s legal team tried to undermine. Channel 7’s Sunrise program aired good coverage at the start of day 1 which was organised by our media team Six O’clock, despite the usual negative comments from other perspectives.



Healthy Bogong Brumbies in their healthy environment, pondering PV’s Act with me.

Day 2 We completed the unresolved objections to evidence from both sides without losing evidence vital for our case. The first witness today was PV. The benefit of asking PV questions in court is that they have to reply.

With so much at stake for the future of Victorian Heritage Brumbies, our legal team worked continually to keep on top of everything, even when PV provided late evidence with less than 24 hours’ notice.

Day 3 Today was the most gripping day so far as two PV environmental witnesses and our witness gave evidence and were then cross examined. The infamously flawed Bogong damage report was discussed and both of PV’s environmental witnesses were out of the comfort zone under cross examination, having inaccuracies in their evidence were highlighted.

Day 4 We heard from heritage experts on both sides. The key to our case is whether removing all Bogong High Plains Brumbies and over half of the Eastern Alpine Brumbies will significantly lower the Australian Alpine National Park heritage listed values (which includes the Victorian East Alps and Bogong High Plains).

While our heritage expert gave credible evidence, it depends on how the Judge views all the evidence presented in relation to the EPBC Act.



No, Your Honour, I did not trample all the grass and compact the land here, that was from humans.

Day 5 We heard concluding legal arguments from both sides. PV took the moral “High Ground” to exterminate all Bogong Brumbies to save the park, while our legal team provided reasons why the Alpine Brumby Heritage would be significantly diminished if the entire Bogong Brumby population was eradicated and the East Alps population significantly reduced.

This is the first time PV has been challenged in court on their highly aggressive, provocative Brumby management

plans. Judge O'Bryan is aware our case is breaking new ground and while he is likely to be more familiar with PV's position, he has worked to understand our position.

And the verdict?? Judge O'Bryan will be reviewing the case over the next couple of months and we will have to wait until then to hear the outcome of the court case.

A big thank you to the long hours from our legal team. Sincere thanks to the many Brumby support messages. A very special thanks to the ABA Victorian Brumby Association for their advice and active support and the backing we received from [Heritage Brumby Advocates Australia](#). Thanks also to the Hon. Bill Tilley for his help and active Facebook support.



ABA legal team with Friday's ABA supporters

This is a watershed moment in Brumby Heritage acknowledgement. The 100,000s dollars wasted by PV's determination to remove entire Brumby populations is tragic. Please continue to contribute to our Research fighting fund to produce ground breaking balanced Brumby research to counter Parks Victoria false, misleading claims. [Chuffed - ABA Research Funding](#)

If we lose, PV will exterminate **all** Bogong's Brumby population by 2021 using false and misleading claims that this is critical to saving the alpine environment.

If we win, it is the first step in the right direction to gain balance for Victorian Alpine Brumby Heritage values by the retention of sustainable Brumby populations living wild in the land they have called home for 150 years

Jill Pickering

Parks Victoria Public perceptions towards Wild Horses in Victoria December 2012 *(conducted for Parks Victoria by Micromex research)*

Interesting to see that in 2012, Parks Victoria used the name Wild Horses in their "Snapshot of Victorian Residents and their views towards Wild Horses in Victoria". Below are excerpts from the [Full Report](#).

Preferred name/Identification

- 60% preferred the names Brumbies
- 28% preferred the name Wild Horses

Knowledge of population size

- Respondents significantly underestimated the population – **average of 3,175** vs official estimates of 10,000. *(note the 2014 population count of*

2,350 showed respondents were the most accurate)

Perceptions of Wild Horses in Victoria

- **55% agreed**/21% disagreed that Wild Horses are part of the spirit and heritage of Victoria.
- **48% agreed**/29% disagreed that Wild Horses should be allowed to roam freely in the Victorian Bush
- 22% agreed/**49% disagreed** that Wild Horses are a Pest animal in Victoria

Tourism

- **43% positive impact** / 15% negative impact

Cultural heritage values

- 38% positive impact / 20% negative impact

Overall Summary

- Even when informed, the community still see the wild Horse as different to other pest animals. When considering Wild Horse control methods the key criterion for most is that the specific animal control methods used on wild horses cause the least amount of stress and pain in the animal.
- The lack of support for shooting indicates, that for most part, the majority of the community does not believe that shooting horses is a humane method of control.

When Parks Victoria was asked recently why the 2012 findings had not been taken into account during preparation for the 2018 horse management plan, it was explained that the 2012 review was not considered because their most recent 2018 plan replaced the 2012 review findings!

Writer's note: "[Parks Victoria 2012, Public Perceptions toward Wild Horses in Victoria, Micromex Research](#)" was referenced in the National Cultural Heritage Values Assessment & Conflicting Values Report - The wild horse population Kosciuszko National Park (December 2015).

Jill Pickering

'Bad science' Australian studies unreliable, compromised

Key extracts from following links:

<https://www.smh.com.au/national/bad-science-australian-studies-found-to-be-unreliable-compromised-20190719-p528ql.html>

<https://www.3aw.com.au/dodgy-science-hundreds-of-australian-scientific-papers-revealed-to-be-inaccurate/>

Hundreds of scientific research papers published by Australian scientists have been found to be unreliable or compromised, fueling calls for a national science watchdog.

For the first time, a team of science writers behind [Retraction Watch](#) has put together a database of compromised scientific research in Australia. Over the past two decades, 247 scientific research papers - some associated with the country's most reputable universities - have been found to be compromised.

Compromised studies are not restricted to medical studies, In May this year, research on wind turbines by scientists at the University of Tasmania was retracted from the Energy Science and Engineering

journal due to issues with the peer review process (independent scientific assessment of the study's accuracy).

In Australia, universities and institutes self-regulate, so they're able to overlook or cover up faults in research but other countries have a national bodies to handle study concerns.

Professor Gandevia and Professor Vaux have been campaigning to establish an **Australian Office of Research Integrity** (bad science watchdog) empowered to investigate academics. It is extremely difficult to get a

journal to retract a paper, and many more problematic papers go un-retracted, meaning the 247 retractions were "just the tip of the iceberg".



Catriona Jackson, chief executive of Universities Australia, said in reply "Researchers must comply with [the] new code or face strong sanctions."

The University of NSW said no findings of misconduct had been made against the professor with six retracted papers as in each case - where errors were identified - they were found to be unintentional. However, The University of Melbourne said it received a formal complaint about the paper that was later retracted, conducted its own

investigation and took disciplinary action against the academics involved.

An Australian Office of Research Integrity is urgently needed so many more flawed studies, including those claiming exaggerated Brumby damage by Australian environmentalists, can be put to the test.

Jill Pickering

The ABA Brumby research project

In July 2018, Park's Victoria introduced a 'Feral Horse Strategic Action Plan,' to eradicate the entire Bogong High Plains Brumby population and over half of the Eastern Alpine Brumbies. Most Brumbies will be killed. Parks Victoria provides no financial support to rehome brumbies, instead relying on volunteer rehoming to save the few Brumbies they have space for - from being slaughtered.

The ABA rejects this plan because it is based on flawed research that is biased toward finding only negative impacts of horses and does not distinguish between Brumby impacts versus other wild animals, extreme weather events or even humans.

Brumbies and their environment have evolved together in Victoria's Bogong High Plains and Eastern Alps for more than 140 years, long before their homeland was declared a national park. It is imperative that independent and comprehensive research be

PLEASE HELP THE ABA FUND CRITICAL RESEARCH TO FULLY UNDERSTAND THE ROLE OF SUSTAINABLE BRUMBIES IN A HEALTHY ENVIRONMENT. KILL & KILL AGAIN IS INHUMANE A WASTE PUBLIC RESOURCES. #BACKOURBRUMBIES.

conducted to assess both positive and negative the impacts of Brumbies in the region. A research proposal is being put to Parks Victoria and ABA wants their current plan to be put on hold until this research can be conducted by the University of Southern Queensland (USQ).



Victoria's Alpine Brumbies are an important part of the local economy and Australia's history. Each year, thousands of people travel from across Australia and overseas lured by the promise of seeing Australia's iconic Brumbies. Removing Brumby heritage would deprive future generations the opportunity to experience and enjoy such a central part of our cultural history.

The ABA has committed to raising \$200,000 to support USQ's vital research.

You can help us by donating to the research fund or raising awareness of the issue within your networks. Please help us #BackOurBrumbies.

visit our [Chuffed page](#) to donate

Member News

Australian Brumby Horse Register (ABHR)

The ABHR continues to maintain steady growth in new memberships and brumby registrations. Renewals for 2019-20 are currently being processed.

Increasingly, show committees are adding ABHR sponsored classes to their schedules, including the Baroque & Distinctive Breeds show in Queensland recently where breeds from around the world were showcased.



Baroque & Distinctive Breeds show
- ABHR Champion Led Brumby -
STB Beauté

Save the Brumbies Inc (STB)

Guy Faulks River National Park News

At long last a meeting of the Horse Reference Committee of which STB is a member was held at Armidale in June.

Due to new legislation laws management of all of the Northern Tablelands has been handed over to the Local Land Services which includes both Guy Fawkes and the Oxley Rivers national parks.

As the Brumbies are declared feral pests their elimination is included along with foxes, pigs, wild dogs etc. There are estimated some 1400 horses in Guy Fawkes N.P., this has not changed much in two years. The majority are in inaccessible areas, horses can be trapped but removing them is not an option. Consequently, plans are afoot to trap the horses and shoot them on site.

Severe funding cut backs by NSW Government has resulted in fewer experienced rangers to trap the horses; OH&S is a concern here. Priorities are fire back burning in preparation for an expected dry summer; Guy Fawkes N.P. is renowned for severe bush fires, hence the name !!! This is of major concern. The horses will hopefully have a small reprieve for some time to come. We will continue to take what horses we can and monitor the actions of NPWS in all matters of humane management.

GFNP is a hot spot of sensitivity in relation to the environment and unlike KNP there is little hope of maintaining small numbers of horses under protection. Shameful, when these horses are direct descendants of the Walers, our gallant war horses and our nation's Heritage.



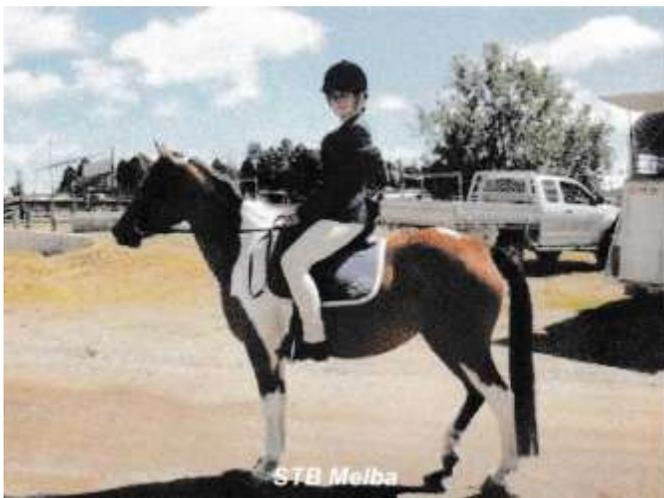
STB Sunshine in the snow

There were reports on social media of Guy Fawkes horses being shot. **Note:** this was untrue, some horses died by natural attrition as autopsied by LLS vets and not by bullets fired by national parks personnel. Parks rangers do not shoot horses at random. We work closely with NPWS and have a good relationship with all staff members; they do care but are bound by legislation in matters of control. Again, we stress, do not believe all that is reported on social media.

Finally, there are ongoing protests to repeal the legislation relating to the protection of the **KNP Brumbies**, just another instance of the constant battle we face to see the future of our wild horses preserved for generations to come.

Show reports

Once again our Brumbies excelled in the show ring, STB Sunrise Sting took out Reserve Champion at Armidale show and STB Melba made her first appearance. Alas we were too late for her class but she coped brilliantly with the hype of the show ground and all the new 'spooks' she met along the way. Our Brumbies also competed with honours at Bellingen show. Bringing the attention of the public to the quality of the Brumbies is an important focus of our work and helps to raise their profile. (Hopefully less bullets !!!)



Education

TAFE students studying animal husbandry and ecology regularly visit our Bellingen Sanctuary for information

regarding sustainable management and this year we were also invited to give a lecture at the University of New England, Armidale for students enrolled in environmental courses. It was interesting to discover how little is known or understood about the actual effects wild horses have on the environment. The majority again rely on social media for information. Questions were many and varied; students were invited to visit NEBS and see the natural country, so similar to our national parks, where the horses run free and to observe negligible damage to native vegetation. All enjoyed the talk and the information booklets supplied were appreciated.

Happy days ahead

Our big **Open Day** and social event is scheduled to be held at **NEBS on Sunday 17th November**. This is our main attraction and fund raiser of the year and we ask for your support. Our Welfare officer Yvonne Hicks is an excellent horsewoman and will be in attendance with her horses and there will be pony rides, sulky rides, horse riding and Brumby handling demonstrations, tours of the Sanctuary, BBQ, merchandise and lots more. Horses available for Adoption and horses in lifetime care looking for Sponsors



would love to meet you all. It promises to be a wonderful celebration and a great family day out so mark your calendars in advance. There is plenty of accommodation in and around Armidale to suit all budgets for people travelling long distances. NEBS in spring always looks a delight so do contact us for catering purposes if attending.

Victorian Brumby Association (VBA)

A huge focus for our Brumby team in the past few months has been doing everything that we can to support and enable the groundbreaking court case. Australian Brumby Alliance vs Parks Victoria is the first time that the government has been made accountable in a court of law for the way that they manage Brumbies. The court case is over now, with a finding to come from the judge in the coming months. It is very hard to have to wait, but we know that our legal team were amazing, we had credible and knowledgeable experts and the case looked great. Win, lose or draw, this has been a huge step forward for our Brumbies!

Back home at our Brumby Junction Sanctuary, we have Sixty-two Brumbies in care, which includes eleven permanent residents. The drought is affecting us significantly, with the cost of feed tripling and the added factor of it being much harder to find homes for our beautiful Brumbies when feed is so scarce and expensive. This year is set to be the most expensive year we have ever had and it really stressful for all of us. The Brumbies look great though – caring for them is as always, our first priority.

Although Parks Victoria were prevented by a court agreement from trapping any Bogong Brumbies at all, they were permitted to catch a small group that had moved from Bogong High Plains, up onto Mt Nelse. We took in all ten of the caught Brumbies caught in this program, consisting of several mares who look to be in foal, a couple of two year old fillies (who we hope are NOT in foal!) and three weanling aged foals. There are only three Brumbies remaining in the Mt Nelse group, all targeted for removal.

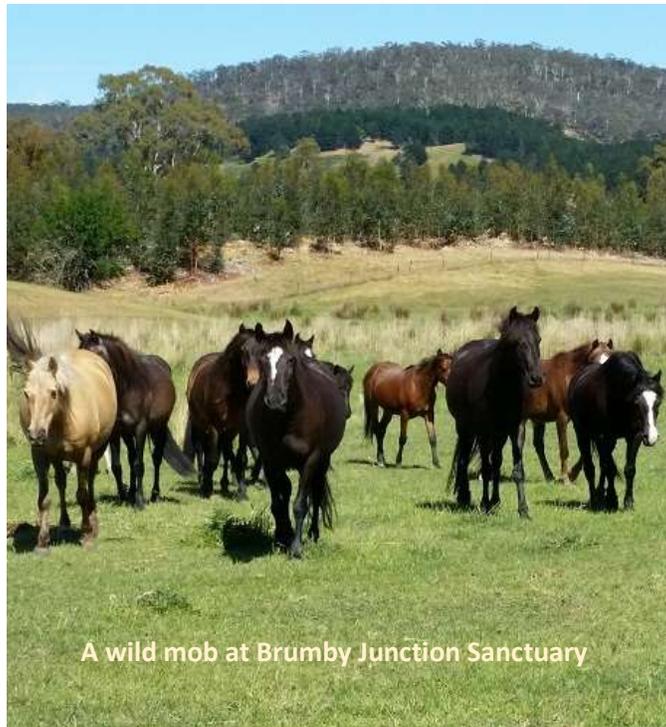
There are around 80-100 Brumbies left at Bogong High Plains and we are continuing to work hard to ensure that this population is allowed to stay right where they belong – in the wild at Bogong High Plains!

The Kosciusko Brumby situation has gone from positive to crazy. The Brumby Bill, passed in mid last year is the first ever piece of legislation aimed at managing Brumbies into the future. National Parks and Wildlife Services made the decision not to catch any Brumbies at all in 2018 as a result. The indecision has continued into 2019 and more than 12 months later, the Community Advisory Group has still not been announced. NPWS have continued with the indecision, initially baiting yards areas in the Park, but it appears at the late point of the year, that it is highly likely that no Brumbies will be trapped from Kosciuszko once

again this year. This might sound great, but the danger is that it plays into the hands of the extreme green element who seize on the lack of any form of management as a reason to overturn the Brumby Bill. It is critical that NPWS gets on with the job of managing the whole of Kosciuszko, Brumbies included. That doesn't have to mean large scale removal for slaughter, but it should embrace a range of options, including fertility control, trapping for rehoming etc.

Two of our committee members are off to the USA

to attend a **Wild Equid Fertility Control Conference** in August. It is critical that we not only stay up to date with the latest ways and technologies, but also share our Australian experiences and learn from others who have faces many similar struggles. We have also been asked to present some of our work on our Snowy Mountain



A wild mob at Brumby Junction Sanctuary

Brumbies at [the International Wild Equid Conference in Prague](#) in September. Again, this is not only a chance to share our experiences, but the network, learn from others and come home with key new contacts and knowledge.

We have a lot of [events coming up](#), with an Open Day at our Sanctuary in September and a huge month in November with our first photography competition and gallery showing as well as Brumby Festival, our annual Brumby family fun day. Once again we are looking forwards to a great day, with show, gymkhana, liberty and obstacle classes as well as educational talks, great food and even better company! It is a Brumby only show and we just love seeing the Brumbies who have come through ours and other programs with their loving owners!

It is exciting to be launching another program aimed at raising the profile of our Brumbies and helping them to find homes. It is often tough to find homes for our youngest Brumbies – to many, the wait until they can ride a yearling is just too long. Our [Brumby Yearling Challenge](#) runs from the start of August and is based on our Australian Brumby Challenge. Approved trainers can enter one of three classes: Junior, Adult or Team. They have 100 days to train their allocated yearling before bringing them along to our [Brumby Festival](#) for finals classes in November. The trainers have the option to keep their Yearling at the end of this event, otherwise they will come back to our sanctuary to find their forever home.

We hope to see you at one of our upcoming events!

Hoof Prints..... Other items of note

[The Cultural Significance of the Bogong High Plains Wild Horses](#)

[Australian Brumby Magazine, 11 July 2019](#)

The Bogong High Plains Brumbies have been roaming the plains now for well over 140 years; since their ancestors escaped from horses bred on land leased in the High Plains country or from people using horses to work the leases - Horses were an essential commodity before machinery was introduced.

The modern brumbies running on Young's Tops and the Pretty Valley area are direct descendants of a commercial mob that was first established by Osborn Young in the 1880s. From around the mid-1840s demand was high for the highly regarded "Waler" horses these horses were exported for British Army remounts in India and later the Boer War and First World War.... [More at the Australian Brumby Magazine.](#)

The Editor's Tail

[So what's this Court Case really about ?](#)

The law is a very technical theatre, and any arguments heard must be judged within the current legal framework. It is important to understand that ABA is not seeking legal reform – i.e. to change the laws – this is a very complicated and separate process.

Parks Victoria is bound to operate under their legislation, the *Environment Protection Act 1970* ('the 1970 Act') and the *Environment Protection Act 2017* ('the 2017 Act'), which mandate that they protect the biodiversity of the Victorian national parks. They are also obligated to control

listed feral species. ABA cannot just willy-nilly tell them not to do that.

So, what is ABA doing? ABA is arguing that, further to the state legislation, PV must seek approval from the Commonwealth under the ***Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act)***, which, in addition to protecting environmental assets and values, also provides for the protection of cultural assets and values. Specifically, one of its objectives is to : ***enhance the protection and management of important natural and cultural places***

ABA argues that the Bogong High Plains and Eastern Victoria Alpine Brumbies have significant cultural heritage value and to eradicate the BHP horses and decimate the EVA horses will contravene the *EPBC Act*. ABA is pressing for PV to seek proper federal approvals prior to implementing its strategic plan.

The *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) is the Australian Government's central piece of environmental legislation. It provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places — defined in the EPBC Act as matters of national environmental significance. [More about the EPBC Act](#)

Even the earlier court injunction of December 2018 related to this matter; the injunction was designed to stop removal of horses until the main court case was heard.

So, the case fundamentally rests on the cultural value of the horses and then the weighing up of both cultural and environmental concerns. If the horses have cultural value, the evidence of environmental damage must unequivocally prove the horses cause so much irreparable environmental damage that it outweighs the loss of cultural value.

Even if the court decision is in favor of the ABA, and PV must seek ***EPBC***

Act approval, the Commonwealth may still approve their plan to eradicate horses. We must remember that horses are listed as a feral species.

So there are no certainties here, except one - ***doing nothing most assuredly means horses will die, and nothing will be changed.***

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ABA Member Groups

- 🐾 Australian Brumby Horse Register
- 🐾 Coffin Bay Brumby Preservation Society Inc. (SA)
- 🐾 Kaimanawa Heritage Horses (NZ)
- 🐾 Save the Brumbies Inc. (NSW)
- 🐾 South East Queensland Brumby Association
- 🐾 Victorian Brumby Association

Newsletter Contributions

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