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ABA Media Release – Correction to Reclaim Kosci Statements 22-May-20

On 8th May 2020 the Federal Court rejected Australian Brumby Alliance (ABA) vs Parks Victoria Court case to prevent Parks Victoria exterminating the entire Bogong High Plains Brumby heritage population or significantly reduce East VicAlp Brumby numbers.

Justice O'Bryan concluded "having regard to the foregoing factors, on balance I do not consider that the proposed Action is likely to have a *significant* impact on this National Heritage value. While *there will be some impact* the retention of a significant population of brumbies in the Eastern Alps has the result that the Action cannot be regarded as significant." (Section 255 of Reasons for Judgement)

The Reclaim Kosci Team update 16-May-20 included false statements presumably aimed at discrediting Victorian Alpine Brumby heritage when in fact,

- Parks Victoria *agreed* that removing an entire population from Bogong High Plains, would have a negative impact the Australian Alpine national park listed values, but
- the Judge decided "the retention of a *significant* population of brumbies in the Eastern Alps has the result that the Action cannot be regarded as significant."

This group claims to have scientific facts on its side and yet it has again *distorted* the facts, in particular:

Reclaim Kosci state The Australian Brumby Alliance (ABA) took Parks Victoria to court, claiming the removal of feral horses would lower the heritage-listed values of the Alpine National Park. In fact:

- The ABA took Parks Victoria to court to stop the *total* removal of Bogong High Plains Brumbies, not just removal to lower number.
- The ABA supports the retention of sustainable Brumby populations in areas they have lived for 150 years and to be managed to that level.
- The ABA rejects the studies Parks Victoria use to back total population removal of the Bogong High Plain horses because studies are based on flawed, misleading conclusions highlighted in Court, and
- Because losing an entire population will deny future generations the ability to see BHP's unique irreplaceable Australian living heritage that has survived from remnants of original founding stock bred for the needs of that era and which enabled early settlers to thrive.

Reclaim Kosci claim the Judge "clearly spelt out that Parks Victoria is obliged by state, federal and international law to deal with feral animals in national parks and dismissed the heritage claims for feral horses in Victoria's Alpine National Park and has ruled that introduced feral pests do not form part of Australian Alps heritage listing".

1 ABA refutes false claims that infer AANP Wild Horses cannot have heritage value

The ABA rejects the false claims on this group's Facebook page which they attributed to the Judge's "Reasons for Judgement.

The ABA rejects this group's Facebook NSW "*Brumby bill*" on rocky ground and quote "NSW shadow environment minister Kate Washington was quick to highlight the absurdity of NSW's "Wild horse" Heritage Act in light of the court's decision. "The Federal Court of Australia has ruled that introduced feral pests do not form part of Australian Alps heritage listing," she (Kate Washington) said.

The ABA makes these objections for the following reasons:

- The judge accepted that the continuing presence of brumbies in the Australian Alps *contributes to the National Heritage Values* relating to the pioneering history of the high country (this is in relation to criterion (g), see [252] of the Reasons for Judgement).
- His Honour also found that "*the brumbies are one physical reminder of the historic activities and, in that sense, contribute to the social connection of the pastoral community to the Australian Alps*" [253].
- Ultimately the judge held that because there would *still be a significant population of brumbies in the Eastern Alps* the action would not have a significant impact on the Natural Heritage value under criterion (g) [255].

Jill Pickering, President of the Australian Brumby Alliance said "We are writing directly to Minister Washington regarding her inaccurate, damaging comments on the court's decision."

Ms Pickering emphasised that "Both the ABA and Parks Victoria agreed that *brumbies in the Australian Alps have cultural heritage significance, and that the final case decision rested more on the level of significance of losing an entire Brumby population.*"

The Judge concluded "*having regard to the foregoing factors, on balance I do not consider that the proposed Action is likely to have a significant impact on this National Heritage value. While there will be some impact by reason of the connection of the brumbies to the myths, stories and legends of the Australian Alps with which communities have a connection, the retention of a significant population of brumbies in the Eastern Alps has the result that the Action cannot be regarded as significant.*"[255]



PLATE XXIII - Horses Destined for India Pictured in Sale yards at Myrtleford 1890'S (SLV). Source: Peter Cabena's MA. Thesis, *Grazing the High Country: an historical and political geography of high country grazing in Victoria, 1835 to 1935: sourced from the High Country Heritage Hub*

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2 ABA refutes false claims that infer AANP Wild Horses cannot have heritage value