



## MEDIA ALERT

### FEDERAL COURT GIVES GO AHEAD FOR VICTORIA'S ALPINE BRUMBIES TO BE ANNIHILATED Friday 8<sup>th</sup> May 2020

#### Main stories:

1. Today in the Federal Court of Australia at Melbourne, the Australian Brumby Alliance (ABA) has lost its attempt to save Victoria's Alpine Brumbies in a landmark case against Parks Victoria.  
*Case: Australian Brumby Alliance Inc v Parks Victoria.*  
*Federal Court Case No.: VID1569/2018.*
2. Parks Victoria now intends to start "ground shooting" Brumbies in (an activity that Parks Victoria acknowledges is unpopular in the community, and an activity that its existing management plan expressly promises will not occur) for the purpose of managing populations.
3. After the court's decision was released, the ABA sought a stay of the orders, to prevent Parks Victoria from shooting or otherwise significantly impacting Brumby populations during the 28 day appeal period. But that pathway was opposed by Parks Victoria, whose representative said that Parks Victoria intend to "immediately" start removing the historic Brumby populations from the Bogong High Plains. Justice O'Bryan stayed his orders for a period of 5 calendar days, to enable the ABA that much time to apply for an injunction to restrain the activities of Parks Victoria during the 28 day appeal period.
4. The ABA contends that Parks Victoria's intended eradication of Victoria's Brumby populations, which have lived in the same areas for 150 years, is based on flawed science, for example; during the proceedings, the expert witnesses exposed many flaws in the scientific report that had formed the basis for Park Victoria's plan to eradicate all Brumbies in the Bogong High Plains, neither factor in the 300 or more deer for every Brumby in the Alpine National Park, and little to no effort was made by Parks Victoria to distinguish between the impact of deer, and the impact of Brumbies.
5. There is ground breaking ecological research currently being conducted in Victoria's Alpine National Park (headed by leading ecologist Dr David Berman of USQ) to determine the ecological impact of the Brumbies. That research is expected to produce an interim report at the end of 2020 and to be complete in 2024. The ABA believes that there is genuine potential for that research to prove that Parks Victoria should be more interested in keeping



numbers of Brumbies to sustainable levels, rather than exterminating Victoria's Brumby populations outright. Nonetheless Parks Victoria do not want to wait for that research to be released. They want to start exterminating Victoria's Brumby populations immediately.

### **Timeline:**

1. 01 June 2018: Parks Victoria released its "Alpine National Park - Feral Horse Strategic Action Plan 2018-2021", a plan that called for the eradication of all historic Brumby populations in the Bogong High Plains and proposed to remove significant numbers from Victoria's Eastern Alps where they have lived peacefully for 150 years or more (It must be noted that the ABA is not opposed to sustainable management of the Brumbies, but the ABA is opposed to Victoria's Brumby populations being exterminated as is Parks Victoria's clear intention).
2. In December 2018 the ABA initiated Federal Court proceedings against Parks Victoria, on the basis that the Brumby populations are an important part of Victoria's cultural heritage, and the contention that Parks Victoria would be breaching the Environment Protection and Biodiversity Conservation Act by destroying those historical populations, unless they first seek approval from the Federal Minister for Environment [the Honourable Sussan Ley].
3. In July 2019 the case was heard before the Federal Court over 5 days, 15-19 July. During the proceedings, the expert witnesses exposed many flaws in the scientific report that had formed the basis for Park Victoria's plan to eradicate all Brumbies in the Bogong High Plains.
4. 8 May 2020 – after nearly a year of deliberation, His Honour Justice O'Bryan has released judgement.

### **Background and Quotes.**

These court proceedings were time consuming and expensive for all concerned. There was a five day trial in the Federal Court, and much of that time was spent hearing from expert witnesses, most of whom reported to the court in written and then in oral form. At all times, Parks Victoria could have entirely avoided the need for those court proceedings, if Parks Victoria had simply agreed to request permission from the Federal Minister for the Environment before eradicating Victoria's long established Brumby populations in Victoria's Alpine National Park. Instead, Parks Victoria preferred to spend nearly two years tied up in litigation in the Federal Court.

Today after several months of consideration of the evidence, His Honour Justice O'Bryan dismissed the ABA's case, re-opening the doorway for Parks Victoria to exterminate Victoria's historic Brumby



populations, in areas where Brumbies have lived free for 150 years or more.

Significantly, the University of Southern Queensland (USQ) is currently conducting ground-breaking research in Victoria's Alpine National Park, to determine the impact of Brumbies, both positive and negative. ABA President Jill Pickering said "This is the type of research that Parks Victoria should have done, before it made its unscientific decision to exterminate the brumbies. Instead, Parks Victoria won't even wait for the USQ research to be complete, before they start shooting.

"We know that Parks Victoria were already making plans to start shooting the Brumbies who'd survived the recent bushfires, before they'd even bothered to count how many Brumbies had survived!"

Jill Pickering, ABA President said "We'll continue fighting for the Brumbies, their small populations in Victoria's Eastern Alps are an irreplaceable part of Australia's cultural heritage. But today's court decision puts the future of Victoria's Brumbies in the hands of Parks Victoria. We may become the last generation that allowed the Brumbies to be relegated into the history books. Now thousands of Brumbies will be slaughtered by Parks Victoria before USQ's interim report comes out, and before this ground breaking vital research to assess positive and negative impacts is completed. Instead Parks Victoria will continue to rely on studies that we know to have been fundamentally unsound."

Colleen O'Brien, President, Victorian Brumby Association said "Brumbies are a significant part of Australia's history that is vital to preserve for future generations to experience; we will not rest until we have done everything we can to save sustainable populations."

"This has been a team effort; the ABA thanks all Brumby supporters across Australia for the help and support they have provided us during preparations for this landmark court case" said Ms Pickering.

Sadly today, entrenched views, flawed studies and misconceptions have determined the Brumbies' fate. We will continue the fight to shed light on emerging knowledge that documents how sustainable Brumby populations exist, interact and contribute to the environment *and* our cultural heritage, as they have for over 150 years



Ultimately, the slaughter of Australian wild horses without a comprehensive, unbiased knowledge of what is happening in the ecological habitat is a waste of taxpayers' money, will do nothing for the environment and will destroy an important part of our cultural heritage. The ABA is not opposed to sustainable management of population numbers, but we say that Parks Victoria should not be eradicating any Brumby populations and that at the least Parks Victoria should wait until USQ's first-of-its-kind ecological research has been completed before they take any irreversible action.

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## **Additional Background**

### **USQ Research**

Management of Brumbies in the Alpine National Park should aim to minimise any negative impact caused by wild horses and maximise any positive impact. To do this the relationship between positive/negative impacts and wild horse density must be determined. While there have been many studies of the impact of wild horses on the Alpine environment, none have addressed this relationship and none have considered any positive impacts of horses on the environment and the consequences of removing them on other species in that habitat. Designing improved experiments to measure the relationship between wild horse density and environmental impact requires improved understanding of the movement patterns and habitat use of wild horses in the Australian Alps. Studies using modern radio-telemetry devices are required for this purpose.

The University of Southern Queensland (USQ) commenced research during September 2019 which aims to develop an improved research design in order to measure the relationship between horse density and environmental impact (positive and negative) of wild horses. Dr David Berman is managing the study.

### **Victorian Alpine Brumbies**

Brumbies have been an important part of the cultural history of the Bogong High Plains and Eastern Victorian Alps for over 150 years. The current population is only about 100 horses in the Bogong High Plains and approximately 5,000 during the 2019 population count, minus severe losses during

the recent fire in the Eastern Victorian Alps, meaning it is vital a new count is conducted across the east VicAlps before extreme measures are taken by Parks Victoria.



*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*