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## Australian Brumby Alliance submission to the Parliament of **Victoria** **Integrity and Oversight Committee**

BY Friday, 31 Aug 2020 via <https://www.parliament.vic.gov.au/ioc/article/4539>

The Australian Brumby Alliance Inc. (ABA) advocates for the recognition, management, preservation and welfare of sustainable Australian Wild Horse populations

### **Inquiry into the Education and Prevention Functions of Victoria's Integrity Agencies**

The ABA submission will detail our experiences with Parks Victoria (PV) as an example of areas this Parliamentary review could recommend ways to address such serious failings before PV or other government agencies could slide into systemic organisational corruption and total disregard for 'due process' in managing feral species.

**(1) The Victorian legislative framework with regard to the education and prevention functions of the Independent Broad-based Anti-corruption Commission (IBAC), the Office of the Victorian Information Commissioner (OVIC), the Victorian Inspectorate (VI) and the Victorian Ombudsman (VO).**

The ABA and its member groups have submitted a number of requests to the Victorian Ombudsman concerning Parks Victoria's actions. In particular raising significant concerns about Parks Victoria's lack of transparency and integrity in their consultation and decision making procedures relating to wild horse management plans for many years.

### **Inability to receive acknowledgement a letter has been received.**

Non-Victorian state and federal government departments routinely provide automated acknowledgement of a letter, with a reply under 3 months. However Parks Victoria, their Minister, and the Premier have never once acknowledge receipt of an ABA letter, unless it is resent 3-4 times highlighting a request for receipt of the letter be provided. Any complaint we make is met with surprise and being assured this would not happen again, but it has.

### **Inability to receive any reply to letters**

Parks Victoria frequently never replies to our letters unless send via a lawyer. Over 2 years we sent 8 letters to Lily D'Ambrosio and only received a brief reply after copying number eight letter to all Victorian MPs which produced one brief reply unrelated to our questions.

### **Lack of response to inquiries**

This lack of transparency and inconsistent reporting has significantly inflamed the already polarised views on how Parks Victoria manages wild horse (Brumbies) populations. Lack of response to inquiries has resulted in regular use Freedom of Information to gain answers.

### **Lack of transparent community consultation practices**

Parks Victoria have watered down their community consultation to such a degree that they openly state that they can do as they wish; with no requirement to consult. Their decision alone is all that is needed to meet their responsibilities under the National Parks Act 1975 (Vic) and supported by the political environmental views of the time. For example;

- Parks Victoria's Alpine National Park: Feral Horse Strategic Action Plan 2018–2021 “expressly provides that ground and aerial shooting is not be used to control free-ranging feral horses.”, however
- In March 2020, Parks Victoria decided to move to ground shooting of free-ranging horses, noting that “Parks Victoria did not engage in a public consultation process before making this decision.”
- Judge Moore's Judicial review states “Defendant (Parks Victoria) was not required to consult – Parks Victoria Act 2018, s 31 –Statement of Obligations (27 October 2018), cls 4.1, 6.1, 6.2, 9.2.1.” in 26-May-20 Maguire v Parks Victoria [2020] VSC 303

Since that time Parks Victoria have used this decision to do whatever they feel is needed without community consultation being a consideration.

**(2) The current policies, practices and activities of IBAC, OVIC, the VI and the VO regarding the exercise of their education and prevention functions—including their application to the integrity agencies themselves, public sector bodies and the Victorian community.**

**Ombudsman identical replies 20-Jul-20 to complaints lodged by people:** Included several incorrect statements inferring checks on Parks Victoria were superficial, for example; ***In 2018, Australian Brumby Alliance Inc. sought an injunction against Parks Victoria to restrain it from engaging in trapping and removal activities.***

IN FACT ABA limited PV to removing 200 Brumbies from the East VicAlps (average for previous 5 years) and 15 Brumbies from Mt Nelse (average for all of Bogong High Plains for past few years). PV failed to reach either target; therefore the Ombudsman cannot say the ABA restrained PV from engaging in trapping and removal activities.

***An individual member of the ABA sought an injunction against Parks Victoria seeking to restrain it (PV) from implementing ground-based shooting control method.***

IN FACT this person did contact the ABA early on, but he never applied, or became a member of the ABA. Why did the Ombudsman not crosscheck with the ABA?

***It (PV) undertook an evaluation of the existing methods of control that had been able to be used during the period the Action Plan was intended to be implemented and concluded that further measures were needed.***

Why did the Ombudsman not request a copy of this report be attached to the Ombudsman reply to enable better understanding of PV's sudden change from no ground shooting to ground shooting? Such transparency would assist public support.

***We (the Ombudsman) looked at available information, including applicable laws and policies, recent court decisions.***

The ABA recommends the review expands and further increases the powers and investigatory options for the Ombudsman to ask more searching questions and require back up evidence claimed by the organisation it is investigating.

**River Red Gum Parks Management Plan June 2017 Draft (Heritage values & water mgmt.)**

***This plan places Aboriginal heritage values above European heritage values states that; "For many visitors, cultural heritage is a key experience of the River Red Gum Parks. Aboriginal cultural heritage has the potential to be the richest experience."***

The ABA submission to PV's River red Gum plan draft June 2017 ABA supported the right of both Aboriginal and Post-Settlement communities to be involved with respective national park decisions. BUT we spoke against the plan's intention to elevate Aboriginal cultural values, decision making and ownership of an increasing number of national parks that previously belonged to all Australians.

***The draft plan states "For many visitors, cultural heritage is a key experience of the River Red Gum Parks" – which we (ABA) support. BUT then claims "Aboriginal cultural heritage has the potential to be the richest experience".***

This statement seems unnecessarily provocative and risking conflict, by pitting one culture against another. Australia is a multicultural nation, the 'richest' cultural experience will vary from person to person.

Previous PV management plans list the Burra Charter as one of several documents to be adhered to. PV stopped listing the Burra Charter after the "Greater Alpine National Park (Vic) management plan draft was released in 2014. Extracts from The Burra Charter's focus on cultural values, include;

- that co-existing cultural values "*should always be recognised, respected and encouraged*" .... "*This is especially important in cases where they conflict*" and that each of our cultural values reflects "*the diversity of our communities, telling us about who we are and the past that has formed us and the Australian landscape*" ..... "*must be conserved*" ..... "*in accordance with the principle of inter-generational equity*".

**(3) Best practice with respect to integrity agencies' education about, and prevention of, corruption and other misconduct, drawing on interstate and international experience.**

**Alpine National Park: Feral Horse Strategic Action Plan 2018–2021 (unethical actions)**

- PV used Tolsma Shannon 2018 Bogong High plains (BHP) to support their intention to exterminate all Bogong High Plains Brumbies immediately. The report stated that;
  - Care was taken to record only those impacts *obviously* attributable to feral horses. Yet in open court (ABA-v-PV) study flaws exposed in court included three sites where despite field notes stating damage *only due to deer*, those sites were counted as *horse only damage* sites in the final report. And
  - Sites compared as “Worse,” “same” or “better”. Yet in open court (ABA-v-PV) evidence emerged that percentage graded field records showed difference from same was *under 2%* (3-4 sites up to 5% worse). The 2 *better* sites were not explained. To the ABA this report was designed to maximise negative Brumby impacts. Furthermore,
  - This report concluded that “Despite a relatively small number of horses being present, soil and vegetation condition has measurably declined in many sites for which previous survey data were available, supporting the concept of cumulative damage. There is unlikely to be a minimum population size for feral horses that would not lead to incremental, on-going degradation.”

The ABA asked Tolsma whether he was aware that at the time of his site visits Parks Victoria conducted planned deer shoots at night (see ABA overlay yellow marks on the study sites map p7, p23 & p24 in attachment-1). Also ABA overlaid deer prints using yellow blobs. Tolsma replied no, he was not aware of the deer shots, and that Parks Victoria had told Tolsma not to refer to deer in this report, only horses.

This report, accompanied the plan 2018-2021 draft to *inform* the community engagement survey used to frame public responses to the draft. In our view, by excluding all reference to the significant deer present, which had increased rapidly since 2008 with no management, unethically pressured replies to support total extermination on Bogong High Plains.

ENGAGE plan survey - <https://engage.vic.gov.au/alpine-national-park-feral-horse-strategic-action-plan> includes all reports available for public feedback to consider. This site survey first asks (1a). *Reduce the abundance of feral horses in the Alpine National Park, and prevent the establishment of new populations.* To which the ABA replied yes, but the survey result to question1a changed its meaning to refer to management *as detailed in the draft plan*, including to exterminate all Bogong High Brumbies”, a statement we would never say yes to.

In fact this survey, used to establish public responses to the draft plan, failed to provide any opportunity to comment on the retention of sustainable Brumby numbers or even European heritage including Brumby social heritage values. We are inclusive of the need to reflect Aboriginal heritage values; however we strongly support a need to balance both European and Aboriginal cultures to reflect the multinational mix of all Australians.

#### **Joint Management Plan for Barmah National Park: Yorta Yorta Traditional Owner land Management Board 2019 Draft (Inconsistent standards, sidestepping reality)**

- Plans talking of reducing numbers for pigs, deer, etc. but total Brumby removal
- Banning horse riding in Barmah but allowing trail bikes, 4WD, cycling etc.
- Horses as scapegoats as they are easily seen. In reality scientific reports state that unless flooding depth & timing are corrected all Moira grass will disappear by 2026.

- Vague, unquantified statements, such as measuring “Trends in waterway and floodplain value”, “hydrological requirements” and “aquatic health” and *minimising negative water regimes* are repeated in each plan, suggest an absence of data to inform decisions.

**Parks Victoria Land Management Strategy (LMS) 29-Sept-19** <https://engage.vic.gov.au/lms>

***The LMS states “parks and reserves have been returned to Aboriginal ownership under Aboriginal Title” and the Government is “expected to apply to more of the parks estate in the future as further formal agreements with Traditional Owners are implemented.”***

ABA feedback to Parks Victoria pointed out that up to now Australia’s National Parks were “owned” by the public; as such we also pay “Park Rates” towards running costs. Originally national parks were set aside “for the benefit of the public”. The term public included all Australians, but now park ownership is with Aboriginal Corporations, who represent just one section of the Australian public.

NOTE: The ABA fully supports the integration of all Australian multicultural values, which must be inclusive of Aboriginal and non-Aboriginal values since each community values its culture from its own unique historical perspective. This is not the time to argue one culture above another; we need to work towards respectful balance and mutual respect. Surely we need to move forward with inclusive, not divisive actions from Parks Victoria, our comments are ignored by Parks Victoria and the Victorian Environment Minister.

***Parks Victoria claim to use “evidence-based management” to guide its actions.*** However we seriously questions this statement after research Parks Victoria rely on in court to on exterminate total Brumby populations was shown in the recent ABA vs Parks Victoria case to be heavily flawed.

***Parks claim to apply rational decision making, yet so far there is little evidence of rational decision making. The National Parks Act 1975 (Vic) which guides Parks Victoria states in s17(2)(a) to ‘ensure that each national park ...is controlled and managed ...in a manner that will (iii) “exterminate or control exotic fauna in the park”.***

However Parks Victoria’s approach to exotic (introduced/non-native) is selective, not rational or even *consistent*. For example, Parks Victoria’s approach to the following range of introduced species, which Parks Victoria are required to *control* or *exterminate* vary across this spectrum, for example:

- **Brumbies** will be exterminated in Bogong High Plains and Barmah and decimated in Victoria’s Eastern Alps (PV Alpine Brumby plan/Draft Barmah Brumby plan/draft Yorta Yorta Barmah plan).
- **Deer** (Chital, Fallow, Hog, Red, Rusa, Sambar, Sika, and Wapiti) are protected under the Wildlife Act 1975. <https://engage.vic.gov.au/draft-victorian-deer-management-strategy> , even though a wide range of negative environmental, economic and social impacts from wild deer is acknowledged.

- **Trout** (rainbow) & **salmon** - Trout & salmon stocked by the Authority are released as yearlings.. ... <https://vfa.vic.gov.au/recreational-fishing/fish-stocking>, and, since 1960, tens of millions of trout have been released in numerous lakes, rivers and streams across the state... <https://vfa.vic.gov.au/recreational-fishing/fish-stocking/managing-recreational-trout-fisheries>
- **Weeds** daily enter parks attached to thousands of vehicles, motor bikes, cycles, bush walkers etc., yet Parks Victoria's example of rational decision making is to ignore this and deflect the problem on Brumby populations that are living inside the park.

**(4) Whether the exercise by IBAC, OVIC, the VI and the VO of their education and prevention functions throughout Victoria meets best practice.**

**PV's Strategic Action Plan (SAP), Protection of Floodplain Marshes, Barmah National Park & Barmah Forest Ramsar Site 2019 Draft** (PV's 2019 SAP draft)

**Page1** - Principal factors likely to have contributed to the decline in Moira grass extent are:

1. Changes to the natural flooding regime due to river regulation
2. Grazing and trampling pressure by introduced animals, particularly by feral horses (And previously, cattle) [ABA note, no mentions of pigs, deer, goats, sheep etc.]
3. Encroachment by invasive plant species (page1)

ABA's reply is that the primary cause of decline of the Moira grass have been shown by many studies to be the direct result of river regulation to harness the Snowies water for agriculture. Grazing and Barmah's horses have been there in much larger numbers since long before changes that have arisen following river regulation began to be observed.

**PV BNP-SAP 2019 Draft p-23** states that *Colloff et al. 2014 suggest that grazing by horses damages and uproots plants, decreasing plant density and thereby reducing capacity for regeneration when re-flooded, and that complementary actions such as management of grazing pressure, are also required in addition to the delivery of environmental flows.*

But PV only paraphrased Colloff. The **full** Colloff 2014's paragraph states "**Complementary management actions include management of grazing pressure and control of invasive plants, but provision of a flood regime that most closely matches plant-specific water requirements, at least for most of the time, represents the single management action that holds the best prospect for conservation and management of grassy wetlands.**"

**PV BNP-SAP 2019 Draft p-54** states that "Insights gained from monitoring programs will help to evaluate and improve management effectiveness, as well as identify where changes in the approach or resourcing are needed."

This infers a lack of knowledge from the past 4 decades of research which state that unless the flood regime is corrected, the grass will disappear as current flood regimes encourage conditions for red gums saplings and giant rush to take over the remaining Moira grass.

**PV BNP-SAP 2019 Draft p-25** state that *Other large herbivores present in the wetland system include eastern grey kangaroos and a range of introduced mammal species, including pigs, fallow and sambar deer, goats, feral sheep and rabbits (Ecology Australia 2013, 2017).*

Here PV does refer to grazing pressures from species (apart from horses) including eastern grey kangaroos .... pigs, fallow and sambar deer, goats, feral sheep and rabbits, which were we understand routinely culled before Barmah became a park. Barmah Brumbies that have grazed there for over 150 years represent a fraction of grazing pressure from other species.

At the recent Yorta Yorta plan community feedback forums; pig and deer numbers were said by PV to be too high to count, well into the 1,000s. Both pigs and deer uproot plants as they graze, while horses cut grass with sharp teeth leaving grass roots intact to regrow, yet PV focus on culling *all horses*, whilst only *reducing* pig and deer numbers.

**PV BNP-SAP 2019 Draft p-48** states that in “2017-18 three targeted hunts occurred with 20 pigs killed” (in Barmah) and that 34 deer, 7 sheep, and 1 goat were also destroyed in the same period. Note: The ABA could support between 20-34 horses being removed annually.

A sow can have 2 litters of pigs a year (average litter size 7.5 pigs); therefore 1.5 sows will replace the 20 killed within 12 months in Barmah, surely a waste of taxpayers’ money as PV’s 2017/18 cull actions on a multibirth species numbering 1000s are of little consequence. Deer and goats are also multiple breeders, but Brumbies average only 2 births in 3 years.

***The ABA’s submission to the Parliamentary review has framed its concerns around PV’s management of Barmah’s wetland marshes and its Ramsar responsibilities and the direct parallels of the many issues we have experienced over the past 5 years with PV.***

While our experience of issues we see in PV’s monitoring, reporting, evaluating actions and implementing its management plans has primarily related to Barmah’s Brumby population, we have seen firsthand PV’s systemic lack of oversight, accountability and poor evaluation, compromised by limitations in data. For 5 years the ABA has watched its concerns become increasingly evidenced, but with no recourse to hold PV to account for its actions.

### ***Parks Victoria’s lack of transparency and accountability***

Parks Victoria’s actions have in our view reduced its own credibility as a responsible land manager. We have had to resort to FOI requests to obtain reports on Wild Horse population counts, access to evidence Parks Victoria decisions are based upon scant research and reports from PV’s Technical Reference group which advises PV on Brumby management.

### **(5) What improvements can be made to integrity agency education and prevention functions and their exercise by IBAC, OVIC, the VI and the VO.**

- Increase funding to cover sufficient complaints that warrant investigation can in fact be carried out, rather than the complaint authority constantly having to prioritise full



investigations. Without adequate resources, most poor performance reported will just continue as those agencies realise they will never be held to due process.

- One government department is hesitant to cast doubt on another government department. All are financially supported by the same “boss”.
- Investigating is a complex job, and easily sidelined by those being investigated. We recommend increased powers to investigate and demand information is required.
- WHERE do we go to address our concerns regarding, for example, Parks Victoria’s direction to pass public spaces over to once one section of the Australian community (Aboriginal corporations)?
- WHERE do we go when Parks Victoria’s version of community consultation seems far from the Auditor General’s directions on community consultation processes Parks Victoria should adhere to?
- WHERE do we go to ensure in that Parks Victoria, the Environment Minister and the Premier formally acknowledge receipt of all correspondence, as other states do
- WHERE do we go to ensure in that Parks Victoria, the Environment Minister and the Premier actually reply to letters, and in prescribed ministerial response times?

### **In conclusion**

The ABA believes in transparent, polite, constructive dialogue with the relevant government organisations which has worked well in other states and with parks Victoria up to the current Labor government taking power in Victoria.

Since then, we find ourselves increasingly forced into more confrontational methods of communication such as lodging FOI requests, submitting complaints to relevant authorities covered by this parliamentary review, and even taking legal action to gain information.

Our most recent request, inviting Parks Victoria to join with the University of Queensland study research to identify whether specific park areas can retain sustainable Brumby populations at a level that the environment they have co-habituated with for 150-200 years can maximise the benefits of Brumby grazing and minimise negative effects of over grazing.

In many other countries grazing is used to increase biodiversity. To date Parks Victoria has not accepted our joint study offer. The resistance Parks Victoria has shown to join with the ABA to design, conduct and identify accepted Brumby management plans seems totally at odds with their mantra of working with communities and using best practice processes.

We encourage the reviewers to contact the ABA via 0400-558-772 or [pickjill@hotmail.com](mailto:pickjill@hotmail.com) with any further questions you may have regarding our submission.

Yours sincerely



President,  
Australian Brumby Alliance Inc.

*Attached:* Assessing Impacts of Feral Horses on Bogong High Plains, Victoria, Tolsma 2018