



Federal Court of Australia
District Registry: Victoria
Division: General

No: VID1569/2018

THE AUSTRALIAN BRUMBY ALLIANCE INC
Prospective Applicant

PARKS VICTORIA INC
Respondent

ORDER

JUDGE: JUSTICE MURPHY

DATE OF ORDER: 13 December 2018

WHERE MADE: Melbourne

OTHER MATTERS:

1. The parties will co-operate for an expedited hearing of the originating application referred to in paragraph 1 of these orders as long as the hearing dates (and pre-trial directions) are convenient and fair to all parties.
2. The Respondent undertakes to the Prospective Applicant that, until the hearing and determination of the proceeding initiated by the originating application referred to in paragraph 1 of these orders, it will:
 - (a) remove no more than:
 - (i) all of the horses currently on Mt Nelse (about 15). The Victorian Brumby Association (VBA) will be given first option to rehome these brumbies. If the VBA are willing and able to take these brumbies then, subject to animal welfare requirements, the Respondent will transfer them to the VBA;
 - (ii) 200 of about 2500 horses in the Eastern Alps; and
 - (b) remove horses only when temperatures are below 30 degrees Celsius.
3. In return for this undertaking, the Prospective Applicant agrees to not seek any interlocutory injunction in this proceeding.

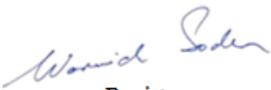


4. The Prospective Applicant notes the following:
 - (a) due to animal welfare concerns, the Applicant does not approve of any removal of brumbies from the Alpine National Parks during the hot summer months of December, January or February;
 - (b) the burden of ensuring humane treatment of brumbies, strict adherence to appropriate animal welfare standards, and all laws (including as relate to any capture, removal and relocation of brumbies) rests squarely upon the Respondent and its agents.
5. The Respondent acknowledges that it will not take any point at the trial of the proceeding based upon the Prospective Applicant's agreement to the removal of the horses from Mt Nelse referred to in 1(a)(i) above.

THE COURT ORDERS BY CONSENT THAT:

1. The Prospective Applicant file and serve its originating application by 5.00 pm on 14 December 2018.
2. The affidavits filed by the Applicant on 7 December 2018, 11 December 2018 and 12 December 2018 are taken to be the affidavits filed to accompany the originating application in accordance with r 8.05(1)(b) of the *Federal Court Rules 2011*.
3. The Prospective Applicant's application is adjourned to 20 or 21 December 2018 for a case management hearing in relation to it and the originating application referred to in paragraph 1.
4. Costs reserved.

Date that entry is stamped: 13 December 2018


Registrar