



Australian Government

Australian Government response to the
Environment and Communications References
Committee report:

Impacts and management of feral horses in the
Australian Alps

February 2024

Introduction

The Australian Government thanks the Environment and Communications References Committee for its report on the *Impacts and management of feral horses in the Australian Alps*, and those who contributed to the inquiry. We particularly acknowledge First Nations people who made submissions for the protection of the Australian Alps and First Nations heritage values.

Feral horses are causing enormous damage to the Australian Alps National Parks and Reserves National Heritage place – an environment that is equally unique and fragile. Feral horses threaten with extinction imperilled plants, animals and unique ecological communities that are protected under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), and that are of cultural and spiritual value to First Nations people. Decisive action is needed to avert the extinction of these plants and animals and to ensure they can recover and prosper. This is no small task and will require all parties with management responsibility for the Australian Alps to work together and to act now.

To support this response, the Australian Government is prioritising improved protection through strengthened collaboration with New South Wales, Victoria and the Australian Capital Territory – the primary land managers of the Australian Alps. This includes working through the recently re-established Australian Alps Ministerial Council. Recognising the Australian Alps as priority place under the *Threatened Species Action Plan 2022-2032*, the Australian Government will provide additional funding to protect and recover threatened alpine species and ecological communities impacted by feral horses.

This response has been prepared in the context of ongoing consultation and work to reform national environmental law – the EPBC Act. The Nature Positive Plan (see <https://www.dcceew.gov.au/environment/epbc/publications/nature-positive-plan>) outlines the Australian Government's commitment to strengthen and streamline Australia's environmental laws in response to the [Independent Review of the EPBC Act](https://epbcactreview.environment.gov.au) (see <https://epbcactreview.environment.gov.au>), undertaken by Professor Graeme Samuel AC (the Samuel Review). National Environmental Standards are the centrepiece of the reforms. The Standards will improve environmental protections and guide decision making, including matters of national environment significance (MNES) such as the Australian Alps National Heritage place, its internationally important wetlands, and nationally threatened species and ecological communities.

The Australian Government has engaged with the governments of NSW, Victoria and the ACT and their relevant National Park management agencies in considering responses to the recommendations of the report. The Australian Alps Ministerial Council met on 10 November 2023 and noted the recommendations of the inquiry (see <https://www.dcceew.gov.au/sites/default/files/documents/australian-alps-ministerial-council-communicue-10-nov-2023.pdf>).

Responses

Recommendation 1

The Committee recommends that the Department of Climate Change, Energy, the Environment and Water, in collaboration with its state and territory counterparts, undertake an impact and population assessment of feral horses at the national level.

Response

NOTED

Impact and population assessments of feral horses are best conducted by relevant states and territories to ensure assessments are adapted to local priorities and procedures for feral species control.

A single, national impact and population assessment of feral horses would not be feasible or effective. Instead, we will work strategically with our state and territory counterparts to build our understanding of the impacts to MNES, including the National Heritage place and susceptible threatened species at risk from feral horses, and take action at the appropriate time and scale.

Recommendation 2

The Committee recommends that the Minister for Environment and Water list habitat degradation, competition and disease transmission by feral horses as a Key Threatening Process under the *Environment Biodiversity and Conservation Act 1999*.

Response

AGREED IN PRINCIPLE

Listing a Key Threatening Process (KTP) under the EPBC Act requires that the process be formally prioritised and assessed against prescribed criteria by the Threatened Species Scientific Committee (TSSC).

The Minister for the Environment and Water invites public nominations for potential listing of key threatening processes under the EPBC Act each year. Eligible nominations are considered by the TSSC, and if prioritised are provided to the Minister for decision whether the TSSC undertakes a full assessment involving public and expert input. If a nomination does undergo a full assessment by the TSSC, the assessment is provided to the Minister for final decision on whether the process is listed as a Key Threatening Process under the EPBC Act.

The Minister for the Environment and Water will write to the Chair of the Threatened Species Scientific Committee requesting that 'habitat degradation, competition and disease transmission by feral horses' is prioritised for its consideration.

Recommendation 3

The Committee recommends that, after the Key Threatening Process is in place, the Minister for the Environment issue a Threat Abatement Plan as soon as is practicable, in order to reduce the threat of feral horses in the Australian Alps.

Response

NOTED

The recommendation for the Minister for the Environment to issue a Threat Abatement Plan is contingent on the process outlined in the response to Recommendation 2 above, and further statutory decisions and processes set out in Part 13 of the EPBC Act.

Recommendation 4

The Committee recommends that in partnership with the states and territory, the Murray-Darling Basin Authority undertake work to measure, monitor and record the quality of Basin water resources in and flowing from the Australian Alps, with particular reference to the impact of feral horses.

Response

NOTED

The Murray-Darling Basin Authority (MDBA) notes this recommendation. The MDBA notes that water flowing from the Australian Alps flows into the Murray-Darling Basin and other catchments outside the Basin such as the Snowy River.

Water quality monitoring in each of the Murray-Darling Basin jurisdictions is carried out by the relevant state or territory. Under existing programs managed by the MDBA, state agencies monitor several water quality parameters at two monitoring stations upstream of Hume Dam located at Jingellic and Tallandoon. However, these parameters are not suited to isolating specific impacts of feral horses on the quality of water flowing from the Australian Alps.

The MDBA does not have the capacity, resources, and remit to undertake water quality monitoring to identify the impacts of feral horses on the quality of water flowing from the Australian Alps. Noting that water quality outcomes directly overlap with and exacerbate impacts to matters of national environmental significance (such as threatened species habitat), the MDBA will consult states and the territory on developing a work program to better understand the impacts of feral horses. Any implementation would be by the states and the territory.

Recommendation 5

The Committee recommends that in partnership with the states and territory, the Murray-Darling Basin Authority undertake an immediate assessment of the condition of the catchment of the Hume Reservoir, with particular reference to the impact of feral horses.

Response

AGREED IN PRINCIPLE

The Murray-Darling Basin Authority (MDBA) supports this recommendation in principle.

As provided in Clause 51 of the Murray-Darling Basin Agreement, taking measures to protect Hume Reservoir's catchment within each state is a responsibility of the respective state. This requirement is focussed on protecting the catchment from excessive erosion.

The MDBA will seek the agreement of states and the territory to identify opportunities within existing catchment monitoring programs to better understand the impact of feral horses on erosion.

Recommendation 6

The Committee recommends that the Australian Government take a lead role to achieve cooperation between state and territory governments in the formulation of management plans for National Heritage listed places, including in the Australian Alps National Heritage place. The Australian Government should establish agreed mechanisms to resolve disputes between jurisdictions to ensure that National Heritage values are being protected.

Response

AGREED

The Australian Government will take a lead role in seeking cooperation between the NSW, Victorian and ACT governments to encourage consistent and complementary management plans for the entire Australian Alps National Parks and Reserves National Heritage place. Minister Plibersek has re-established the Australian Alps Ministerial Council, which now provides an ongoing forum for relevant ministers to raise and resolve disputes.

Recommendation 7

The Committee recommends that the EPBC Regulations, which set out the management principles for National Heritage listed places, be amended to include reference to international obligations.

Response

NOTED

The Australian Government notes this recommendation in the context of ongoing consultation and work to reform the EPBC Act.

Recommendation 8

The Committee recommends that the National Heritage provisions of the EPBC Act be amended to include that regard must be given towards Target 6 as adopted in the Kunming-Montreal Global Biodiversity Framework.

Response

NOTED

The Australian Government notes this recommendation in the context of ongoing consultation and work to reform the EPBC Act.

Recommendation 9

9a The Committee recommends that the Australian Government commission urgent monitoring to assess the current status of EPBC Act-listed species, ecological communities and migratory species in the Australian Alps.

9b Further, the Australian Government should work with the NSW, Victorian and ACT governments to urgently implement recovery plans to better protect critically endangered species such as the Stocky Galaxias and Southern Corroboree Frog.

Response

9a AGREED

The Australian Government will continue to provide support to the NSW, Victorian and ACT governments to monitor the status of EPBC listed species. This includes:

- continuing collaboration on assessment of species for potential listing as threatened species under the EPBC Act. There are currently 11 species and one ecological community found in the Australian Alps that are under assessment. Assessment includes consideration of extinction risk with regard to changes in population sizes, geographic distribution and number of mature individuals. Nominations are called annually for prioritisation of new assessments of species and ecological communities considered to be at potential extinction risk.
- monitoring of species and ecological communities that have been assessed as at risk of extinction and listed as threatened under the EPBC Act will be supported through new Australian Government funded projects in the Australian Alps.

The Australian Alps Ministerial Council has agreed to pursue a coordinated and strategic approach to managing, protecting and enhancing the unique biodiversity, cultural and heritage values of the Australian Alps. This will include addressing threats associated with climate change and invasive species, and implementation of conservation planning for threatened species. The Australian Alps Ministerial Council will provide a forum for the NSW, Victorian and ACT governments to report on results from their monitoring.

9b AGREED

The Australian Government agrees to continue to work in partnership with the NSW, Victorian and ACT governments to implement recovery plans to better protect critically endangered species such as the Stocky Galaxias and Southern Corroboree Frog.

Recommendation 10

The Committee recommends that the Australian Government increase funding to the states and territory, who are the primary land managers of the Australian Alps National Parks and Reserves, to enable them to ensure National Heritage values are upheld and threatened species are protected from extinction.

Response

AGREED

The Australian Government will provide additional funding for threatened species recovery in the Australian Alps to NSW, Victoria and the ACT. These new funds will build on significant Australian Government investments for the recovery of threatened species and ecological communities made in recent years.

Recommendation 11

The Committee recommends that the Australian Government expand its partnership with FeralScan to develop a platform for the monitoring and logging of feral horses.

Response

AGREED IN PRINCIPLE

FeralScan is hosted by the Centre for Invasive Species Solutions (CISS) and is funded by CISS members, including significant investment by the Australian Government.

FeralScan is a community pest animal reporting and management tool that allows users to record pest animal activity to protect farms, biodiversity and communities. It covers multiple species including feral donkeys. The Department of Climate Change, Energy, the Environment and Water will investigate whether CISS is able to include feral horses in FeralScan.

Recommendation 12

The Committee recommends that the NSW Government update the Kosciuszko National Park Wild Horse Heritage Management Plan to allow the use of aerial shooting as one of the available feral horse control methods if deemed appropriate under strict safety, scientific and humane practices.

Response

NOTED

This recommendation is addressed to the NSW Government. The NSW Government adopted an amendment to the Kosciuszko National Park Wild Horse Heritage Management Plan on 27 October 2023 to allow the use of aerial shooting.

At the meeting of the Australian Alps Ministerial Council on 10 November 2023 the Australian, NSW, Victorian and ACT Ministers welcomed the NSW announcement on

27 October 2023 that it has adopted an amendment to the 2021 *Kosciuszko National Park Wild Horse Heritage Management Plan* for reducing the number of feral horses in the park. The amendment allows the NSW National Parks and Wildlife Service to use aerial shooting in addition to existing control methods such as trapping, rehoming, and ground shooting (see AAMC Communiqué <https://www.dcceew.gov.au/sites/default/files/documents/australian-alps-ministerial-council-communicue-10-nov-2023.pdf>).

Recommendation 13

The Committee recommends that the Australian Alps Liaison Committee membership include Indigenous representation, to ensure that Indigenous knowledge and culture is properly considered at each stage of its processes.

Response

AGREED IN PRINCIPLE

It is important that appropriate ways for the views of First Nations people to be represented in the Australian Alps National Parks Cooperative Management Program be determined in cooperation with First Nations people.

The Australian Government will approach the NSW, Victorian and ACT governments about the proposal for the Australian Alps Liaison Committee membership to include representation from First Nations people. The Australian Government notes that First Nations peoples involvement is a priority in the 2023-2026 Australian Alps Strategic Plan (see <https://theaustralianalpsnationalparks.org/wp-content/uploads/2022/11/V-04-08-2022-Final-Draft-Word-strategic-plan-2023-2026-for-the-australian-alps-national-parks-co-operative-management-program.pdf>).

Recommendation 14

The Committee recommends that the NSW, Victoria and ACT Governments urgently review the safety of staff working in and around national parks, and work with local law enforcement agencies to ensure that staff are properly protected in their workplaces.

Response

NOTED

This recommendation is addressed to the NSW, Victorian and ACT governments. The Australian Government considers the safety of staff working in and around national parks in the Australian Alps, and elsewhere in the country, to be paramount. In their submissions to the Committee inquiry all three jurisdictions expressed their strong commitment to staff safety.

Coalition Senators' Dissenting Recommendations

Dissenting recommendation 1

Further studies, including longitudinal studies, be undertaken using an agreed method of collection across three time periods to meet the requirements of complex statistical modelling techniques.

Response

NOT AGREED

The Australian Government considers that the methodology for surveys is best determined by the place managers for the Australian Alps, being the NSW, Victorian and ACT parks management agencies. Through the Australian Alps Ministerial Council and Australian Alps Liaison Committee the Australian Government will continue to engage with NSW, Victorian and ACT park management agencies on the implementation and outcomes of population studies of feral horses in the Australian Alps.

Dissenting recommendation 2

Further studies be undertaken on alternative options to contribute to the control and reduction of Australian brumby populations.

Response

NOT AGREED

The Australian Government considers that the control and reduction of feral horses is best determined by the place managers for the Australian Alps, being the NSW, Victorian and ACT parks management agencies and is satisfied that a suitable range of options to contribute to the control and reduction of feral horses in the Australian Alps are being used by them. Through the Australian Alps Ministerial Council and Australian Alps Liaison Committee, the Australian Government will continue to engage with NSW, Victorian and ACT park management agencies on the options for the control of feral horses in the Australian Alps.

Dissenting recommendation 3

Impact evaluation studies be conducted on the impact, both positive and negative, of Australian brumbies in the Australian Alps instead of focusing on the raw numbers.

Response

NOT AGREED

The Australian Government's focus, as set out under the EPBC Act, relates to impacts on Matters of National Environmental Significance (MNES). The impact of feral horses on MNES in the Australian Alps is well evidenced and will remain our focus.

Dissenting recommendation 4

Study on population of Australian brumbies be undertaken using reliable methodology with a higher rate of accuracy with evaluations after 3 and 6 years.

Response

NOT AGREED

The Australian Government considers that the determination of reliable methodologies to quantify feral horse numbers in the Australian Alps is primarily a matter for the NSW, Victorian and ACT governments.

Dissenting recommendation 5

Federal funding options be considered for the use of drones to aid in the population counts and the delivery of their management plans.

Response

NOT AGREED

The Australian Government considers that the determination of reliable methodologies to quantify feral horse numbers in the Australian Alps is primarily a matter for the NSW, Victorian and ACT governments.

The Australian Government will provide additional funding to NSW, Victoria and the ACT, building on existing funding for management and recovery work in the Australian Alps, as noted above in response to Recommendation 10 of the majority recommendations.

Dissenting recommendation 6

Greater investment in developing and refining humane non-lethal methods for the reduction of numbers of Australian brumbies.

Response

NOT AGREED

The Australian Government considers that reliable and humane lethal methods for the reduction in numbers of feral horses in the Australian Alps are required given the exceedingly high numbers of horses and the impact they are having on MNES.

Dissenting recommendation 7

Support be given to the current NSW policy for number reduction as outlined in the Kosciuszko National Park Wild Horse Heritage Management Plan.

Response

AGREED IN PART

The Australian Government supports the NSW Government policy to reduce the total population of feral horses across the feral horse retention management areas to 3000 horses by 30 June 2027. Should this be insufficient to avoid further irreversible damage to Matters of National Environmental Significance (MNES) and the Australian Alps, the Australian Government would seek the further reduction of horse numbers and support a zero-tolerance approach, such as that currently employed by the ACT.

Dissenting recommendation 8

The Federal Government should offer the NSW Government additional funding to support control methods, provided they do not take up aerial culling.

Response

AGREED IN PART

The Australian Government has provided the NSW government with an additional \$200,000 for feral horse control in June 2023, adding to \$1.1 million provided for feral horse control following the Black Summer bushfires. Future Australian Government funding for feral horse control in the Australian Alps will be contingent on the relevant state or territory having lethal horse control as a management option.

Dissenting recommendation 9

Legal advice be sought regarding Commonwealth regulation-making powers and related constitutional matters under the EPBC Act.

Response

NOTED

The Australian Government notes that legal advice was sought and received on this matter by the previous Government.

The Minister for the Environment and Water has not released the legal advice consistent with the long-standing practice of successive Australian Governments not to disclose legal advice.

Additional Recommendations from Senator David Pocock

Additional recommendation 1

The NSW Government should urgently repeal the Kosciuszko Wild Horse Heritage Act 2018, which has been identified as presenting the biggest threat to the Australian Alps.

Response

NOTED

This recommendation is directed to the NSW Government.

Additional recommendation 2

The NSW and Victorian governments should adopt the ACT Government's zero-tolerance approach to feral horse management, to ensure that the Australian Alps are not further destroyed by feral horses.

Response

NOTED

This recommendation is directed to the NSW and Victorian governments.

Additional recommendation 3

The Australian Government should provide immediate and ongoing funding to the ACT Government in order to allow the work of feral horse monitoring and management to continue, for as long feral horses persist in Kosciuszko National Park.

Response

AGREED IN PART

The Australian Government will provide new funding to the ACT Government for the recovery of threatened species and ecological communities in the Australian Alps. Funds will be provided on a project (non-ongoing) basis and will include monitoring of the recovery of MNES. It is yet to be determined if these funds will include monitoring of feral horse incursions or impacts of feral horses to MNES.

Additional recommendation 4

Section 523 of the EPBC Act should be amended to add "the failure to act", as a definition of 'action', where the result of that failure is likely or be known to have a significant impact on a matter of national environment significant.

Response

NOTED

The Australian Government notes this recommendation in the context of ongoing discussions and work to reform the EPBC Act.