



## Monaro Acclimatisation Society Inc

*Sustainable future fishing for trout and native fish*

### **Inquiry into the impacts and management of feral horses in the Australian Alps**

The Monaro Acclimatisation Society (MAS), founded in 1937, is a voluntary organisation primarily concerned with the development and maintenance of freshwater habitat and fisheries in South-Eastern NSW. The MAS is a primary stakeholder with the NSW Department of Fisheries. The MAS has been in existence for over 80 years and participates with NSW Fisheries in the stocking of freshwater lakes and rivers with fish, the maintenance of habitat and policy and legislation development that affects recreational fishing in NSW.

The Kosciuszko National Park Wild Horse Heritage Management Plan (**the Plan**) came into effect on 24 November 2021. At that time, there were reported to be approximately 14,000 wild horses living and grazing within the Kosciuszko National Park.

The timetable for horse number reduction in the Plan and the fact that the NSW Government is undertaking to reduce the wild horse population to a figure of 3,000 by 2027 is a large undertaking and something that the MAS strongly supported at the time. The MAS also recognizes that the time from commencement of the wild horse population reduction to the conclusion is a transition time, and that during that time, a large area within the Kosciuszko National Park is required in order to reduce as much as possible the inevitable damage that continues to occur.

The MAS is an association of people who have an interest in fishing, and the preservation of the environment in which fishing can be practised. Many of the MAS' members fish within the Kosciuszko National Park, as did their parents (and in some cases their grandparents). Many of them belong to other fishing organisations in NSW. It is noted that the 32% of Kosciuszko National Park (KNP) that is designated within the wild horse removal strategy as "areas of horse retention", comprises the headwater catchments of some of the most important rivers in NSW and it is these rivers that supply water to Victoria, South Australia and especially the ACT in times of drought.

The MAS in its submission to the NSW Government at the time that the Plan was being debated, recognised the enormous task being asked of the NSW National Parks and Wildlife Service. It is now obvious that the tools and resources allocated by the NSW Government were inadequate for the task of removal of approximately 5,000 wild horses per year (a culling number required to reduce the population of wild horses to the stated 3,000 by 2027 given the observed natural reproduction). Since November 2021, the estimated number of wild horses within Kosciuszko National Park has risen from an estimate of 14,000 to around 18,000 today – instead of decreasing towards the target. The Plan is obviously not working, and the resources allocated are wholly inadequate.

As a group of anglers and lovers of the Kosciuszko National Park (including its alpine regions) we are dismayed with:

- A. The failure of the recent "wild horse removal strategy" where only 859 of a Kosciuszko population of approximately 18,000 horses were removed. This is not going anywhere near addressing the annual natural increase in horse numbers, let alone being enough to reduce the threat to the aquatic environment. We are also concerned by the act of releasing some 278 horses back into the Park.

- B. The increasing, obvious damage to the Currango/Mosquito Creek complex. The Currango Plain resembles a suburban horse paddock, with greatly reduced native plant diversity and density. To think that Plain could have been designated as part of the retention area defies credulity – and highlights the manifest inadequacy of the Plan. The Currango Creek is massively compromised with almost total bank destruction, bed lowering, aquatic vegetation gone and constantly running, turbid water. The Mosquito Creek and Mosquito Swamp are not that much better, with the upland swamps being drained by horse tracks and the sphagnum bogs totally destroyed, drastically reducing the water holding capacity of the entire Long Plain wetland area: the headwaters of the Murrumbidgee River. Ms Laura Chung's recent article in the *Sydney Morning Herald* (3 February 2023) contains some recent, compelling photography of the damage being wreaked in the environs of Long Plain.
- C. The NSW Government's failure to take action to reduce the threat to sensitive areas or to rehabilitate affected areas.
- D. The failure of the federal *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**) to make any difference in requiring the NSW Government to take meaningful action.
- E. The aggression and vitriol coming from the pro-wild horse faction who threaten NPWS staff and believe they have an entitlement to KNP at the exclusion of the values of all other users and no recognition of the environmental damage and loss of water harvesting quality and capacity to which wild horses are contributing.

On 12 February 2018, we wrote to the then-Minister for the Environment (the Hon. Gabrielle Upton MP) regarding our concerns at the damage being caused by wild horses to the rivers and streams of the KNP. The members of the MAS are dismayed that to-date, nothing has been done to address these concerns.

To some extent we believe that the argument over the number of feral horses in KNP has either delayed or diverted attention from the real issues, and that this has been a deliberate ploy of the pro-horse lobby and their supporters in Parliament. Whatever the horse numbers are, they are obviously too high – as evidenced by the damage that is occurring. Three years ago, in our letter to the then Minister, we documented the damage (including photographic evidence): the damage is now much worse.

In our view, there are parts of the KNP that are going through the process of ecosystem change associated with climate change. The intensity of fire is increasing and the interval between major fires is shortening while temperature rises are affecting plant and animal species distribution. The recent fires were frightening in their speed and intensity and came relatively shortly after the 2002–2003 fire. The anecdotal evidence of resultant massive erosion is easy to see when driving through the Park. Nature is putting huge environmental pressure on Kosciuszko National Park and it does not need the added pressure of thousands of wild horses.

We believe that New South Wales as a member State of the Australian Federation is bound by both State and Federal law. Section 109 of the *Constitution* ("Inconsistency of Laws") must have some meaning. We note that within the EPBC Act, that Alpine Sphagnum Bogs and Associated Fens were listed as an endangered ecological community in 2009. The conservation advice was approved by the then-Federal Minister for the Environment in 2008. The advice in the EPBC Act indicates that this endangered ecological community is listed in the NSW *Biodiversity Conservation Act 2017*. What we found was an endangered ecological community named "Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, Southeast Corner, Southeastern Highlands and Australian Alps bioregions endangered ecological community". We find the geographical spread of this listing incongruous (and consider that it is listed in such a way as to mean little and achieve little). We also sincerely hope that the feral horse threat is not as great further north in NSW.

The recovery plan for this endangered ecological community within KNP is clearly not meeting its objectives. We note there is a National Recovery Plan of which the only activity we can discern the NSW Government undertaking across Kosciuszko in response is the aerial culling of feral pigs and deer. These pieces of legislation are failing to protect the Australian Alps.

The evidence is clear: feral horses are destroying large swathes of Kosciuszko National Park, and there appears to be a legal requirement for Government to act to address this. Even if you deny the legal responsibility, there is a moral responsibility to protect what is an iconic and unique Park which should be a National Park with Federal, rather than State, protection.

The things we would like to see as outcomes from this inquiry:

1. A recognition that there is no place within Kosciuszko National Park for feral wild horses.
2. The Australian Alps were Heritage listed in 2008. Make this mean something; make it an enabling and enacting statement.
3. The repeal of the NSW *Kosciuszko* Wild Horse Heritage Act 2018 No 24.
4. Protection of the natural heritage values remaining within the Australian Alps
5. Protection and articulation of the indigenous cultural heritage, both values and stories that are part of the history of the Australian Alps.
6. Make the *Environmental Protection and Biodiversity Conversation Act* (Cth) an Act that requires the States of Australia to meet the standards set out in both Federal and State environmental conservation legislation.
7. Support the States of Australia with financial and other resources to achieve objectives of endangered ecological community recovery plans and rehabilitation of damaged areas within the Australian Alps region.
8. Enable the States of Australia to use aerial culling of feral horses as a control tool.

Summarised below are certain aspects of our submission with regard to the Inquiry's terms of reference.

### **Terms of Reference**

**To inquire into the impacts and management of feral horses in the Australian Alps, with particular reference to:**

- (a) **identifying best practice approaches to reduce the populations of feral horses in the Australian Alps and their impact on:**
  - i. **biodiversity, including threatened and endangered species and ecological communities listed under Commonwealth, state or territory law.**

Whilst the Federal EPBC Act identifies Alpine Sphagnum Bogs and Associated Fens as an endangered ecological community and documents a recovery plan for this endangered community, it is hard to see action on the ground. The only activity being undertaken in NSW seems to be the culling program for pigs and deer. There are some weed programs underway, but these activities are in themselves insufficient.

The NSW conservation legislation is found in the NSW *Biodiversity Conservation Act* 2016, where Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, Southeast Corner, Southeastern Highlands and Australian Alps bioregions endangered ecological community are listed. As already noted, we find this listing and associated documentation nebulous, and little other than a watered-down, do-little approach.

The Australian Capital Territory, on the other hand, has clearly identified Alpine Sphagnum Bogs and Associated Fens as an endangered ecological community and has strong plans in place for their protection and rehabilitation.

We assume that the conservation legislation within Victoria is similar to that in NSW.

We have little knowledge of the extent of threatened species within the Australian Alps, except to say that having natural vegetation stripped from the more productive lands within the Australian Alps area by wild horses, the prospects of maintaining or improving populations of many endangered species could not be enhanced.

## **ii. the ecological health of the Australian Alps national parks and reserves**

In our view, there are parts of the KNP that are going through the process of ecosystem change associated with climate change. The intensity of fire is increasing and the interval between major fires is shortening while temperature rises are affecting plant and animal species distribution. The recent fires were frightening in their speed and intensity and came relatively shortly after the 2002–2003 fire. The anecdotal evidence of resultant massive erosion is easy to see when driving through the Park. Nature is putting huge environmental pressure on Kosciuszko National Park and it does not need the additional pressure of thousands of wild horses.

The MAS is concerned by aggression and vitriol coming from the pro-wild horse faction, who threaten NPWS staff and believe they have an entitlement to KNP at the exclusion of the values of all other users and no recognition of the environmental damage and loss of water harvesting quality and capacity to which wild horses are contributing.

## **iii. Indigenous cultural heritage**

We support the protection and articulation of the indigenous cultural heritage, both values and stories that are part of the history of the Australian Alps.

## **iv. the headwaters of the Murray, Murrumbidgee, Snowy and Cotter Rivers, including their hydrology, water holding capacity, water quality, habitat integrity and species diversity.**

The MAS is an association of people who have an interest in fishing. Many of them fish within KNP, as did their parents (and in some cases their grandparents). Many of them belong to other fishing organisations in NSW. It is noted that the 32% of KNP that is designated within the wild horse removal strategy as “areas of horse retention” comprises the headwater catchments of some of the most important rivers in NSW, and it is these rivers that supply water to Victoria, South Australia and especially the ACT in times of drought.

The increasing obvious damage to the Currango/Mosquito Creek complex. The Currango Plain resembles a suburban horse paddock, with greatly reduced native plant diversity and density. To think that the Plain could have been designated as part of the retention area defies credulity, and highlights the inadequacy of the Plan. The Currango Creek is massively compromised, with almost total bank destruction, bed lowering, aquatic vegetation gone and constantly running, turbid water. The Mosquito Creek and Mosquito Swamp are not that much better, with the upland swamps being drained by horse

tracks and the sphagnum bogs totally destroyed drastically reducing the water holding capacity of the entire Long Plain wetland area.

**(b) Commonwealth powers and responsibilities, including:**

- i. the protection of matters of national environmental significance under the Environment Protection and Biodiversity Conservation Act 1999, including listed threatened species and communities and the National Heritage listed Australian Alps national parks and reserves,

We believe that New South Wales as a member State of the Australian Federation is bound by both State and Federal law. Section 109 of the *Constitution* (“Inconsistency of Laws”) must have some meaning. We note that within the EBPC Act, that Alpine Sphagnum Bogs and Associated Fens were listed as an endangered ecological community in 2009. The conservation advice was approved by the then-Federal Minister for the Environment in 2008. The advice in the EPBC Act indicates that this endangered ecological community is listed in the NSW *Biodiversity Conservation Act* 2017. What we found was an endangered ecological community named “Montane Peatlands and Swamps of the New England Tableland, NSW North Coast, Sydney Basin, Southeast Corner, Southeastern Highlands and Australian Alps bioregions endangered ecological community”. We find the geographical spread of this listing incongruous (and consider that it is listed in such a way as to mean little and achieve little) We also sincerely hope that the feral horse threat is not as great further north in NSW.

We note there is a National Recovery Plan of which the only activity we can discern the NSW Government undertaking across Kosciuszko in response is the aerial culling of feral pigs and deer. These pieces of legislation are failing to protect the Australian Alps.

- ii. obligations under international treaties, such as the Convention on Biological Diversity, and,
- iii. the commitment to prevent new extinctions under the threatened species action plan.

The evidence is clear: feral horses are destroying large swathes of Kosciuszko National Park, and there appears to be a legal requirement for Government to act to address this. Even if you deny the legal responsibility there is a moral responsibility to protect what is an iconic and unique State Park which should be a National Park with Federal protection.

**(c) the adequacy of state and territory laws, policies, programs and funding for control of feral horses and other hard-hoofed invasive species in the Australian Alps, and their interaction with Commonwealth laws and responsibilities.**

The Kosciuszko National Park Wild Horse Heritage Management Plan came into effect on 24 November 2021 and at that time there was reported to be approximately 14,000 wild horses living and grazing within the Kosciuszko National Park.

The MAS in its submission to the NSW Government at that time recognised the enormous task being asked of the NSW National Parks and Wildlife Service. It is now obvious that the tools and resources allocated by the NSW Government were inadequate for the task of removal of approx. 5,000 wild horses per year. A culling number required to reduce the population of wild horses to the stated 3,000 by 2027 given the observed natural reproduction. Since November 2021 the estimated number of wild horses within Kosciuszko National Park has risen from an estimation of 14,000 to around 18,000 today instead of decreasing towards the target. The Kosciuszko National Park Wild Horse Heritage Management Plan is obviously not working, and the resources allocated are inadequate.

As a group of anglers and lovers of Kosciuszko National Park including its alpine regions, we are dismayed with:

- A. The failure of the recent “wild horse removal strategy”, where only 859 of a Kosciuszko population of approximately 18,000 horses were removed. This is not going anywhere near addressing annual natural increase numbers, let alone being enough to reduce the threat to the aquatic environment. We are also concerned by the action of releasing some 278 horses back into the park.
- B. The increasing and wholly obvious damage to the Currango/Mosquito Creek complex. The Currango Plain resembles a suburban horse paddock with greatly reduced native plant diversity and density. The Currango Creek is massively compromised with almost total bank destruction, bed lowering, aquatic vegetation gone and constantly running turbid water. The Mosquito Creek and Mosquito Swamp are not that much better with the upland swamps being drained by horse tracks and the sphagnum bogs totally destroyed drastically reducing the water holding capacity of the entire Long Plain wetland area.
- C. The NSW Government’s failure to take action to reduce the threat to sensitive areas or to rehabilitate affected areas.
- D. The failure of the Federal EPBC Act to make any difference in requiring the NSW Government to act.
- E. The aggression and vitriol coming from the pro wild horse people who threaten NPWS staff and believe they have an entitlement to KNP at the exclusion of the values of all other users and no recognition of the environmental damage and loss of water harvesting quality and capacity.

**(d) measures required to repair and restore native habitats for species impacted by feral horses and other hard-hoofed invasive species in the Australian Alps, including for iconic species like the corroboree frog and the platypus.**

The things we would like to see as outcomes from this inquiry:

1. A recognition that there is no place within Kosciuszko National Park for feral wild horses.
2. The Australian Alps were Heritage listed in 2008. Make this mean something; make it an enabling and enacting statement.
3. The repeal of the NSW *Kosciuszko Wild Horse Heritage Act* 2018 No 24.
4. Protection of the natural heritage values remaining within the Australian Alps
5. Protection and articulation of the indigenous cultural heritage, both values and stories that are part of the history of the Australian Alps.
6. Make the *Environmental Protection and Biodiversity Conversation Act* (Cth) an Act that requires the States of Australia to meet the standards set out in both Federal and State environmental conservation legislation.
7. Support the States of Australia with financial and other resources to achieve objectives of endangered ecological community recovery plans and rehabilitation of damaged areas within the Australian Alps region.
8. Enable the States of Australia to use aerial culling of feral horses as a control tool.

#### **Contact Person**

**Kerry Pfeiffer**

MAS Vice President, Honorary Treasurer and spokesperson on Kosciuszko Wild Horse Heritage Act.