

16 February 2018

*“If you wanted to design an animal that would have maximum impact on alpine ecosystems, the horse would be it.”*

Peter Lawrence, Parks Victoria Ranger (retired).

## **Submission by the Victorian National Parks Association in response to: Protection of the Alpine National Park: Feral Horse Strategic Action Plan.**

Thank you for the opportunity to make a submission in regard to the *Protection of the Alpine National Park: Feral Horse Strategic Action Plan*.

The Victorian National Parks Association (VNPA) is a member-based nature conservation organisation dedicated to the protection of Victoria’s biodiversity on land and sea. We have around 10,000 members and supporters, and run Victoria’s largest program of nature-based activities.

The VNPA has been actively involved in promoting protection of the Victorian alpine environment since our formation in 1952.

### **VNPA response**

We greatly appreciate the emergence of the plan, and its evidence-based approach. We recognise that it is a serious start towards managing the impact of feral horses in the Alpine National Park. In general the VNPA supports the action plan, with a few caveats.

We do not intend to outline the damage horses do to alpine ecosystems and individual species in this submission. We know that Parks Victoria is well aware of the wealth of scientific and historical evidence of horse damage, and we have highlighted that damage in earlier submissions.

We note that all hard-hooved animals, including pigs, goats and deer, cause similar damage within the park, but this submission is focussed on feral horse management. That should not be taken to indicate a lack of concern for other impacts, particularly re the very considerable, and fast growing, impacts of deer.

We note, also, that the Australian alpine region occupies a very small part of the Australian mainland, and the alpine and sub-alpine ecosystems occupy a relatively small area within that broader alpine region. Their small extent and geographic isolation make them highly vulnerable to any significant impacts.

Climate change is greatly increasing that vulnerability.

## **Bogong High Plains**

We strongly support the intention to remove all horses from the Bogong High Plains, and deal also with relevant feeder populations. While the park supports a large range of rare and/or vulnerable ecosystems, and though *all* of the park's natural systems and species have the clear protection offered by Victoria's National Parks Act, the Bogong High Plains are the jewel in the Alpine National Park crown.

However we do not support the statement on page 19 that the reduction of that population to zero is 'the long term objective'. It should be a short term objective, with a clear timeline. We note that it is already some time since the 2014 management plan asked for the removal of the BHP horses.

## **Wonnangatta/Moroka area**

Vigilance in keeping this area (e.g. the Bennison and Wellington Plains etc.) free of horses is important.

## **Eastern Alps**

We also support the proposal to remove 400 horses a year from the eastern areas of the park, over the next three years, but only as a first step in the recovery of this area. We do not see it as a strong enough action to significantly reverse the extensive damage caused by horses in the eastern alps, but we do see it as a very useful move in the right direction. If properly implemented, it should build the skills and capacity needed for more effective management of the horse population in the following few years.

We note that, with an estimated increase in horse numbers of around 20% a year under good conditions, the current population in the east is probably well above the surveyed population of 2350 in 2014. It is possible that removing only 400 a year could still leave a population in excess of 2,500 in three years' time.

We expect that the planned review of the initial three years of action will demonstrate the need for greatly increased action, including the need for ground and/or aerial shooting.

We are very aware of the considerable damage to peat beds and other wetlands and waterways of most of the eastern alps, as well as significant impacts to the rain shadow areas of the upper Snowy, where we understand many horses over-winter.

We also get many reports of campers in the eastern alps being challenged by horses who are defending their 'territory'. The potential for harm to park visitors is real.

## **Capacity for action**

We believe it is very important that Parks Victoria demonstrate a real capacity for action in implementing this plan. It is not a hugely ambitious action plan and should be very achievable, however we have concerns that the appropriate capacity may not be available for the program to succeed.

This program must be appropriately resourced, with an adequate budget and the necessary expertise.

## **'Balance'**

On page 6, it states that the plan aims to strike a 'balance' between the objectives of the National Parks Act and the expectations in the community for a continued presence of horses for cultural reasons. The National Parks Act does not mention anything about balancing management to accommodate the expectations of particular sections of the community. Indeed Victoria's highly renowned, nearly 50-year-long, LCC/ECC/VEAC process of determining appropriate land use across Victoria is based on the understanding that that 'balance' takes place across all public land. It should not have to take place within National Parks, with their clear

objectives for management. There are adjacent areas with lower levels of protection that could accommodate a 'wild brumby' heritage.

Importantly, as far as we are aware, Parks Victoria has no legal capacity to deliberately maintain a population of a damaging feral animal in a national park.

We note that, while we have long advocated for a removal of all horses from the park, this is unlikely to be completely achieved. For these reasons, we suggest that point 4 on page 4 of the plan be re-worded to say something like:

“Due to the difficulty of controlling horse populations in remote areas, a continued presence of some horses in the eastern alps is probable.”

#### **Humane control of feral horses**

The population in the Australian alps was estimated to have halved in the 2003 alpine fire (PV information sheet 1), and there have been similarly large numbers starving and/or dying during periods of prolonged drought. Heavy snow falls also cause suffering and death. So despite the romantic appeal of 'brumbies', leaving them there is not actually kind to them. Starvation of horses is never tolerated on private land, so we are not sure why it should be acceptable on public land.

We note that the RSPCA does not consider roping (or brumby running) to be an effective or humane method of control. We take what we understand to be the advice of the RSPCA, that aerial culling in the rugged country of the eastern alps, as long as it is performed under strict protocols by highly competent operators, is the most humane way to manage the population.

We support the current plan to rehome horses whenever possible, and we support the initial proposal to control horses over the next three years by trapping, and euthanasing horses on site that can't be rehomed.

#### **Managing public perceptions**

We believe that any real or perceived public opposition by a section of the community to the culling of horses should not govern the clear legal, environmental and humanitarian obligations of the park's managers. We strongly believe that a pro-active educational process is a useful tool in most management operations, and an absolutely crucial tool in the successful management of feral horses.

#### **Cross-border co-operation**

To be at all effective, any strategy to control and/or eradicate horses from the ANP will require co-operation across the state border with NSW, and across tenure boundaries within Victoria.

We note that the *Memorandum of Understanding in relation to the Co-operative Management of the Australian Alps National Parks (MOU)* provides a good framework for this to happen. In it the states agree to, for example:

- Consult on policy formulation and management;
- Have complementary policies and management practices;
- Undertake joint actions and management operations relevant to the co-ordinated management, conservation and protection of the values of the Australian Alps National Parks

DELWP's cross tenure management arrangements within Victoria also provide an adequate framework for this to happen.

While that dialogue should continue, management of the Alpine National Park's horse population should not wait on cross-border agreement being reached. Hopefully, Victoria's action will facilitate action in NSW.

## Monitoring

We generally support the plan's proposals for monitoring and program evaluation. However, we suggest monitoring programs should be designed to provide relatively easily obtained information that is clearly useful to ongoing management.

Annual indicators should involve population changes, and also ecosystem recovery.

## A (very) short history of alpine protection in Victoria

Calls for protection of Victoria's Alpine Region go back at least to the mid 1940s, when the Town and Country Planning Association called for a Victorian Alpine Park of over 5,000 square kilometres (1/2 million hectares). In 1952, a parliamentary committee tabled a report on the proposal, saying:

*This should include an area embracing the headwaters of the Macalister, Jamieson, Howqua, King, Rose, Buffalo, Buckland, Ovens, Kiewa, Mitta, Murray, Dargo, Wellington and Avon Rivers... The combined areas would provide a magnificent reservation which would rival any in the world.*

It was largely around this proposal (and the call for a National Parks Authority to manage our parks) that the VNPA was formed, and we have been advocating for improved management of the extraordinary natural features of the alpine region since that time.

Two definitive books on the Victorian alps published by the VNPA stand as a record of our endeavours to ensure Victoria's high country gets the best management possible.

- In 1974, VNPA published *The Alps at the Crossroads* by Dick Johnson, which remains an invaluable assessment of the area's cultural and natural heritage.
- In 1988, VNPA published the *Australian Alps World Heritage Nomination Proposal* by Geoff Mosley. (The proposal for World Heritage listing of the Australian alpine region didn't succeed at the time, largely because of the continuation of cattle grazing in the Victorian alps.)

Significant areas of Victoria's high country were included in a series of smaller national parks following recommendations by the Land Conservation Council in 1979. Today's Alpine National Park, taking in an area of some ¾ million hectares, was not finally proclaimed until 1989.

There have been many other publications that outline the importance of protecting the natural values of the Australian alpine region including, notably:

- J Kirkpatrick, *The International Significance of the Natural Values of the Australian Alps*, Australian Alps Liaison C'ttee, 1994
- R Good (ed.), *The Scientific Significance of the Australian Alps*, proceedings of the first Fenner conference on the environment, 1988, Australia Alps National Parks Liaison C'ttee, 1989.
- J Busby, *The National and International Scientific Significance of National Parks in Eastern Victoria*, Department of Conservation and Environment, 1992.
- Worboys, G.L., Good, R.B. and Spate, A. *Caring For Our Australian Alps Catchments: A Climate Change Action Strategy for The Australian Alps to Conserve the Natural Condition of the Catchments and to Help Minimise Threats to High Quality Water Yields*, Australian Alps Liaison Committee, Department of Climate Change and Energy Efficiency, Canberra. 2011

The Alpine National Park, along with its sister alpine parks in Victoria, NSW and the ACT which form the Australian Alps National Parks (AANP), now has National Heritage listing, primarily for its remarkable natural values. (See section 3. below)

We note that sheep and cattle have been progressively removed from the Alpine region since the 1920s, when domestic stock were first removed from Mount Buffalo National Park.

In 1946 (long before the area was included in a national park), sheep and horses were removed from the Bogong High Plains, and the grazing of cattle restricted, in an effort to control soil erosion and damage to the headwaters of many of Victoria's rivers.

Cattle grazing was finally excluded from all of the parks that make up the Australian Alps National Parks when licensed grazing ended in Victoria in 2005. This was largely due to the abundant scientific evidence of the impacts of hard hoofed grazers on the parks' natural values. Unfortunately the impacts of horses largely match the impacts of cattle and in some places, where horse populations are concentrated, may be worse.

There has been a remarkably long history of scientific study of the Alpine region, and consistent calls for increased protection over many years.

Now, with the impacts of climate change already evident and predicted to increase, we should be taking every opportunity to manage those threats which will only exacerbate climate impacts.

## **The legislative and regulatory framework for the action plan**

There are many legislative and other parameters that should, indeed must, inform and govern the framing of any strategy to deal with feral horses in the alps. That governing framework exists at an international, national and state level.

### **International**

The **International Convention on Biological Diversity (CBD)**, which Australia signed in 1992 and ratified in 1993, obliges Australia to protect its biological diversity. In the extract below, we have selected a number of clauses from the Convention that most clearly relate to the management of feral horses in the alps.

*Each Contracting Party shall, as far as possible and as appropriate:*

*(a) Establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity;...*

*(d) Promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings; ...*

*(f) Rehabilitate and restore degraded ecosystems and promote the recovery of threatened species, inter alia, through the development and implementation of plans or other management strategies; ...*

*(h) Prevent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or species; ...*

*(k) Develop or maintain necessary legislation and/or other regulatory provisions for the protection of threatened species and populations.*

Notably, in regard to clause (a) above, the Alpine National Park fits within the International Union for the Conservation of Nature (IUCN) definition of a **Category II protected area: a national park:**

*[National parks are] large natural or near natural areas set aside to protect large-scale ecological processes, along with the complement of species and ecosystems characteristic of the area, which also provide a foundation for*

*environmentally and culturally compatible, spiritual, scientific, educational, recreational, and visitor opportunities.*

*Primary objective: To protect natural biodiversity along with its underlying ecological structure and supporting environmental processes, and to promote education and recreation.*

As IUCN Director General Julia Marton-Lefèvre said, in November 2012:

*Simply put, large healthy protected ecosystems are the best tool we have to conserve biodiversity, especially against the backdrop of climate change. We are in the middle of a global extinction crisis, with rates of biodiversity loss up to 1,000 times above pre-human levels. Well managed protected areas are the most robust proven solution to turn the tide of extinction.*

## **National legislation**

As mentioned above, under the Federal **Environment Protection and Biodiversity Conservation (EPBC) Act**, the Alpine National Park has National Heritage listing as part of the Australian Alps National Parks.

The citation for that listing includes:

*The Alps are one of eleven sites recognised in Australia by the IUCN as a major world centre of plant diversity... The AANP is a vital refuge for alpine and sub-alpine flora and fauna species, with a high level of richness and endemism across a wide range of taxa, and therefore has outstanding value to the nation for encompassing a significant and unique component of Australia's biological heritage.*

Importantly, in the context of this submission, the citation also points out that:

*The AANP has outstanding heritage value for the scientific research that has taken place since the 1830s, demonstrated by the density and continuity of scientific endeavour.*

The significance of that scientific endeavour should not be underestimated, and certainly not ignored, in the development of a wild horse management strategy for the alps.

Under the same EPBC Act, *Alpine Sphagnum Bogs and Associated Fens* are listed as a nationally threatened ecological community.

The policy statement for that listing can be found at:

<http://www.environment.gov.au/epbc/publications/pubs/alpine-sphagnum-bogs.pdf>

It lists one significant threat as “*trampling, browsing and grazing by hard-hooved animals*”, and the impacts as:

- *Vegetation removal*
- *Compaction of soil and sphagnum moss*
- *Increased runoff and other changes to hydrology*
- *Accelerated erosion and exotic weed invasion*

The statement continues:

*“...significant threats to the Alpine Sphagnum Bogs and Associated Fens ecological community include exotic weed invasions, grazing and trampling by non-native animals...”* and further

*“...trampling by feral animals such as horses, deer, goats and pigs is a threat to the ecological community... In particular, sphagnum moss is easily crushed and broken up by trampling and wallowing. These activities cause channels to form in the disturbed sphagnum moss, resulting in erosion and changes to natural drainage patterns, which can ultimately lead to the bog drying out.”*

And the statement specifies these management actions:

- *Maintain fencing to prevent domestic stock from accessing areas known to contain the ecological community*
- *Implement existing management plans\* for the control and eradication of feral non-native animals in alpine and subalpine regions*
- *Manage known sites to exclude non-native animals*

\*Note: the current management plan for the Alpine National Park (on p. 41) clearly says:

*“Implement humane feral horse control in consultation with the community to:*

- *Prevent new populations of feral horses establishing across the planning area where they do not currently occur (Alpine NP)*
- *Remove isolated populations of feral horses where eradication is feasible (Bogong and Wonnangatta areas, Alpine NP)*
- *Contain and reduce feral horse numbers in core, larger populations in Alpine National Park to prevent spread and minimise impacts on high-value vegetation communities and fauna habitats (east alps, Alpine NP)*
- *Consider all control options and use the most humane and effective techniques, including lethal and non-lethal methods (Alpine NP)*
- *Cooperate with DELWP and NSW NPWS to remove populations from adjacent forest areas and Kosciuszko NP.”*

According to the EPBC policy statement, the Federal listing of *Alpine Sphagnum Bogs and Associated Fens* is equivalent to a range of Victorian alpine EVCs, including:

- EVC 171: Alpine Fen;
- EVC 210: Sub-alpine Wet Heathland
- EVC 221: Sub-alpine Wet Heathland/Alpine Fen Mosaic
- EVC 288-61: Alpine Valley Peatland (Raised Bog)
- EVC 288-62: Alpine Valley Peatland (Valley Bog)
- EVC 917: Sub-Alpine Wet Sedgeland
- EVC 1011: Alpine Peaty Heathland

Importantly, while the EPBC Act does not normally require referral for pre-existing impacts on a listed species or community, according to the policy statement it does apply to the:

*“intensification in the numbers of animals with access to the ecological community”.*

In other words, management of the increasing impacts of feral horses in the Alpine National Park (and the adjoining Kosciuszko National Park) is likely to be a referable action by both NSW and Victoria’s park managers under the EPBC Act.

(See Attachment 1: Policy Statement for the listing of *Alpine Sphagnum Bogs and Associated Fens* as a nationally threatened ecological community.)

## State legislation

There are several important ways in which Victorian legislation calls for action on feral horses in the Alpine National Park, and other associated areas.

Firstly, and importantly, most of Victoria’s high country is given the protection of national park status under the **National Parks Act, 1975**.

The objects of the Act in relation to national parks are:

*(a) to make provision, in respect of national parks, State parks, marine national parks and marine sanctuaries-*

*(i) for the preservation and protection of the natural environment including wilderness areas and remote and natural areas in those parks;*

*(ii) for the protection and preservation of indigenous flora and fauna and of features of scenic or archaeological, ecological, geological, historic or other scientific interest in those parks; and*

*(iii) for the study of ecology, geology, botany, zoology and other sciences relating to the conservation of the natural environment in those parks; and*

*(iv) for the responsible management of the land in those parks;*

*(aa) to make further provision in respect of designated water supply catchment areas in national parks-*

*(i) for the protection of those areas; and*

*(ii) for the maintenance of the water quality and otherwise for the protection of the water resources in those areas; and*

*(iii) for the restriction of human activity in those areas for the purposes of subparagraphs (i) and (ii);*

Further, the Act requires the Secretary of DSE to (among other things):

*(a) ensure that each national park and State park is controlled and managed, in accordance with the objects of this Act, in a manner that will-*

*(i) preserve and protect the park in its natural condition for the use, enjoyment and education of the public;*

*(ii) preserve and protect indigenous flora and fauna in the park;*

*(iii) exterminate or control exotic fauna in the park;*

*(iv) eradicate or control exotic flora in the park; and*

*(v) preserve and protect wilderness areas in the park and features in the park of scenic, archaeological, ecological, geological, historic or other scientific interest;*

*(aa) have regard to all classes of management actions that may be implemented for the purposes of maintaining and improving the ecological function of the park;*

If there is any doubt that addressing the growing numbers of feral horses doesn't fit with the Secretary's obligations, especially those underlined in section (a) (iii) above, the FFG listing should end that doubt.

Victoria's **Flora and Fauna Guarantee (FFG) Act** lists *Degradation and Loss of Habitats Caused by Feral Horses* as a 'potentially threatening process' (the highest threat listing available under the Act).

The FFG listing cites two broad ways in which feral horses threaten, and continue to threaten, native habitats in the high country:

- *Via direct consumption of native plants, in particular grazing impacts on threatened species and ecological communities, and*
- *Through degradation of natural habitat, including fouling of waterholes, accelerating gully erosion and trampling and consuming native vegetation. Of particular concern is the degradation of habitats important for the survival of threatened species and communities.*



The listing adds:

*The environmental impacts of horses around the world are well documented, and include damage to riparian systems, erosion, pugging, soil drying, soil compaction, weed invasion, reductions in plant biomass, decreases in plant species richness and abundance, and reductions in ground-dwelling fauna.*

Notably, the FFG's Scientific Advisory Committee (SAC) found that, in relation to alpine and sub-alpine areas, feral horse impacts significantly affected 10 federally and/or state-listed plant species, 13 federally and/or state-listed animal species, and four federally and/or state-listed communities.

In a final note the SAC adds that:

*The survival and future evolution of the affected species and communities depends on appropriate management actions that will reduce local feral horse concentrations in the affected areas to levels that no longer pose a significant threat.*

(See Attachment 2: FFG nomination of *Degradation and Loss of Habitats Caused by Feral Horses* as a potentially threatening process.)

In addition to the National Parks and FFG Acts, Victoria's **Catchment and Land Protection (CALP) Act** 1994 sets unequivocal obligations for management of catchment condition, and pest management, across the state. Among the objects of the CALP Act are:

- aim to ensure that the quality of the State's land and water resources and their associated plant and animal life are maintained and enhanced, and
- to provide for the control of noxious weeds and pest animals

Importantly, according to the CALP Act, the owner of any land is required to: *prevent the spread of, and as far as possible eradicate, established pest animals.*

And in the case of the Alpine National Park, the Act makes it clear that 'the owner' is:

*the Director within the meaning of the [National Parks Act 1975](#), for Crown land in a national park or park within the meaning of that Act.*

The above summary of the international, national and state legislative and regulatory framework applicable to this strategy makes it clear that action by DELWP and Parks Victoria is necessary, and well overdue. It is also clear that over many years a considerable amount of knowledge, experience and expertise has already been employed in establishing the importance of protecting ecological systems in the Alpine National Park. And it is clear that a similar degree of knowledge, expertise and experience has been employed in demonstrating the impact of feral horses in the high country.

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**For more information**  
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