

LEGISLATIVE COUNCIL

C797

QUESTION WITHOUT NOTICE (Of which some notice has been given)

Thursday, 31 October 2013

Hon Sally Talbot to the Minister for Aboriginal Affairs.

I refer to the management of feral horses at Lake Gregory and I ask:

1. Has aerial culling of the feral horses taken place this week?
2. What is the extent of the aerial culling and what activity is planned in coming weeks?
3. What information has been provided to local communities regarding the activities occurring this week on the lands around Lake Gregory?
4. Have consultations have been held by the Department of Aboriginal Affairs or the Aboriginal Lands Trust with the following groups regarding the proposed cull or other management of the horses:
 - a. Mallingbar Aboriginal Corporation (Mulan Community)
 - b. Mindibungu Aboriginal Corporation (Billiluna Community)
 - c. Tjurabalan PBC
 - d. Kimberley Land Council
5. When were these consultations held and what was the outcome?
6. Have other management options for the control of feral horse numbers been considered or discussed with these groups? If so, what are these options, when were they considered and why have they been rejected?
7. Has advice been sought by the DAA from the RSPCA about aerial culling?
8. If so, what is that advice and will the Minister table it?
9. If not, why not?

Your Answer

- (1) Yes.
- (2) The Aboriginal Lands Trust has engaged the Department of Agriculture and Food WA to conduct a feral animal control on Lake Gregory. It is anticipated the control will be completed on 1 November 2013.
- (3) A Department of Aboriginal Affairs officer travelled to the Mulan and Billiluna communities on 24 October 2013 to provide the communities with information regarding the proposed control.
- (4) (a) – (d) Yes.
- (5) During 2010 and 2013, the Department of Aboriginal Affairs and the Aboriginal Lands Trust visited the Mulan and Billiluna communities on numerous occasions to discuss the control of feral horses on Lake Gregory.

The Kimberley Land Council on behalf of the KLC Board the Tjurabalan Traditional Owners (which includes the Mulan and Billiluna Communities) and the Paruku Indigenous Protected Area Steering Committee wrote to the Minister for Aboriginal Affairs on 21 August 2013 requesting that the WA Government proceed immediately with the horse cull around the Paruku Indigenous Protected Area which covers the Lake Gregory and Billiluna Pastoral Leases. I table the letter from the Kimberley Land Council.

(6) I table the requested information.

(7) Yes.

(8) Yes. In its letter to the Department of Aboriginal Affairs, which I table, the RSPCA set out the factors that need to be in place to ensure that aerial shooting is humane. The RSPCA's requirements were addressed. I table the information.

The RSPCA has received a copy of the Control Operations Plan and is receiving operational updates daily. On 29 October 2013, RSPCA issued a media statement noting "RSPCA believes that under strict conditions an aerial cull is the most humane method at Lake Gregory."

(9) Not applicable.



Minister for Aboriginal Affairs

Proposal	Comments	Viable (Y/N)
Muster of feral horses for transport (via truck) to Peterborough knackery in South Australia	Animal Welfare Advisory Committee convened under the <i>Animal Welfare Act</i> 2002 (AWA) advised that yarding and trucking of feral horses likely to constitute a breach of the AWA. Not supported by the RSPCA.	No.
Non-lethal control (sterilization)	Requires aerial muster and yarding of feral horses likely to constitute a breach of the AWA. Not supported by the RSPCA. Economically unsustainable.	No.
Ground cull	Requires aerial muster and yarding of feral horses likely to constitute a breach of the AWA. Not supported by the RSPCA. Economically unsustainable.	No.
Establishment of a horse sanctuary	Lake Gregory and Billiluna are pastoral Leases held by the Aboriginal Lands Trust (ALT) under the provisions of the <i>Land Administration Act</i> 1997. These pastoral Leases have the potential to provide significant economic opportunities for local Aboriginal people (pending control of feral horse population). The ALT and the traditional owners of the land do not support a change of land use. A change of land use is also impractical from a legislative perspective, is not supported by either the Pastoral Lands Board or the Department of Lands, and is likely to require a future act process under the <i>Native Title Act</i> 1993 (Cth). There would also be considerable cost involved in the need to fence and protect Lake Gregory and associated wetlands due to the environmental impact of feral horses.	No.
Adoption by concerned individuals	Requires yarding and transport of feral horses likely to constitute a breach of the AWA. Not supported by the RSPCA. Economically unsustainable.	No.

Droving (to other areas)	Requires yarding of feral horses likely to constitute a breach of the AWA. Not supported by the RSPCA. Shifts the environmental issues associated with the feed and water provision of a significant number of feral horses to another area.	No.
Pet Meat Supplies to undertake a cull of 1,200 feral horses over a three month period each year 2011-2013	Proposal not pursued due to issues with facilities and difficulty of disposal of carcasses. Requires aerial muster, yarding and transport of feral horses likely to constitute a breach of the AWA. Not supported by the RSPCA.	No.
Mobile abattoir	Requires aerial muster and yarding of feral horses likely to constitute a breach of the AWA. Not supported by the RSPCA.	No.
Aerial cull	Supported by the RSPCA as the only humane method of controlling the feral horse population. Supported by the Kimberly Land Council. Supported and recommended by the ALT.	Yes.

8.

RSPCA comments	DAFWA Feral Horse Control Operation Plan Lake Gregory
Aerial cull must be carried out by experienced, competent shooters and pilots	<ul style="list-style-type: none"> • DAFWA staff are highly trained (National Standard) and experienced for aerial platform control of large herbivores, including camels, donkeys, feral pigs, cattle, goats and horses. Aerial control operations are routine for DAFWA Biosecurity Staff in the rangelands. • DAFWA staff proposed for operation are experienced marksmen and pilots with recognised experience relevant to the control operation. Staff to be involved have recent extensive experience through control operations for Australian Feral Camel Management Program and 'judus' feral donkey control programs.
Aerial cull must be conducted according to best practice Standing Operating Procedures	<ul style="list-style-type: none"> • Aerial cull will be conducted adopting the relevant Standard Operating Procedure for feral horses (SOP, Sharp, Invasive Animals CRC, 2011). • The team will be led by an experienced field operations manager who understands the logistical requirements for the operation and the need to strict adherence to standard operating procedures and meeting occupational, health and

	safety requirements.
Aerial cull must be carried out under conditions where animals can be easily located, targeted and followed up	<ul style="list-style-type: none"> • Initial reconnaissance flight will be undertaken to assess general distribution of feral horses and to identify target groups, family groups with new born foals and to assess suitability of landscape for effective control operations. • At the end of the control operation, a flyback is used to check all animals before moving to the next group. • NOTE: Following the reconnaissance flight DAFWA advised that very few new born foals were sighted. • DAFWA has been directed not to shoot mares with foals on foot.
It should include monitoring, verification and evaluation activities, and the results of these activities should be made publicly available	<ul style="list-style-type: none"> • Veterinarians engaged will observe, verify and record operations, and undertake post-mortem examinations as required with high level consideration for personal safety. • The veterinarian's evaluation report will be provided to RSPCA.
Strongly recommend there is an independent veterinarian with recent experience of auditing aerial shooting operations to monitor the cull	<ul style="list-style-type: none"> • Two independent veterinarians (Ecotone Wildlife Veterinary Services) have been engaged to undertake animal welfare audits for the Lake Gregory control operation. • The veterinarians are suitably qualified and experienced and were previously engaged to observe the Tempe Down operation in the Northern Territory during 2013.
Recommend the methodology for monitoring following that carried out during the recent Tempe Downs operation in the NT, including access to a third helicopter for observation of shooting and being dropped at sites for inspection following operation.	<ul style="list-style-type: none"> • The same monitoring methodology used for the Tempe Downs operation will be utilised for the Lake Gregory operation. • The Third Helicopter option is proposed so as to be consistent with the methods adopted for Tempe Downs operation. • For the Tempe Downs operation, the observing helicopter flew as close to the controlling helicopters as was deemed safe (a vertical separation distance of approximately 100 feet above the control helicopter). • Following a Coronial inquest into a fatal air crash in the Kennedy Ranges, WA in 2008, DAFWA now adopts strict procedures for aerial platform control, including a minimum vertical separation distance of 500 feet. At this distance, the capacity of the observer is limited and is considered to be ineffective. • On this basis, it is recommended that the vets be ground-based

	<p>for observational purposes and to undertake post-mortem examination as required.</p> <ul style="list-style-type: none"> • Ground-based procedures are currently adopted for the national feral camel control program and these are considered acceptable to the national body of the RSPCA. • Dr Jordan Hampton, Ecotone Wildlife Veterinary Services, who is familiar with the area to be controlled, agrees with the ground-based approach.
<p>Reconnaissance flight must be carried out immediately prior to the cull to identify evidence of foaling (as RSPCA will not support a cull if newborn, neonatal or very young foals were present)</p>	<ul style="list-style-type: none"> • DAFWA will undertake an initial reconnaissance flight to assess general distribution of feral horses. During the reconnaissance flight, if there is a family group with a significantly large population of new foals sighted, DAFWA will re-assess the situation. • RSPCA's concerns relate to the proposed timing of the cull in November. RSPCA's view is that foaling occurs between November and December. • DAFWA has received veterinary advice (Kununurra and Murdoch University) which advises that in Lake Gregory and Billiluna, horses are not likely to have a distinct foaling season due to day length factors. • Advice received suggests that the foaling period will be most influenced by preceding seasonal conditions, which are variable. One view expressed was that wet conditions this year could result in foals during April-May 2014. There was a general view that December is the most likely month for foaling, but there is no distinct seasonal pattern. • NOTE: DAFWA have advised that very few foals were sighted on the reconnaissance flight. • DAFWA has been directed not to shoot mares with foals on foot.
<p>The methodology for the aerial cull should be based on smaller groups being shot over a short period to prevent stress and exhaustion.</p>	<ul style="list-style-type: none"> • The program will take approximately 5 days and each day will be split into 4 x 2 hour flights. Target groups will be small (generally 3-8 mares with others).

4 October 2013

Peter Donovan
Department of Aboriginal Affairs
By email: peter.donovan@daa.wa.gov.au

Dear Peter

Lake Gregory

RSPCA WA's views on the humaneness of different control methods for feral horses have been formed from detailed consideration of the available scientific evidence, observations, and discussions with expert practitioners and researchers, and are based solely on the impact of the method on the target animals. There are three main methods of large-scale removal which have been considered:

1. **Mustering feral horses for transport for euthanasia**

- This involves helicopters pushing groups of horses together and driving them into a central yarding point, and can take several hours, sometimes a whole day.
- Once yarded, horses are mixed with unfamiliar animals and drafted into new class groups. Newly captured feral horses are stressed and flighty and it takes time for them to learn to drink from water troughs, to feed and to be moved around the yards. Loading, transport and unloading are difficult and especially risky, as feral horses are completely unused to human contact, confinement and transport.
- RSPCA does not support mustering feral horses for transport to an abattoir for slaughter because of the accumulated stress and risk of injury over an extended period associated with each stage of this lengthy process which, including yarding and lairage time, can take from several days to several weeks.

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2. Mustering horses for euthanasia in holding yards

- Mustering with the intention of culling horses in the yards removes the need for loading and transport, but instead requires each animal to be individually drafted and shot. Ensuring a humane kill away from other animals in the yards is challenging and time-consuming.
- Disposal of carcasses is also problematic as all horses are killed in the same area.

3. Aerial shooting

- Aerial shooting in suitable habitat allows shooters to get close to target animals, take out single groups at a time (without forcing them to mix with others) and, most importantly, follow up quickly on any animals that may not have been killed immediately.
- Recent independent assessments of the outcomes of aerial shooting operations of both camels and feral horses indicate that, where carried out under appropriate conditions in accordance with best practice, aerial shooting is capable of achieving acceptable animal welfare outcomes.
- There are several factors that must be in place to ensure that aerial shooting is humane:
 - it must only be carried out by experienced, competent shooters and pilots;
 - it must be done according to best practice Standard Operating Procedures (SOPs); and
 - it must only be carried out under conditions where animals can be easily located, targeted and followed up.
- All aerial shooting programs should include monitoring, verification and evaluation activities, and the results of these activities should be made publicly available.
- Where these conditions can be met, RSPCA considers aerial shooting to be the most humane method of removing large numbers of feral horses from the landscape.

RSPCA WA therefore supports an aerial cull carried out in accordance with the above conditions as the most humane method of control at Lake Gregory, where 6000 horses are to be culled. We request to see the Operations Plan, including the SOPs for the cull and, importantly, the auditing component, to ensure that they are in line with current best practice. We strongly recommend that there is an independent veterinarian with recent experience of auditing aerial shooting operations to monitor the cull. We recommend the methodology for monitoring follows that carried out during the recent Tempe Downs operation in the Northern Territory. This should include access to a third helicopter for observation of shooting and being dropped at kill sites for inspection of carcasses.

RSPCA WA has significant concerns regarding the proposed timing of the cull in November, in relation to the likely presence of young foals. The current aerial survey information provided to RSPCA WA advises that the 27 foals sighted were close to yearling age. This would seem to indicate that these foals were born between November and December last year.

The lack of foals on the ground of all ages would suggest that there is a distinct foaling season rather than year-round foaling. With the current horse number at 6,000, unless there is a high mortality rate, or the reproductive capacity of the population is extremely low, these foals are likely to be the tail-end of last year's foaling season, suggesting that the foaling season is soon to commence.

With the current cull not planned to be carried out until November, the likelihood of neonates and very young foals on the ground at this time would be very high. RSPCA WA would not support a cull if newborn, neonatal or very young foals were present. A reconnaissance flight must therefore be carried out immediately prior to the cull to identify evidence of foaling.

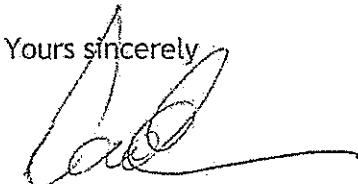
Additionally, the aerial survey information received to date indicates that the horses are congregating in large groups around the lake. The methodology for an aerial cull is based on smaller groups being shot over a short period of time to prevent stress and exhaustion. The grouping of horses in larger mobs may exacerbate the situation, especially if foals are present.

Given these two concerns, it may be better to postpone the cull until next year if it cannot be carried out as a matter of urgency. However, RSPCA WA also recognises that animal welfare issues may arise if a cull is not conducted at this point. There is potential for horses to become bogged in mud around the lake, or for the salinity levels at the lake to rise to dangerous levels if the rains do not start early. These issues also exist for cattle in the area and the two species cannot be managed in isolation. These concerns need to be balanced with the concerns over foaling and size of groups. If the cull does not proceed, there must be monitoring in place over the next few months until the rains start, to identify any issues with animals either bogged or suffering from deteriorating water quality, and mechanisms to alleviate any suffering.

Control of the Lake Gregory horses is a difficult problem, and there are many unknowns, including when it may rain and when foaling will start. RSPCA WA supports an aerial cull as the only humane option for control of the horse numbers, but recommends that the issues identified in this paper are dealt with before proceeding.

In addition, RSPCA WA makes the development of a long-term management plan for the remaining horses and cattle in the area, and allocation of appropriate resources to implement the management plan, an absolute requirement for the cull to occur. This problem must not reach these proportions again and we are happy to work with all stakeholders to find a permanent solution. RSPCA WA recommends that the State Government sets up a working group to look across the state to identify similar emerging issues and develop plans to deal with them in the early stages.

Yours sincerely



David van Ooran
Chief Executive Officer



Kimberley Land Council

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21 August 2013

Hon. Peter Collier MLC
Minister for Education; Aboriginal Affairs; Electoral Affairs
10th Floor, Dumas House
2 Havelock Street
WEST PERTH WA 6005

Via email only: Minister.Collier@dpo.wa.gov.au

Dear Minister,

I am writing to you on behalf of the Kimberley Land Council (KLC) Board and the Tjurabalan Traditional Owners to request the Western Australian Government proceed immediately with the horse cull around the Paruku Indigenous Protected Area (IPA) which covers the Lake Gregory and Billiluna Pastoral Leases (Pastoral Leases).

The Tjurabalan PBC formally endorsed an aerial cull to manage feral horse numbers at their meeting on 12 November 2012 and continue to support this action. The Paruku IPA Steering Committee which is comprised of 22 senior Traditional Owners from Balgo, Mulan and Billiluna have also called for an aerial cull to proceed. Additionally, this course of action was supported by key stakeholders at a recent meeting in Perth which was attended by representatives from the KLC, Department of Aboriginal Affairs (DAA), Aboriginal Lands Trust (ALT), RSPCA, Equine Veterinary Association and Department of Agriculture.

As far as we are aware there are no other management options available to control horse numbers on the Paruku IPA. The RSPCA has expressly stated that mustering and trucking the horses from such a remote location would be in breach of animal welfare regulations. The RSPCA has indicated that it agrees with our position that the current situation is an environmental emergency and an aerial cull is the only humane option to control increasing feral horse population numbers.

We understand there are currently approximately 10,000 horses running on an area that, according to a 2009 report commissioned by DAA, is only capable of carrying 5,000 breeding cattle under appropriate management.

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If a cull is not carried out immediately, the status of both the Paruku IPA and the Pastoral Leases will be under serious threat as the continuous presence of large horse numbers is a breach of compliance under both the IPA management guidelines and the conditions attached to the Pastoral Leases. The Paruku IPA and Pastoral Leases if managed together appropriately should allow Traditional Owners to balance the management and protection of important cultural and environmental values with the creation of sustainable economic outcomes on country for the benefit of the Tjurabalan people.

The Paruku IPA was the first IPA declared in WA and it would be a gross injustice if the IPA status was revoked and the Pastoral Leases were lost because the clear and appropriate management strategy to control the horses was not able to be implemented. The net effect of this would be to further marginalise an already severely disadvantaged people.

Apart from the urgent environmental and economic reasons for proceeding with the aerial cull, the large herd of unmanaged horses poses a bio security threat for possible livestock and zoonotic diseases. There have been, and will be again, animal welfare issues of dehydrated horses getting bogged in dams during droughts.

The Royal Flying Doctor Service now refuses to land at the recently upgraded Billiluna airstrip at night. They have cited the risk of horses on the runway as one of the reasons for classifying the Billiluna airstrip as one of the most dangerous for night landings in WA. This means that a 2hr ambulance trip for emergency Billiluna patients to the Balgo airstrip is required for night time evacuations. This drive is also risky due to feral horses on the road.

We urge the Western Australian Government to proceed with an aerial cull immediately. Please note the feral horse foaling season starts in October/November and any action must be taken prior otherwise we will be required to wait another 12 months. If the Western Australian Government is not in a position to conduct an aerial cull please notify us as soon as possible and advise of any alternative course of action that will allow Tjurabalan Traditional Owners to ensure they are in a position to comply with their lease and agreement obligations.

Please do not hesitate to contact me if you need clarification on any of the issues involved.

Yours sincerely



NOLAN HUNTER
Chief Executive Officer

CC: *Clinton Wolf, Chairman, Aboriginal Lands Trust*
Cliff Weeks, Director General, Department of Aboriginal Affairs