

June 2018



## **ACF Background Brief: Federal implications of the NSW *Kosciuszko Wild Horse Heritage Bill* 2018**

- The *Kosciuszko Wild Horse Heritage Bill* 2018 completed its passage through both houses of NSW Parliament on 6 June 2018.
- The bill will in effect ensure that the impacts of feral horses on the sensitive alpine environments of Kosciuszko National Park continue and increase, despite the numerous threatened species and rare ecosystems that call the park home.

### **National Heritage Listing**

- Kosciuszko National Park, along with other alpine protected areas in the ACT and Victoria, make up the Australian Alps National Heritage Place.
- The National heritage listing for the Alps notes:

“The Alps are one of eleven sites recognised in Australia by the IUCN as a major world centre of plant diversity. During the late Quaternary and into the present, the high-altitude, cold-climate environment has provided refuge for species in an increasingly arid climate. Containing most of the contiguous montane to alpine environments in Australia, the [alpine national parks] supports a rich and unique assemblage of cold-climate specialist species that have evolved unique physiological characteristics, enabling them to survive in an environment subject to extreme climate variation.”

### **Nationally Threatened Species and Ecological Communities**

- Based on the Federal Government's Protected Matters Search Tool, four threatened ecological communities and up to 63 threatened species occur within Kosciuszko National Park.
- The majority of these are plant, grassland and freshwater species that will be significantly harmed by feral horses in the sensitive alpine environment.
- The listing documents of both the critically endangered Southern Corroboree Frog and endangered Alpine She-Oak Skink explicitly note damage from feral horses, along with other hard hooved invasive species, as a threat to their survival.

### **Listed Key Threatening Process (KTP)**

- The EPBC Act provides for the making of Threat Abatement Plans and listing of Key Threatening Processes.
- Feral horses are listed as part of the “Novel biota and their impact on biodiversity” Key Threatening Process.
- The federal listing notes:

*“Feral horses and donkeys are serious environmental pests, causing erosion and damaging vegetation with their hard hoofs. They damage and foul waterholes, and introduce weeds through seeds carried in their dung, manes and tails. Feral horses and donkeys may also compete for food and water with native animals.”*
- The Federal Government's guidance on KTP's states:

*“Listing key threatening processes provides official recognition that a process is a key threat to biodiversity at the national level. This raises awareness of how threats to biodiversity are operating across Australia and assists with understanding and prioritising management of these threats.”*
- Listed Key Threatening Processes do not trigger national environmental law in their own right, but if a National Threat Abatement Plan exists, a Minister cannot act inconsistently with that plan.
- There is currently no National Threat Abatement Plan for feral horses, a failure of successive federal government's to take this problem seriously.

### **Powers Under the Environment Protection and Biodiversity Conservation (EPBC) Act 1999 to Intervene**

- The *EPBC Act 1999* has been used in a number of instances where environmentally damaging actions have been introduced into protected areas across Australia by irresponsible state governments. Recent examples include the grazing of cows in Victoria's sensitive alpine environment.
- The EPBC provides for the minister to call-in “actions” that may impact on Matters of National Environmental Significance, including threatened species and national heritage places.
- Whilst an act of parliament is generally not considered to be an “action”, any resulting management decisions to increase stocking of feral horses, or any management decision that would significantly impact the heritage values or threatened species or ecosystems of Kosciuszko National Park, would require federal oversight.
- The Federal Government will therefore have to assess any actions related to the bill.
- Further the EPBC Act provides for the making of Threat Abatement Plans for listed key threatening processes.
- Feral horses are listed as part of the “Novel biota and their impact on biodiversity” Key Threatening Process. The Federal Government should therefore fast-track a

Threat Abatement Plan for feral horses to protect the values of the Australian Alps National Parks Heritage Place and species within.

### **NSW's Actions Strengthen the Case for Federal Legal Oversight of National Parks**

- A national parks trigger under the EPBC Act has been mooted at various times over the past decade due to irresponsible decisions by state governments that ignore conservation science.
- From time-to-time our protected area estate, which is meant to be managed for the benefit of all Australians to protect biodiversity and outstanding landscapes, are captured by vested interests for their own private benefit.
- A federal trigger that provides unambiguous protection of our national parks and reserves is needed to ensure that situations like the Berejiklian Government's disregard for science and the conservation of native wildlife do not arise again.