

Wildlife Act Review

Submission Comment 31:

Contributor: Individual

Primary interests:

- Protection and conservation of wildlife and habitat

Comment

The notes published on this website relating to the act are an impenetrable example of counterproductive bureaucracy, so I make my comment without reference to them. My interest in the review stems from the case involving John Auer at Tubbut, where approx 400 eagles were killed through poisoning. The media reports that his employee performed the killing, and was jailed and fined \$2.5K. Auer was given court costs of \$25K and good behaviour bond. The case against Auer was dropped due to the statute of limitations. How the DEWLP could have failed to complete the prosecution is beyond belief, despite their "extensive investigation". The act as it stands, could have been used in a heavy handed way, and the perpetrators could have been given weighty penalties, if only the DEWLP had been able to act properly. In my understanding the application of the act in this instance did not focus properly on the relative responsibilities: the employee presumably was given instructions to perform the killings - presumably he would not have thought of doing it if his employer had not asked him to. This is not covered in the media; though you can argue that this aspect is beyond the scope of this review, it is a critical part of application of the act to the appropriate perpetrator. Auer appears to be the responsible party and he was completely let off. This is not a deficiency in the act per se, it is inadequate application of the act. In this situation the authorities should be examined to see how this failure occurred. DEWLP was unable to administer its act to protect wildlife. My guess is that is because Auer is a wealthy and productive farmer he was protected in some circuitous way. Auer appears unfit to farm or have a role involving indirect care for wildlife. The review should seek to eliminate the statute of limitations and to allow application of the act to all responsible parties, without exemption and to the fullest extent reasonable given each parties' situation.

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