

CHAPTER 5 NATIVE PLANTS PROTECTION ACT – THE 1920s

‘The Act alone will not prevent the killing of our native flora. What is wanted is proper policing of the areas and salutary punishment for the offenders.’

David Stead, 1929



Design by Lands Dept.

For many years the Society was also one of the prime movers in action towards the preservation of native plants. During 1926 a Bill to make provision for the regulation and control of the picking of wildflowers and native plants was brought into the Legislative Council and in 1927 became law. In this law, provision was made for the notification of any wildflower or native plant to be protected throughout the whole State of New South Wales, or in any part of the State. As was the case with the Birds and Animals Protection Act, the Wild Flowers and Native Plants Protection Act, 1927 was based upon a Draft Bill prepared by the Society. Likewise it suffered much alteration in its passage through Parliament. But the Society did succeed in its request to appoint honorary rangers. However, while expressing satisfaction at this, the Society expressed the belief that no really proper administration of the Wild Life Acts would ever be arrived at without the setting up of a special Department, by the Government, armed with the necessary staff to carry out the provisions of such Acts.

Below is an extract from the Society's Annual Report for 1927:

‘Saving our Wild Flowers

The most important forward move that we have to record is the setting in motion of the first real attempts at the practical saving of our wild bush flowers. Notwithstanding many flagrant breaches of the new enactment and regulations regarding the plucking and selling of protected flowers, it has

really been most gratifying to see the widespread, popular interest in this movement to hold some of our bush blooms from destruction and practical extinction. On many hands has this interest been displayed; indeed, the very considerable popular clamour, through the press and otherwise, whenever the destruction was noticed, is in itself evidence of the fact that the public is behind the Government and this Society in the efforts to preserve for all time those things which belong to no particular group or any particular generation of Australians, but to all Australia for ever - the sort of thing that justifies our slogan of 'Save Australia'.

'Requests have been received from time to time that the Government should be approached to declare protected all wild flowers; but, though members of the Council would gladly see the widest protection given, it is felt that such a regulation would be impracticable from the point of view of administration, full protection of our flora awaits primarily the awakening of a true Australian patriotism, coupled with the love of the beautiful and unique in Nature among our people. At the same time it is thought that the Government might, with advantage, add a few species to the protected list, and suggestions on these lines will be made. A beautiful *Eriostemon*, for instance, which is quite commonly coupled by the public with the protected *Boronias*, should be added to the list'.

The Society's Annual Report for the period 1928-29 was rather pessimistic about the effectiveness of the law in the protection of native flora, with exploitation by dealers and inadequate policing. The following is an extract from the Report:

'In the last Report we chronicled the initial stages of operation of the Wild Flowers and Native Plant Protection Act and noted with satisfaction that there was an evident desire on the part of many people to carry out the law as regards the general protection of our wild flowers and certain ferns. In the last season (1928-29), however, a very unsatisfactory position arose through the large number of dealers who handled wild flowers, staghorns, elkhorns, tree ferns, etc., regardless of their place of origin. These dealers were really greatly assisted in their depredations by the fact that so many of the general public were inclined to obey the prohibition as to plucking and removing flowers and plants. This left a greater human field for the dealers' exploitation and, at the same time, provided more readily accessible supplies. The general effect in many parts was, therefore, the same as though there had been no law in force; while many unprincipled people were enabled to make such 'easy money' that a repetition of their vandalism may be confidently looked for during the next season unless very stringent action is taken by the Government.

'Members of your Council, who are Honorary Rangers under the Wild Flowers and Native Plants Protection Act, were particularly active during the season just past. In this connection I must specially mention Mr. J. D. Tipper, our Honorary Investigating Officer, who has taken untold trouble in investigating all sorts of breaches of the law. Mr. Tipper has travelled many hundreds of miles in his private car in carrying out our work. Many cases of what were apparently the most flagrant breaches of the Act were brought under official notice; yet there was very little in the way of useful result from such, as the sequel will show. In some cases concerted action was taken by a

number of Councillors, who are also Honorary Rangers and in these cases (as in many others) action was only taken after close attention had been paid to each individual case, and where there seemed but little doubt, if any at all, that the laws were being flagrantly broken. Most of these cases were brought directly under the attention of the Police Department, but no action was taken by that Department in the courts to force the sellers to prove that they obtained these blooms (or staghorns or tree ferns, as the case might be) under lawful circumstances.

‘It must not be supposed that we blame the dealers alone for wild flower destruction. Many of the public, of course, have hardly ‘grown up’ yet to a realisation of what our bushlands mean to Australia: but we have some chance of ‘converting’ those people. We cannot, however, convert the dealer, who, if he or she does not break the law out of a desire to ‘get in first,’ will break it so as not to let the other fellow beat them. Not all the dealers are naturally callous. During a raid upon a number of them, two dealers said to your President that they considered it a ‘crying shame’ that this destruction should go on, ‘but, of course, if they didn’t do it, someone else would!’ Specious reasoning, of course, though so common in all things.

‘One Sydney morning newspaper touched the vital spot when it said, in reference to the destruction of native flowers by motorists and dealers: ‘The Act alone will not prevent the killing of our native flora. What is wanted is proper policing of the areas and salutary punishment for the offenders.

‘In conclusion, the general public, through the Press and through their Parliamentary representatives, must insist next season (and now also, for the destruction of staghorns and tree-ferns still proceeds), that the law shall be obeyed and that proper provision is made to see that supervision is exercised by the authorities. It is not sufficient to dope the public with the trite expression that ‘there is no money available.’ There is money available and our legislators know where it is to be found, for many purposes not nearly so worthy as that which we here espouse!’

The Battle Still Not Won (as reported in 1946):

‘At the Society’s Council Meeting, held on 9 December 1943, during a general discussion on protection of Native Flora, several Councillors spoke of the very great destruction of wild flowers and of the foliage of protected plants that was going on everywhere in Australia and which was sustained mainly in the cities, by the open sale of such through city and suburban shops and stalls in each State. It was felt, as has often been expressed in the past, that the only way to set some curb on such destruction would be by prohibition of sale of all protected flowers and of the foliage - that is cut foliage - of all protected plants.

It is impracticable to recapitulate here our long and arduous fight for the preservation of our flora - more particularly what we term our wild flowers. Since we started our campaign 36 years ago, we have witnessed temporising by Government after Government, while one great region after another

became almost, or completely, denuded of its wild flowers. We would particularly recommend readers of this Report to study our extended references to the matter in our Published Reports for 1927-28, 1928-29, 1929-30 and various articles in our Journal *Australian Wild Life* since its inception, in all of which is to be found not only the dolorous tale of continued destruction, but many constructive suggestions for dealing with the trouble.

‘In the present campaign or rather the present continuation of the old campaign - and following the Council Meeting above referred to - each State Government and the Federal Government were approached with a request for total prohibition against sale of the protected flora. The response was not very encouraging, though all showed interest and sympathy with the preservation movement.

‘In our appeal (15/1/44) to the Minister for Works and Local Government - the Minister responsible for the administration of the Wild Flowers and Native Plants Protection Act in New South Wales - we first stressed the part played by the trade in wild flowers and foliage, as being the prime means of sustaining the destruction. Further, it was stated that all traders (petty or otherwise) seemed to be quite aware of the restrictions on sale as contained, at least on paper, in the Wild Flowers and Native Plants Protection Act, and so, whenever they were questioned about the source of their stock, they would blithely answer that it was ‘from private property and with the owner's permission. And we had the same story repeatedly from other States - notably from around Perth, Western Australia. He was also informed that we felt that from an economic point of view there was never a more favourable time for the introduction of the prohibition, while certainly the need for such was never greater. We asked for the introduction of this prohibition at the earliest possible moment, and stated our belief that it would have the earnest support of the majority of our citizens.

‘In February of the present year (1945) the Minister introduced into the State Parliament an Amending Bill, relating to Wild Flowers and Native Plant Protection. This was duly passed. The Hon. J. J. Cahill, Minister for Public Works and Local Government in New South Wales, in introducing the Second Reading of the Bill made the following explanation of it to members:

This amending Bill extends the provisions of the Wild Flowers and Native Plants Protection Act on the following lines:-

- (a) it makes the possession of wild flowers and native plants illegally obtained an offence against the Act ;
- (b) it prohibits the sale of all protected wild flowers and native plants except those grown under licence;
- (c) it increases the penalties for breaches of the provisions of the Act.

During discussion of this Amending Bill, the Minister said:

‘When I was charged with the responsibility for this legislation there were many aspects that I had to consider, and the aspect that I wish to place before Hon. members now is that we should provide not for total prohibition of sale, but for greater penalties for those people who break the law. It was

argued that if there is a prohibition against the sale of wild flowers, their cultivation will not be encouraged.'

The Society did not agree with this statement, and made its position clear:

'We should make it clear at this point, that - notwithstanding some misunderstanding in some quarters - at no time have we asked for the banning from sale of nursery-propagated pot plants of the protected kinds. Rather have we always encouraged such a trade in every way possible, as being of some aid (however slight comparatively) in staving off the evil day of extinction or near-extinction.'

While this Report was being prepared for the printer, a news item was published in the *Sydney Morning Herald* (24 December 1945), which completely justifies the stand taken by the Society as to a general prohibition of trading in our wild flowers. Under a black type heading: "**WILD-FLOWER SMUGGLING 'BIG BUSINESS'**" appears the following:

'Well-planned smuggling tactics were being used by 'professionals' to get large quantities of protected wildflowers into the market from Kuring-gai Chase, the chief ranger, Mr. V. Wallace, said yesterday.

These people had 'assembling depots' in obscure caves at strategic points along the foreshores, from which they could get flowers to confederates able to frank consignments through to the city, he said: 'It is becoming "big business," and has practically denuded some parts of the Chase of boronia, waratahs, native roses, and Christmas bush. The present law does not completely cover the situation. The only way to prevent the rarer wild flowers from becoming extinct is to prohibit their sale altogether. The need is urgent.'

A few days later the *Herald's* gardening expert 'Waratah,' writing under the heading of 'Destruction by Flower Thieves,' after giving several instances of recent destruction by flower thieves, said:

'... It is time that the flaws in our Wild-flower Protection Act were ironed out to prevent sales entirely ...'

INTEREST IN PARKS AND RESERVES

A perusal of the Society's Annual Reports and past issues of *Australian Wild Life* will indicate that a large number of sanctuary areas in various parts of Australia were set aside wholly or partly as a result of the efforts of the Wildlife Preservation Society, especially in the first forty years of the Society's existence. This was one of the prime objectives of the Society's foundation. There were some such areas, of course, long before the existence of the Society, a large number in New South Wales and elsewhere marked on the map with some such words as: 'Reserved for the Preservation of Fauna and Flora.' But, in most such cases, the Reserve was just a 'paper' one, which could have been cancelled at any time at the discretion of the Minister in Charge of Lands, should it be decided to allocate such lands for other purposes.

In quite a number of such cases in which there were special reasons for local fauna and/or flora preservation, the Society was instrumental in having Reserves removed

from the purely paper record, to be specially proclaimed and dedicated as such. One of the areas in which the Society took an early interest was Mount Warning National Park, an area which could be looked upon as a combination of National Monument and Park, as well as a Fauna and Flora Sanctuary of considerable importance. This was dedicated in 1928 as a direct result of the Society's activities, the campaign for the setting aside of the area being initiated by the Society in August 1925. Mount Warning, named by Captain James Cook, is a great landmark, with the summit visible from far out to sea and for many kilometres around, as one travels north in the Tweed River area.

In 1925, when the campaign to have Mt. Warning set aside as a National Park was initiated (in the *Tweed Daily*), the Society approached all scientific and other public bodies, Members of Parliament and Chambers of Commerce at Murwillumbah and Lismore. Many public-minded citizens assisted in attaining the objective. The Editor of the *Tweed Daily* especially laid himself out to assist in every possible way, as did the Editor of the Lismore *Northern Times*. The Government was bombarded with requests from every direction as a result of this whirlwind effort and, in due course, the request was acceded to. A contributing factor was the co-operation of the Chief Forest Commissioner of the time, Mr. R. Dalrymple-Hay. Certain parts of this 4,100 acre area had already been held as a 'Forest Reserve', but it was accepted that this was not sufficient to guarantee its permanence as a Reserve for the people. The dedication of Mount Warning may be cited as a good example of what may be done by concerted effort in a special campaign in which the widest co-operation possible is obtained.

The official opening of this magnificent nature reserve took place on 3 August 1929. It is of particular interest to note that by a curious coincidence the date that the park was declared open was the 101st anniversary of the date when Allan Cunningham fixed the geographical position (3 August 1828). Cunningham (1791-1839) was an explorer and botanist of note in the early 19th century.

The Society's Annual Report for 1927 contained a reference to another effort by the Society to have a significant reserve set aside:

'Mount Tomah - 'The Jungle'

During March, 1927, your President represented this Society on a powerful deputation which waited upon the Premier to ask him to resume about 700 acres of forest land, known as The Jungle, on the slopes of Mount Tomah. It was pointed out that the country was covered with scrub of 'tropical' or Malayan nature. The deputation was representative of all sections of the community. Ultimately, however, the deputation failed in its object, and, later on, a company was formed (called 'The Jungle Limited') to acquire the land and develop it as a permanent preserve for the public. Your Council acquired one £10 share in this Company, with the intention of doing its utmost to maintain the original intention of those who launched the Company. We think, however, that the only satisfactory thing to the people-at-large will be its ultimate resumption by Government and permanent retention as a National Park.'

With what satisfaction David Stead would now behold the status of Mount Tomah Botanic Garden.

The extensive more or less marshy areas of the lower Macquarie River in New South Wales, the Macquarie Marshes, formed the subject of a special approach by the Society to Government in the first year of the Society's existence. This area is particularly important as a refuge for birds, and also for examples of the river red gum, which flourish in such places and which are essential for general conservation, as well as for the perpetuation of the bird life. The Macquarie Marshes feature as part of the Society's interest in wetlands is dealt with in a later chapter.

Island Sanctuaries were a focus of interest for the Society. While these are mainly in the interests of bird preservation, they are also of utility, to some extent, for the preservation of the fauna and of the scenery generally. Among the small islands on the New South Wales coast which were declared Sanctuaries at the instance of the Wild Life Preservation Society are Boondelbah and Cabbage Tree Islands, off the mouth of Port Stephens. Another small, but important bird refuge was a small island in Port Stephens, for a long time a resort of the Nankeen night heron. Also declared were some small islands in Wallis Lake, where the common silver gull has often nested. An example of a smaller reserve for which the Society campaigned in the 1930s was Dalrymple Hay-Forest, Pymble, north of Sydney. As well as playing a prominent part in the original movement to have the forest set aside, the Society contributed to the fund (£350) for purchase of a remaining section. Ku-ring-gai Municipal Council then took over management of the Reserve.

EDUCATIONAL WORK

‘The general policy of the Society through the years has been an educational one, for its officers believe – and always have believed – that a conservation-minded public is the best safeguard the bushland can have. It aims, therefore, at educating the people to understand the desirability of a conservation policy, through knowledge of fauna and flora and its environment.’

This was a statement in the Appendix to the book *Naturecraft in Australia* (1956), edited by Thistle Stead on behalf of the Society. However, the first statement by the Society on Educational Work was written in the Annual Report for 1920-21. David Stead was President at the time, and Arthur Atkinson the Honorary Secretary.

‘Educational Work

This and our publicity work go hand in hand, of course. It is recognised that our whole work stands on a basis of education, as in the Children's League of Bird Lovers. Mention has been made elsewhere of the combined demonstration held at the King's Hall. Several of the members have done good work in their own districts. Mr. H. W. Hamilton, as Honorary Secretary of the Gould League is doing great service. Messrs. A. G. Hamilton and W. W. Froggatt have lectured upon the value of our birds and your President - in that capacity and as a Vice-President and Honorary Organiser of the Gould League - has addressed meetings convened by the Women's Service Club and the Women's Christian Temperance Union. He has also brought the objects of the Society personally under the notice of the Women's Club, the Women's Reform Club, the Girls' Friendly Society and the Young Women's Christian

Association and has addressed more than 12,100 school children of the senior classes (principally girls) in city, suburban and country schools’.

No report for the 1920s would be complete without a reference to the Society’s work in that period on behalf of the possum. Following is an extract from the Annual Report for 1926:

‘Protection of ‘Possums, and Amended Birds and Animals Protection Act
Probably one of the most persistent subjects before your Council is that of the preservation of the ‘Possum. Owing to the great commercial value of the skin, a considerable trade – largely illicit – is carried on. No systematised protection work which will ensure the absolute continuity of the species in our bushlands appears to be practicable without further legislative attention by Government, primarily by the erection of a definite branch or bureau of the State Service whose sole duty it shall be to enquire into and control all matters appertaining to the preservation of wild life. Government has a further Amending Bill in hand at present, providing for some much needed reforms; but not apparently for the greatest reform of all, in the manner indicated. Acting on a suggestion of your Council, the Government proposes to obtain legal sanction to enable it to gather a royalty on the skins of all native animals exported, as is now done in the case of ‘Possums by the Victorian Government. Such a royalty will provide far more than enough to found the type of State Department which is needed, with an efficient staff to carry out both investigatory and control work. But there is a very grave danger of the exploitation of the animals for revenue purposes, and Parliament should see to it that the law is framed in such a way as shall render it absolutely mandatory on the controlling authority to make the protection and permanent preservation of our unique wild life the first object of the Department.’

AUSTRALIAN BIRDS NOT FORGOTTEN

The Society’s Annual Report for 1923-24 reported on the Society’s long agitation against the wholesale exportation of live Australian birds – the protest had been successful and a general export prohibition had been declared, to include both ‘protected’ and even ‘noxious’ birds – chiefly on the grounds of the notorious cruelty inseparable from the trade. The years 1921 and 1922 had been noteworthy for the large export of wild fauna. The 1921-22 Report records that 55,000 wild birds had been officially recorded as having been shipped from the port of Sydney alone in the one year and hundreds had died during the voyage:

‘For the future I would say this,’ said David Stead in his history of the Society in 1949: ‘Whatever the Governments concerned may do in the way of wise control and regulation in the work of conservation, the need will be just as great for the existence of such a Society as this and the Tree Wardens’ League to act as liaison bodies between Government and people, to spread education and understanding and so to cultivate that “conscience” which we have so often spoken of, and without which the law by itself is of no permanent avail in the essential work of preservation’.