

## CHAPTER 7 FAUNA PROTECTION ACT – THE 1940s

*‘The passing of this Act (Fauna Protection Act) is an immense step forward towards the realization of the ideals of what I might term the wild life preservationists.’*

David Stead

With immense satisfaction the Society reported on the passage of the Fauna Protection Act through Parliament in December 1945 and gazetted on 1 July 1949. David Stead said of this Act:

‘Its implementation will put great heart into many people – those who love their Australia and want to preserve as much as possible of our beautiful and interesting wild creatures for the delectation and edification of future generations of Australia and of the world generally.’

In the *Australian Wild Life* Vol. 2 No. 2 (1949) it was reported:

‘For some years past we have been receiving communications from New South Wales Chief Secretary’s Department promising legislation on many points brought forward by this Society and altogether suggesting a pleasing conclusion to some of our old strivings.

‘Towards the end of 1948 news began to reach us that a new Fauna Protection Bill was likely to reach Parliament. Unfortunately, pressure of business looked like forcing the Government to shelve the Bill and, on 12 October, Hon. Arthur Tonge, M.L.A. in warning us of this circumstance, suggested that our New South Wales members might request their representatives to use their influence to bring the Bill before the House. This will be well known to many of our friends and members. We would like to take this opportunity to thank all concerned and Mr. Tonge in particular for the interest and effort put forward for Nature Protection.’

The Act provided for a Fauna Protection Panel, the membership of which represented interested Government Departments, including the Department of Agriculture, the Forestry Commission, the Department of Conservation, the Chief Secretary’s Department, the Australian Museum, the Department of Education, the Department of Lands and the Ministry of Tourist Activities and Immigration.

There was also a representative of the Senate of the University of Sydney and, on the nomination of the Minister, a person engaged in grazing or agricultural pursuits in New South Wales. Finally, there were three members nominated by organisations, the constitutions of which included specific or general objects in relation to the preservation, conservation, protection or scientific investigation of fauna. The Society nominated their then Honorary Secretary, Allen A. Strom, as a member of the Fauna Panel. Francis James Griffiths was appointed Chief Guardian of Fauna. Roy Bennett was to report in 1959:

‘The institution of this Panel has considerably lightened the burden of this Society. We have been extremely fortunate also in that the first Chief Guardian of Fauna, Mr. F. J. Griffiths, was unstinting in his efforts for preservation and always sympathetic. His untimely death in 1957 was felt deeply by us for we had worked in close cooperation with him during his

term of office. It is sufficient to say that his successor, Mr. Allen A. Strom, was at one time Honorary Secretary of this Society and is still a very active Vice-President. We regard it as extremely good fortune for the work of the Society that Mr. Strom should have received this appointment and we look forward to many years of active co-operation with him'.

Allen Strom retained the position of Chief Guardian of Fauna until the establishment of the National Parks and Wildlife Service in 1967.

## **COMMONWEALTH CONTROL OF CONSERVATION**

It has been the general policy of the Society for many years that administration of wildlife and flora preservation, and of general conservation measures throughout Australia, should be by the Commonwealth Government. The Society pointed out that differences in legislation between the States led to considerable abuse and it was quite ridiculous to expect flora and fauna to respect political boundaries.

In 1942, taking advantage of the sessions of the Drafting Committee of the Constitution Convention (then sitting in Canberra) which was dealing with proposals for the widening of the duties and responsibilities of the Central Government, the Society communicated with the Drafting Committee on the matter. The Chairman of the Committee was Dr. H. V. Evatt, the distinguished jurist and Commonwealth Attorney General. An urgent telegram was sent to the Committee and it read as follows:

'This organisation, with unrivalled experience of conservation affairs in every State, over thirty-three years, and parent of or adviser on several Parliamentary enactments and many Regulations urgently invites State representatives to voluntarily transfer to Commonwealth, all authority over General Conservation, including the following:

- Fauna and Flora Preservation, Control and Regeneration,
- Bushfire Prevention and Organisation,
- Forest Reservation and General Forestry Coordination and Control,
- Prevention and Control of Erosion,
- Fisheries Control and Fishery Development,
- National Parks and other Fauna and/or Flora Reserves,
- National Monuments,
- Control of Pest Animals and Pest Plants.

'All of the abovementioned are closely interrelated and their interests interwoven throughout Australia, while administration would be both economical and effective under one central co-ordinating Commonwealth control.'<sup>1</sup>

This was a rather ambitious proposal, as Vincent Serventy remarked in 1997, and it is not surprising that a vast 'umbrella' organisation as proposed by the Society did not ever eventuate. In reply to the Society's representations and subsequent to the close of the Convention, they were informed that the matter had received attention and that the

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<sup>1</sup> *Australian Wild Life*, June 1946, p. 2

desirability for some national scheme was 'never in question' but that it was 'difficult at this stage to include such matters in the Constitutional Amendment proposals which were formulated under the general heading of Post-War Reconstruction.' Dr. Evatt referred the Society's papers to the Director-General of Post-War Reconstruction, who replied to the Society that the matter would have his closest attention as part of the investigation into the Conservation and Development of Natural Resources.

At the Adelaide meeting (August, 1946) of the Australian and New Zealand Association for the Advancement of Science, the delegates from the Society pressed for action by that body of scientists to approach the Commonwealth Government. The General Council of ANZAAS ultimately approved of a suitable resolution. The letter was received by the Prime Minister's Department but, as nothing transpired; further approaches were made in June 1947, December 1947 and March 1948, all without result. However, early in 1949, it was announced that the Commonwealth Government had approved of a Wildlife Survey Section of C.S.I.R. (Council for Scientific and Industrial Research) - now known as CSIRO (Commonwealth Scientific and Industrial Research Organisation). But the difficulty in the way of the establishment of this Wildlife Survey Section in C.S.I.R. appeared to be that of obtaining staff and appropriate training so, for the time being, the Society was informed, the Section would be wholly engaged upon 'the study of the ecology and life history of the Rabbit.'<sup>2</sup>

In December 1950, Thistle Harris, as President of the Society, wrote to the Minister for the Interior, as follows:

'For a number of years my Society has been stressing the need for the establishment of a National Wild Life Service, similar to the Fish and Wildlife Service of the Federal Government of the United States of America, which employs dozens of biologists in wildlife research and management. We feel that the State authorities cannot adequately cover the field due to lack of finance, limited jurisdiction, and the inability to co-ordinate in matters affecting two or more States. We would stress at the outset that our wild life potential is of great economic, scientific and cultural importance to the nation, and its proper management demands co-ordination that goes beyond arbitrary, political boundaries.'<sup>3</sup>

An answer to this letter finally came on 10 April 1951. In the course of his letter the Minister referred to the establishment of the small Wildlife Survey Section within the C.S.I.R. Ultimately, he said, it was hoped that this Section would be expanded to carry out much of the work envisaged by the Society, but in its early years it would concentrate on the rabbit problem. Further, he said:

'You will appreciate that the responsibility for the preservation of wild life within the States is a matter for the State Governments concerned, and it seems to me that the most effective way of achieving your desire of establishing a National Wildlife Service would be for an organisation such as yours to approach the Government of your State with a view to having the matter considered at the next Premiers' Conference. So far as Commonwealth territories are concerned, legislation which aims at the protection of wild life

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<sup>2</sup> Australian Wild Life, December 1949, p. 2, 4

<sup>3</sup> *ibid.* June 1952, p. 3

in these areas is already in existence.<sup>4</sup>

The Society's comment about this letter was:

1. A National Wild Life Service is surely a national responsibility and not the immediate concern of the States.
2. The need for such a Service is immediate and not "ultimately".
3. The complacent attitude expressed in the Minister's final paragraph is not shared by this organisation, and further, there has never been any thorough investigation of the problem. Like protection in the States, there has never been a planned approach.

The 31<sup>st</sup> Annual Report of the Society, presented at a meeting in November 1951, reiterated the call for Commonwealth co-ordination. 'In matters of broad policy on land usage and development, in biological investigation of resources, management and regeneration, we feel that Commonwealth Co-ordination is vital and essential.' However, some moves had been made to have the Commonwealth Authorities take the initiative in the matter. 'We have not been very happy, however, about the stability of our Commonwealth Government whose attention has been diverted by the two elections in quick succession and by crises on the financial front.'

It was in the Society's Annual Report for 1967-68 that President Vincent Serventy remarked, 'The Rip Van Winkle of nature conservation, the Federal Government, is at long last stirring from its sleep, and has taken some positive steps, not the least being a more substantial subsidy to the Australian Conservation Foundation' (which had been established in 1965).'

The matter of Commonwealth coordination was still a source of concern for the Society in 1972 when a letter was sent to the Prime Minister (Hon. W. McMahon). He assured the Society that the Office of the Environment would be included in the Department of the Vice-President of the Executive Council and that Government would go ahead with a plan for a National Advisory Council. The coming to power of the Whitlam Government was an environmental watershed.

## **SHOOTING ON A SUNDAY**

The Society took exception in 1946 to what it called a 'subterfuge' with regard to prosecutions against shooters.

'There have been many instances of prosecutions launched by the Police against shooters in sanctuary areas. The charge has often been that of 'Shooting on a Sunday,' when the real charge should have been that of interference with the sanctuary. Admitting the difficulty in some cases of getting evidence, it is certain that the direct charge instead of using a subterfuge would be much more beneficial in directing public attention to the need for preserving sanctuary areas inviolate.'

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<sup>4</sup> Australian Wild Life, June 1952, p. 4

## THE EFFECT OF WORLD WAR II

The 29<sup>th</sup> Annual Report for the Society, June 1946, covered the years 1939 to 1945:

‘The grave difficulties surrounding the pursuance of our particular conservation work, under the shadow of the World Calamity, were emphasised (at a General Meeting of Members on 23 September 1942), though it was indicated that a great deal of routine work had been done and was being continued, while urgent problems of Wild Life Preservation and cognate matters were dealt with as far as possible ... little could be done beyond holding things together until the happy advent of more auspicious times for the performance of constructive work.

‘In the Report which follows it will become clear to members and friends that, notwithstanding the unprecedented difficulties referred to, we have been able to achieve quite a considerable amount of success in the pursuit of our duties in various departments of our work – notably in items of general protection and preservation, or those associated with sanctuaries and National Parks, and proposals for overhead comprehensive administrative measures. Examples of places afforded particular interest by the Society during this period were Kosciusko State Park, the Macquarie Marshes, Kurnell-Cronulla Reserves, and the Beecroft Peninsula (near Jervis Bay, New South Wales).’

David Stead in his brief history of the Society in 1949 wrote:

### **‘Sanctuaries, Parks and other Reserves**

A perusal of our Annual Reports and the various issues of *Australian Wild Life* will indicate that a large number of sanctuary areas in various parts of the country have been set aside wholly or partly as a result of the efforts of the Wild Life Preservation Society during forty years past. This is stated here merely as a fact justifying the existence of the organisation and not with any idea of earning particular kudos. For, after all, this was one of the prime objects of our foundation’.

Every issue of *Australian Wild Life* from the 1930s through to the 1960s contained a long list of sanctuary or reserve areas in which the Society had been interested, often with details on the status of the area and action taken. For example, the setting aside of land for the Shoalhaven Gorge National Park was ‘pushed with great vigor’ until in 1939 it was announced that 45,000 acres of wild and rugged country had been dedicated ‘For Public Recreation and Preservation of Native Flora and Fauna’.

Another example of the Society’s concern was included in a lengthy report on sanctuaries in *Australian Wild Life* in June 1946:

### **‘Hazelbrook Gully Tree Destruction**

Early in 1941 we were informed by one of our members resident in the district that a number of splendid Eucalypts had been cut from the Hazelbrook Gully Reserve and that the destruction was still going on. We immediately got into touch with the Hazelbrook Group of Blue Mountains Sights Reserves and with the Forestry, Lands and Chief Secretary’s Departments and suggested to the first-mentioned body a line of approach

with a view to further action. Enquiry showed that a lessee of a neighbouring area claimed to have cut these trees out 'by mistake under the impression that they were on the lessee's land!

'The resultant agitation brought a number of the Blue Mountains Local Governing Bodies in - more particularly the Blue Mountains Shire, at Lawson, which did yeoman service - and these, with the Hazelbrook Group already mentioned and some other bodies, were able to arrange a series of conferences, at which the whole question of the saving of the remaining trees in the Blue Mountains gullies was debated and related to the movement for the establishment of a Great Blue Mountains State Park which had been under discussion for some years past. In the local discussions and conferences - some of which were arranged by the Forestry Department - the Hazelbrook group was asked, and agreed, to act for us following extensive correspondence on the matters under discussions. Local parliamentary members assisted also.

'Discussions and correspondence on this important matter went on until June 1943, with satisfactory results, as it transpired. The most important result was that the movement for the Great Blue Mountains Nature Park was given a very definite push forward; while in the meantime, the Minister for Agriculture and Forests agreed that 'the whole area would be exempted from the operation of timber licenses'. The latter result alone was worth all the agitation and trouble taken by the various Local Governing and Conservation Bodies. We wish particularly to thank the Blue Mountains Shire Council and the Hazelbrook Group for their fine work in this movement.'

## **INTERNATIONAL UNION FOR THE PROTECTION OF NATURE (IUPN)**

The December 1949 issue of *Australian Wild Life* reported on the Society's representation at meetings of IUPN in the 1940s. This body was later to become IUCN, International Union for the Conservation of Nature and Natural Resources:

'The Wild Life Preservation Society has been interested for many years past in the establishment of international co-operation in Nature Protection. In 1928 the International Office for the Protection of Nature was founded at Brussels, and was transferred in 1946 to Amsterdam. Through the activities of this office, several international conferences have been held. At Brunnen, Switzerland, in 1947, delegates and observers from 18 countries and numerous international bodies attended. We were represented by Dr. J. H. Westermann, of Holland, one of our Councillors.

'A second conference, held also in Brunnen in 1947, at which delegates and observers from 18 countries and numerous international bodies attended. At this we were again represented by Dr. Westermann. This conference drafted a text of agreement and decided to recommend the formation of a new organisation to be established under the auspices of UNESCO. The result of this decision was a conference at Fontainebleau called by UNESCO jointly with the French Government in September-

October, 1948. Australia was represented by Dr. G. F. Herbert, as an observer for the Australian Commonwealth and Dr. J. H. Westermann as a delegate from W.L.P.S.A. Thirty-three countries were represented in all. On October 5<sup>th</sup>, Dr. Westermann signed the Constitution on our behalf, and thus W.L.P.S.A. became a foundation member of the IUPN.'

Roles were changing in the Society as the 1940s drew to a close. For the next four years, from 1949, Thistle Harris was to be the President and Allen Strom became the Honorary Secretary. Thistle and Allen were to have a stormy relationship, but their allegiance to the Society and the cause of conservation were never in doubt.