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PARLIAMENT OF TASMANIA.

CALIFORNIAN THISTLE ACT:

REPORT FOR 1886.

Presented to both Houses of Parliament by His Excellency's Command.



CALIFORNIAN THISTLE ACT.

REPORT BY CHIEF INSPECTOR.

Office of Inspector of Sheep, 30th June, 1887.

SIR,

I HAVE the honor to submit my Report upon the working of the Californian Thistle Act.

In my Report for 1886, furnished to the Honorable J. W. Agnew, the then Chief Secretary, I represented the necessity of increased supervision, which I again beg to bring under your notice. It is impossible for the three Inspectors now appointed to carry out the Act in a satisfactory manner, consequent upon the large districts placed under their charge: they cannot overlook all lands in as thorough a manner as is absolutely necessary.

The additional sum I asked for to be placed upon the Estimates for this service was not voted by Parliament, hence I had to content myself by carrying out the work in Police Districts with the aid of the Police, who were instructed to see that no thistles blossomed in these districts; prosecutions followed this action, particularly at the Huon. The Inspector appointed under the Californian Thistle Act had to prosecute, it being provided that only Inspectors under the Scab Act can take proceedings: this involved delay and annoyance. As you are aware, there is an Act in force intended to prevent the spread of Californian Thistles, but from my experience of the practical working, the present law is not sufficient to save from destruction the agricultural land of this Island, and, holding such an opinion, I drafted a proposal for certain amendments in order to effect the eradication of this noxious weed. I then called a meeting of the agriculturalists (who were all practical men, and were suffering from the presence of the thistle upon their estates) to be held at my office on the 28th April, submitting the following proposals; viz. :—

MEMO proposed Amendments in "Californian Thistle Act," 47 Vict. No. 17.

I BEG to suggest that clauses be inserted with the view to exterminate the Californian Thistle. The following is an outline of the proposal; viz.—

An owner or occupier shall have issued to him an order or licence to destroy all thistles upon his property within two seasons, without payment of any fees.

The order or licence to date from 1st September, and end on 31st May following.

Failing to destroy the thistles within the required time,—viz., two years,—an order or licence shall be issued for one season, at the following rate:—

| | s. | d. |
|---|----|----|
| For patches (on any one farm) up to $\frac{1}{4}$ of an acre | 14 | 0 |
| " " " from $\frac{1}{4}$ of an acre and not to exceed 1 acre | 10 | 0 |
| " " " from 1 acre and not to exceed 5, per acre..... | 6 | 0 |
| " " " from 5 acres and upwards, per acre | 3 | 0 |

The destruction not being then attained, a renewed order or licence shall be issued for one more season, at the same rates as those named above. If a further renewal is required the rate shall be increased as under:—

| | £ | s. | d. |
|--|---|----|----|
| For patches (on any one farm) up to $\frac{1}{4}$ of an acre | 1 | 1 | 0 |
| " " " from $\frac{1}{4}$ of an acre and not to exceed 1 acre..... | 0 | 15 | 0 |
| " " " from 1 acre and not to exceed 5, per acre | 0 | 7 | 6 |
| " " " from 5 acres and upwards, per acre..... | 0 | 3 | 9 |

Renewals of order or licence will be issued for one more season at the above rates.

If a further renewal is required, the above rates be increased 50 per cent. for the two first named areas, and 25 per cent. for the two last named—and so to be increased every two seasons. Seeing the great benefit that owners of infected properties would derive from the extermination of the Californian Thistle by increased value of the land and rents, I submit that the owners of such properties shall contribute $\frac{3}{4}$ of the cost of exterminating the Thistles, and the tenant $\frac{1}{4}$ of the cost, and that the same proportion be paid by

owner and tenant for licence fee. I also propose that a minimum penalty shall be imposed after first prosecution; and also that a clause be inserted equivalent to Section 41 of "The Educational Act, 1885," 49 Vict. No. 15.

The meeting was adjourned, to further consider the subject, to 6th May, on which date there was a large attendance of gentlemen interested in the question; but after discussion it was moved and carried that the proposals for the eradication of the Californian Thistle made by the Chief Inspector were impracticable. Notwithstanding the adverse vote I still maintain that it is practicable, and necessary, and that the above propositions should become law. It is argued that it would be ruinous to a few farmers, who have large areas of Californian Thistle, to eradicate the pest; there would doubtless be hardship in a few instances, but is the interest of the large area of cultivated land that is still uninfested to be utterly lost sight of, and suffer for the careless and negligent owner who persists in annually ploughing Californian Thistle patches, growing and cutting grain crops from the infested land, with the thistle in blossom, and, in some cases, seeding? Surely this should not be tolerated. The Inspectors are to a certain extent powerless to avert the injury, for when owners are detected with thistles in these stages of growth, and prosecutions follow with a verdict, in some municipalities a mere nominal fine is inflicted.

Besides asking for the before-mentioned amendments, I must also submit a further proposal to amend the Californian Thistle Act, viz.—that a clause be added to compel owners or occupiers to give notice to the Chief Inspector of the extent and number of Californian Thistle "patches" upon his property, failing this to be subject to a penalty of not less than £1 or more than £10. Also that a minimum penalty shall be fixed after the first offence committed under the Act for allowing thistles to blossom, and that a clause equivalent to the 41st Section of "The Education Act, 1885," 49 Vict. No. 15, be inserted, providing that no fee or fees shall be payable under the Magistrates Summary Procedure Act. Also that 48 Vict. No. 21, Section 2 be amended to include the words *all grain*. A most flagrant case has been brought under my notice, and from the want of the above words in the Act I am powerless to take action. The case is this: an agriculturalist purchased some seed oats from one of the large firms of merchants in Hobart which was guaranteed free from Californian Thistle seed, and represented as being produced in the district of Oatlands; (this assertion shows that grain produced in a non-infested district is more marketable, and much is made of the fact when disposing of seed grain). The purchaser took the grain home, feeling confident the oats would prove free from the thistle as represented; he tested the samples before sowing and found low down in the bags, covered by good seed, knobs of thistles with seed. Had this gentleman been negligent and not examined the seed prior to sowing, his land would have been destroyed. It conclusively shows that stringent legislation is absolutely necessary to deal with this pest, and that no penalty upon conviction is too heavy to fall upon any person who is so unscrupulous as to market and dispose of grain with California thistle seed in as clean seed and free from the pest.

It is again my unpleasant duty to complain at the nominal fines inflicted; in some cases it amounts to encouragement for occupiers to allow their thistles to blossom. It has frequently been remarked that in one Municipality the leniency of the Bench is most marked, although in this district the pest is rampant, and extending annually. As an instance of the action taken in this particular Municipality, a certain occupier was prosecuted three times during the season for allowing his thistles to blossom; this being a breach of the Act, the aggregate amount of fines inflicted was 6s.—first offence, fine 2s. 6d.; second offence, fine 2s. 6d.; third offence, fine 1s. and costs remitted; also a reprimand to the Inspector by the Warden for his arbitrary action in not waiting for another week, when the thistles would have been cut; and this for a third offence! I should like to know is this the way the law should be administered to reduce the increasing pest, and support a Government Officer in the execution of a most unpleasant duty? It would, I estimate, have cost this occupier from £30 to £40 to have cut the thistles so as to prevent their blossoming during the season. I may mention that in this Municipality, in all seven convictions were gained, carrying an average fine of 2s. 9½d. From the action taken during the season of 1886, when fines were inflicted to the amount of £71 4s. 6d. within the infested districts, the result has been beneficial, particularly so in Municipalities that inflicted penalties above a mere nominal sum; which shows conclusively that the money penalty is the cure for the evil.

Great objection has been taken by a few occupiers to the way in which the Act is administered, therefore I consider it will not be out of place to inform you that the principal objection is that the Inspectors are instructed to prosecute upon finding thistles in blossom as provided under 47 Vict. No. 17, Section 3, without first giving notice. It must be within the knowledge of all occupiers who have the pest upon their land that there is in existence a Californian Thistle Act, the provisions of which have been enforced for a number of years; these persons being interested ought surely to be alive to the fact that such an Act directly affects themselves, without requiring a reminder annually as to their duty. It might be argued with force that a Police Officer seeing a person enter an hotel that his duty compels him to administer a caution as to his liability should he become intoxicated; this action would be as absurd as giving a notice when an Inspector finds thistles blossoming upon any land; the mischief is done, and perhaps causes heavy loss to the neighbour by spreading Californian thistles on to a property up to this time perfectly free from this noxious weed, and all because the neighbour has neglected to observe the law.

I have not had cause to alter my expressed opinion with reference to the obligation of owners of infested land, and again assert that it is their duty to assist the tenant, be he rich or poor, to deal with Californian thistles during the season. Tenants as a rule simply comply with the Act by keeping the thistles from blossoming; but if owners were to give a bonus for the destruction of thistle patches to the tenant, it would add materially to the rent of the farm, and also the value. I am certain good progress can be made in eradication if the work is attempted with that energy and perseverance that has been exhibited by many owners I could mention. The most successful system adopted to destroy the thistles has been by constant cutting, which must exhaust, and consequently destroy the life of any weed, however tenacious.

I have during the past season visited the Government Farm at New Town, which is overlooked by Mr. James Harding, who certainly deserves the thanks of the owners of Californian thistle-infested land. During 1886 this gentleman, being absent in England on sick leave, accidentally saw during his travels an implement which he considered was a labour-saver, and could be successfully utilized for the destruction of noxious weeds, this thistle being one of the number. After seeing the work performed he purchased the one now in use at the Government Farm, and will gladly show it to any person who desires to see it at work. I have seen the implement doing work over a thistle patch, and am satisfied that farmers who are troubled with the pest will ultimately thank Mr. Harding for importing so useful an implement as the combined Scarifier and Shaver.

I have prepared a table showing the fines inflicted on the different Municipalities for the years 1885-6—also 1886-7—so that it will clearly be seen by the public how each district wherein prosecutions take place treat, by their action, the importance of the Californian thistle pest, and their anxiety to deal with the increasing evil.

Particulars showing the number of convictions under the heading of different penalties, also total number of convictions, for the year 1885-6.

| Districts. | 1s. | 2s 6d | 5s. | 10s. | 15s. | £1 | £1 1s | £1 5s | £2 | £3 | Number of Convictions | Average Penalty. |
|-------------------|-----|-------|-----|------|------|-----|-------|-------|-----|-----|-----------------------|-------------------|
| Oatlands | ... | ... | ... | 2 | ... | ... | ... | ... | ... | ... | 2 | £ s. d. 0 10 0 |
| New Norfolk | 2 | ... | 4 | 8 | ... | 2 | ... | ... | ... | ... | 16 | 0 8 10½ |
| Brighton | ... | ... | 2 | ... | ... | 15 | ... | 1 | 1 | ... | 19 | 0 19 8¾ |
| Clarence | ... | ... | 13 | 2 | 1 | 3 | ... | ... | ... | ... | 19 | 0 8 5 |
| Glenorchy | ... | ... | 3 | 1 | 1 | 2 | 1 | ... | 3 | 1 | 12 | 1 3 5 |
| Richmond | ... | ... | 3 | 1 | ... | ... | ... | ... | ... | ... | 4 | 0 6 3 |
| Green Ponds | ... | 1 | 2 | ... | ... | ... | ... | ... | ... | ... | 3 | 0 4 2 |
| Huon | ... | ... | 3 | 9 | ... | 1 | ... | ... | ... | ... | 13 | 0 9 7½ |
| Hobart | ... | ... | 1 | 1 | ... | 2 | ... | ... | 1 | 4 | 9 | 1 17 2½ |
| | 2 | 1 | 31 | 24 | 2 | 25 | 1 | 1 | 5 | 5 | 97 | — |

Districts in which no prosecutions were instituted in 1885-6—

| | |
|--------------------------|--------------|
| Glamorgan. | Bothwell. |
| Spring Bay. | Hamilton. |
| Sorell. | Deloraine. |
| New Town & Queenborough. | Port Sorell. |
| Kingborough. | Selby. |

1886-7.

| Districts. | 1s. | 2s 6d | 5s. | 10s. | 15s. | £1 | £1 5s | £1 10s. | £2 | £3 | Number of Convictions | Average Penalty. |
|-------------------|-----|-------|-----|------|------|-----|-------|---------|-----|-----|-----------------------|-------------------|
| New Norfolk | ... | ... | ... | 1 | ... | 1 | ... | ... | ... | ... | 2 | £ s. d. 0 15 0 |
| Brighton | ... | ... | ... | 2 | ... | 2 | ... | ... | ... | ... | 4 | 0 15 0 |
| Clarence | 2 | 3 | 2 | ... | ... | ... | ... | ... | ... | ... | 7 | 0 2 9¼ |
| Glenorchy | ... | ... | ... | 2 | ... | 5 | ... | ... | 4 | ... | 11 | 1 5 5¼ |
| Richmond | ... | ... | ... | ... | ... | 2 | ... | ... | ... | ... | 2 | 1 0 0 |
| Green Ponds | ... | 1 | ... | ... | ... | ... | ... | ... | ... | ... | 1 | 0 2 6 |
| Huon | ... | ... | 6 | ... | ... | 1 | ... | ... | ... | ... | 7 | 0 7 1½ |
| Hobart | ... | ... | 2 | ... | ... | 1 | ... | ... | ... | ... | 3 | 0 10 0 |
| Port Sorell | ... | ... | ... | ... | ... | 1 | ... | ... | ... | ... | 1 | 1 0 0 |
| Sorell | ... | ... | 1 | ... | ... | ... | ... | ... | ... | ... | 1 | 0 5 0 |
| | 2 | 4 | 11 | 5 | — | 13 | — | — | 4 | — | 39 | — |

Districts in which no prosecutions were instituted in 1886-7—

| | |
|--------------------------|------------|
| Oatlands. | Bothwell |
| Glamorgan. | Hamilton. |
| Spring Bay. | Deloraine. |
| New Town & Queenborough. | Selby. |
| Kingborough. | |

I herewith beg to furnish an estimated area of Californian thistles in Tasmania as furnished by the Inspectors, also the Districts infested. It will be noted that there is an increased acreage, as also Districts infested.

| <i>District.</i> | <i>Properties,</i> 1885-6. | <i>Area, 1885-6.</i> | <i>Properties,</i> 1886-7. | <i>Area, 1886-7.</i> |
|-------------------------------|-------------------------------|-----------------------------|-------------------------------|----------------------------|
| Westbury | ... | ... | 2 | 3 acres 3 rods. |
| Oatlands | 8 | 10 acres. | 15 | 12 " |
| Glamorgan | 2 | a few rods. | 6 | 2 " |
| Spring Bay | 3 | 1 acre. | 3 | 1 " |
| Sorell | 31 | 12 acres. | 42 | 21 " 40 " |
| New Norfolk | 34 | 115 " | 53 | 155 " |
| Brighton | 94 | 341 " | 94 | 375 " 70 " |
| Clarence | 57 | 835 " | 57 | 844 " 25 " |
| Glenorchy | 56 | 350 " | 72 | 392 " 2 " |
| New Town & Queenborough | 64 | 6 " | 64 | 6 " |
| Richmond | 55 | 45 " | 63 | 64 " 36 " |
| Green Ponds | 16 | 22 " | 19 | 23 " |
| Bothwell | 5 | 5 " | 11 | 9 " 40 " |
| Hamilton | 2 | ... | 2 | 1 " |
| Deloraine | 1 | 10 rods. | 1 | 12 " |
| Port Sorell | 2 | 5 acres. | 3 | 5 " 3 " |
| Huon | 43 | 65 " | 45 | 67 " 20 " |
| Selby | 1 | 20 rods. | 1 | 2 " |
| Kingborough | 8 | 2 acres. | 8 | 2 " |
| George Town | ... | ... | 1 | 5 " |
| TOTAL | 482 | 1809 acres, 30 rods. | 562 | 1983 acres 96 rods. |

I must ask that the remuneration paid to Inspectors should be adequate to the work performed, which at the present time is not the case: an Inspector cannot find his horseflesh, forage, shoeing, and travelling expenses upon 12s. per diem, as now paid. I therefore request that the payment of Inspectors' salaries shall be increased to 15s. per diem working days.

I have to signify my satisfaction at the way Inspectors appointed to carry out the provisions of the Californian Thistle Act have performed their duties, which at all times are most unpleasant.

I still believe, as last year, that a Noxious Weeds Act should be made law, to deal with Bathurst Burr, which is extending, and will shortly become troublesome. I have seen the plant thriving at Evandale Junction, the Glenorchy Milk Farm, and at yards used for discharging imported sheep into, and from these points this weed will surely spread. It is also to be found round Formby, and clearly traceable to imported sheep.

I forward herewith two copies of the Australasian Stock Conference Report, held in Sydney in September and October, 1886, which I would venture to suggest should be laid on the Table of the Houses of Parliament for the information of Members; and I would specially request attention to page 62, dealing with the subject of the "Destruction of Noxious Weeds and Plants."

I have the honor to be,
Sir,

Your obedient Servant,

THOMAS A. TABART,
Chief Inspector.

The Hon. P. O. Fysh, Chief Secretary.