

(Rough Draft for Consideration Only.)

No. , 1924.

A BILL

To provide for the protection of Wild Flowers; to amend the Local Government Act, 1919; the Government Railways Act, 1912; and certain other Acts; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Wild Flowers Protection Act, 1924."

Short title
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(2) This Act shall come into operation on a date to be fixed by the Governor and notified in the Gazette.

(3) This Act shall be read with the Local Government Act, 1919, and words used in this Act which are defined in that Act shall unless inconsistent with the context or subject matter of this Act have the meanings by that Act ascribed to them.

Definitions.

2. In this Act, unless the context otherwise indicates or requires:—

“Minister” means the Minister for the time being entrusted with the administration of this Act.

“Protected wild flower” means any tree, shrub, plant or the flower of any tree, shrub, or plant which—

- (a) is indigenous to New South Wales; and
- (b) has been notified by the council of any area to be a wild flower protected under this Act.

“Pick” means to pick, pluck, cut, pull-up, destroy, take, or injure, any protected wild flower which is growing or was grown on—

- (a) any Crown land;
- (b) any public park or any land dedicated or reserved for a public purpose under the Crown Lands Consolidation Act, 1913; or
- (c) any private land the owner or lessee of which has not given his permission for such picking.

“Protected period” means the period for which any wild flower is protected by notification under this Act.

Notification of protection.

3. (1) The council of any area may notify that any wild flower is protected under this Act within its area.

(2) Such protection may be for a limited or unlimited period, as may be specified in the notification.

(3) The council may revoke or amend such notification at any time by notification.

Penalty for picking; conduct of prosecutions.

4. (1) Any person who picks any protected wild flower during the period for which it is protected shall be guilty of an offence.

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(2) In any prosecutions under this section proof that such protected wild flower was found in the possession of the defendant within the protected period shall be prima facie evidence that the defendant picked such wild flower.

(3) In any prosecutions under this section it shall be a sufficient defence to prove—

- (a) that the picking was accidental;
- (b) that the place where the wild flower was picked was not Crown land, nor a public park, nor land dedicated or reserved for a public purpose under the Crown Lands Consolidation Act, 1913; or, if the land was private land, that the defendant had the permission of the owner or lessee to the land to pick the wild flower.

5. Any person who sells or offers or exposes for sale any protected wild flower within the protected period shall be guilty of an offence:

Provided that it shall be a sufficient defence in any prosecution under this section to prove that the wild flower was grown upon private land and was picked with the consent of the owner or lessee of that land.

6. (1) Any authorised servant of the council, any member of the police force, any ranger or caretaker of any Crown land or public park or land dedicated or reserved for a public purpose, may stop and search for protected wild flowers any vehicle passing through such Crown land or public park or land dedicated or reserved for a public purpose, or through land near thereto, or passing along any public road on the borders thereof.

(2) Any authorised servant of the council, and any member of the police force, may stop and search any vehicle suspected of carrying protected wild flowers picked in contravention of this Act wherever that vehicle may be.

(3) Any owner or lessee of private land may stop and search for protected wild flowers any vehicle trespassing upon the land of which he is the owner or lessee.

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(4) Any authorised servant of the council, any member of the police force, any ranger or caretaker of any Crown land or public park or land dedicated or reserved for a public purpose, and (upon production of an authority purporting to be signed by any body of trustees or Minister of the Crown having charge of any land, or by any owner or lessee of private land, or by the council) any person holding such authority may require any person reasonably suspected of having offended against this Act to give his name and address; and to deliver up any protected wild flower in his possession.

(5) Any person who, when so required, refuses to give his name and address, or gives a false name and address, or refuses to deliver up such protected wild flower shall be guilty of an offence.

Penalties.

7. Any person convicted of an offence against this Act shall, except where this Act otherwise provides, be liable—

- (a) for a first offence to a penalty not exceeding *two* pounds;
- (b) for a second offence to a penalty not exceeding *ten* pounds;
- (c) for a third or subsequent offence to a penalty not exceeding *twenty* pounds.

Power of Railway Commissioners to refuse to carry any plant.

8. (1) Notwithstanding anything contained in the Government Railways Act, 1912, it shall be lawful for the Railway Commissioners for New South Wales to refuse to convey or allow to be conveyed on any Government railway any protected wild flower believed to have been picked in contravention of this Act.

(2) The Railway Commissioners for New South Wales shall not permit any person to sell or expose for sale on railway premises any wild flowers whether notified as protected or not.

Repeal of s. 479 of the L.G. Act.

9. Section four hundred and seventy nine of the Local Government Act, 1919, is repealed.

Ordinances.

10. Ordinances may be made under and by virtue of the Local Government Act, 1919, for the purpose of carrying this Act into effect.
