

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1925.

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# 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.

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**B**E 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, 1925."

Short title  
and com-  
mencement.

*Wild Flowers Protection.*

(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.

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

*Definitions.*

“Protected wild flower” means any wild flower which has been notified by the Governor to be a wild flower protected under this Act.

“Pick,” in relation to a protected wild flower, means to gather, pluck, cut, pull-up, destroy, take, or injure the flower, or any part thereof.

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

“Wild flower” means the flower of any tree, shrub, or plant which is indigenous to New South Wales, and includes any fern, creeper, vine or palm, or the foliage thereof.

**3.** (1) The Governor may notify that any wild flower is protected under this Act.

*Notification of protection.*

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

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

**4.** (1) Any person who during a protected period picks any protected wild flower which is growing—

*Penalty for picking ; conduct of prosecutions.*

- (a) on any Crown land ; or
  - (b) on any public park or any land dedicated or reserved for a public purpose under the Crown Lands Consolidation Act, 1913 ; or
  - (c) on any private land the owner or lessee of which has not given his permission thereunto,
- shall be guilty of an offence.

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

*Prima facie evidence.*

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(3) In any prosecution under this section it shall be a sufficient defence to prove that the picking was accidental.

**5.** Any person who sells or offers or exposes for sale any protected wild flower during the protected period shall be guilty of an offence. Selling forbidden.

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 a 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 under the Crown Lands Consolidation Act, 1913, 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 in the vicinity thereof. Power of search—power to prosecute.

(2) Any authorised servant of a 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 which is upon the land of which he is the owner or lessee.

(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 under the Crown Lands Consolidation Act, 1913, 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 a 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)

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(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.

**7.** Any person convicted of an offence against this Act shall be liable— Penalties.

- (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.

**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 wild flower. Power of Railway Commissioners to refuse to carry any plant.

(2) The Railway Commissioners for New South Wales shall take measures to prevent any person selling or exposing for sale on railway premises any wild flower.

(3) Regulations may be made under the Government Railways Act, 1912, to give effect to this section, and to regulate or prohibit the carriage of wild flowers upon the Government railways.

**9.** (1) Section four hundred and seventy-nine of the Local Government Act, 1919, is repealed. Repeal of s. 479 of the L.G. Act.

(2) Paragraph (p) of section five hundred and thirteen is hereby repealed. Repeal of s. 513 (p), L.G. Act.

(3) Section twenty-seven of the Local Government (Validation and Amendment) Act, 1922, is hereby repealed. Repeal of Act 1922 No. 29, s. 27.

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