

[CONFIDENTIAL]

860

(Rough Draft for Consideration Only.)

No. , 1929.

A BILL

To make further provision for the protection of wild flowers and native plants; to enable the Railway Commissioners for New South Wales to take more effective means for such protection; to amend the Wild Flowers and Native Plants Protection Act, 1927, in certain respects; 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 Short title. and Native Plants Protection (Amendment) Act, 1929," and shall be construed with the Wild Flowers and Native Plants Protection Act, 1927, herein called the Principal Act.

(2)

(2) The Principal Act, as amended by this Act, may be cited as the Wild Flowers and Native Plants Protection Act, 1927-1929.

2. The Principal Act is amended as follows:—

Amendment of Act No. 9, 1927. Sec. 7 (2).

(a) by omitting from subsection two of section seven the words "on railway premises" and by inserting in lieu thereof the words "or having in his possession or under his control on any railway or tramway premises or in any railway carriage or tramway car";

(b) by inserting next after subsection three of the same section the following new subsection:—

(4) (a) In any prosecution under any such regulations proof that such protected wild flower or protected native plant was during the protected period sold or offered or exposed for sale by or found in the possession or under the control of the defendant upon railway or tramway premises or in any railway carriage or tramway car or was consigned to the defendant shall be prima facie evidence that such wild flower or native plant was picked in contravention of this Act and the onus of proof to the contrary shall be upon the defendant.

(b) In any prosecution under such regulations it shall be a sufficient defence to prove that—

- (i) the matter charged as an offence was the result of accident; or
- (ii) that the wild flower or native plant was grown upon private land and was picked with the consent of the owner or lessee of that land; or
- (iii) that such wild flower or native plant was picked in pursuance of a license to pick same for scientific purposes.

