

Legislative Council

No. 1926.

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## A BILL

To provide for the protection of wild flowers; to amend the Government Railways Act, 1912, and certain other Acts; and for purposes connected therewith or incidental thereto.

[MR. DICK;—20 *October*, 1926.]

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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.** This Act may be cited as the "Native Flora Protection Act, 1926."

**2.** This Act shall come into operation on a date fixed by the Governor and notified in the Gazette.

In this Act, unless the context otherwise indicates or requires

“Board” means the Honorary Board appointed 5 under 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 10

(b) has been notified by the board to be a wild flower to be protected under this Act.

“Gather” means pick, pluck, cut, pull up, destroy, take, or injure any protected wild flower which 15 is growing or was grown on—

(a) any Crown lands;

(b) any public park or land dedicated or reserved for a public purpose under the Crown Lands Consolidation Act, 1913. 20

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

**3.** (1) The board may notify that any wild flower is protected under this Act, and specify the area such 25 closure shall apply to and the period of its operation.

(2) The board may revoke or amend such notification at any time by notification.

**4.** (1) Any person who gathers any protected wild flower during the period for which it is protected shall 30 be guilty of an offence.

(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 gathered 35 such wild flower.

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

(a) that the gathering was accidental;

(b) that the place where the wild flower was picked 40 was not on Crown land nor a public park;

(c)

(c) nor land dedicated or reserved for a public purpose under the Crown Lands Consolidation Act, 1913.

5 **5.** Any unauthorised 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 gathered with the  
10 consent of the owner or lessee of that land.

**6.** The board shall consist of three persons, and shall be appointed by the Governor for five years.

**7.** The board shall have power to make regulations for the control and protection of the wild flowers of the  
15 State.

**8.** (1) The board may issue licenses or permits to gather and sell wild flowers, and charge such fee as it may specify or think fit.

(2) Any fees for licenses or permits together  
20 with any fines collected under this Act shall be credited to the board, and used by it in meeting administrative expenses.

**9.** Any authorised servant of the board, any member of the police force, any ranger or guardian of any  
25 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, and in like manner stop and search  
30 for wild flowers in any boat or receptacle used for taking protected wild flowers.

**10.** Any authorised servant of the board and any member of the police force may stop and search any vehicle or boat suspected of carrying protected wild  
35 flowers gathered in contravention of this Act, wherever that vehicle or boat may be.

**11.** (1) Any authorised servant of the board, any member of the police force, any ranger or guardian of Crown land or public park may require any person  
40 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.

(2)

(2) 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.

**12.** Any person convicted of an offence against this Act shall, except where this Act may otherwise provide, be liable— 5

- (a) for a first offence to a penalty not exceeding *five* pounds or *one* month's imprisonment.
- (b) for a second offence to a penalty not exceeding **10** *ten* pounds, and not less than *five* pounds, or *three* months' imprisonment.
- (c) for a third offence to a penalty not exceeding **15** *twenty* pounds, and not less than *ten* pounds, or *six* months' imprisonment.

**13.** 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 protected or not.

**14.** The board shall have power to issue proclamations under the Act, and make such other regulations as are necessary for the conduct of its business. 20

**15.** No member of the board shall be paid either by salary or fee.

**16.** The board may appoint honorary officers, rangers or guardians to carry out the provisions of this Act. 25

**17.** All members of the police force, and rangers, guardians and employees on public parks, Crown lands, or reserves shall be deemed to have been appointed honorary rangers or guardians under this Act. 30

**18.** As soon as practicable after the thirty-first day of December in each year the board shall submit a report to the Minister for Lands upon its operations for the previous year, and such report shall be laid upon the Table of both Houses of Parliament. 35