

New South Wales.



ANNO SEPTIMO DECIMO

GEORGII V REGIS.

Act No. 2, 1927.

An Act to provide for the protection of Wild Flowers and Native Plants; to amend the Local Government Act, 1919, the Government Railways Act, 1912, and certain other Acts; and for purposes connected therewith. [Assented to, 21st January, 1927.]

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 and Native Plants Protection Act, 1927."

Short title
and com-
mencement.

(2)

Wild Flowers and Native Plants Protection.

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

Definitions,

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

“Native plant” means any tree, shrub, fern, creeper, vine, palm, or plant which is indigenous to New South Wales, and includes any part thereof.

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

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

“Private land,” includes land leased from the Crown, or which is in the course of alienation by the Crown under any Act.

“Protected period” means the period for which a wild flower or native plant is notified as protected under this Act.

“Wild flower” means the flower of any native plant.

Notification
of protection.

3. (1) The Governor may notify by proclamation published in the Gazette that any wild flower or native plant specified in the proclamation is protected under this Act throughout the whole State or in any part thereof specified in the proclamation.

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

(3) The Governor may revoke or amend such proclamation at any time by a like proclamation.

(4) Notwithstanding the provisions of the Forestry Act, 1916, or any Act amending the same, the Forestry Commission shall not issue a license for the removal of any protected wild flower or native plant from any State forest or timber reserve or Crown land to which any such proclamation applies during the period such wild flower

Wild Flowers and Native Plants Protection.

flower or native plant is protected under this Act; and any such license in existence at the date of the publication of such proclamation in the Gazette shall cease to be operative during the period of such protection.

4. (1) Any person who during the protected period picks a protected wild flower or protected native plant which is growing—

Penalty for picking ; conduct of prosecutions.

- (a) on any Crown land or State forest; or
- (b) on any public park or any land dedicated or reserved for a public purpose under the Crown Lands Consolidation Act, 1913, or any other Act; 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 or protected native plant was found in the possession of the defendant during the protected period shall be prima facie evidence that the defendant picked such wild flower or native plant in contravention of this section and the onus of proof to the contrary shall be upon the defendant.

Prima facie evidence.

(3) In any prosecution under this section it shall be a sufficient defence to prove that the matter charged as an offence was the result of accident.

5. Any person who sells or offers or exposes for sale any protected wild flower or protected native plant 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 or native plant was grown upon private land and was picked with the consent of the owner or lessee of that land.

5A. The Minister may, in the prescribed form, and subject to any limitations as to locality and to any other conditions he may think proper, issue licenses authorising the holders thereof to pick the protected wild flowers or protected native plants specified therein for scientific purposes.

Licenses to pick for scientific purposes.

cf. s 7 of Birds and Animals Protection Act. 1913.

5B.

Wild Flowers and Native Plants Protection.

Suspected person to give name and address.

5B. Any authorised servant of any council of a municipality or shire duly constituted under the Local Government Act, 1919, any member of the police force, any ranger or caretaker of any Crown land or State forest or public park or land dedicated or reserved for a public purpose under any Act, and upon production of an authority purporting to be signed by any body of trustees or authority or Minister of the Crown having charge of any land or by any owner or lessee of private land or by the duly authorised officer of a shire or municipal 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 or native plant in his possession.

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 or native plant shall be guilty of an offence.

Honorary rangers.

5c. The Minister may appoint honorary rangers to carry out the provisions of this Act; such honorary rangers shall have the powers conferred by section 5B of this Act upon any member of the police force.

Penalties.

6. Any person convicted of an offence against this Act shall be liable—

- (a) for a first offence to a penalty not exceeding five 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 protected wild flower or protected native plant

7. (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 or protected native 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 protected wild flower or protected native plant.

Wild Flowers and Native Plants Protection.

(3) Regulations may be made under the Govern- Regulations.
ment Railways Act, 1912, to give effect to this section,
and to regulate or prohibit the carriage of protected wild
flowers or protected native plants upon the Government
railways. Such regulations may provide penalties not
exceeding twenty pounds for any breach thereof.

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

(2) Paragraph (p) of section five hundred and Repeal of
thirteen of the Local Government Act, 1919, is hereby s. 513 (p),
repealed. L.G. Act.

(3) Section twenty-seven of the Local Govern- Repeal of
ment (Validation and Amendment) Act, 1922, is hereby Act 1922
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By Authority :

ALFRED JAMES KENT, Government Printer, Sydney, 1927.

[3d.]

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. S. MOWLE,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 13 January, 1927.

New South Wales.



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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 and Native Plants Protection Act, 1927."

(2): Short title and commencement.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

R. GREIG,
Chairman of Committees of the Legislative Assembly.

Wild Flowers and Native Plants Protection.

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

Definitions,

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

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

(3) The Governor may revoke or amend such proclamation at any time by a like proclamation.

(4) Notwithstanding the provisions of the Forestry Act, 1916, or any Act amending the same, the Forestry Commission shall not issue a license for the removal of any protected wild flower or native plant from any State forest or timber reserve or Crown land to which any such proclamation applies during the period such wild flower

Wild Flowers and Native Plants Protection.

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Penalty for picking; conduct of prosecutions.

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

(c) on any private land the owner or lessee of which has not given his permission thereunto, shall be guilty of an offence.

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Licenses to pick for scientific purposes.

cf. s 7 of Birds and Animals Protection Act, 1918.

5B.

Wild Flowers and Native Plants Protection.

Suspected
person to
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and address.

5B. Any authorised servant of any council of a municipality or shire duly constituted under the Local Government Act, 1919, any member of the police force, any ranger or caretaker of any Crown land or State forest or public park or land dedicated or reserved for a public purpose under any Act, and upon production of an authority purporting to be signed by any body of trustees or authority or Minister of the Crown having charge of any land or by any owner or lessee of private land or by the duly authorised officer of a shire or municipal 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 or native plant in his possession.

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 or native plant shall be guilty of an offence.

Honorary
rangers.

5c. The Minister may appoint honorary rangers to carry out the provisions of this Act; such honorary rangers shall have the powers conferred by section 5B of this Act upon any member of the police force.

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- (c) for a third or subsequent offence to a penalty not exceeding twenty pounds.

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Wild Flowers and Native Plants Protection.

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Local Government Act, 1919, is repealed.

(2) Paragraph (p) of section five hundred and Repeal of
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(3) Section twenty-seven of the Local Govern- Repeal of
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No. 29, s. 27.
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repealed.

*In the name and on behalf of His Majesty I assent
to this Act.*

Government House, D. R. S. DE CHAIR,
Sydney, 21st January, 1927. *Governor.*

