

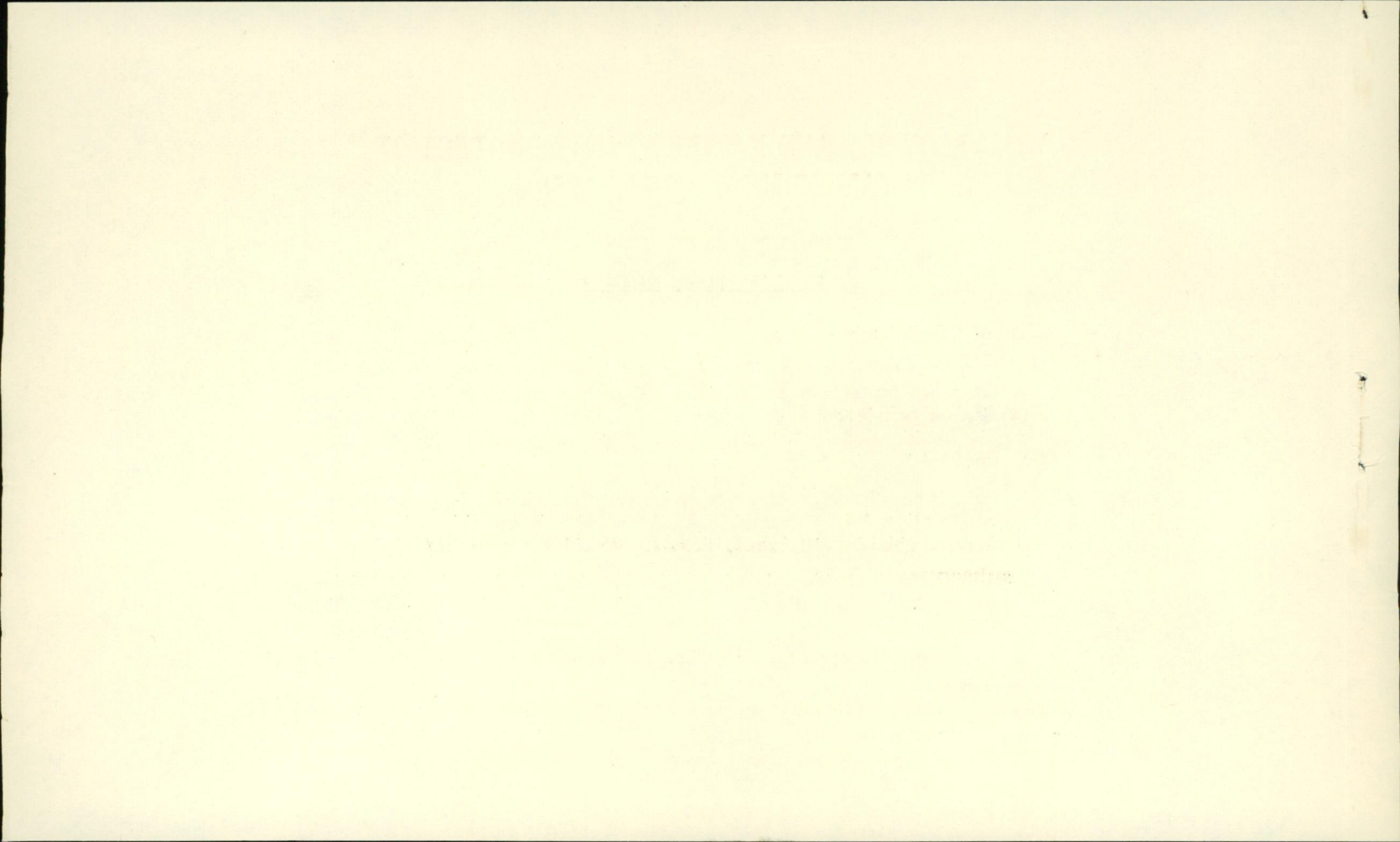
## WILD FLOWERS AND NATIVE PLANTS PROTECTION (AMENDMENT) BILL, 1958.

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### EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to confer powers of entry and search on certain servants of councils, members of the police force, honorary rangers, and rangers and caretakers of Crown Lands and certain other lands where they suspect that an offence against certain provisions of the Wild Flowers and Native Plants Protection Act, 1927, as amended by subsequent Acts, has been committed ;
- (b) to make it an offence to assault or resist, or to use abusive language to, any person mentioned in paragraph (a) above, who is exercising the powers conferred on him by certain provisions of the said Act, as so amended ;
- (c) to prohibit the destruction, defacing and removal of certain notices containing copies, or statements purporting to be copies or summaries, of any of the provisions of the said Act, as so amended, or the regulations made thereunder ;
- (d) to make other amendments of a minor character or consequential on the foregoing.



No. , 1958.

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## A BILL

To make further provision for the protection of wild flowers and native plants; for this and other purposes to amend the Wild Flowers and Native Plants Protection Act, 1927, as amended by subsequent Acts; and for purposes connected therewith.

[Mr. RENSHAW;—28 October, 1958.]

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**B**E it enacted by the Queen'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 (Amendment) Act, 1958".

Short title,  
citation and  
commence-  
ment.

*Wild Flowers and Native Plants Protection (Amendment).*

(2) The Wild Flowers and Native Plants Protection Act, 1927, as amended by subsequent Acts and by this Act, may be cited as the Wild Flowers and Native Plants Protection Act, 1927-1958.

5 (3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Wild Flowers and Native Plants Protection Act, 1927, as amended by subsequent Acts, is amended—

- 10 (a) (i) by omitting from the definition of "Prescribed" in section two the words "made thereunder";
- (ii) by inserting in the same section next after the definition of "Protected period" the following new definition :—
- 15 "Regulations" means regulations made under this Act.
- (b) (i) by omitting from section 5B the words "duly constituted under the Local Government Act, 1919," and by inserting in lieu thereof the words "or county district duly constituted under the Local Government Act, 1919, as amended by subsequent Acts, any honorary ranger appointed by the Minister under section 5C of this Act,";
- 20 (ii) by omitting from the same section the words "shire or municipal" and by inserting in lieu thereof the words "municipal, shire or county";
- 25 (iii) by omitting from the same section the words "name and address" where firstly and secondly occurring and by inserting in lieu thereof the words "name and place of abode";
- 30 (iv) by omitting from the same section the word "refuses" wherever occurring and by inserting in lieu thereof the words "fails or refuses";
- 35 (v) by omitting from the same section the words "name and address" where thirdly occurring and by inserting in lieu thereof the words "name or place of abode";
- (vi)

Amendment of Act No. 2, 1927.

Sec. 2. (Definitions.)

Sec. 5B. (Suspected person to give name and address.)

*Wild Flowers and Native Plants Protection (Amendment).*

(vi) by inserting at the end of the same section the following new subsection :—

5 (2) (a) In this subsection, “authorised person” means an authorised servant of the council of a municipality or shire or county district duly constituted under the Local Government Act, 1919, as amended by subsequent Acts, an honorary ranger appointed by the Minister under section 5c of this Act, a member of the police force, or a 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.

15 (b) An authorised person may, on production of the prescribed evidence of his authority, enter and search, or, as the case may be, search, any building, store, shop, hut, tent, camping place or other premises or place or any vehicle or vessel, in or on which he suspects that there is any protected wild flower or protected native plant picked or had in possession, or being sold or offered or exposed for sale, in contravention of any of the provisions of this Act and, subject to his giving a receipt in or to the effect of the prescribed form, seize any protected wild flower or protected native plant found therein or thereon.

25 (c) If on production to him by an authorised person of the prescribed evidence of such person’s authority any person wilfully delays or obstructs such authorised person in the exercise of his powers under this subsection, or being the occupier of a building, store, shop, hut, tent, camping place or other premises or place, or the person in charge of a vehicle or vessel, refuses to permit or does not assist such authorised person to enter and search or, as the case may be, to search, the building, store, shop, hut, tent, camping place or other premises  
or

*Wild Flowers and Native Plants Protection (Amendment).*

or place of which he is the occupier, or the vehicle or vessel of which he is the person in charge, he shall be guilty of an offence against this Act.

5 (d) Nothing in this subsection shall authorise any person to enter in or upon or to search that portion of any premises which is used for residential purposes except under a written authority given by the Minister. Any  
10 such authority may be general in its application or may be limited to a particular case.

(c) by inserting next after section 5B the following new section :— New sec. 5BA.

15 5BA. Any person who assaults or resists or uses abusive language to any person exercising the powers conferred on him by section 5B of this Act shall be guilty of an offence against this Act. Offences against persons exercising powers under section 5B of this Act.

(d) by omitting from section 5C the words “; such honorary rangers shall have the powers conferred by section 5B of this Act upon any member of the police force”; Sec. 5C. (Honorary rangers.)

(e) by inserting next after section 5C the following new section :— New sec. 5D.

25 5D. Where a notice containing, either alone or together with any other matter, a copy or summary, or a statement purporting to be a copy or summary, of any of the provisions of this Act or the regulations is displayed under the authority of— Destruction, defacing or removal of notices.

30 (a) the Minister, or a council of a municipality or shire or county district duly constituted under the Local Government Act, 1919, as amended by subsequent Acts, on any land, not being private land or land in the charge of any body of trustees or authority or Minister of the Crown ;

(b)

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*Wild Flowers and Native Plants Protection (Amendment).*

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- (b) any body of trustees or authority or  
Minister of the Crown having charge of  
any land on that land;
- 5 (c) the owner or, where the land is leased, the  
lessee, of any land on that land,  
any person who, without lawful authority, destroys,  
defaces or removes such notice shall be guilty of an  
offence against this Act.
- 10 (f) (i) by omitting from subsection two of section six Sec. 6.  
the words "made thereunder"; (Penalties.)
- (ii) by omitting from the same subsection the words  
"or police".

Bill (Numbered) (Name) (Number) (Chairman)

(b) any body of trustees or authority or  
Minister of the Crown having charge of  
any land on that land;

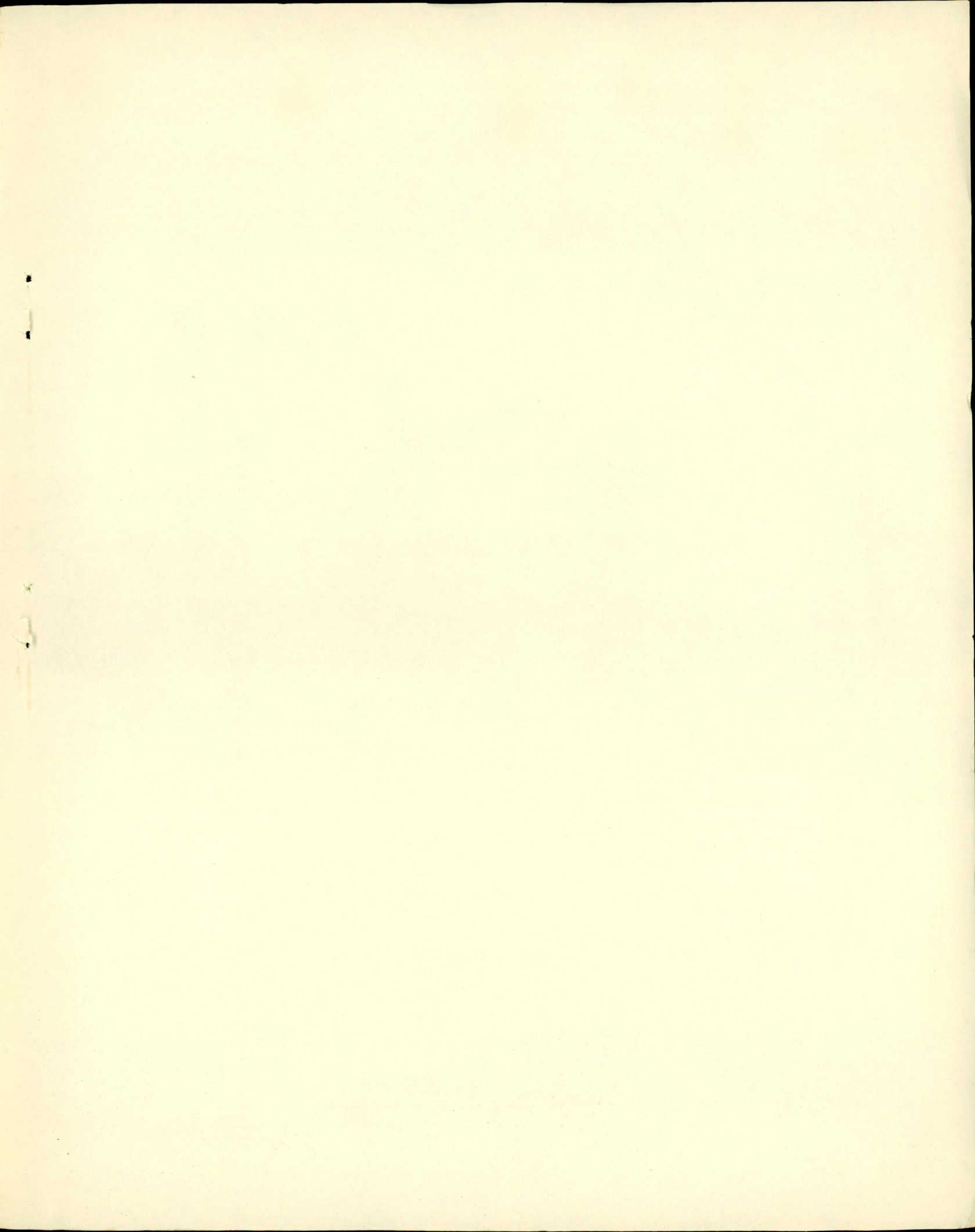
(c) the owner or person to whom the land is leased, the  
lessee of any land on that land;

any person who, without the authority of the  
Minister of the Crown, has been granted an  
authorisation for that Act.

(E) by omitting from subsection two of section two  
the words "made thereunder";

(F) by omitting from the same subsection the words  
"or person".







No. , 1958.

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## A BILL

To make further provision for the protection of wild flowers and native plants; for this and other purposes to amend the Wild Flowers and Native Plants Protection Act, 1927, as amended by subsequent Acts; and for purposes connected therewith.

[Mr. RENSHAW;—28 October, 1958.]

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**B**E it enacted by the Queen'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 (Amendment) Act, 1958".

Short title,  
citation and  
commence-  
ment.

*Wild Flowers and Native Plants Protection (Amendment).*

(2) The Wild Flowers and Native Plants Protection Act, 1927, as amended by subsequent Acts and by this Act, may be cited as the Wild Flowers and Native Plants Protection Act, 1927-1958.

5 (3) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Wild Flowers and Native Plants Protection Act, 1927, as amended by subsequent Acts, is amended—

- 10 (a) (i) by omitting from the definition of "Prescribed" in section two the words "made thereunder";
- (ii) by inserting in the same section next after the definition of "Protected period" the following new definition :—
- 15 "Regulations" means regulations made under this Act.
- (b) (i) by omitting from section 5B the words "duly constituted under the Local Government Act, 1919," and by inserting in lieu thereof the words "or county district duly constituted under the Local Government Act, 1919, as amended by subsequent Acts, any honorary ranger appointed by the Minister under section 5C of this Act,";
- 20 (ii) by omitting from the same section the words "shire or municipal" and by inserting in lieu thereof the words "municipal, shire or county";
- 25 (iii) by omitting from the same section the words "name and address" where firstly and secondly occurring and by inserting in lieu thereof the words "name and place of abode";
- 30 (iv) by omitting from the same section the word "refuses" wherever occurring and by inserting in lieu thereof the words "fails or refuses";
- 35 (v) by omitting from the same section the words "name and address" where thirdly occurring and by inserting in lieu thereof the words "name or place of abode";
- (vi)

Amendment  
of Act No.  
2, 1927.

Sec. 2.  
(Defini-  
tions.)

Sec. 5B.  
(Suspected  
person to  
give name  
and  
address.)

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*Wild Flowers and Native Plants Protection (Amendment).*

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(vi) by inserting at the end of the same section the following new subsection :—

5 (2) (a) In this subsection, “authorised person” means an authorised servant of the council of a municipality or shire or county district duly constituted under the Local Government Act, 1919, as amended by subsequent Acts, an honorary ranger appointed by the Minister under section 5C of this Act, a member of the police force, or a 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.

15 (b) An authorised person may, on production of the prescribed evidence of his authority, enter and search, or, as the case may be, search, any building, store, shop, hut, tent, camping place or other premises or place or any vehicle or vessel, in or on which he suspects that there is any protected wild flower or protected native plant picked or had in possession, or being sold or offered or exposed for sale, in contravention of any of the provisions of this Act and, subject to his giving a receipt in or to the effect of the prescribed form, seize any protected wild flower or protected native plant found therein or thereon.

25 (c) If on production to him by an authorised person of the prescribed evidence of such person’s authority any person wilfully delays or obstructs such authorised person in the exercise of his powers under this subsection, or being the occupier of a building, store, shop, hut, tent, camping place or other premises or place, or the person in charge of a vehicle or vessel, refuses to permit or does not assist such authorised person to enter and search or, as the case may be, to search, the building, store, shop, hut, tent, camping place or other premises  
or

*Wild Flowers and Native Plants Protection (Amendment).*

or place of which he is the occupier, or the vehicle or vessel of which he is the person in charge, he shall be guilty of an offence against this Act.

5 (d) Nothing in this subsection shall authorise any person to enter in or upon or to search that portion of any premises which is used for residential purposes except under a written authority given by the Minister. Any  
10 such authority may be general in its application or may be limited to a particular case.

(c) by inserting next after section 5B the following new New sec. 5BA.  
section :—

15 5BA. Any person who assaults or resists or uses abusive language to any person exercising the powers conferred on him by section 5B of this Act shall be guilty of an offence against this Act. Offences against persons exercising powers under section 5B of this Act.

(d) by omitting from section 5C the words “; such Sec. 5c.  
20 honorary rangers shall have the powers conferred by section 5B of this Act upon any member of the police force”; (Honorary rangers.)

(e) by inserting next after section 5C the following new New sec. 5d.  
section :—

25 5D. Where a notice containing, either alone or together with any other matter, a copy or summary, or a statement purporting to be a copy or summary, of any of the provisions of this Act or the regulations is displayed under the authority of—

30 (a) the Minister, or a council of a municipality or shire or county district duly constituted under the Local Government Act, 1919, as amended by subsequent Acts, on any land, not being private land or land in the charge of any body of trustees or authority or  
35 Minister of the Crown;

(b)

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*Wild Flowers and Native Plants Protection (Amendment).*

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(b) any body of trustees or authority or Minister of the Crown having charge of any land on that land;

5 (c) the owner or, where the land is leased, the lessee, of any land on that land,

any person who, without lawful authority, destroys, defaces or removes such notice shall be guilty of an offence against this Act.

10 (f) (i) by omitting from subsection two of section six Sec. 6.  
the words "made thereunder"; (Penalties.)

(ii) by omitting from the same subsection the words "or police".

It is the policy of the State to encourage the development of...

The body of trustees or directors of any corporation or...

to the owner or where the land is used for...

any other purpose which is not in the public interest...

It is the policy of the State to encourage the development of...

to the owner or where the land is used for...

Approved: \_\_\_\_\_



