

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1921.

A BILL

To provide for the protection of native plants ;
to amend the Government Railways Act,
1912 ; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty,
by and with the advice and consent of the Legis-
lative 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 Plants Short title.
Protection Act, 1921."

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

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3. In the construction of this Act, unless the context otherwise indicates or requires,— Interpretation.

“Minister” means the Secretary for Lands.

“Plant” means a tree, shrub, plant, or flower which—

- (a) is indigenous to New South Wales ;
- (b) has been notified by the Minister in the Gazette to be a plant protected under this Act ; and
- (c) is growing or was grown on—
 - (i) any Crown land notified by the Minister in the Gazette to be subject to the provisions of this Act, or
 - (ii) any public park or any land dedicated or reserved for a public purpose in pursuance of any provision of the Crown Lands Consolidation Act, 1913.

“Proclaimed” means specified from time to time by the Governor in a proclamation published in the Gazette.

4. Any person who—

- (a) destroys ; or
- (b) injures

Destruction of plants.

any plant shall be guilty of an offence against this Act :

Provided that in any prosecution under this section it shall be a sufficient defence to prove that such destruction or injury was necessary or excusable in the circumstances.

5. (1) Any person who removes or picks any plant shall be guilty of an offence against this Act : Removal of plants.

Provided that in any prosecution under this section it shall be a sufficient defence to prove that such removal or picking was necessary or excusable in the circumstances.

(2) In any prosecution under this section proof that such plant was found in the possession of the defendant shall be prima facie evidence—

- (a) that the defendant removed or picked such plant ; and
- (b) that such plant was grown on any Crown land notified as aforesaid, or any public park, or any land dedicated or reserved as aforesaid.

6.

- 6.** Any person who—
 (a) sells ; or
 (b) offers or exposes for sale,
 any plant shall be guilty of an offence against this Act :
 Provided that in any prosecution under this section
 it shall be a sufficient defence to prove—
 (a) that the defendant did not remove or pick
 such plant ; and
 (b) that he believed upon reasonable grounds that
 such plant was not grown on any Crown land
 notified as aforesaid or on any public park or
 any land dedicated or reserved as aforesaid.
- 7.** Any person convicted of an offence against this Act shall, except where this Act otherwise provides, be liable—
 (a) for a first offence to a penalty not exceeding *two* pounds ;
 (b) for a second offence to a penalty not exceeding *ten* pounds ; and
 (c) for a third or subsequent offence to a penalty not exceeding *twenty* pounds.
- 8.** Any member of the police force or ranger or party aggrieved may institute proceedings before a stipendiary or police magistrate or any two justices in petty sessions for the recovery in a summary way under the Justices Act, 1902, of any penalty imposed by this Act or by any regulation made thereunder.
- 9.** Any notification published under this Act, and the contents of such notification, may be proved in any court by the production of—
 (a) a copy of the Gazette purporting to contain such notification ; or
 (b) a copy of such notification purporting to be printed by the Government Printer.
- 10.** Every member of the police force shall be a ranger under this Act, and the Minister may from time to time appoint honorary rangers.
- 11.** (1) Any member of the police force and, upon production of an authority purporting to be signed by the Minister, any honorary ranger may require any person

Sale of plants.

Penalties.

Recovery of penalties, &c.

Proof of notification.

Rangers.

Powers of rangers.

person reasonably suspected of committing, or of having committed, any offence against this Act—

- (a) to give his name and address; and
- (b) to deliver up any plant in his possession.

(2) Any person who, when so required,—

- (a) refuses to give his name and address, or gives a false name and address; or
- (b) refuses to deliver up such plant,

shall be guilty of an offence against this Act, and shall be liable for every such offence to a penalty not exceeding *ten* pounds.

12. 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 plant believed to have been removed or picked in contravention of this Act. Power of the Railway Commissioners to refuse to carry any plant.

13. (1) The Governor may from time to time make regulations for carrying out the provisions and objects of this Act. Regulations.

(2) Any such regulation may impose a penalty not exceeding *two* pounds for each breach of the same.

(3) Such regulations shall—

- (i) be published in the Gazette;
- (ii) take effect from the date of publication, or from a later date to be specified in such regulations; and
- (iii) be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and if not, then within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution, of which notice has been given, at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.