

WILD FLOWERS AND NATIVE  
PLANTS PROTECTION  
(AMENDMENT) ACT.

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Act No. 35, 1931.

An Act to make further provision for the protection of wild flowers and native plants; to enable the Railway Commissioners for New South Wales and any transport trust constituted under the Transport Act, 1930, 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. [Assented to, 14th September, 1931.]

George V,  
No. 35, 1931.

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# Wild Flowers and Native Plants Protection (Amendment) Act.

No. 35, 1931.

**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:—

Short title.

**1.** (1) This Act may be cited as the "Wild Flowers and Native Plants Protection (Amendment) Act, 1931," and shall be construed with the Wild Flowers and Native Plants Protection Act, 1927, herein called the Principal Act.

(2) The Principal Act, as amended by this Act, may be cited as the Wild Flowers and Native Plants Protection Act, 1927-1931.

Amendment  
of Act No. 2,  
1927, s. 7.

**2.** The Principal Act is amended by omitting section seven and by inserting in lieu thereof the following new section:—

Carriage by  
Railway  
Commis-  
sioners and  
transport  
trust.

**7.** (1) It shall be lawful for the Railway Commissioners for New South Wales, and for any transport trust constituted under the Transport Act, 1930, to refuse to convey or allow to be conveyed on any railway, tramway, or transport vehicle operated by or on behalf of such Commissioners or trust, any protected wild flower or protected native plant.

(2) It shall be the duty of the said Railway Commissioners and of each transport trust to take measures—

- (a) to prevent any person from selling, or offering or exposing for sale, on premises under the management of such Commissioners or trust, any protected wild flower or protected native plant;
- (b) to prevent any person from conveying or having in his possession or under his control in a railway carriage, tramway car, or transport vehicle operated by or on behalf of such Commissioners or trust any protected wild flower or protected native plant;
- (c) to prohibit the consignment for carriage by railway or other transport service operated by or on behalf of such Commissioners or trust any protected wild flower or protected native plant.

This

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

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This subsection shall not extend to any protected wild flower or protected native plant grown upon private land and picked with the consent of the owner or lessee of that land or to any protected wild flower or protected native plant picked in pursuance of a license issued under section 5A of this Act.

(3) By-laws and regulations may be made under the Government Railways Acts, 1912-1930, and the Transport Act, 1930, respectively, to give effect to this section. Such by-laws and regulations may provide penalties not exceeding twenty pounds for any breach thereof.

(4) (a) In any prosecution under any such by-law or regulation proof that a protected wild flower or protected native plant was during the period of protection—

- (i) sold, or offered or exposed for sale by the defendant on premises under the management of the Railway Commissioners for New South Wales or a transport trust; or
- (ii) conveyed by or was in the possession or under the control of the defendant in a railway carriage, tramway car, or transport vehicle; or

(iii) 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 was the result of an accident; or
- (ii) 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) such wild flower or native plant was picked in pursuance of a license issued under section 5A of this Act.