

WILD FLOWERS AND NATIVE PLANTS PROTECTION (AMENDMENT) ACT.

Act No. 7, 1959.

Elizabeth II, An Act 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. [Assented to, 24th September, 1959.]

BE 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:—

Short title,
citation and
commencement.

1. (1) This Act may be cited as the "Wild Flowers and Native Plants Protection (Amendment) Act, 1959".

(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, 1927-1959.

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

Amendment
of Act No.
2, 1927.

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

Sec. 2.
(Defini-
tions.)

(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:—

"Regulations" means regulations made under this Act.

(b)

(b) (i) by omitting from section 5B the words "duly No. 7, 1959. 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.;"

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

(ii) by omitting from the same section the words "shire or municipal" and by inserting in lieu thereof the words "municipal, shire or county";

(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";

(iv) by omitting from the same section the word "refuses" wherever occurring and by inserting in lieu thereof the words "fails or refuses";

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

(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.

(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

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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.

(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 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.

(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 such authority shall be limited to a particular case.

New
sec. 5BA.

(c) by inserting next after section 5B the following new section :—

Offences
against
persons
exercising
powers
under
section 5B
of this Act.

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.

(d).

(d) by omitting from section 5C the words “; such No. 7, 1959. honorary rangers shall have the powers conferred by Sec. 5C. 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 :—

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—

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

(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.

(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”.