

NATIVE FLORA PROTECTION.

2° and 3° GEO. VI., No. XXXII.

No. 32 of 1938.

AN ACT to amend the Native Flora Protection Act, 1935.

[Assented to 31st January, 1939.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Native Flora Protection Act, 1938*, and shall be read as one with the Native Flora Protection Act, 1935, hereinafter called the principal Act.

Amendment
of s. 5 of
principal Act.

2. Subsection (1) of section five of the principal Act is amended by adding the following words:—

“or that on any specified Crown lands or in any State forest or specified portion thereof or on any specified land reserved for a public purpose under the Land Act, 1933, or any other Act or on any road, all wildflowers or native plants are protected under this Act.”

3. Section six of the principal Act is amended—

Amendment
of s. 6 of
principal Act.

- (a) by inserting after the word “who” in line one the words “on any road or”;
- (b) by deleting the word “four” in line two and inserting in lieu thereof the word “five”;
- (c) by deleting the word “subsection” in line six and inserting in lieu thereof the word “section”; and
- (d) by adding the words “with the written consent of the owner, lessee or licensee thereof.”

Provided further that notwithstanding anything contained in this Act this section shall apply where such wildflower or native plant is picked on any land comprised in a pastoral lease granted under the Land Act, 1933, or any Act thereby repealed or in a forest lease granted pursuant to section forty of the Forests Act, 1918-1931, and such land shall be deemed not to be private land for the purpose of this section.

4. Subsection (1) of section eight of the principal Act is amended by inserting after subdivision (b) the following words and subdivision:—

Amendment
of s. 8 of
principal Act

or (c) on any private land of which he is not the owner, lessee or licensee and the owner, lessee or licensee of which has not given him permission in writing in that behalf.

5. A new section is inserted after section eleven of the principal Act as follows:—

Insertion of
new section
after s. 11.

11a. The Minister may appoint honorary inspectors to assist in carrying out in the manner prescribed the provisions of this Act.

Honorary
inspectors.

6. Section twelve of the principal Act is amended—

- (a) by inserting after the word “Australia” in line two the words “or any honorary inspector appointed under this Act”;
- (b) by inserting after the word “person” in line five the words “and for that purpose to stop and inspect any vehicle and to enter into or upon any place whatsoever or any vessel and to open and inspect any package or receptacle”;

(c) by adding subsections as follows:—

(2) Where any person is found on any private land on which he is reasonably suspected of having committed an offence against this Act, the owner, lessee or licensee of such land may require such person to give his name and address and to deliver up any wildflower or native plant in his possession.

(3) Any person who when required to do so under the provisions of this section refuses to give his name and address, or gives a false name and address, or refuses to deliver up such wildflower or native plant or who delays or obstructs any police or forest officer or honorary inspector acting under this section shall be guilty of an offence.

insertion of
new section
after s. 14.

7. A new section is inserted after section fourteen of the principal Act as follows:—

Persons who
may take pro-
ceedings.

14a. (1) All proceedings in respect of any offence or alleged offence against this Act may be taken by and in the name of the Conservator of Forests or by and in the name of any person authorised in that behalf by the Conservator of Forests or by and in the name of any police officer or any honorary inspector appointed under this Act.

(2) The averment on the process that the person taking the proceedings holds the office or position by which he is therein described or that he has the authority of the Conservator of Forests to take the proceedings or that he is an honorary inspector under this Act shall be prima facie proof of that fact.

8. The principal Act as amended by this Act may be cited as the Native Flora Protection Act, 1935-1938