

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 17 of 1936.

AN ORDINANCE

To provide for the Protection of Wild Flowers and
Native Plants.

BE it ordained by the Governor-General in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government (Acceptance) Act 1909* and the *Seat of Government (Administration) Act 1910-1933*, as follows:—

1. This Ordinance may be cited as the *Wild Flowers and Native Plants Protection Ordinance 1936*. Short title.

2. In this Ordinance, unless the contrary intention appears— Definitions.

“Inspector” means an Inspector appointed under this Ordinance;

“native plant” means any tree, shrub, fern, creeper, vine, palm, or plant which is indigenous to the Territory, and includes any part thereof;

“pick,” in relation to a protected wild flower or a protected native plant, means to gather, pluck, cut, pull up, destroy, take, dig up, remove, or injure the flower or plant, or any part thereof;

“protected native plant” means any native plant which the Minister by notice in the *Gazette* declares to be protected under this Ordinance;

“protected wild flower” means any wild flower which the Minister by notice in the *Gazette* declares to be protected under this Ordinance; and

“wild flower” means the flower of any native plant.

3. The Minister may, by notice in the *Gazette*, declare any wild flower or native plant to be protected under this Ordinance. Minister may declare wild flowers or plants to be protected.

4. The Minister may, by notice in the *Gazette*, appoint such Inspectors as are necessary to carry out the provisions of this Ordinance. Appointment of Inspectors.

5.—(1.) Any person who picks any protected wild flower or protected native plant which is growing on— Protection of wild flowers and plants.

(a) any land held under lease from the Commonwealth, except land which is included in a private garden or cultivation area and the lessee of which has given his permission thereunto;

(b) any unleased land the property of the Commonwealth;
or

(c) any freehold land, or land in process of alienation from the Crown, the owner or lessee of which has not given his permission thereunto,

shall be guilty of an offence.

Penalty: Ten pounds.

(2.) In any prosecution under this section, proof that such protected wild flower or protected native plant was found in the possession of the defendant shall be *prima facie* evidence that the defendant picked such wild flower or native plant in contravention of this section.

(3.) In any prosecution under this section, it shall be a sufficient defence to prove that the matter charged as an offence was the result of accident.

Penalty for selling protected wild flowers or plants.

6.—(1.) Any person who sells or offers or exposes for sale any protected wild flower or protected native plant shall be guilty of an offence.

Penalty: Ten pounds.

(2.) It shall be a sufficient defence in any prosecution under this section to prove that the wild flower or native plant was grown in a private garden or cultivation area on land held under lease from the Commonwealth, or on freehold land, or land in process of alienation from the Crown, and was picked with the consent of the owner or lessee of the land.

Licences to pick for scientific purposes.

7. The Minister, or any person thereunto authorized in writing by the Minister, may, subject to such conditions as he thinks proper, issue licences authorizing the holders thereof to pick the protected wild flowers or protected native plants specified therein for scientific purposes.

Persons reasonably suspected to give name and address

8.—(1.) A member of the Police Force of the Territory or any Inspector may require any person reasonably suspected of having committed, or of being about to commit, an offence against this Ordinance to give his name in full and place of abode and to deliver up any protected wild flower or protected native plant in his possession.

(2.) Any person who when so required refuses or fails to give his real name or place of abode, or refuses or fails to deliver up the protected wild flower or protected native plant shall be guilty of an offence.

Penalty: Ten pounds.

Dated this sixth day of May, 1936.

GOWRIE

Governor-General.

By His Excellency's Command,

T. PATERSON

Minister of State for the Interior.

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.