

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
3rd October, 1934.*

Hon. Mr. Ransom.

NATIVE PLANTS PROTECTION.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Native plants may be protected.</p> <p>4. Offence to pick protected native plant.</p> <p>5. Possession of protected native plant <i>prima facie</i> evidence of offence.</p>	<p>6. Power to give authority to pick protected native plant.</p> <p>7. Refusal by person suspected of offence against this Act to give name and address to authorized person.</p> <p>8. Penalties.</p> <p>9. Regulations.</p> <p>10. Other Acts not affected.</p>
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A BILL INTITULED

AN ACT to provide for the Protection of Native Plants. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Native Plants Protection Act, 1934, and shall come into operation on the first day of January, nineteen hundred and thirty-five. Short Title.

2. In this Act, unless inconsistent with the context,— Interpretation.

“Crown land” includes all land vested in His Majesty which is not for the time being held under lease or license, or which has not been set apart in any manner for a public purpose, and also includes customary land as defined by the Native Land Act, 1931 :

“Minister” means the Minister for the time being charged with the administration of this Act :

See Reprint
of Statutes,
Vol. VI, p. 103

“Native plant” means any plant which is indigenous to New Zealand, and includes any part thereof except ripe fruit, ripe seed and spores:

“To pick” in relation to a protected native plant includes gathering, plucking, cutting, pulling up, destroying, taking, digging up, removing, or injuring the native plant:

“Private land” includes all land other than Crown land or land comprised in any State forest or public reserve:

“Protected native plant” means any native plant for the time being declared pursuant to this Act to be a native plant protected under this Act:

“Public reserve” includes any land which is not for the time being held under lease or license, and is subject to the provisions of the Public Reserves, Domains, and National Parks Act, 1928, the Tourist and Health Resorts Control Act, 1908, the Scenery Preservation Act, 1908, the Tongariro National Park Act, 1922, the Egmont National Park Act, 1924, or the Peel Forest Act, 1926, and also includes all lands reserved from sale or other disposition by virtue of section one hundred and twenty-nine of the Land Act, 1924, and any other land which may be declared by the Governor-General by Proclamation to be a public reserve for the purposes of this Act:

“State forest” includes all land comprised in a permanent State forest or a provisional State forest under the Forests Act, 1921–22, which is not for the time being held under lease or license.

See Reprint of Statutes, Vol. VI, p. 1134, Vol. VIII, p. 605, Vol. VIII, p. 613

See Reprint of Statutes, Vol. IV, p. 684

See Reprint of Statutes, Vol. III, p. 425

Native plants may be protected.

3. (1) The Governor-General may by Warrant under his hand declare any native plant specified in such Warrant to be protected under this Act.

(2) Such protection may apply throughout the whole of New Zealand or in such part or parts only as may be specified in the Warrant, and may be subject to such conditions (if any) as the Governor-General may think fit.

(3) Any such Warrant may at any time be in like manner amended or revoked.

4. (1) Subject to the provisions of this Act, any person who picks a protected native plant—

Offence to pick protected native plant.

(a) On any Crown land, or in any State forest or public reserve, or on any road or street; or

5 (b) On any private land the owner or lessee of which has not given his permission in that behalf,— shall be guilty of an offence.

(2) Nothing in the foregoing provisions of this section shall apply to the picking, in reasonable quantities, of 10 any protected native plants required or intended for medicinal purposes or for purposes of *bona fide* scientific research or nature-study in schools or elsewhere or for propagation in private or school gardens:

15 Provided that nothing herein shall be deemed to authorize the picking of any protected native plant in such a manner as to deplete the species of that plant in any one habitat.

5. In any prosecution for an offence under the *last preceding* section, proof that a protected native plant was 20 found in the possession of the defendant shall be *prima facie* evidence that he has committed an offence against that section, and the onus of proof to the contrary shall be upon him.

Possession of protected native plant *prima facie* evidence of offence.

6. (1) The Minister may, subject to any limitation as 25 to locality and to any other conditions he thinks proper, issue permits authorizing the holders thereof to pick the protected native plants specified therein for scientific purposes, or for any other purpose approved by the Minister.

Power to give authority to pick protected native plant.

30 (2) The Minister may, subject to such conditions as he thinks proper, delegate any of the powers conferred on him by this section to any other person or authority.

7. Every person commits an offence against this Act who, being reasonably suspected of having committed an 35 offence against section *four* hereof, refuses to give his name and address, or gives a false name or address, or refuses to deliver up any protected native plant found in his possession, to any member of the Police Force, or to any officer of the Crown whom the Minister may 40 authorize in that behalf by notification in the *Gazette*, or to any officer of any local authority, Board, or trustees having control of any public reserve, or (where such person is found on any private land on which the offence is suspected to have been committed) to the owner, 45 lessee, or licensee of that private land.

Refusal by person suspected of offence against this Act to give name and address to authorized person.

Penalties.

8. Every person who commits an offence against this Act is liable on summary conviction for the first offence to a fine of *five* pounds, for the second offence to a fine of *ten* pounds, and for every subsequent offence to a fine of *twenty* pounds.

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Regulations.

9. The Governor-General may from time to time, by Order in Council, make regulations—

(a) Prescribing the forms required under this Act:

(b) Prescribing any other matters for which regulations are contemplated or required by this Act or which he deems necessary for the efficient administration thereof.

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Other Acts not affected.

See Reprint of Statutes, Vol. VIII, p. 613, Vol. IV, p. 435, Vol. VI, p. 434

10. Nothing in this Act shall be construed to limit the provisions of the Scenery Preservation Act, 1908, or of the Forests Act, 1921-22, or of the Public Reserves, Domains, and National Parks Act, 1928, or of any other Act.

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