



Queensland

*Forestry Act 1959*

# Forestry Regulation 1998

Reprinted as in force on 21 August 2006

Reprint No. 5C

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Queensland

# Forestry Regulation 1998

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# Forestry Regulation 1998

[as amended by all amendments that commenced on or before 21 August 2006]

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Forestry Regulation 1998*.

### 2 Definitions—the dictionary

The dictionary in schedule 7 defines particular words used in this regulation.

## Part 2 Activities in recreation areas

### 3 Powers of forest officers in recreation areas

- (1) A forest officer may direct a person to leave a recreation area or a part of a recreation area.
- (2) A person given a direction under subsection (1) must, unless the person has a reasonable excuse, comply with the direction—
  - (a) if the direction states a time within which the person must comply with the direction—within the time stated; or
  - (b) if paragraph (a) does not apply—within the shortest practicable time after the direction is given.

Maximum penalty—10 penalty units.

- (3) A forest officer may give a person a direction under subsection (1) only if the forest officer is satisfied it is

necessary to give the direction in the interests of public safety.

*Example of direction under this section—*

A forest officer might give a direction to persons to leave a recreation area seriously threatened by an approaching fire.

#### **4 Entry to recreation areas**

A person must not drive a vehicle, or take a horse, into or out of a recreation area unless—

- (a) a regulatory notice designates a gateway or opening as a place for horses or vehicles to enter and leave the recreation area; and
- (b) the person drives the vehicle or takes the horse through the gateway or opening.

Maximum penalty—10 penalty units.

#### **5 Horses in recreation areas**

(1) A person who is in charge of a horse in a recreation area must make sure the horse is at all times—

- (a) under the control of a person capable of controlling the horse; or
- (b) securely tethered.

Maximum penalty—10 penalty units.

(2) A person who is in charge of a horse in a recreation area must not—

- (a) ride the horse in a way, or tether the horse at a place, if another person in the recreation area could be annoyed or placed in danger because of the way the horse is ridden, or the place the horse is tethered; or
- (b) allow the horse to stay in the recreation area overnight other than in an area designated by a regulatory notice as an area where horses may stay overnight; or
- (c) compete, or allow the horse to be used for competing, in an equestrian event (including a race, trial or exhibition) unless the person promoting or organising the event has



a permit for the event.

Maximum penalty for subsection (2)—10 penalty units.

## **6 Camping in recreation areas**

- (1) A person who camps in a recreation area must not, other than under a permit, camp in a part of the recreation area that is not designated under a regulatory notice as an area for camping.

Maximum penalty—10 penalty units.

- (2) A person must not, in a recreation area, bury or deposit faecal matter within 50m of a campsite, lake or watercourse, whether or not the campsite, lake or watercourse is located wholly or partly within the recreation area.

Maximum penalty for subsection (2)—10 penalty units.

## **7 Fire control in recreation areas**

- (1) A person must not, in a recreation area, light, keep going or use a fire other than in a fireplace or barbecue provided by the chief executive for the use of fire.

Maximum penalty—10 penalty units.

- (2) A person does not commit an offence under subsection (1) if—

- (a) the person lights or uses a fire in a barbecue, stove or other appliance specially constructed for containing a fire; and
- (b) the use of the barbecue, stove or other appliance is agreed to by a forest officer.

## **8 Littering in recreation areas prohibited**

- (1) A person must not put, or allow to be put, litter in a recreation area.

Maximum penalty—10 penalty units.

- (2) A person does not commit an offence under subsection (1) merely because the person—

- (a) puts litter in a receptacle installed in the recreation area

for receiving litter; or

- (b) as an incident of the person's enjoyment of the recreation area, and for no longer than is reasonably necessary for the enjoyment, deposits litter in the recreation area other than by depositing it in a receptacle mentioned in paragraph (a).

(3) In this section—

*put* includes the following—

- (a) deposit;
- (b) drop;
- (c) leave;
- (d) place;
- (e) throw.

## **9 Unlawful behaviour in recreation areas**

A person must not, in a recreation area, other than under a permit—

- (a) use, or allow to be used, a generator; or
- (b) erect a tent, shelter or other structure in a way or position, or reserve or cordon off a part of the area in a way, that effectively gives, or clearly implies the claiming of, to an extent that could materially inconvenience another person in the recreation area, exclusive use of a part of the recreation area, including especially of barbecues, tables or other facilities in the recreation area.

Maximum penalty—10 penalty units.

## **10 Hovercraft in recreation areas**

A person must not, other than under a permit, operate a hovercraft in a recreation area.

Maximum penalty—10 penalty units.

## Part 3 **Activities in State forests and timber reserves**

### **11 Fire control in timber reserves**

- (1) The chief executive may, by erecting notices, and keeping the notices in place, at a timber reserve—
  - (a) declare that a total fire ban is in force in the whole or a part or parts of the timber reserve; or
  - (b) prohibit or restrict the use of stoves, barbecues, lamps, lanterns or other appliances fuelled by liquid or gaseous fuel in the whole or a part or parts of the timber reserve.
- (2) The chief executive may erect and keep in place a notice under subsection (1) only if the chief executive is satisfied the erection and keeping in place of the notice is necessary for protecting the timber reserve.
- (3) A person must not, in a part of a timber reserve for which a total fire ban is in force under subsection (1)(a), light, keep going or use a fire.

Maximum penalty—10 penalty units.

- (4) A person must not, in a part of a timber reserve for which a prohibition or restriction is in force under subsection (1)(b), use a barbecue, lamp, lantern, stove or other appliance fuelled by liquid or gaseous fuel otherwise than in conformity with the prohibition or restriction.

Maximum penalty—10 penalty units.

- (5) Despite subsections (3) and (4), a forest officer may give a person who is using an appliance under a restriction in force under subsection (1)(b) a direction to stop using the appliance.
- (6) A forest officer may give a direction under subsection (5) only if the forest officer is satisfied, on reasonable grounds, that the direction is necessary for protecting the timber reserve.

### **12 Hazardous fires in State forests and timber reserves**

- (1) This section applies if a forest officer is satisfied on reasonable grounds that a fire lit in a State forest or timber

reserve is, or is likely to be, a hazard to the State forest or timber reserve or to a person or property in the State forest or timber reserve.

- (2) The forest officer may—
  - (a) put out the fire; or
  - (b) direct the person appearing to the forest officer to be in charge of the fire—
    - (i) to put out the fire; or
    - (ii) to reduce the intensity of the fire in the way reasonably required by the forest officer.
- (3) If a forest officer puts out a fire or directs a fire to be put out, the forest officer may also give a direction that another fire must not be lit to replace the fire that is put out.
- (4) A person who is aware of a direction given under subsection (3) must not contravene the direction.

Maximum penalty for subsection (4)—10 penalty units.

### **13 Use and contamination of water in State forests and timber reserves**

- (1) A person must not, in a State forest or timber reserve, other than under a permit or other authority under the Act or another Act—
  - (a) take water from a lake, watercourse or natural water storage other than for the immediate domestic use of the person or accompanying persons; or
  - (b) dam or divert a watercourse.

Maximum penalty—10 penalty units.

- (2) A person must not in a State forest or timber reserve—
  - (a) deposit or discharge effluent, grease, oil, waste or another damaging substance into a lake, watercourse or natural water storage or a water supply or storage facility; or
  - (b) allow water from a tap connected to a water supply or storage facility to run to waste; or

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- (c) interfere with or damage a water supply or storage facility; or
- (d) wash anything, including, for example, a vehicle, clothing, or a cooking utensil, in a lake, watercourse or natural water storage; or
- (e) wash or bathe a domestic animal, or allow a domestic animal to swim, in a lake, watercourse or natural water storage; or
- (f) use detergent, shampoo or soap in, or put detergent, shampoo or soap into, a lake, watercourse or natural water storage.

Maximum penalty—10 penalty units.

- (3) The chief executive may, by the erection of notices at a timber reserve, prohibit the entry of persons to an area of water.
- (4) The chief executive may erect a notice under subsection (3) only if the chief executive is satisfied the erection of the notice is necessary for protecting 1 or more of the following—
  - (a) the health or safety of persons who might otherwise enter the water;
  - (b) the quality of the water;
  - (c) animal or plant life in the water.
- (5) A person must not enter water the entry to which is prohibited under a notice erected under subsection (3).

Maximum penalty for subsection (5)—10 penalty units.

## **14 Firearms, explosives and traps in State forests and timber reserves**

- (1) A person must not use, or have in the person's possession, in a State forest or timber reserve, a restricted item.

Maximum penalty—10 penalty units.

- (2) A person who uses, or has in the person's possession, in a State forest or timber reserve, a restricted item does not commit an offence under subsection (1) if—
  - (a) the person is the holder of a permit authorising the person to use the restricted item in a State forest or

timber reserve; or

- (b) the person is the holder of a permit or other authority under the Act, and the use of the restricted item is necessary for the purposes for which the permit or other authority was given.
- (3) In this section—
- restricted item* means—
- (a) an airgun, bow, catapult, firearm, spring gun or other weapon from which an arrow, bullet, shot or other missile can be discharged; or
  - (b) a net, snare or trap; or
  - (c) an explosive device.

## **15 Littering and polluting in State forests and timber reserves**

- (1) A person must not, in a State forest or timber reserve, other than under a permit—
- (a) put, or allow another person to put, something (not including something that is litter) that is 1 of the following—
    - (i) offal;
    - (ii) the skeleton or carcass of an animal;
    - (iii) waste;
    - (iv) another noxious, offensive or damaging substance;

or
  - (b) put, or allow to be put, litter; or
  - (c) break glass, or allow another person to break glass; or
  - (d) abandon, or allow to be abandoned, a vehicle or vessel or an item of equipment, machinery or plant.

Maximum penalty—10 penalty units.

- (2) Subsection (1)(b) does not apply to the putting of litter in a recreation area.
- (3) In this section—

*put* includes the following—

- (a) deposit;
- (b) drop;
- (c) leave;
- (d) place;
- (e) throw.

## **16 Unlawful behaviour in State forests**

- (1) A person must not, in a State forest, other than under a permit—
- (a) solicit donations, contributions or payments from other persons; or
  - (b) use, or allow to be used, an amplifier, loud speaker or equipment in the nature of an amplifier or loud speaker; or
  - (c) display or distribute a handbill, notice or placard; or
  - (d) use, or allow to be used, a model aeroplane or model vehicle.

Maximum penalty—10 penalty units.

- (2) A person must not, in a State forest—
- (a) behave in a disorderly, indecent, insulting, offensive, threatening or violent way; or
  - (b) use indecent or obscene language, or direct abusive, insulting or threatening words at another person; or
  - (c) unless the person is less than 5 years—enter a building or structure set apart for the use of persons of the opposite sex; or
  - (d) use or allow to be used a cassette player, generator, radio, tape recorder, television receiver or another item of noise producing equipment in a way causing unreasonable or excessive noise, or annoyance or distress to another person.

Maximum penalty—10 penalty units.

- (3) A person must not take away from a State forest timber supplied by the chief executive for use as firewood in the State forest.

Maximum penalty for subsection (3)—10 penalty units.

## **17 Introduction of plants to State forests**

- (1) A person must not, other than under a permit or other authority under the Act, take a plant into a State forest unless the plant is food intended for consumption by the person, or by another person accompanying the person.

Maximum penalty—10 penalty units.

- (2) In this section—

*plant* includes a shrub, tree or vine and also includes a bulb, cutting, fruit, graft, root, seed or slip.

## **18 Animals in State forests**

- (1) A person must not, other than under a permit or other authority under the Act, allow an animal to enter or stay in a State forest.

Maximum penalty—10 penalty units.

- (2) In this section—

*animal* does not include—

- (a) a dog; or
- (b) for a part of a State forest that is a recreation area—a horse.

## **19 Dogs in State forests**

- (1) A person who has a dog in the person's charge in a State forest—

- (a) must, at all times the dog is in the State forest, effectively restrain the dog by means of a lead or leash; and
- (b) must not allow the dog to behave in a way that causes unreasonable noise, annoys another person or puts



another person in danger; and

- (c) unless the dog is a guide dog—must not allow the dog to stay in the State forest overnight, other than in an area designated by a regulatory notice as an area where dogs may stay overnight.

Maximum penalty—10 penalty units.

- (2) A person does not commit an offence under subsection (1) if, in acting in the way mentioned in subsection (1), the person is acting under a permit or other authority under the Act.

- (3) In this section—

**guide dog** see *Guide Dogs Act 1972*, section 3.<sup>1</sup>

## 20 Group activities in State forests

A person must not, other than under a permit, conduct a group activity in a State forest.

Maximum penalty—10 penalty units.

## 21 Licensing requirements for operation of motor vehicles in State forests

A person must not drive a motor vehicle in a State forest unless the person is licensed to drive the vehicle under the *Transport Operations (Road Use Management) Act 1995*.

Maximum penalty—10 penalty units.

## 22 Registration requirements for motor vehicles used in State forests

- (1) A person must not take a motor vehicle into, or drive a motor vehicle in, a State forest unless the vehicle is registered under the *Transport Operations (Road Use Management) Act 1995*.

Maximum penalty—10 penalty units.

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<sup>1</sup> *Guide Dogs Act 1972*, section 3—

**guide dog** means a dog trained at an approved institution and used as a guide by a blind person or as an aid by a deaf person.

- (2) A person does not commit an offence under subsection (1) if the person is acting under a permit authorising the use of the vehicle in the State forest other than on a road in the State forest.
- (3) In this section—
- road* means a road under the *Transport Operations (Road Use Management) Act 1995*.

### **23 Operation of vehicles in State forests**

- (1) A forest officer may give a person who drives or operates a vehicle in a State forest a direction about the movement, operation, parking or use of the vehicle if the forest officer is satisfied, in the particular circumstances of the movement, operation, parking or use of the vehicle, that it is reasonably necessary to give the direction.
- (2) A person must not drive or operate a vehicle in a State forest—
- (a) in a way, or at a place, if driving or operating the vehicle in the way or at the place causes damage to vegetation; or
- (b) to enter a place where a barrier or fence has been lawfully erected or placed to prevent the entry.

Maximum penalty—10 penalty units.

- (3) A person must not drive or operate a motor cycle in a State forest—
- (a) if the driver or a passenger on the motor cycle is not wearing a safety helmet that—
- (i) is of a standard required under the *Transport Operations (Road Use Management) Act 1995* to be worn by a person riding a motor cycle on a road; and
- (ii) is securely fastened under the chin of the wearer using a chin strap attached to the safety helmet; or

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- (b) if the front and rear wheels of the motor cycle do not stay in contact with the ground all the time the motor cycle is moving.

Maximum penalty—10 penalty units.

- (4) A person must not, in a State forest—
  - (a) ride or travel outside a motor vehicle (other than a motorcycle), including on an external step, footboard, or tray of the vehicle; or
  - (b) ride or travel on something towed by a motor vehicle; or
  - (c) ride or travel in or on a motor vehicle (other than a motorcycle) with a part of the person's body outside the vehicle; or
  - (d) drive, or ride in, a motor vehicle fitted with seat belts if a seat belt is not properly fastened around the person; or
  - (e) drive a motor vehicle fitted with seat belts or child restraints if a child is riding in the vehicle and is not appropriately restrained by a seat belt or child restraint.

Maximum penalty—10 penalty units.

- (5) A person must not park or stand a vehicle in a way, or at a place, in a State forest if parking or standing the vehicle in the way or at the place—
  - (a) obstructs, to an unreasonable extent, the movement of a person or another vehicle; or
  - (b) is likely to cause damage to the State forest or interference with a forest product in the State forest.

Maximum penalty—10 penalty units.

- (6) A person must not park or stand a vehicle in a way, or at a place, in a State forest if parking or standing the vehicle in the way or at the place is not in conformity with ground or surface markings clearly intended for ordering the parking and standing of vehicles.

Maximum penalty for subsection (6)—10 penalty units.

**24 Operation of vessels in State forests**

- (1) A person must not drive or operate a self-propelled vessel on a lake or watercourse in a State forest other than under a permit.  
Maximum penalty—10 penalty units.
- (2) A forest officer may give a person who has a vessel in the person's charge in a State forest a direction about the use, operation, movement or mooring of the vessel if the forest officer is satisfied, in the particular circumstances of the use, operation, movement or mooring of the vessel, that it is reasonably necessary to give the direction.

**25 Operation of aircraft in State forests**

A person must not, other than under a permit land in, or take off from, a State forest using an aircraft, balloon, hang glider, helicopter or paraglider.

Maximum penalty—10 penalty units.

**26 Safety helmets for users of cycles in State forests**

- (1) A person who is riding a bicycle, tricycle or power-assisted cycle in a State forest, or is a passenger on a bicycle, tricycle or power-assisted cycle being ridden in a State forest, must wear a safety helmet that—
  - (a) is of a standard required under the *Transport Operations (Road Use Management) Act 1995* to be worn by a person riding a bicycle on a road or bicycle path; and
  - (b) is securely fastened under the chin of the wearer using a chin strap attached to the safety helmet.

Maximum penalty—10 penalty units.

- (2) Subsection (1) does not apply to a person who—
  - (a) has a certificate signed by a doctor certifying that because of a physical characteristic of the person, it would be unreasonable for the person to wear a safety helmet in the period stated in the certificate; or
  - (b) is riding, or is a passenger on, a bicycle or tricycle with a wheel base of less than 640mm; or

- (c) is a passenger on a tricycle built principally for carrying 1 or more passengers.

## **27 Commercial activities in State forests**

- (1) A person must not, other than under a permit or other authority under the Act, conduct a commercial activity in a State forest.

Maximum penalty—10 penalty units.

- (2) In this section—

*commercial activity* includes selling, offering for sale or displaying for sale an article, the plying for hire of goods or services, practising photography for commercial purposes, providing a tour, safari or excursion and providing, for money or other consideration, an activity using the recreational or scenic values or facilities of a State forest.

## **28 Unauthorised display of notices in State forests**

- (1) A person other than the chief executive or a person authorised by chief executive must not, in a State forest or timber reserve—

- (a) erect or display a notice; or  
(b) take away, damage or interfere with a notice.

Maximum penalty—10 penalty units.

- (2) A forest officer may take away and dispose of a notice erected or displayed in contravention of subsection (1).

# **Part 4 Timber reserves and management areas**

## **29 Timber reserves**

Each of the areas of Crown land described in schedule 1 is set apart as a timber reserve.

**30 Feature protection areas**

Each of the areas of State forest described in schedule 2 is declared to be a feature protection area.

**31 Scientific areas**

Each of the areas of State forest described in schedule 3 is declared to be a scientific area.

**32 State forest parks**

Each of the areas of State forest described in schedule 4 is declared to be a State forest park.

**33 Forest drives**

Each of the areas of State forest described in schedule 5 is declared to be a forest drive.

**34 Plan references**

For schedules 1 to 5—

- (a) a plan with a number beginning with FTY or FSM is a plan held by the department; and
- (b) a plan other than a plan mentioned in paragraph (a) is a plan held by the department administering the *Land Act 1994*.

**Part 5 Miscellaneous****Division 1 Fees****36 Fees**

- (1) Fees payable under the Act are stated in schedule 6.

- (2) However, for a fee payable for a matter mentioned in schedule 6, items 1 to 4, if the activity under the permit is for a charitable, cultural, educational, environmental or scientific purpose, payment of the fee is waived to the extent (including entirely) the chief executive considers appropriate in the circumstances.

**36A Reduced application fee for commercial activity permits if equivalent fee paid under another Act**

- (1) This section applies to an application for a commercial activity permit (a *forestry application*) if—
- (a) the commercial activity for which the permit is sought is to be conducted in—
- (i) a State forest, or a forest reserve under the *Nature Conservation Act 1992* that was, immediately before its dedication as a forest reserve, a State forest; and
- (ii) 1 or more of the following—
- (A) a protected area under the *Nature Conservation Act 1992*;
- (B) a recreation area under the *Recreation Areas Management Act 1988*; and
- (b) the applicant has also made an application for an authority (however called) for conducting the activity in the protected area or recreation area (a *related application*); and
- (c) the chief executive is satisfied the forestry application and related application can be considered together.

*Example—*

A person applies for a commercial activity permit for conducting a commercial tour that is to be conducted in the Barakula State Forest and Carnarvon National Park.

The day before the application was made, the person applied, under the *Nature Conservation Act 1992*, for a commercial activity permit for conducting the tour in Carnarvon National Park and the chief executive has not started considering that application under that Act.

- (2) The chief executive may waive all or part of the application fee payable for the forestry application.
- (3) However, subsection (2) only applies if the holder has paid an application fee (however called) for the related application.
- (4) Also, if the application fee payable for the forestry application is higher than the application fee paid for the related application, the chief executive can only waive an amount equivalent to the application fee paid for the related application.

**36B Reduced permit fee for commercial activity permits if equivalent fee paid under another Act**

- (1) This section applies if—
  - (a) the chief executive waives all or part of the application fee payable for an application for a commercial activity permit under section 36A; and
  - (b) the holder of the permit has paid a permit fee (however called) for the authority mentioned in section 36A(1)(b) (the *equivalent authority*).
- (2) The chief executive must also waive—
  - (a) if the permit fee paid for the equivalent authority is the same or higher than the permit fee stated in schedule 6 for the commercial activity permit—the permit fee for the commercial activity permit; or
  - (b) if the permit fee paid for the equivalent authority is lower than the permit fee stated in schedule 6 for the commercial activity permit—the amount of the permit fee for the commercial activity permit equivalent to the permit fee paid for the equivalent authority.

**36C Reduced additional daily fee for commercial activity permit if equivalent fee paid under another Act**

- (1) This section applies if—
  - (a) the holder of a commercial activity permit other than for filming or photography conducts the commercial activity authorised under the permit in the State forest or



*Forestry Regulation 1998*

---

forest reserve to which the permit applies and 1 or more of the following—

- (i) a protected area under the *Nature Conservation Act 1992*;
  - (ii) a recreation area under the *Recreation Areas Management Act 1988*; and
- (b) the activity is conducted for the same clients in the State forest or forest reserve and the protected area or recreation area under an equivalent permit (however called); and
- (c) the holder has paid a daily fee (however called) for conducting the activity under the equivalent permit.
- (2) The additional daily fee payable under the Act for conducting the activity under the commercial activity permit is the amount worked out by deducting the amount of the daily fee paid for conducting the activity under the equivalent permit from the additional daily fee stated in schedule 6 for the commercial activity permit.
- (3) To remove any doubt, it is declared that a deduction under subsection (2) may result in the additional daily fee payable under the Act being nil.

*Example—*

The holder of a commercial activity permit conducts a commercial tour lasting more than 3 hours for 10 clients in Barakula State Forest and Carnarvon National Park and the holder has paid a daily fee of \$25.50 (\$2.55 for each client) under the *Nature Conservation Act 1992* for conducting the tour in the national park under a commercial activity permit under that Act.

The additional daily fee payable under the Act for conducting the commercial tour in the State forest under the commercial activity permit is nil, being the additional daily fee stated in schedule 6 for conducting the tour (\$2.55 for each client) reduced by \$25.50, being the daily fee paid under *Nature Conservation Act 1992* for conducting the tour in Carnarvon National Park under a commercial activity permit under that Act.

- (4) In this section—

***daily fee*** does not include a fee payable for camping overnight.

## **Division 2                    Other provisions**

### **36D    Forest officer directions**

- (1) This section applies if a forest officer—
  - (a) finds a person committing, or reasonably suspects a person has committed, an offence under the Act; or
  - (b) is seeking information or making an investigation to establish whether an offence under the Act has been committed by a person.
- (2) The forest officer may give 1 or more of the following directions—
  - (a) a direction to a person mentioned in subsection (1)(a) or (b) to stop;
  - (b) if a person mentioned in subsection (1)(a) or (b) is driving a vehicle or is being driven in a vehicle—a direction to the driver of the vehicle to stop the vehicle;
  - (c) if it is relevant to an offence whether a person mentioned in subsection (1)(a) or (b) is licensed to drive a vehicle under a law of the state about the use of vehicles on public roads—a direction to the person to produce a licence.
- (3) For a direction under subsection (2)(b) to the driver of a vehicle—
  - (a) the forest officer must signal the driver in a way clearly indicating the forest officer's requirement that the driver stop the vehicle; and
  - (b) the forest officer must be wearing a uniform reasonably recognisable as a uniform likely to be worn by a forest officer, or must display to the driver an identity disc or other item of identification showing that the forest officer holds appointment as a forest officer under the Act.

### **37        Replacement of statutory rules**

- (1) This section applies to an order in council or proclamation

made under the Act for—

- (a) the declaration of a feature protection area, forest drive, scientific area or State forest park that is declared as a feature protection area, forest drive, scientific area or State forest park under this regulation; or
  - (b) the setting apart of a timber reserve that is set apart as a timber reserve under this regulation.
- (2) The order or proclamation is repealed to the extent it declares or sets apart the feature protection area, forest drive, scientific area, State forest park or timber reserve.

## **Part 6**                      **Transitional**

### **38**      **Continuing provisions of 1960 regulation**

- (1) A provision of the repealed *Forestry Regulation 1960* that, immediately before the commencement of this regulation, was in force under the transitional provision, continues in force and to have effect to the extent the provision would have continued in force and had effect if the transitional provision had not been repealed.
- (2) In this section—  
*transitional provision* means the *Forestry Regulation 1987*, section 11.

**Schedule 1      Timber reserves**

section 29

TR 1 on plan FTY1434

TR 3 on plan FTY1124

TR 58 on plan FTY1418 excluding the areas shown on SP 117035 as road to be opened

TR 157 on plan FTY1077 excluding lot 157 on AP 6291

TR 165 on plan FTY1722

TR 170 on plan FTY1843

TR 265 on plan FTY1762

TR 296 on plan FTY1438

TR 580 on plan FTY1444

TR 581 on plan FTY1445

TR 766 on plan FTY1420 excluding lot 766 on AP 6326

## **Schedule 2      Feature protection areas**

section 30

FPA 2 on plan FSM57

FPA 3 on plan FSM68

FPA 4 on plan FSM66

FPA 5 on plan FSM104

FPA 8 on plan FSM105

FPA 14 on plan FSM86

FPA 16 on plan FSM127

FPA 20 on plan FSM67

FPA 22 on plan FSM54

FPA 26 on plan FSM156

FPA 48 on plan FSM69

FPA 50 on plan FSM76

FPA 56 on plan FSM96

FPA 58 on plan FSM61

FPA 72 on plan FSM55

FPA 74 on plan FSM115

FPA 75 on plan FSM90

FPA 78 on plan FSM97

FPA 85 on plan FSM71

FPA 93 on plan FSM70

FPA 96 on plan FSM83

FPA 111 on plan FSM4

FPA 113 on plan FSM22

**Schedule 3      Scientific areas**

section 31

SA 1 on plan FSM7  
SA 2 on plan FSM15  
SA 3 on plan FSM16  
SA 4 on plan FSM17  
SA 10 on plan FSM124  
SA 11 on plan FSM81  
SA 14 on plan FSM87  
SA 16 on plan FSM44  
SA 19 on plan FSM133  
SA 20 on plan FSM147  
SA 21 on plan FSM125  
SA 22 on plan FSM136  
SA 25 on plan FSM134  
SA 26 on plan FSM94  
SA 27 on plan FSM2  
SA 31 on plan FSM20  
SA 32 on plan FSM43  
SA 33 on plan FSM103  
SA 35 on plan FSM114  
SA 36 on plan FSM92  
SA 38 on plan FSM1  
SA 42 on plan FSM13  
SA 43 on plan FSM12  
SA 44 on plan FSM6  
SA 47 on plan FSM10

**Schedule 3 (continued)**

SA 48 on plan FSM11  
SA 49 on plan FSM14  
SA 52 on plan FSM28  
SA 53 on plan FSM30  
SA 54 on plan FSM41  
SA 55 on plan FSM42  
SA 57 on plan FSM46  
SA 58 on plan FSM50  
SA 59 on plan FSM58  
SA 60 on plan FSM64  
SA 61 on plan FSM65  
SA 62 on plan FSM78  
SA 63 on plan FSM79  
SA 64 on plan FSM82  
SA 65 on plan FSM88  
SA 66 on plan FSM89  
SA 67 on plan FSM95  
SA 68 on plan FSM99  
SA 70 on plan FSM106  
SA 71 on plan FSM108  
SA 72 on plan FSM111  
SA 73 on plan FSM123  
SA 74 on plan FSM132  
SA 75 on plan FSM135  
SA 79 on plan FSM146  
SA 81 on plan FSM151

**Schedule 3 (continued)**

SA 82 on plan FSM152

SA 83 on plan FSM153

SA 85 on plan FSM154



**Schedule 4      State forest parks**

section 32

SFP 1 on plan FSM5  
SFP 2 on plan FSM29  
SFP 3 on plan FSM31  
SFP 4 on plan FSM32  
SFP 5 on plan FSM33  
SFP 6 on plan FSM34  
SFP 7 on plan FSM35  
SFP 9 on plan FSM37  
SFP 10 on plan FSM38  
SFP 13 on plan FSM49  
SFP 16 on plan FSM56  
SFP 19 on plan FSM62  
SFP 22 on plan FSM77  
SFP 23 on plan FSM80

**Schedule 5      Forest drives**

section 33

FD 1 on plan FSM27

FD 3 on plan FSM40

FD 4 on plan FSM72

## Schedule 6 Fees

section 36

	\$
1 Camping permit other than if a commercial activity permit is required—	
(a) for each night that the camp the subject of the permit is attended—	
(i) for each person 5 years or older taking part in an educational tour or camp of a type approved by the chief executive . . . . .	2.50
(ii) for each other person 5 years or older. . . . .	4.50
(b) for each night that the camp the subject of the permit is unattended . . . . .	4.50
(c) maximum for a family for each night . . . . .	18.00
2 Commercial activity permit for filming or photography—no structures involved—	
(a) only 1 or 2 people involved in the filming or photography—	
(i) application fee. . . . .	nil
(ii) permit fee—for each day for which activities are carried out under the permit . . . . .	24.20
(b) only 3 to 5 people involved in the filming or photography—	
(i) application fee. . . . .	120.90
(ii) permit fee—for each day for which activities are carried out under the permit . . . . .	59.75
(c) 6 or more people involved in the filming or photography—	
(i) application fee. . . . .	240.70
(ii) permit fee—for each day for which activities are carried out under the permit . . . . .	120.90
3 Commercial activity permit for filming or photography—structure involved—	
(a) only 1 to 5 people involved in the filming or photography—	

## Schedule 6 (continued)

	\$
(i) application fee. . . . .	120.90
(ii) permit fee—for each day for which activities are carried out under the permit . . . . .	120.90
(b) only 6 to 25 people involved in the filming or photography—	
(i) application fee. . . . .	601.00
(ii) permit fee—for each day for which activities are carried out under the permit . . . . .	601.00
(c) only 26 to 50 people involved in the filming or photography—	
(i) application fee. . . . .	1 204.00
(ii) permit fee—for each day for which activities are carried out under the permit . . . . .	1 204.00
(d) 51 or more people involved in the filming or photography—	
(i) application fee. . . . .	2 413.00
(ii) permit fee—for each day for which activities are carried out under the permit . . . . .	2 413.00
4 Commercial activity permit, other than for filming or photography—	
(a) application fee—	
(i) if the permit is same or substantially the same as a commercial activity permit held by the applicant within the previous 3 months . . . . .	114.60
(ii) otherwise. . . . .	229.10
(b) permit fee—	
(i) for 3 months or less . . . . .	46.05
(ii) for more than 3 months but not more than 1 year . . . . .	183.00
(iii) for more than 1 year but not more than 2 years . . . . .	367.40
(iv) for more than 2 years but not more than 3 years . . . . .	522.00
(c) additional daily fee for each client 5 years or older, of the holder of the permit, taking part in the activity carried out under the permit—	
(i) for an activity lasting less than 3 hours . . . . .	1.40
(ii) for an activity lasting 3 hours or more . . . . .	2.60

## Schedule 6 (continued)

	\$
(d) camping fee for each client 5 years or older, of the holder of the permit, taking part in the activity carried out under the permit—for each night camped under the permit. . . . .	4.50
5 Permit to traverse or other authority for conducting a competitive motor vehicle event in a State forest—for each competitive vehicle—	
(a) for each kilometre travelled by the vehicle during each day the event is conducted under the permit or authority. . . . .	0.90
(b) maximum fee for each day . . . . .	31.70
6 Permit to traverse or other authority for conducting a competitive equestrian event in a State forest—for each competitor for each day the event is conducted under the permit. . . . .	3.20
7 Group activity permit—	
(a) application fee . . . . .	22.90
(b) additional daily fee if special access is to be allowed, special supervision is needed, or an area reserved for use, for the activity carried out under permit—for each day on which activities are carried out under the permit—	
(i) for a vehicle-based activity—for each vehicle used for the activity . . . . .	3.50
(ii) for a people-based activity—for each person taking part in the activity . . . . .	1.75
8 Mustering, holding and releasing stock (Act, s 72(4))—the lesser of the following—	
(a) the fee for each head of stock mustered. . . . .	114.60
(b) the fee for mustering, holding and releasing the stock that the chief executive considers reasonable in the circumstances.	

## Schedule 7      Dictionary

### section 2

**group activity**, in a State forest, means an organised use of a part of the State forest in a way that may interfere with general public use of the State forest.

*Example—*

- 1 a concert, public meeting or rally
- 2 a religious activity
- 3 a wedding
- 4 an organised sporting activity

**litter** means garbage, refuse or rubbish, whether in a fluid or solid state, and also includes anything that causes or contributes to the defacement of the place where it is.

**operate**, a vehicle or vessel, includes to put in motion an apparatus, device, machinery or motor in, on or attached to the vehicle or vessel, and also includes, for a vehicle or vessel capable of being ridden (including, for example, a motor cycle), to drive the vehicle or vessel.

**recreation area** means a feature protection area, forest drive or State forest park.

**special access** means the right to gain access to an area of State forest to conduct a particular activity, if the conduct of the activity would not otherwise be generally permitted.

**special supervision** means supervision by an officer of the department responsible for the administration of the Act of the conduct of an activity—

- (a) capable of causing physical damage to a person or property; or
- (b) requiring the maintenance of particular surroundings; or
- (c) capable of disturbing the maintenance of particular surroundings.

**Schedule 7 (continued)**

*Example of conduct requiring the maintenance of particular surroundings—*

Remaining silent if, for the appropriate enjoyment of a particular area of State forest, it is necessary for all persons in the area to remain silent.

*Example of conduct capable of disturbing the maintenance of particular surroundings—*

Talking loudly in an area that is a platypus habitat if, for platypus to continue to be visibly present in the area, it is necessary for all persons in the area to remain silent.

**vessel** includes boat, canoe, hovercraft or ship, and also includes anything else capable of use in or on water, whether floating or submersible, and whether or not self-propelled.

## Endnotes

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 21 August 2006. Future amendments of the Forestry Regulation 1998 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfcd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered



## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	25 September 1998	1 October 1998
1A	1998 SL No. 310	20 November 1998	20 November 1998
1B	1999 SL No. 76	7 May 1999	11 May 1999
1C	1999 SL No. 248	29 October 1999	9 November 1999
1D	1999 SL No. 321	10 December 1999	13 December 1999
2	2000 SL No. 37	10 March 2000	22 March 2000
2A	2000 SL No. 184	1 July 2000	5 July 2000
2B	2000 SL No. 208	4 August 2000	15 August 2000
2C	2000 SL No. 252	22 September 2000	5 October 2000
2D	2000 SL No. 261	6 October 2000	11 October 2000
2E	2000 SL No. 356	15 December 2000	20 December 2000
3	2001 SL No. 129	3 August 2001	5 September 2001
3A	2001 SL No. 283	21 December 2001	11 January 2002
3B	2002 SL No. 120	31 May 2002	13 June 2002
3C	2002 SL No. 143	14 June 2002	18 June 2002
3D	2002 SL No. 161	28 June 2002	28 June 2002

Reprint No.	Amendments included	Effective	Notes
3E	2002 SL No. 372	20 December 2002	
3F	2003 SL No. 137	1 July 2003	
3G	2003 SL No. 177	8 August 2003	R3G withdrawn, see R4
4	—	8 August 2003	
4A	2003 SL No. 330	12 December 2003	
4B	2004 SL No. 116	2 July 2004	
4C	2004 SL No. 139	23 July 2004	
4D	2004 SL No. 317	17 December 2004	
4E	2005 SL No. 152	1 July 2005	R4E withdrawn, see R5
5	—	1 July 2005	
5A	2006 SL No. 118	2 June 2006	
5B	2006 SL No. 164	1 July 2006	
5C	2006 SL No. 203	21 August 2006	

## 5 List of legislation

### **Forestry Regulation 1998 SL No. 264**

made by the Governor in Council on 24 September 1998  
notfd gaz 25 September 1998 pp 327–9

commenced on date of notification  
exp 1 September 2009 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

**Forestry Amendment Regulation (No. 4) 1998 SL No. 310 pts 1–2**

notfd gaz 20 November 1998 pp 1073–4  
 commenced on date of notification

**Natural Resources Legislation Amendment Regulation (No. 1) 1999 SL No. 69 pts 1, 3**

notfd gaz 23 April 1999 pp 1951–3  
 commenced on date of notification

**Forestry Legislation Amendment Regulation (No. 1) 1999 SL No. 76 pts 1–2**

notfd gaz 7 May 1999 pp 90–1  
 commenced on date of notification

**Forestry Legislation Amendment Regulation (No. 2) 1999 SL No. 236 pts 1–2**

notfd gaz 22 October 1999 pp 710–1  
 commenced on date of notification

**Forestry Legislation Amendment Regulation (No. 3) 1999 SL No. 248 pts 1–2**

notfd gaz 29 October 1999 pp 814–7  
 commenced on date of notification

**Road Transport Reform Regulation 1999 SL No. 286 ss 1, 2(2), 4 sch 2**

notfd gaz 19 December 1999 pp 1149–52  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 December 1999 (see s 2(2))

**Forestry Legislation Amendment Regulation (No. 4) 1999 SL No. 321 pts 1–2**

notfd gaz 10 December 1999 pp 1448–50  
 commenced on date of notification

**Forestry Legislation Amendment Regulation (No. 1) 2000 SL No. 37 pts 1–2**

notfd gaz 10 March 2000 pp 971–2  
 commenced on date of notification

**Natural Resources Legislation Amendment Regulation (No. 1) 2000 SL No. 111 pts 1, 5**

notfd gaz 9 June 2000 pp 456–9  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 July 2000 (see s 2)

**Primary Industries and Natural Resources Legislation Consequential Amendment Regulation (No. 1) 2000 SL No. 184 pts 1, 3**

notfd gaz 30 June 2000 pp 736–48  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced at 6p.m. on 30 June 2000 (see s 2)

- Forestry Legislation Amendment Regulation (No. 2) 2000 SL No. 208 pts 1–2**  
notfd gaz 4 August 2000 pp 1224–5  
commenced on date of notification
- Forestry Legislation Amendment Regulation (No. 3) 2000 SL No. 252 pts 1–2**  
notfd gaz 22 September 2000 pp 313–4  
commenced on date of notification
- Forestry Legislation Amendment Regulation (No. 4) 2000 SL No. 261 pts 1, 2**  
notfd gaz 6 October 2000 pp 478–9  
commenced on date of notification
- Forestry Legislation Amendment Regulation (No. 5) 2000 SL No. 356 pts 1–2**  
notfd gaz 15 December 2000 pp 1478–83  
commenced on date of notification
- Forestry Legislation Amendment Regulation (No. 1) 2001 SL No. 129 pts 1–2**  
notfd gaz 3 August 2001 pp 1297–9  
commenced on date of notification
- Environmental Legislation Amendment Regulation (No. 1) 2001 SL No. 283 s 1, pt 4**  
notfd gaz 21 December 2001 pp 1482–8  
commenced on date of notification
- Forestry Legislation Amendment Regulation (No. 1) 2002 SL No. 120 pts 1–2**  
notfd gaz 31 May 2002 pp 482–7  
commenced on date of notification
- Environmental Legislation Amendment Regulation (No. 1) 2002 SL No. 143 pts 1–2**  
notfd gaz 14 June 2002 pp 697–700  
commenced on date of notification
- Forestry Legislation Amendment Regulation (No. 2) 2002 SL No. 161 pts 1–2**  
notfd gaz 28 June 2002 pp 876–83  
commenced on date of notification
- Forestry and Other Legislation Amendment and Repeal Regulation (No. 1) 2002 SL No. 372 s 1, pt 2**  
notfd gaz 20 December 2002 pp 1359–63  
commenced on date of notification
- Environmental Legislation Amendment Regulation (No. 1) 2003 SL No. 137 pts 1–2**  
notfd gaz 27 June 2003 pp 749–56  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2003 (see s 2)
- Nature Conservation and Other Legislation Amendment Regulation (No. 1) 2003 SL No. 177 pts 1–2**  
notfd gaz 8 August 2003 pp 1234–5  
commenced on date of notification
- Forestry and Nature Conservation Legislation Amendment Regulation (No. 1) 2003 SL No. 330 pts 1–2**  
notfd gaz 12 December 2003 pp 1203–7  
commenced on date of notification

**Environmental Legislation Amendment Regulation (No. 1) 2004 SL No. 116 pts 1, 3**

notfd gaz 2 July 2004 pp 705–7

ss 1–2 commenced on date of notification

remaining provisions commenced 2 July 2004 (see s 2)

**Forestry and Nature Conservation Legislation Amendment Regulation (No. 1) 2004****SL No. 139 pts 1–2**

notfd gaz 23 July 2004 pp 929–30

commenced on date of notification

**Forestry and Nature Conservation Legislation Amendment Regulation (No. 3) 2004****SL No. 317 pts 1–2**

notfd gaz 17 December 2004 pp 1277–85

commenced on date of notification

**Environmental Legislation Amendment Regulation (No. 1) 2005 SL No. 152 pts 1, 4**

notfd gaz 1 July 2005 pp 763–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2005 (see s 2)

**Forestry and Nature Conservation Legislation Amendment Regulation (No. 1) 2006****SL No. 118 pts 1–2**

notfd gaz 2 June 2006 pp 572–6

commenced on date of notification

**Environmental Legislation Amendment Regulation (No. 1) 2006 SL No. 164 pts 1, 4**

notfd gaz 30 June 2006 pp 1060–7

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2006 (see s 2)

**Nature Conservation (Administration) Regulation 2006 SL No. 203 ss 1–2, pt 13**

notfd gaz 11 August 2006 pp 1725–8

ss 1–2 commenced on date of notification

remaining provisions commenced 21 August 2006 (see s 2)

Note— (1) A regulatory impact statement and explanatory note were prepared

(2) The regulatory impact statement also applies to 2006 SL Nos. 204, 205 and 206

## **6 List of annotations**

**Fire control in recreation areas**

s 7 amd 2000 SL No. 184 s 24

**Fire control in timber reserves**

s 11 amd 2000 SL No. 184 s 24

**Use and contamination of water in State forests and timber reserves**

s 13 amd 2000 SL No. 184 s 24

**Unlawful behaviour in State forests**

s 16 amd 2000 SL No. 184 s 24

**Licensing requirements for operation of motor vehicles in State forests**

s 21 amd 1999 SL No. 286 s 4 sch 2 (retro)

**Operation of vehicles in State forests**

s 23 amd 1999 SL No. 286 s 4 sch 2 (retro)

**Safety helmets for users of cycles in State forests**

s 26 amd 1999 SL No. 286 s 4 sch 2 (retro)

**Unauthorised display of notices in State forests**

s 28 amd 2000 SL No. 184 s 24

**Division 1—Fees**

div hdg ins 2006 SL No. 203 s 176

**Fees**

s 36 amd 2000 SL No. 184 s 24

**Reduced application fee for commercial activity permits if equivalent fee paid under another Act**

s 36A ins 2006 SL No. 203 s 177

**Reduced permit fee for commercial activity permits if equivalent fee paid under another Act**

s 36B ins 2006 SL No. 203 s 177

**Reduced additional daily fee for commercial activity permit if equivalent fee paid under another Act**

s 36C ins 2006 SL No. 203 s 177

**Division 2—Other provisions**

div hdg ins 2006 SL No. 203 s 177

**Forest officer directions**

s 36D (prev s 35) renum and reloc 2006 SL No. 203 s 175

**PART 7—REPEAL**

pt 7 (s 39) exp 26 September 1998 (see s 39(3))

**SCHEDULE 1—TIMBER RESERVES**

amd 1998 SL No. 310 s 3; 1999 SL No. 76 s 3; 1999 SL No. 236 s 3; 1999 SL No. 248 s 3; 2000 SL No. 37 s 3; 2000 SL No. 208 s 3; 2000 SL No. 261 s 3; 2001 SL No. 129 s 3; 2002 SL No. 120 s 3; 2002 SL No. 161 s 3; 2002 SL No. 372 s 4; 2003 SL No. 330 s 3

**SCHEDULE 2—FEATURE PROTECTION AREAS**

amd 2004 SL No. 317 s 3; 2006 SL No. 118 s 3

**SCHEDULE 3—SCIENTIFIC AREAS**

amd 1999 SL No. 236 s 4; 1999 SL No. 321 s 3; 2000 SL No. 252 s 3; 2000 SL No. 356 s 3; 2003 SL No. 177 s 3; 2004 SL No. 139 s 3; 2004 SL No. 317 s 4; 2006 SL No. 118 s 4

**SCHEDULE 6—FEES**

sub 1999 SL No. 69 s 5

amd 2000 SL No. 184 s 25 (amdt could not be given effect)

sub 2000 SL No. 111 s 10; 2001 SL No. 283 s 7

amd 2002 SL No. 143 s 3  
sub 2003 SL No. 137 s 4; 2004 SL No. 116 s 6; 2005 SL No. 152 s 8; 2006 SL  
No. 164 s 10  
amd 2006 SL No. 203 s 178

**SCHEDULE 7—DICTIONARY**

def “**special supervision**” amd 2000 SL No. 184 s 26

**7 Information about retrospectivity**

Retrospective amendments that have been consolidated are noted in the list of legislation and list of annotations. Any retrospective amendment that has not been consolidated is noted in footnotes to the text.