



Queensland

Forestry and Another Regulation Amendment Regulation (No. 1) 2011

Subordinate Legislation 2011 No. 177

made under the

Forestry Act 1959

Nature Conservation Act 1992

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[s 1]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Forestry and Another Regulation Amendment Regulation (No. 1) 2011*.

Part 2 Amendment of Forestry Regulation 1998

2 Regulation amended

This part amends the *Forestry Regulation 1998*.

3 Amendment of s 27 (Commercial activities in State forests)

(1) Section 27(2), definition *commercial activity*—
omit.

(2) Section 27(2)—
insert—

‘commercial activity—

1 A commercial activity is an activity conducted for gain.

Examples of activities conducted for gain—

- the hire or sale of goods or services
- commercial photography
- a guided tour, safari, scenic flight, cruise or excursion
- advertising or promoting the use of a State forest as part of a tour, safari, scenic flight, cruise or excursion
- advertising or promoting the use of a State forest as a feature associated with a resort or tourist facility on land adjoining the State forest

-
- 2 A commercial activity does not include—
- (a) an exempt activity; or
 - (b) an exempt media activity; or
 - (c) filming or photography that—
 - (i) involves no more than 2 persons; and
 - (ii) does not involve the erection, construction or use of a prescribed structure.

exempt activity means an activity for which the chief executive is reasonably satisfied the use of a State forest is incidental to, and not integral to, the conduct of the activity.

Examples of exempt activities—

- a scheduled commercial flight over a State forest that is not part of a tour or scenic flight over the State forest
- a scheduled bus service through a State forest that is not a part of a tour or safari in the State forest
- conducting an activity in a State forest reserve if the activity involves a trade and is conducted for the chief executive, the holder of a permit, licence or other authority for the State forest, or a party to a lease or agreement for the State forest
- providing a mechanical or vehicle towing service for a visitor in a State forest

exempt media activity means an activity that is—

- (a) the filming or photographing of, or in relation to, an event; and
- (b) conducted when, or as soon as practicable after, the event happens; and
- (c) conducted for publishing a report of the event—
 - (i) on television or in a newspaper, magazine or similar publication; and
 - (ii) to inform the public about the event; and
- (d) of a type the chief executive has declared as an exempt media activity by publishing the declaration on the department's website.

[s 4]

prescribed structure means equipment or a construction used to facilitate filming or photography, and—

- (a) includes a tower, platform, generator, vehicle, shelter and building; but
- (b) does not include—
 - (i) a camera or camera accessories; or
 - (ii) a tripod; or
 - (iii) a portable hide large enough to shelter only 1 person; or
 - (iv) a power source consisting of only dry cells or a single wet cell battery; or
 - (v) a vehicle used only for transport, or camping under a permit or agreement under the Act or the *Recreation Areas Management Act 2006*.’.

Part 3

Amendment of Nature Conservation (Administration) Regulation 2006

4 Regulation amended

This part amends the *Nature Conservation (Administration) Regulation 2006*.

5 Amendment of s 88 (Term and review of agreements)

- (1) Section 88(1), ‘10’—
omit, insert—
‘15’.
- (2) Section 88(2), ‘10’—

omit, insert—

‘15’.

6 Amendment of sch 7 (Dictionary)

(1) Schedule 7, definition *commercial activity*, paragraph 2—

insert—

‘(c) filming or photography that—

- (i) involves no more than 2 persons; and
- (ii) does not involve the erection, construction or use of a prescribed structure.’.

(2) Schedule 7—

insert—

‘***prescribed structure*** means equipment or a construction used to facilitate filming or photography, and—

- (a) includes a tower, platform, generator, vehicle, shelter and building; but
- (b) does not include—
 - (i) a camera or camera accessories; or
 - (ii) a tripod; or
 - (iii) a portable hide large enough to shelter only 1 person; or
 - (iv) a power source consisting of only dry cells or a single wet cell battery; or
 - (v) a vehicle used only for transport, or camping under a permit or agreement under the Act or the *Recreation Areas Management Act 2006*.’.

ENDNOTES

- 1 Made by the Governor in Council on 8 September 2011.
- 2 Notified in the gazette on 9 September 2011.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Environment and Resource Management.

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