



Queensland

Forestry and Another Act Amendment Bill 2014

Includes amendments agreed during Consideration



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2014

A Bill

for

An Act to amend the *Forestry Act 1959* and the *Recreation Areas Management Act 2006* for particular purposes and to make minor and consequential amendments to the Act mentioned in schedule 1

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Forestry and Another Act Amendment Act 2014*.

2 Commencement

This Act, other than sections 14(4), 36A and 41(3), commences on a day to be fixed by proclamation.

Part 2 Amendment of Forestry Act 1959

3 Act amended

This part amends the *Forestry Act 1959*.

Note—

Also see the amendments in schedule 1.

4 Replacement of s 17 (Appointment of officers)

Section 17—

omit, insert—

17 Appointment and qualifications

- (1) The chief executive may appoint a person as a forest officer if satisfied the person has the

necessary expertise or experience to be a forest officer.

- (2) The chief executive may appoint an employee of a plantation operator as a plantation officer, for a specified licence area, if satisfied the employee has the necessary expertise or experience to be a plantation officer.
- (3) An appointment under this section must be made by instrument in writing.

17A Appointment conditions

A forest officer or plantation officer holds office on any conditions stated in—

- (a) the officer's instrument of appointment; or
- (b) a signed notice given to the officer; or
- (c) a regulation.

17B When officer stops holding office

- (1) A forest officer or plantation officer stops holding office if—
 - (a) the term of office that is stated in a condition of office ends; or
 - (b) the office ends under another condition of office; or
 - (c) the officer resigns by giving the chief executive a notice signed by the officer.
- (2) Also, a plantation officer stops holding office if—
 - (a) the person stops being an employee of a plantation operator; or
 - (b) the delegation of power under section 96B to the plantation operator is revoked.

[s 4]

- (3) This section does not limit the ways in which a forest officer or plantation officer stops holding office.
- (4) In this section—
condition of office means a condition on which the officer holds office.

Subdivision 2 Identity cards

17C Issue of identity card

- (1) The chief executive must issue an identity card to each forest officer and plantation officer.
- (2) The identity card must—
 - (a) contain a recent photo of the person; and
 - (b) contain a copy of the person's signature; and
 - (c) identify the person as a forest officer or plantation officer under this Act; and
 - (d) state an expiry date for the card.
- (3) This section does not prevent the issue of a single identity card to a person for this Act and other purposes.

17D Production or display of identity card

- (1) When exercising a power in relation to a person in the person's presence, a forest officer or plantation officer must—
 - (a) produce the officer's identity card for the person's inspection before exercising the power; or
 - (b) have the identity card displayed so it is clearly visible to the person.

- (2) However, if it is not practicable to comply with subsection (1), the officer must produce the identity card for the person's inspection at the first reasonable opportunity.

17E Return of identity card

If a person stops being a forest officer or plantation officer, the person must return the person's identity card to the chief executive within 21 days after the office ends, unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

5 Amendment of s 18 (General powers of forest officers)

- (1) Section 18—

insert—

(1AA) The officer's powers may be limited by—

- (a) the officer's instrument of appointment; or
- (b) a signed notice given to the officer; or
- (c) a regulation.

- (2) Section 18(4), from 'may issue'—

omit, insert—

may issue a warrant for the place for the purpose of a stated forest officer or any forest officer exercising a forest officer's powers.

- (3) Section 18(5)—

omit, insert—

(5) The warrant must state—

- (a) the place to which the warrant applies; and

[s 6]

- (b) that a stated forest officer or any forest officer, with necessary and reasonable help and force, may—
 - (i) enter the place and any other place necessary for entry to the place; and
 - (ii) exercise a forest officer's powers; and
- (c) particulars of the matters mentioned in subsection (4) that the justice considers appropriate; and
- (d) the name of the person suspected of having contravened the Act unless the name is unknown or the justice considers it inappropriate to state the name; and
- (e) the hours of the day or night when the place may be entered; and
- (f) the justice's name; and
- (g) the day and time of the warrant's issue; and
- (h) the day, within 1 month after the warrant's issue, when the warrant ends.

6 Amendment of s 18A (General powers of plantation officers)

- (1) Section 18A(2)(d) to (f)—

omit.

- (2) Section 18A—

insert—

(2A) The officer's powers may be limited by—

- (a) the officer's instrument of appointment; or
- (b) a signed notice given to the officer; or
- (c) a regulation.

- (3) Section 18A(3), 'direction or'—

omit.

7 Omission of s 18B (Powers of plantation officers in relation to fire)

Section 18B—

omit.

8 Amendment of s 18C (Plantation operator and plantation officer are persons performing duties under this Act only for particular provisions)

(1) Section 18C—

insert—

(aa) section 69A(1)(c) as it applies to section 69D;

(2) Section 18C(aa) to (e)—

renumber as section 18C(b) to (f).

9 Amendment of s 34AA (Regulation of use of State forests by notices)

(1) Section 34AA, heading, after ‘forests’—

insert—

etc.

(2) Section 34AA(1)—

omit, insert—

(1) This section applies to the whole or a part of a State forest, timber reserve or forest entitlement area (a *relevant area*).

(1A) The chief executive may, in relation to the relevant area, display notices for the purpose of regulating or prohibiting—

(a) the use of the relevant area by people; or

[s 9]

- (b) vehicles or a specified class of vehicles using the relevant area; or
 - (c) animals or a specified class of animals being brought into the relevant area; or
 - (d) lighting, keeping or using a fire, or a particular type of fire, in—
 - (i) a State forest or timber reserve; or
 - (ii) a particular part of a State forest or timber reserve; or
 - (e) using stoves, barbecues, lamps, lanterns or other appliances in—
 - (i) a State forest or timber reserve; or
 - (ii) a particular part of a State forest or timber reserve; or
 - (f) entering a dam, lake or watercourse in a State forest or timber reserve; or
 - (g) going onto a bed or bank of a dam, lake or watercourse in a State forest or timber reserve.
- (3) Section 34AA(2)—
omit, insert—
- (2) Without limiting the generality of subsection (1A), the chief executive may authorise the display of regulatory notices in the form of official traffic signs.
- (4) Section 34AA(3)(a)—
omit, insert—
- (a) may be displayed within, or near the entrances to, the relevant area to which the notice relates; and
- (5) Section 34AA(3)(b), ‘State forest or that part of the State forest’—

omit, insert—

relevant area

(6) Section 34AA(6), ‘erected or’—

omit.

10 Replacement of s 34AB (Display in State forests of information notices in conjunction with regulatory notices)

Section 34AB—

omit, insert—

34AB Displaying information notices with regulatory notices

- (1) This section applies if the chief executive displays a regulatory notice, other than an official traffic sign, in a State forest, timber reserve or forest entitlement area (a *relevant area*).
- (2) A *regulatory notice* is—
 - (a) a notice under section 34AA that does not include a statement mentioned in section 34AA(3)(c); or
 - (b) a notice under section 34G(1).
- (3) The chief executive must display another notice (a *forest information notice*) stating that the contravention of a requirement in a regulatory notice is an offence.
- (4) The forest information notice must be displayed near each entrance to the relevant area.
- (5) The chief executive may display a forest information notice at any other place that the chief executive considers appropriate.
- (6) The chief executive must take reasonable steps to ensure a forest information notice—

[s 11]

- (a) continues to be displayed while the regulatory notice is displayed; and
 - (b) is properly maintained.
- (7) The chief executive may include in a forest information notice any information about the relevant area that the chief executive considers appropriate.

11 Amendment of s 34G (Regulating movement of vehicles on feature protection areas etc.)

After section 34G(1)—

insert—

Note—

Also see section 34AA for the regulation of vehicles in State forests etc.

12 Replacement of s 34H (Self-registration camping areas)

Section 34H—

omit, insert—

34H Camping notices

- (1) The chief executive may display a camping notice in a State forest (other than a State plantation forest) near each entrance to the State forest.
- (2) A *camping notice* is a notice that states the following—
 - (a) the State forest, or a part of the State forest, is for the period specified in the notice—
 - (i) an e-permit camping area; or
 - (ii) a self-registration camping area;

-
- (b) the procedures, in general terms, to be followed by a person intending to camp in the area;
 - (c) the conditions applying to a person camping in the area;
 - (d) the penalty for camping in the area without a permit;
 - (e) the location of the permit distribution points (if any) for the area.
- (3) Also, if the notice is for a self-registration camping area, the notice must state the fee (the *camping fee*) prescribed by regulation as payable for camping in the area.
- (4) The chief executive may also display another notice at or near an e-permit camping area or self-registration camping area that states conditions applying to a person camping in the camping area that are additional to the conditions stated in the camping notice.

13 Insertion of new ss 34I–34J

After section 34H—

insert—

34I Camping forms for self-registration camping areas

- (1) The chief executive must provide camping forms, and a sealed secure container (a *camping fee container*) in a conspicuous and easily accessible place in a self-registration camping area.
- (2) A *camping form* is a form that states the procedures, in general terms, to be followed by a person intending to camp in the self-registration camping area.
- (3) A camping form must include—

[s 14]

- (a) a detachable section (a *camping tag*) that has a space for a person who is granted a camping permit to write—
 - (i) the person's name; and
 - (ii) an identifying number for the camping permit; and
- (b) a detachable envelope (a *camping fee envelope*) that includes a section to allow a person to pay camping fees by credit card.

34J Camping tags for e-permit camping areas

- (1) The chief executive must make camping tags available at a conspicuous and easily accessible place (a *permit distribution point*) near an e-permit camping area.
- (2) Each camping tag must contain a space for a person who is granted a camping permit to write—
 - (a) the person's name; and
 - (b) an identifying number for the camping permit.
- (3) The chief executive must—
 - (a) publish, on the department's website, the location of the permit distribution points; and
 - (b) for a camping permit applied for by phone—ensure the person to whom the camping permit is granted is advised of the location of the permit distribution points.

14 Amendment of s 35 (Granting of permit for land within State forest)

- (1) Section 35, heading, after 'forest'—

insert—

or timber reserve

- (2) Section 35(1), after ‘forest’, first mention—

insert—

or timber reserve

- (3) Section 35(1)(b)—

omit, insert—

(b) camping permits; or

- (4) Section 35(1)(c)(i) and (2), ‘7 years’—

omit, insert—

10 years

15 Replacement of s 35A (Permit to camp in State forest taken to have been granted by chief executive)

Section 35A—

omit, insert—

35A When camping permit is taken to have been granted

- (1) This section applies if a person applies for a camping permit—
 - (a) over the internet, using a website authorised by the chief executive; or
 - (b) over the phone, using a phone number authorised by the chief executive; or
 - (c) by filling in a camping form (*self-registration*) for a self-registration camping area.
- (2) If a person applies over the internet, the camping permit is taken to have been granted when the identifying number for the permit is displayed on the website.

[s 15]

- (3) If a person applies over the phone, the camping permit is taken to have been granted when the person is advised over the phone of the identifying number for the permit.
- (4) If a person applies by self-registration, the camping permit is taken to have been granted when—
 - (a) the person fills in a camping form for the self-registration camping area, in the way stated on the form; and
 - (b) the person—
 - (i) puts the camping fee, either in cash or a cheque, in the camping fee envelope together with the part of the form designed to accompany the camping fee; or
 - (ii) fills in the credit card payment section of the camping fee envelope; and
 - (c) if the person pays by cash or cheque, the person seals the envelope; and
 - (d) the person puts the envelope in the camping fee container.
- (5) However, if—
 - (a) a person pays for a camping permit by cheque, and the cheque is dishonoured; or
 - (b) a person pays for a camping permit by credit card, and the person's financial institution does not authorise the payment;the camping permit is taken not to have been granted.

35B Chief executive must issue camping tags

- (1) This section applies if a person applies directly to the chief executive for a camping permit and the chief executive grants the person a permit under section 35.
- (2) The chief executive must issue the person a camping tag for use with the permit when the permit is granted.

35C Number of people, period and conditions of camping permit

- (1) A camping permit for an e-permit camping area or self-registration camping area is taken to be granted to a person for—
 - (a) the number of people, and the number of days, stated by the person when applying for the permit; and
 - (b) the period when the area that is the subject of the permit is an e-permit camping area or self-registration camping area.
- (2) However, the number of people and period for the camping permit is taken to be not more than—
 - (a) the maximum number of people stated on a camping notice for the e-permit camping area or self-registration camping area; and
 - (b) 30 days or, if the camping notice states a shorter period, the shorter period.
- (3) The camping permit is subject to the conditions stated in the camping notice and any additional conditions notice.
- (4) In this section—

additional conditions notice means a notice under section 34H(4).

[s 16]

16 Amendment of s 37 (Particular authorities over State forest, timber reserve or forest entitlement area)

- (1) Section 37(2), ‘a State forest or any part thereof’—
omit, insert—
the whole or a part of a State forest, timber reserve or forest entitlement area (a *relevant area*)
- (2) Section 37(2), ‘State forest’, second and third mention—
omit, insert—
relevant area
- (3) Section 37(2A), (2B) and (3), ‘State forest’—
omit, insert—
relevant area
- (4) Section 37(3), ‘stumpage at the rate prescribed for the time being’—
omit, insert—
royalty, stumpage or other fees or charges payable

17 Insertion of new pt 4, div 2, sdiv 2

Part 4, division 2—

insert—

Subdivision 2 Particular provisions for commercial activity permits

40A Application to renew permit

- (1) A person who holds a commercial activity permit may apply to the chief executive, before the permit expires, to renew the permit.
- (2) The application must—
- (a) be in the approved form; and

- (b) include the information (if any) prescribed by regulation.
- (3) The application must be accompanied by the fees, prescribed by regulation, for the application and the permit.
- (4) If a person applies to renew a commercial activity permit in accordance with subsections (1) to (3), the permit continues in force until whichever of the following happens first—
 - (a) the application is decided;
 - (b) the application is withdrawn;
 - (c) 3 months has elapsed after the day when the permit would otherwise have expired;
 - (d) the permit is suspended or cancelled.

40B Amending conditions of permit

- (1) The chief executive may amend or omit a condition of a commercial activity permit, when the permit is renewed—
 - (a) at the request of the permit holder; or
 - (b) on the chief executive's own initiative.
- (2) However, the chief executive may amend a condition, subject to section 40C(3)(b), only if the chief executive reasonably considers the amendment is necessary—
 - (a) to provide for the safety of people or property; or
 - (b) to provide for the proper management of the area to which the permit relates; or
 - (c) because the permit holder did not comply with a condition of the existing permit; or

[s 17]

- (d) to conserve or protect forest products or other cultural or natural resources of the area to which the permit relates.

40C Deciding application to renew permit

- (1) The chief executive may grant an application to renew a commercial activity permit (an *existing permit*) if—
 - (a) the chief executive is not aware of information that would prevent the applicant from being granted a new commercial activity permit; and
 - (b) the chief executive is satisfied the permit holder has in relation to the existing permit—
 - (i) given the chief executive the information prescribed by regulation; and
 - (ii) paid the fee for the existing permit or agreed to pay the fee by instalments and has complied with the agreement.
- (2) Subsection (1)(b) does not apply to an application for an existing permit for filming or photography.
- (3) If the chief executive grants the application—
 - (a) the chief executive must give the applicant a renewed commercial activity permit that is effective from the day after the permit would otherwise have expired; and
 - (b) the renewed commercial activity permit must not authorise the person to carry out any of the following—
 - (i) activities not authorised under the existing permit;

-
- (ii) activities at locations not authorised under the existing permit;
 - (iii) activities to a scale (such as in relation to numbers of people, vehicles, structures or animals) that is greater than the scale of activities authorised under the existing permit.
- (4) If the chief executive refuses to grant an application to renew a commercial activity permit, the chief executive must give the applicant a notice stating—
- (a) the reasons for the refusal; and
 - (b) that the refusal does not stop the applicant from applying for a new commercial activity permit.

40D Combined commercial activity permits

The chief executive may issue a document that combines a commercial activity permit with either or both of the following—

- (a) a commercial activity permit granted under the *Nature Conservation Act 1992*;
- (b) a commercial activity permit granted under part 4 of the *Recreation Areas Management Act 2006*.

18 Amendment of pt 6, hdg (Control and disposal of forest products and quarry material)

Part 6, heading, after 'material'—

insert—

and provisions about permits, licences etc.

[s 19]

19 Amendment of s 45 (Forest products etc. which are the property of the Crown)

- (1) Section 45(1), after ‘forest products’, first mention—
insert—
or quarry material
- (2) Section 45(1), after ‘forest products’, second mention—
insert—
and quarry material

20 Amendment of s 46 (Sale of forest products or quarry material)

- (1) Section 46(1A), ‘, or otherwise’—
omit, insert—
or other method of sale
- (2) Section 46(3), ‘under the native forest sawlog allocation system for south-east Queensland’—
omit, insert—
or native forest cypress sawlogs
- (3) Section 46—
insert—
- (4) In this section—
native forest cypress sawlogs means native cypress log timber for use for sawmilling.
native forest hardwood sawlogs means native hardwood log timber for use for sawmilling.

21 Amendment of s 56 (Permits etc.)

- (1) Section 56(1), after ‘permits’, first mention—
insert—

(including permits that allow a person to search for quarry material)

(2) Section 56, after subsection (2), ‘Public competition’—
omit.

(3) Section 56(3), from ‘, or otherwise’—
omit, insert—

or other method of sale as decided by the chief executive.

22 Amendment of s 60 (Failure to comply with provisions of lease etc.)

Section 60(3)—

omit, insert—

- (3) However, this section does not apply to—
- (a) a camping permit; or
 - (b) a plantation licence or plantation sublicense.

Note—

For camping permits, see section 35(1)(b).

23 Relocation and renumbering of s 61 (Removal of forest products)

Section 61—

relocate to part 6, division 2, as inserted, and renumber as section 54B.

24 Amendment of pt 7, hdg (Fires on State forests, timber reserves and forest entitlement areas)

Part 7, heading, ‘and forest entitlement areas’—

omit, insert—

, forest entitlement areas and licence areas

[s 25]

25 Insertion of new pt 7, div 1 and div 2, hdg

Part 7, before section 62—

insert—

**Division 1 Powers in relation to
hazardous fire**

**61TW Powers of forest officers and plantation
officers in relation to hazardous fire**

- (1) This section applies if—
- (a) a forest officer reasonably believes a fire in a State forest, timber reserve or forest entitlement area is hazardous; or
 - (b) a plantation officer reasonably believes a fire in a licence area is hazardous.

Example of basis for reasonable belief—

a prevailing strong wind appears likely to carry embers away from the fire

- (2) A fire is ***hazardous*** if the fire—
- (a) is, or may become, a hazard to any area, person or property; or
 - (b) is not authorised under this Act.
- (3) The officer may—
- (a) put out the fire; or
 - (b) direct a person who appears to the officer to be in charge of the fire—
 - (i) to put out the fire, and not light another fire; or
 - (ii) to reduce the intensity of the fire.
- (4) A person given a direction under this section must, unless the person has a reasonable excuse, comply with the direction—

- (a) immediately after the direction is given; or
- (b) if the direction includes a time within which the person must comply, within that time.

Maximum penalty—165 penalty units.

Division 2 Other matters relating to fire

26 Insertion of new s 61U

Part 7—

insert—

61U Application of ss 62 to 62C

Sections 62(1) and (1A), 62A(2), 62B(2) and 62C(1) do not apply to a person who lights a fire—

- (a) that is authorised under the *Fire and Rescue Service Act 1990*, part 7; or
- (b) to perform a duty under this Act.

Notes—

- 1 A plantation operator or plantation officer is not a person performing duties under this Act for this section: see section 18C.
- 2 See the *Fire and Rescue Service Act 1990*, sections 65 and 66 for provisions about permits to light fires on land, including in a licence area.

27 Amendment of s 62 (Control of fires on State forests etc.)

- (1) Section 62, heading, from ‘on’—

omit, insert—

for burning off or clearing vegetation

- (2) Section 62(1)—

[s 28]

omit, insert—

- (1) A person must not light, maintain or use a fire in a State forest, timber reserve or forest entitlement area that is likely to burn off or clear any vegetation in the State forest, timber reserve or forest entitlement area.

Maximum penalty—165 penalty units.

- (1A) A person must not allow another person to light, maintain or use a fire in a State forest, timber reserve or forest entitlement area that is likely to burn off or clear any vegetation in the State forest, timber reserve or forest entitlement area.

Maximum penalty—165 penalty units.

28 Insertion of new ss 62A–62C

After section 62—

insert—

62A Additional control of fires in forest recreation areas

- (1) This section applies to a feature protection area, forest drive or State forest park (a *forest recreation area*).
- (2) A person must not light, maintain or use a fire in a forest recreation area, other than in a fireplace or barbecue provided by the chief executive.

Maximum penalty—165 penalty units.

- (3) However, subsection (2) does not apply to a person lighting or using an approved appliance, or a smoking product, if the person takes reasonable steps to ensure—
 - (a) the forest products or waters of the forest recreation area or adjacent areas, are not damaged; or

- (b) property in the forest recreation area or adjacent areas, other than property owned by the person, is not damaged.

Example of a reasonable step taken by a person—

- ensuring the appliance is not left unattended
- ensuring there is no overhanging vegetation
- ensuring there is no flammable material near the appliance or smoking product

- (4) In this section—

smoking product has the meaning given by the *Tobacco and Other Smoking Products Act 1998*, schedule, definition *smoking product*, paragraph (b).

62B Unattended fires

- (1) This section applies to a person who—
- (a) lights or assumes control of a fire in a State forest, timber reserve or forest entitlement area, including in a barbecue or fireplace provided by the chief executive; or
- (b) lights a fire to use an approved appliance.
- (2) The person must put the fire out before leaving the fire, unless the person has a reasonable excuse.

Maximum penalty—165 penalty units.

- (3) However, subsection (2) does not apply if someone else assumes control of the fire before the person leaves the fire.

62C Unauthorised things relating to fires

- (1) A person must not leave any of the following in a State forest, timber reserve or forest entitlement area—

[s 29]

- (a) a lit match, pipe, cigar, cigarette or tobacco;
- (b) hot ashes;
- (c) a burning or smouldering substance;
- (d) a substance or device that ignites on impact or by spontaneous combustion.

Maximum penalty—165 penalty units.

- (2) However, subsection (1) does not apply to a person—
 - (a) lighting or using an approved appliance; or
 - (b) lighting a fire—
 - (i) in a barbecue or fireplace provided by the chief executive; or
 - (ii) if a barbecue or fireplace is not provided by the chief executive—in a place that is at least 2m from flammable material.
- (3) A person must not put non-combustible material in a fire in a State forest, timber reserve or forest entitlement area.

Examples of non-combustible material—

a can, bottle, brick or piece of steel

Maximum penalty—20 penalty units.

29 Omission of ss 66 and 67

Sections 66 and 67—

omit.

30 Renumbering of s 69E (Chief executive must consult with plantation licensee or plantation sublicensee if considering exercising power in relation to a licence area)

Section 69E—

renumber as section 69T.

31 Insertion of new pts 7A and 7B

After section 69—

insert—

Part 7A Pollution and waste in State forests and timber reserves

69A Application of ss 69C, 69D, 69E, 69F and 69H

- (1) Sections 69C, 69D(3), 69E, 69F(b) and 69H(1) do not apply to a person to the extent that the person's actions are—
 - (a) allowed under an authority (such as an agreement, contract, permit, licence or lease) under this Act; or
 - (b) allowed under an agreement entered into with a plantation operator for a licence area, to the extent the agreement is consistent with the licence, any sublicense, and any related agreement for the licence area; or
 - (c) in the course of performing duties under this Act.
- (2) Sections 69C and 69D(3) do not apply to a person to the extent that the person's actions are in the course of performing duties under another Act.
- (3) Sections 69C, 69E and 69F(b) do not apply to a person to the extent that the person's actions are allowed under a lease under the *Land Act 1994*.

[s 31]

69B Polluting water in State forests and timber reserves

- (1) A person must not pollute a dam, lake or watercourse in a State forest or timber reserve.

Maximum penalty—50 penalty units.

- (2) Without limiting subsection (1), a person pollutes a dam, lake or watercourse if the person—
- (a) allows a domestic animal to swim in a dam, lake or watercourse; or
- (b) puts soap, detergent, shampoo, oil, grease or a harmful substance in a dam, lake or watercourse.

Examples for paragraph (b)—

- discharging waste from a vessel into a dam
- using shampoo to wash a domestic animal in a dam
- using detergent to wash a cooking utensil, vehicle or clothing in a lake.

69C Misusing water

- (1) A person must not—
- (a) take water from a dam, lake or watercourse in a State forest or timber reserve, other than—
- (i) for personal use within the State forest or timber reserve; or
- (ii) to water an animal that the person brought into the State forest or timber reserve; or
- (b) dam or divert a watercourse in a State forest or timber reserve; or
- (c) damage a water supply or storage facility in a State forest or timber reserve; or

- (d) allow water from a water supply or storage facility in a State forest or timber reserve to run to waste.

Maximum penalty—50 penalty units.

- (2) In this section—

water supply or storage facility includes a dam, water pipeline, water pump and water tank.

69D Entering a dam, lake or watercourse

- (1) The chief executive may, by regulatory notice, prohibit any person—
 - (a) entering a dam, lake or watercourse in a State forest or timber reserve; or
 - (b) going onto a bed or bank of a dam, lake or watercourse in a State forest or timber reserve.
- (2) The chief executive may do so only if satisfied it is necessary to protect 1 or more of the following—
 - (a) the health or safety of people;
 - (b) the quality of the water in the dam, lake or watercourse;
 - (c) plants or animals.
- (3) A person must not contravene a regulatory notice under subsection (1).

Maximum penalty for subsection (3)—50 penalty units.

[s 31]

69E Using herbicides, pesticides and other substances

A person must not use a herbicide, pesticide or another harmful, offensive or noxious substance in a State forest or timber reserve.

Maximum penalty—120 penalty units.

69F Burying or disposing of harmful, offensive or noxious substances etc.

A person must not bury or otherwise dispose of the following in a State forest or timber reserve—

- (a) a harmful, offensive or noxious substance;
- (b) the carcass, offal or skeleton of an animal.

Maximum penalty—120 penalty units.

69G Abandoning vehicles

- (1) A person must not abandon a vehicle, or part of a vehicle, in a State forest or timber reserve.

Maximum penalty—120 penalty units.

- (2) A *vehicle* includes a vessel, aircraft, hot air balloon, hang-glider and paraglider.

69H Abandoning waste materials or human waste

- (1) A person must not abandon waste materials in a State forest or timber reserve.

Maximum penalty—120 penalty units.

Examples of waste materials—

building materials, fencing materials, metal or plastic drums, vegetation

- (2) A person in a State forest or timber reserve must not—

- (a) defecate within the prescribed minimum distance of a dam, lake, watercourse or walking track in the State forest or timber reserve; or
- (b) bury human waste within the prescribed minimum distance of—
 - (i) a dam, lake or watercourse in the State forest or timber reserve; or
 - (ii) an occupied or established camp site; or
 - (iii) a camp site designated by a regulatory notice as a camp site; or
 - (iv) a walking track or other public facility; or
- (c) leave human waste unburied.

Maximum penalty—50 penalty units.

- (4) Subsection (2)(a) and (b) does not apply if the person is using toilets provided by the chief executive or a plantation operator.
- (5) In this section—

prescribed minimum distance means 10m, or a longer distance specified on a regulatory notice that is displayed near the entrance of the State forest or timber reserve.

69I Breaking glass

- (1) A person must not break glass in a State forest or timber reserve, unless the person has a reasonable excuse.

Maximum penalty—30 penalty units.

- (2) A person must not allow another person to break glass in a State forest or timber reserve, unless the person has a reasonable excuse.

[s 31]

Maximum penalty—30 penalty units.

69J Littering

- (1) A person must not leave litter brought into a State forest or timber reserve, unless the person has a reasonable excuse.

Example of reasonable excuse—

the person has collected litter from public land next to the State forest or timber reserve and brings the litter into the State forest or timber reserve to put it in a litter bin

Maximum penalty—20 penalty units.

- (2) A person must not, unless the person has a reasonable excuse, leave litter in a State forest or timber reserve—
- (a) other than in a litter bin; or
- (b) in contravention of a regulatory notice.

Maximum penalty—20 penalty units.

- (3) If a forest officer or plantation officer considers it reasonably necessary, the officer may direct a person to remove the person's litter from a State forest or timber reserve, even if there is a litter bin in the State forest or timber reserve.

Example of when a direction under subsection (3) may be given—

when all the litter bins in a State forest or timber reserve are full

- (4) A person given a direction under subsection (3) must, unless the person has a reasonable excuse, comply with the direction—
- (a) immediately after the direction is given; or
- (b) if the direction includes a time within which the person must comply, within that time.

Maximum penalty for subsection (4)—20 penalty units.

(5) In this section—

other litter means litter other than litter brought into a State forest or timber reserve.

Part 7B Requirements about camping

69K Camping requires permit etc.

(1) A person must not camp in any part of a State forest or timber reserve (the *relevant area*), unless the person—

(a) is camping under a camping permit for the relevant area; or

Note—

See the *Recreation Areas Management Act 2006*, section 40, for camping permits issued under that Act.

(b) has the chief executive's written approval to camp in the relevant area; or

(c) is camping in accordance with—

(i) an authority (such as an agreement, contract, permit, licence or lease) under this Act; or

(ii) a lease under the *Land Act 1994*; or

(iii) an agreement entered into with a plantation operator for a licence area, to the extent that the agreement is consistent with the licence or sublicense, and related agreement for the licence area; or

[s 31]

(d) is acting in the course of performing duties under this Act.

Maximum penalty—20 penalty units.

- (2) For subsection (1)(a) and (b), a person, other than the holder of a permit or approval, may camp under the permit or approval only if the number of people with the holder is not more than the number authorised by the permit or approval.
- (3) A person must not camp in a State forest or timber reserve contrary to a regulatory notice.

Maximum penalty—80 penalty units.

69L Camping in forest entitlement area prohibited

A person must not camp in a forest entitlement area, unless the person—

- (a) is camping with the chief executive's written approval; or
- (b) is a lessee or owner of the land containing a forest entitlement area, or a person camping with the lessee or owner; or
- (c) is acting in the course of performing duties under this Act.

Maximum penalty—80 penalty units.

69M Compliance with conditions of camping permit

A person camping in a State forest or timber reserve under a camping permit must comply with the conditions of the permit.

Maximum penalty—10 penalty units.

Note—

For the conditions of a camping permit, see section 35C.

69N Maximum number of people who may camp under permit or approval

- (1) The holder of a camping permit must not allow more people to camp under the permit or approval than—
 - (a) for an e-permit camping area—the number of people stated by the holder in the application for the permit; or
 - (a) for a self-registration camping area—the lower of the following—
 - (i) the number of people stated on the camping form for the permit;
 - (ii) the number of people stated on the camping notice for the area as the maximum number of people who may camp under a camping permit in the area.

Maximum penalty—20 penalty units.

- (2) In this section—

camping permit includes a written approval of the chief executive that authorises camping in a State forest or timber reserve.

69O Displaying camping tags

- (1) Immediately after a person who is camping under a camping permit makes camp, the person must attach the camping tag for the permit, in a conspicuous position, to—
 - (a) the tent, caravan or other structure that the person is camping in; or
 - (b) if the person is not camping in a tent, caravan or other structure—a vehicle or equipment that the person is using for camping.

[s 31]

Maximum penalty—2 penalty units.

- (2) The person must take reasonable steps to ensure the camping tag remains displayed at the person's camp while the person is camping under the permit.

Maximum penalty—2 penalty units.

69P Direction to leave camping site for protection, safety or minimising disturbance

- (1) This section applies if a forest officer reasonably believes it is necessary for a person camping in a State forest, timber reserve or licence area (the *camp site*) to leave the camp site in order to—
- (a) protect or secure the health and safety of a person or a person's property; or
 - (b) minimise disturbance to people in the State forest or timber reserve; or
 - (c) protect the forest products or waters of the State forest, timber reserve or licence area.
- (2) The officer may direct the person—
- (a) to leave the camp site; and
 - (b) to remove all of the person's property from the camp site; and
 - (c) not to return to the camp site for a stated period of not more than 6 days.
- (3) A person given a direction under this section must, unless the person has a reasonable excuse, comply with the direction—
- (a) immediately after the direction is given; or
 - (b) if the direction includes a time within which the person must comply, within that time.

Maximum penalty for subsection (3)—50 penalty units.

69Q Direction to leave camp site for person camping for long periods

- (1) This section applies if a person is camping in a part of a State forest, timber reserve or licence area (the *camp site*) and a forest officer reasonably believes—
 - (a) the same, or predominantly the same, camping equipment has been at the camp site for 30 days or more; and
 - (b) any of the following apply—
 - (i) it is necessary or desirable to allow the camp site to be used by another person who is authorised to camp at the camp site;
 - (ii) the natural condition of the camp site has been, or is being, degraded by the presence of the camping equipment;
 - (iii) it is necessary for the person to leave the camp site to protect the health or safety of a person; and
 - (c) another part of the State forest, timber reserve or licence area is available for the person to use for camping.
- (2) The officer may direct the person in writing—
 - (a) to leave the camp site; and
 - (b) to remove all of the person's property from the camp site; and
 - (c) not to return to the camp site for a stated period.
- (3) A person given a direction under this section must, unless the person has a reasonable excuse, comply with the direction—
 - (a) immediately after the direction is given; or

[s 32]

- (b) if the direction includes a time within which the person must comply, within that time.

Maximum penalty for subsection (3)—50 penalty units.

69R Displaying camping tag without permit

A person must not attach a camping tag to a tent, caravan, structure, camping equipment or vehicle in a State forest or timber reserve unless the person holds a camping permit for the area.

Maximum penalty—20 penalty units.

69S Tampering with camping tag

- (1) A person must not, unless a person has a reasonable excuse, tamper with a camping tag displayed on a tent, caravan, structure, camping equipment or vehicle being used for camping.

Maximum penalty—20 penalty units.

- (2) In this section—

tamper with, a camping tag, includes—

- (a) to remove, damage or destroy the camping tag; and
(b) to change anything written on the tag.

32 Amendment of s 73 (Unlawfully using State forests etc.)

- (1) Section 73(1)(b), ‘or camps upon’—

omit, insert—

on

- (2) After section 73(1)—

insert—

Note—

See sections 69K and 69L in relation to camping in a State forest, timber reserve or forest entitlement area.

33 Omission of s 73A (Display of camping form if permit to camp granted)

Section 73A—

omit.

34 Omission of s 73B (Offence to display camping form if no permit to camp)

Section 73B—

omit.

35 Insertion of new ss 73A–73F

Before section 74—

insert—

73A Application of ss 73B to 73F

Sections 73B to 73F do not apply to a person acting in accordance with an agreement with a plantation operator for a licence area, to the extent that the agreement is consistent with the licence or sublicense, and any related agreement, for the licence area.

73B Commercial activities

- (1) A person must not conduct an activity for gain (a ***commercial activity***) in a State forest or timber reserve.

Examples of commercial activity—

- the hire or sale of goods or services
- commercial photography

[s 35]

- a guided tour, safari, scenic flight, cruise or excursion
- advertising or promoting the use of a State forest or timber reserve as part of a tour, safari, scenic flight, cruise or excursion
- advertising or promoting the use of a State forest or timber reserve as a feature associated with a resort or tourist facility on land adjoining the State forest or timber reserve

Maximum penalty—165 penalty units

- (2) However, subsection (1) does not apply to—
- (a) an activity that is authorised under a permit, licence, lease or other authority under this Act; or
 - (b) an activity that is authorised under an agreement or contract granted or entered into under this Act; or
 - (c) filming or photography that involves no more than 10 people, and does not involve any of the following—
 - (i) building a tower, platform, building or other structure, other than a portable structure that is large enough to shelter only 1 person;
 - (ii) using a generator or power source, other than a power source that consists of only dry cells or a single wet cell battery;
 - (iii) using a vehicle, other than for transport or for camping that is authorised under this Act or the *Recreation Areas Management Act 2006*.
- (3) Also, subsection (1) does not apply if the chief executive is reasonably satisfied—

- (a) the use of the State forest or timber reserve is incidental to, and not integral to, the conduct of the activity; or

Examples for paragraph (a)—

- a scheduled commercial flight over a State forest or timber reserve that is not part of a tour or scenic flight over the State forest or timber reserve
 - a scheduled bus service through a State forest or timber reserve that is not a part of a tour or safari in the State forest or timber reserve
 - conducting an activity in a State forest or timber reserve if the activity involves a trade and is conducted for the chief executive or the holder of a permit, licence or other authority for the State forest or timber reserve
 - providing a mechanical or vehicle towing service for a visitor in a State forest or timber reserve
- (b) the activity relates to the filming or photographing of an event when, or as soon as practicable after, the event happens, in order to inform the public about the event—
- (i) on television; or
 - (ii) in a newspaper, magazine or similar publication.
- (4) The chief executive must publish the exemption of a type of media activity under subsection (3)(b), by a declaration published on the department's website.

73C Group activities

- (1) A person must not conduct an activity involving a group of people in a State forest or timber reserve (the *area*) that may restrict access to, or affect the enjoyment of, the area by the general public, having regard to—
- (a) the location of the area; and

[s 35]

- (b) the number of members of the general public that are likely to be in the area when the activity is being conducted.

Maximum penalty—50 penalty units.

Examples of activities that may be a group activity—

a music concert, car rally, bush walk, or wedding

- (2) However, subsection (1) does not apply to an activity that is conducted—
 - (a) by a group of Aboriginal people under Aboriginal tradition in a part of a State forest or timber reserve with which the group has a traditional, customary or historical link under Aboriginal tradition; or
 - (b) by a group of Torres Strait Islanders under Island custom in a part of a State forest or timber reserve with which the group has a traditional, customary or historical link under Island custom; or
 - (c) under an authority (such as an agreement, contract, permit, licence or lease) under this Act.

Note—

See the *Recreation Areas Management Act 2006*, section 48 for permits for group activities in a recreation area.

73D Restricted items

- (1) A person must not possess, have control over, or use any of the following items in a State forest or timber reserve, unless the person has a reasonable excuse—
 - (a) a weapon within the meaning of the *Weapons Act 1990*, schedule 2;

- (b) an axe, hoe, knife, mattock, pick, saw, shovel or other implement;
- (c) a trap, snare, net or birdlime;
- (d) a poison within the meaning the *Health (Drugs and Poisons) Regulation 1996*, appendix 9;
- (e) an explosive within the meaning of the *Explosives Act 1999*;
- (f) a decoy;
- (g) anything else that can be used to take, or help take, wildlife or forest products.

Maximum penalty—120 penalty units.

- (2) However, subsection (1) does not apply to—
 - (a) an item that is, or will be, used only for—
 - (i) taking fish or other animals under the *Fisheries Act 1994*; or
 - (ii) camping; or
 - (iii) a domestic purpose; or
 - (b) an unloaded spear gun that is to be used in an area adjoining the State forest or timber reserve where the use of the gun in the adjoining area is not prohibited under an Act.
- (3) Also, subsection (1) does not apply if the person—
 - (a) securely stores the item in a place in or on a vehicle or vessel where it is not easily accessible and is out of sight; or
 - (b) is authorised to possess, have control over, or use the item in the State forest or timber reserve under an authority (such as an agreement, contract, permit, licence or lease) under any of the following Acts—

[s 35]

- (i) this Act;
 - (ii) the *Geothermal Energy Act 2010*;
 - (iii) the *Greenhouse Gas Storage Act 2009*;
 - (iv) the *Land Act 1994*;
 - (v) the Mining Acts; or
- (c) is in the course of performing duties under this Act.
- (4) In this section—
- take*, in relation to wildlife or forest products, has the meaning given in the *Nature Conservation Act 1992*.

73E Bringing plants into State forest or timber reserve

- (1) A person must not bring a plant into a State forest or timber reserve, unless the plant—
- (a) is food for the person or the person's animal; or
 - (b) is securely stored in or on a vehicle or vessel in a way that ensures no part of the plant is spread or released into the State forest or timber reserve, such as by keeping the plant—
 - (i) in a cabin of the vehicle or vessel; or
 - (ii) covered at all times.
- (2) Subsection (1) does not apply if the person—
- (a) is authorised to bring the plant to the place under an authority (such as an agreement, contract, permit, licence or lease) under an Act; or
 - (b) is acting in the course of performing duties under this Act.

Maximum penalty—50 penalty units.

(3) In this section—

plant means—

- (a) any member of the plant or fungus kingdom (whether alive, dead, standing or fallen); or
- (b) the whole or any part of the flowers, seeds or genetic or reproductive material of a plant or fungus.

73F Unauthorised structures or works

(1) A person must not build or keep a structure or other works in a State forest, timber reserve or forest entitlement area.

Maximum penalty—165 penalty units.

(2) However, subsection (1) does not apply to a camping structure under a camping permit.

(3) Also, subsection (1) does not apply if the person is authorised to build or keep the structure or works, in the State forest, timber reserve or forest entitlement area, under an authority (such as an agreement, contract, permit, licence or lease) under any of the following Acts—

- (a) this Act;
- (b) the *Geothermal Energy Act 2010*;
- (c) the *Greenhouse Gas Storage Act 2009*;
- (d) the *Land Act 1994*;
- (e) the Mining Acts.

36 Insertion of new s 75A

After section 75—

insert—

75A Direction to remove animal

- (1) This section applies to—
 - (a) a forest officer in relation to a State forest or timber reserve (a *relevant area*); or
 - (b) a plantation officer in relation to a licence area (also a *relevant area*).
- (2) The officer may direct a person in charge of an animal, other than stock, in a relevant area to remove the animal from the area if the officer is satisfied the animal—
 - (a) is unlawfully in the area; or
 - (b) has been a disturbance in the area; or
 - (c) is a danger to people, property, other animals or wildlife in the area; or
 - (d) is in danger of injury because of activities being conducted in the area.
- (3) A person given a direction under this section must, unless the person has a reasonable excuse—
 - (a) comply with the direction—
 - (i) immediately after the direction is given; or
 - (ii) if the direction includes a time within which the person must comply, within that time; and
 - (b) ensure the animal is not returned to the relevant area within 24 hours after its removal.

Maximum penalty for subsection (3)—40 penalty units.

36A Insertion of new s 76A

After section 76—

insert—

76A Ministerial exemption for forest products and quarry materials

- (1) The Minister may, by gazette notice, exempt a person or a class of persons from compliance with a provision of this Act in relation to forest products or quarry material.
- (2) An exemption may be subject to the conditions that—
 - (a) the Minister considers appropriate, including the period for which it applies; and
 - (b) are stated in the gazette notice.
- (3) A person must not contravene a condition of an exemption that applies to the person.
Maximum penalty—10 penalty units.

37 Replacement of s 84A (Officer may direct person to leave State forest or timber reserve)

Section 84A—

omit, insert—

84A Directions about use of vehicle or vessel

- (1) This section applies to—
 - (a) a forest officer in relation to a State forest or timber reserve (a *relevant area*); or
 - (b) a plantation officer in relation to a State forest, timber reserve or licence area (also a *relevant area*).
- (2) The officer may give a person in control of a vehicle or vessel in a relevant area a direction that

[s 37]

regulates or prohibits the use of the vehicle or vessel in the area, if the officer reasonably believes it is necessary to—

- (a) prevent or remedy any harm to, or loss or destruction of, forest products or waters of the area; or
- (b) secure the safety of a person or a person's property; or
- (c) minimise disturbance to people in the area; or
- (d) minimise or prevent damage to roads, drainage works, facilities or infrastructure.

Example—

a direction to remove the vehicle or vessel from the relevant area

- (3) The officer may give the direction using a sign or signal.
- (4) A person must comply with a direction given under this section, unless the person has a reasonable excuse.

Maximum penalty for subsection (4)—50 penalty units.

- (5) However, it is not a reasonable excuse for subsection (4) that the person holds an authority (such as an agreement, contract, permit, licence or lease) under this Act, that is inconsistent with the direction.

84B Directions to leave—offences or suspected offences

- (1) This section applies to—
 - (a) a forest officer in relation to a State forest or timber reserve (a *relevant area*); or

- (b) a plantation officer in relation to a State forest, timber reserve or licence area (also a *relevant area*).
- (2) Subsection (3) applies if—
- (a) the officer—
 - (i) finds a person committing, or about to commit, an offence against this Act; or
 - (ii) finds a person in circumstances that lead the officer to reasonably suspect the person has committed an offence against this Act; or
 - (iii) has information that leads the officer to reasonably suspect a person has committed an offence against this Act; and
 - (b) the forest officer or plantation officer reasonably believes the direction is necessary—
 - (i) to prevent the commission or continuation of the offence; or
 - (ii) to secure evidence of the offence; or
 - (iii) to prevent another offence from being committed.
- (3) The officer may direct the person and any person with the person—
- (a) to leave the relevant area; and
 - (b) to remove the person's property from the relevant area; and
 - (c) not to return to the relevant area for a stated period of not more than 6 days.
- (4) A person given a direction under this section must, unless the person has a reasonable excuse, comply with the direction—

[s 37]

- (a) immediately after the direction is given; or
- (b) if the direction includes a time within which the person must comply, within that time.

Maximum penalty for subsection (4)—50 penalty units.

- (5) If the person does not comply with the direction, the officer may take reasonable steps to ensure the person complies with the direction, including by—
 - (a) using reasonable force; and
 - (b) moving the person's property to another place.

84C Directions to leave—dangerous circumstances

- (1) This section applies to—
 - (a) a forest officer in relation to a State forest or timber reserve, or a part of a State forest or timber reserve (a *relevant area*); or
 - (b) a plantation officer in relation to a State forest, timber reserve or licence area or a part of a State forest, timber reserve or licence area (also a *relevant area*).
- (2) If the officer reasonably believes circumstances exist that are a danger to a person, or the person's property, in a relevant area, the officer may direct the person—
 - (a) to leave the relevant area; and
 - (b) to remove the person's property from the relevant area; and
 - (c) not to return to the relevant area for a stated period.

Examples of when the officer might give a direction under subsection (2)—

- trees are being harvested in the State forest or timber reserve
 - a cyclone is seriously threatening the State forest or timber reserve
 - a fire has been lit in the State forest or timber reserve for management purposes
- (3) If the officer reasonably believes the presence of a person in the relevant area may interfere with an emergency or rescue activity, the officer may direct the person—
- (a) to leave the relevant area; and
 - (b) to remove the person's property from the relevant area; and
 - (c) not to return to the relevant area for a stated period.

Examples of when the officer might give a direction under subsection (3)—

- a serious vehicle, aircraft or boating accident has happened in the relevant area
 - a wildfire is being fought in the relevant area
- (4) A person given a direction under this section must, unless the person has a reasonable excuse, comply with the direction—
- (a) immediately after the direction is given; or
 - (b) if the direction includes a time within which the person must comply, within that time.

Maximum penalty for subsection (4)—80 penalty units.

- (5) If the person does not comply with the direction, the officer may take reasonable steps to ensure the person complies with the direction, including by—

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- (a) using reasonable force; and
- (b) moving the person's property to another place.

84D Power to stop people committing offence

- (1) This section applies if a forest officer or plantation officer—
 - (a) finds a person committing, or about to commit, an offence against this Act; or
 - (b) finds a person in circumstances that lead the officer to reasonably suspect the person has committed an offence against this Act; or
 - (c) has information that leads the officer to reasonably suspect a person has committed an offence against this Act.
- (2) The officer may direct the person—
 - (a) to stop committing the offence; or
 - (b) to stop any activities forming the basis of the officer's suspicion mentioned in subsection (1)(b) or (c); or
 - (c) to remain at a place to allow the officer to exercise his or her powers under this Act; or
 - (d) if it is relevant to the offence mentioned in subsection (1) whether the person is licensed to drive a vehicle under a law of the State—to produce a licence.
- (3) A person given a direction under this section must comply with the direction, unless the person has a reasonable excuse.

Maximum penalty for subsection (3)—100 penalty units.

84E Power to stop or move vehicle or vessel

- (1) This section applies if a forest officer believes or reasonably suspects that something in or on a vehicle or vessel may provide evidence of the commission of an offence against this Act.
- (2) The officer, in order to exercise his or her powers under this Act, may direct a person in control of the vehicle or vessel to—
 - (a) stop the vehicle or vessel; or
 - (b) move the vehicle or vessel to, and keep it at, a place within a reasonable distance.
- (3) The officer may give the direction using a sign or signal.
- (4) However, the officer must—
 - (a) when giving the direction—clearly identify himself or herself as a forest officer exercising his or her powers; and
 - (b) when the vehicle or vessel stops—immediately produce his or her identity card for the inspection of the person in control of the vehicle or vessel.
- (5) Section 84F(2) does not apply in relation to a moving vehicle if, in the circumstances, it is not possible for the warning to be given until after the vehicle or vessel has stopped.
- (6) A person in control of a vehicle or vessel must comply with a direction under this section, unless the person has a reasonable excuse.
Maximum penalty for subsection (6)—100 penalty units.
- (7) It is a reasonable excuse for the person not to comply with a direction if the officer does not comply with subsection (4) or section 84F.

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- (8) Also, it is a reasonable excuse for the person not to comply with a direction if—
 - (a) immediately complying with the direction would endanger someone else or cause loss of, or damage to, property; and
 - (b) the person complies with the direction as soon as it is practicable to do so.
- (9) Subsection (4) applies despite section 17D.

84F Warning requirements for giving directions

- (1) This section applies if a forest officer or plantation officer gives a direction under this Act to a person.
- (2) When giving the direction, the officer must—
 - (a) explain why the direction has been given; and
 - (b) warn the person that it is an offence to fail to comply with the direction.
- (3) However, the officer need not comply with subsection (2) if the officer reasonably considers that, in the circumstances, it is not possible to give the explanation and warning without endangering the safety of—
 - (a) a person, including the officer; or
 - (b) property, including State property.

38 Amendment of s 96B (Delegation by chief executive—State plantation forests)

- (1) Section 96B(1), after ‘59,’—

insert—

69D,
- (2) Section 96B(2), ‘section 17’—

omit, insert—

sections 17, 17C and 17E

39 Insertion of new pt 10, div 4

Part 10—

insert—

Division 4 Amendments under Forestry and Another Act Amendment Act 2014

134 Definition for div 4

In this division—

old, in relation to a provision, means the provision as in force immediately before the commencement of the *Forestry and Another Act Amendment Act 2014*.

135 Certificates of appointment

- (1) This section applies to a person who held an appointment as a forest officer or plantation officer immediately before the commencement of this section.
- (2) On and after the commencement, the person's certificate of appointment is taken to be an instrument of appointment.
- (3) Also, the person's certificate of appointment is taken to be the person's identity card until whichever of the following happens first—
 - (a) 1 year after the commencement;
 - (b) the day when the person is issued an identity card under section 17C or subsection (4).

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- (4) The chief executive may issue an identity card to a forest officer or plantation officer until the commencement of section 17C.
- (5) The identity card must—
 - (a) contain a recent photo of the person; and
 - (b) contain a copy of the person’s signature; and
 - (c) identify the person as a forest officer or plantation officer under this Act; and
 - (d) state an expiry date for the card.
- (6) An identity card issued under this section is taken to be an identity card issued under section 17C, until the identity card expires.
- (7) This section does not prevent the issue of a single identity card to a person for this Act and other purposes.

136 Existing directions

- (1) This section applies if a direction was given to a person and was still in effect before the commencement of this section.
- (2) On and after the commencement, the direction is taken to continue in effect and to comply with any necessary requirements under the Act.

137 Existing notices under ss 34AA and 34G

- (1) This section applies if a notice under the old section 34AA, 34AB or 34G is on display before the commencement of this section.
- (2) On and after the commencement, the notice is taken to be a notice under, and in accordance with, section 34AA, 34AB or 34G.

138 Existing applications for permits to camp

- (1) This section applies if, before the commencement of this section—
 - (a) a person applied to the chief executive for a permit to camp under the old section 35; and
 - (b) the application has not been decided.
- (2) On and after the commencement, the application is taken to be an application for a camping permit under section 35.

139 Existing permits to camp

- (1) This section applies if, immediately before the commencement of this section—
 - (a) a person held a permit to camp under the old section 35 or 35A; and
 - (b) the permit was still in force.
- (2) The permit is taken to be camping permit, until the day the permit would have ended under the old section 35 or 35A.

40 Amendment of sch 2 (Subject matters for regulations)

- (1) Schedule 2, section 4, heading, after ‘forests’—
insert—
and timber reserves
- (2) Schedule 2, section 4(1), after ‘State forests’—
insert—
or timber reserves
- (3) Schedule 2, section 4(2), ‘forest’—
omit, insert—
forests or timber reserves

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- (4) Schedule 2, section 4(3), ‘self-registration camping areas’—
omit, insert—
State forests and timber reserves
- (5) Schedule 2, section 9(1), ‘, or otherwise’—
omit, insert—
or other method of sale

41 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definitions *camp, camping form, entrance, lake, native forest hardwood sawlogs, native forest sawlog allocation system, self-registration camping area, self-registration camping notice, State forest information notice, vehicle and watercourse—*
omit.
- (2) Schedule 3—
insert—

aircraft includes a helicopter.

approved appliance means a self-contained cooking, heating or lighting appliance that is portable and uses manufactured fuel, including kerosene, refined oil or gas.

camp includes each of the following—

- (a) to pitch, place or erect a tent, caravan or other structure that may be used for camping to stay overnight by using the tent, caravan or structure;
- (b) to place camping equipment or a vehicle in position to stay overnight using the equipment or vehicle;
- (c) to keep a tent, caravan or other structure or camping equipment in position overnight,

whether or not the tent, caravan, structure or equipment is attended;

- (d) to stay overnight, other than as part of an activity that—
 - (i) does not involve the use of camping equipment; and
 - (ii) is generally not considered to be camping.

camping area means a State forest, or a part of a State forest, stated in a camping notice to be a camping area.

camping equipment means equipment or other things used for camping.

camping fee see section 34H(3).

camping fee container see section 34I(1).

camping fee envelope see section 34I(3)(b).

camping form see section 34I(2).

camping notice see section 34H(2).

camping permit means a permit granted under—

- (a) section 35(1)(b);
- (b) section 35A(2), (3) or (4).

camping tag means a tag made available by the chief executive for display at a person's camp site to show that the person has a camping permit for the site.

commercial activity permit means a permit for a commercial activity.

e-permit camping area means a State forest, or a part of a State forest, stated to be an e-permit camping area by a camping notice.

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entrance, in relation to a State forest, timber reserve or forest entitlement area, is an area of land—

- (a) developed with the authority of the chief executive for use as a vehicular or walking entrance; and
- (b) that is commonly used by people for the purpose of driving or riding vehicles or walking into the State forest, timber reserve or forest entitlement area.

lake includes lagoon, swamp, marsh and any other natural collection of water.

litter includes broken glass.

litter bin means a receptacle for litter provided by the chief executive.

permit distribution point see section 34J(1).

permit holder means the holder of a permit.

self-registration camping area means a State forest, or a part of a State forest, stated to be a self-registration camping area by a camping notice.

signed notice means a notice signed by the chief executive.

vehicle includes—

- (a) any type of transport that moves on wheels, whether or not the vehicle is capable of being operated or used in a normal manner; and
- (b) a hovercraft.

vessel means—

- (a) a ship, boat, punt, ferry, or air cushion vehicle; or

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- (a) for a commercial activity permit—
 - (i) if an application is made under section 55B—on whichever is the earliest of when the application is decided or 3 months after the day when the permit would otherwise have expired; or
 - (ii) otherwise—at the end of the term of the permit; or
- (b) for any other type of permit—at the end of the term of the permit.

44 Amendment of s 55A (Form of commercial activity permit)

Section 55A(b), after ‘forest’—

insert—

or timber reserve

45 Insertion of new ss 55B–55E

Part 4, division 5—

insert—

55B Application to renew permit

- (1) A person who holds a commercial activity permit may apply to the chief executive, before the permit expires, to renew the permit.
- (2) The application must—
 - (a) be in the approved form; and
 - (b) include the information (if any) prescribed by regulation.
- (3) The application must be accompanied by the fees, prescribed by regulation, for the application and the permit.

- (4) If a person applies to renew a commercial activity permit in accordance with subsections (1) to (3), the permit continues in force until whichever of the following happens first—
 - (a) the application is decided;
 - (b) the application is withdrawn;
 - (c) 3 months has elapsed after the day when the permit would otherwise have expired;
 - (d) the permit is suspended or cancelled.

55C Amending conditions of permit

- (1) The chief executive may amend or omit a condition of a commercial activity permit, when the permit is renewed—
 - (a) at the request of the permit holder; or
 - (b) on the chief executive's own initiative.
- (2) However, the chief executive may amend or omit a condition, subject to section 55D(3)(b), only if the chief executive reasonably considers it is necessary because of an amendment that may be made to a commercial activity permit under section 61, 63 or 64.

55D Deciding application to renew permit

- (1) The chief executive may grant an application to renew a commercial activity permit (an *existing permit*) if—
 - (a) the chief executive is not aware of information that is likely to change the chief executive's consideration of a matter mentioned in section 53 for the existing permit; and

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- (b) the chief executive is satisfied the permit holder has in relation to the existing permit—
 - (i) given the chief executive the information prescribed by regulation; and
 - (ii) paid the fee for the existing permit or agreed to pay the fee by instalments and has complied with the agreement.
- (2) Subsection (1)(b) does not apply to an application for an existing permit for filming or photography.
- (3) If the chief executive grants the application—
 - (a) the chief executive must give the applicant a renewed commercial activity permit that is effective from the day after the permit would otherwise have expired; and
 - (b) the renewed commercial activity permit must not authorise the person to carry out any of the following—
 - (i) activities not authorised under the existing permit;
 - (ii) activities at locations not authorised under the existing permit;
 - (iii) activities to a scale (such as in relation to numbers of people, vehicles, structures or animals) that is greater than the scale of activities authorised under the existing permit.
- (4) If the chief executive refuses to grant an application to renew a commercial activity permit, the chief executive must give the applicant a notice stating—
 - (a) the reasons for the refusal; and

- (b) that the refusal does not stop the applicant from applying for a new commercial activity permit.

55E Information notice not required

The chief executive is not required to give the permit holder an information notice about the renewal of, or refusal to renew, a commercial activity permit under this division.

46 Amendment of schedule (Dictionary)

- (1) Schedule—

insert—

commercial activity permit see section 34(1)(d).

- (2) Schedule, definition *commercial activity*, ‘2 persons’—

omit, insert—

10 people

Part 4 Minor and consequential amendments

47 Act amended

Schedule 1 amends the Act it mentions.

Schedule 1 Minor and consequential amendments

section 47

Forestry Act 1959

1 Before section 17—

insert—

**Division 1 Forest officers and
plantation officers**

Subdivision 1 Appointment

2 Before section 18—

insert—

Subdivision 3 General powers

3 Before section 18C—

insert—

Division 2 Miscellaneous provisions

4 Part 4, before section 33—

insert—

Division 1 Management generally

5 Before section 35—*insert—***Division 2 Particular provisions about permits****Subdivision 1 General****6 Part 6, before section 43—***insert—***Division 1 Application of pt 6****7 Part 6, after section 44—***insert—***Division 2 Control and disposal generally****8 After section 54A—***insert—***Division 3 Particular provisions about permits****9 Section 86(1)(l), ‘section 84A’—***omit, insert—*

section 84B