

# Queensland



## Subordinate Legislation 1999 No. 147

### *Brisbane Forest Park Act 1977*

# BRISBANE FOREST PARK BY-LAW 1999

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**DICTIONARY**

## **PART 1—PRELIMINARY**

### **Short title**

1. This by-law may be cited as the *Brisbane Forest Park By-law 1999*.

### **Commencement**

2. This by-law commences on 1 July 1999.

### **Definitions**

3. The dictionary in schedule 5 defines particular words used in this by-law.

## **PART 2—PERMITS AND INVITATION**

### *Division 1—Permits*

#### **Issue of permits for allocated land**

4. The administration authority may issue the following kinds of permits for allocated land—

- (a) a camping permit;
- (b) a restricted use permit;
- (c) a vehicle permit;
- (d) a vessel permit.

#### **Issue of permits for unallocated land**

5. The administration authority may issue the following kinds of permits for unallocated land—

- (a) an entry and camping permit;

- (b) an entry and recreational use permit;
- (c) a group entry permit;
- (d) a vehicle entry permit;
- (e) a vessel entry permit.

### **Fees for permits**

6. The fee stated in schedule 4 is payable for the issue of a permit under section 4 or 5.

### **Contents of permits**

7. A permit must state—

- (a) the part of the allocated or unallocated land to which the permit relates; and
- (b) the period for which the permit applies.

## ***Division 2—Invitation***

### **Invitation for non-prohibited areas**

8. A person may enter and use a non-prohibited area for the following activities—

- (a) birdwatching;
- (b) nature observation;
- (c) bushwalking.

## **PART 3—ACTIVITIES IN THE PARK**

### ***Division 1—Activities on all land in the park***

#### ***Subdivision 1—Activities involving vehicles***

#### **Licensing requirements for driving motor vehicles**

**9.** A person must not drive a motor vehicle in the park unless the person is licensed to drive the motor vehicle under the *Traffic Act 1949*.

Maximum penalty—10 penalty units.

#### **Driving, operating, parking and standing of vehicles**

**10.(1)** A person must not drive or operate a vehicle in the park—

- (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.

**(2)** A person who is driving, or a passenger on, a motor cycle in the park must wear a safety helmet that—

- (a) is of a standard required under the *Traffic Act 1949* to be worn by a person riding a motor cycle on a road; 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.

**(3)** A person must not drive a motor cycle in the park unless the front and rear wheels of the motor cycle 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 the park—

- (a) by means of a motor vehicle (other than a motor cycle), ride or travel outside the vehicle, 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 motor cycle) with a part of the person's body outside the vehicle; or
- (d) drive, or ride in, a motor vehicle fitted with seat belts unless a seat belt is properly fastened around the person; or
- (e) drive a motor vehicle fitted with seat belts or child restraints in which a child is riding unless the child is 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 the park 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 park or interference with a cultural or natural resource of the park.

Maximum penalty—10 penalty units.

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

Maximum penalty—10 penalty units.

### ***Subdivision 2—Activities involving cycles***

#### **Safety helmets for users of cycles**

**11.(1)** A person who is riding a bicycle, tricycle or power-assisted cycle in the park, or is a passenger on a bicycle, tricycle or power-assisted cycle being ridden in the park, must wear a safety helmet that—

- (a) is of a standard required under the *Traffic Act 1949* 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) A person does not commit an offence against subsection (1) if the person—

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

### *Subdivision 3—Other activities*

#### **Entering and exiting the park**

**12.** A person authorised to enter the park must not enter or exit the park other than at a place provided for the purpose.

Maximum penalty—10 penalty units.

#### **Fires**

**13.(1)** A person must not light, keep or use a fire in the park in a place other than—

- (a) a barbecue or fireplace supplied by the administration authority; or
- (b) if a barbecue or fireplace is not supplied—a place clear of flammable material for 2 m in every direction.

Maximum penalty—10 penalty units.

(2) If a person lights or assumes control of a fire in the park, the person



must put out the fire before the person leaves the fire.

Maximum penalty—10 penalty units.

(3) A person does not commit an offence against subsection (2) if another person assumes control of the fire.

(4) A person must not, in the park, put within 2 m of flammable material, or in a place other than a barbecue or fireplace supplied by the administration authority—

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

Maximum penalty—10 penalty units.

### **Misuse of water**

**14.** A person must not—

- (a) allow an animal under the person's control to be in a watercourse in the park; or
- (b) allow water from a tap in the park to run to waste; or
- (c) damage or interfere with a water storage or water supply facility in the park; or
- (d) wash anything in a watercourse in the park.

Maximum penalty—10 penalty units.

### **Pollution of water**

**15.** A person must not pollute a watercourse in the park.

Maximum penalty—10 penalty units.

**Litter**

**16.(1)** A person must not put litter in the park.

Maximum penalty—10 penalty units.

**(2)** A person does not commit an offence against subsection (1) in relation to litter if—

- (a) the litter is not brought into the park by the person or anyone else; and
- (b) the person puts the litter in a litter bin.

**Abandoning, dumping or leaving vehicles**

**17.** A person must not abandon, dump or leave in the park—

- (a) a vehicle, vessel or caravan; or
- (b) part of a vehicle, vessel or caravan.

Maximum penalty—10 penalty units.

**Use of appliances**

**18.(1)** A person must not bring an appliance into the park, or keep or use an appliance in the park, unless the person—

- (a) has the written approval of the administration authority; and
- (b) is acting in a way that is permitted under the terms of the approval.

Maximum penalty—10 penalty units.

**(2)** A person does not commit an offence against subsection (1) if—

- (a) the person—
  - (i) brings the appliance into the park securely stowed in a dismantled state in or on the vehicle or vessel the person used to bring it into the park; and
  - (ii) keeps the appliance dismantled and securely stowed in or on the vehicle or vessel while it is in the park; or
- (b) the person uses the appliance solely for—

- (i) camping; or
- (ii) a domestic purpose; or
- (c) the person holds a restricted use permit for allocated land and the appliance is brought onto the land, or kept or used on the land, for a purpose incidental to a use of the land permitted under the permit.

### **Other unlawful activities**

**19.(1)** A person must not, in the park—

- (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) behave in a way that is likely to interfere with the safety of other persons in the park; or
- (d) 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
- (e) 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.

**(2)** A person must not destroy, damage, mark, deface or otherwise interfere with a sign, notice, fence, gate, building or other structure erected or placed in the park.

Maximum penalty—10 penalty units.

**(3)** A person must not take away from the park timber supplied by the administration authority for use as firewood in the park.

Maximum penalty—10 penalty units.

***Division 2—Activities on allocated land only******Subdivision 1—Activities involving vehicles*****Registration requirements for motor vehicles**

**20.** A person must not take a motor vehicle onto, or drive a motor vehicle on, allocated land unless—

- (a) the vehicle is registered under the *Transport Operations (Road Use Management) Act 1995*; or
- (b) if the person takes the vehicle onto, or drives the vehicle, on allocated land other than a road—the person is acting under a vehicle permit.

Maximum penalty—10 penalty units.

**Operation of vehicles**

**21.** A person in control of a vehicle on allocated land must comply with a sign erected by the administration authority under section 41.

Maximum penalty—10 penalty units.

**Parking and standing of vehicles**

**22.** A person must not park or stand a vehicle in a way, or at a place, on allocated land unless parking or standing the vehicle in the way or at the place is in conformity with a sign erected by the administration authority (including an official traffic sign) ordering the parking and standing of vehicles.

Maximum penalty—10 penalty units.

***Subdivision 2—Activities involving vessels*****Driving and operating vessels**

**23.** A person must not drive or operate a vessel on a watercourse on allocated land except under a vessel permit.

Maximum penalty—10 penalty units.

***Subdivision 3—Other activities*****Use of land**

**24.** A person must not use allocated land other than for the use for which it is allocated.

Maximum penalty—10 penalty units.

**Camping**

**25.** A person must not camp on allocated land except under a camping permit held by the person.

Maximum penalty—10 penalty units.

**Restricted use**

**26.** A person must not use allocated land for a restricted use except under a restricted use permit held by the person.

Maximum penalty—10 penalty units.

***Division 3—Activities on unallocated land only******Subdivision 1—Activities involving vehicles*****Registration requirements for motor vehicles**

**27.** A person must not take a motor vehicle onto, or drive a motor vehicle on, unallocated land unless—

- (a) if the person takes the vehicle onto, or drives the vehicle on, unallocated land that is a road—
  - (i) the vehicle is registered under the *Transport Operations (Road Use Management) Act 1995*; and
  - (ii) the person is acting under a vehicle entry permit; or
- (b) if the person takes the vehicle onto, or drives the vehicle on, unallocated land other than a road—the person is acting under a vehicle entry permit.

Maximum penalty—10 penalty units.

**Operation of vehicles other than motor vehicles**

**28.(1)** This section applies to vehicles other than motor vehicles.

**(2)** A person must not, except under a vehicle entry permit, take a vehicle onto, or drive or operate a vehicle on, unallocated land.

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

***Subdivision 2—Activities involving vessels*****Driving and operating vessels**

**29.** A person must not drive or operate a vessel on a watercourse on unallocated land except under a vessel entry permit.

Maximum penalty—10 penalty units.

***Subdivision 3—Other activities*****Entering generally**

**30.** A person must not enter on unallocated land—

- (a) except under one of the following permits held by the person—
  - (i) an entry and camping permit;
  - (ii) an entry and recreational use permit;
  - (iii) a vehicle entry permit;
  - (iv) a vessel entry permit; or
- (b) unless the person is a member of a group to whom a group entry permit for the land applies; or
- (c) for land that is a non-prohibited area—except for birdwatching, nature observation or bushwalking.

Maximum penalty—10 penalty units.

**Entering prohibited areas**

**31.** A person must not enter a prohibited area.

Maximum penalty—10 penalty units.

**Camping**

**32.** A person must not camp on unallocated land except under an entry and camping permit held by the person.

Maximum penalty—10 penalty units.

**Recreational use**

**33.** A person must not use unallocated land for a recreational use except under an entry and recreational use permit held by the person.

Maximum penalty—10 penalty units.

**Group activities**

**34.(1)** A person must not conduct a group activity on unallocated land except under a group entry permit held by the person.

Maximum penalty—10 penalty units.

**(2)** A person must not take part in a group activity on unallocated land unless the person is a member of a group to whom a group entry permit for the land applies.

Maximum penalty—10 penalty units.

**Non-prohibited areas**

**35.(1)** A person must not use a non-prohibited area except for birdwatching, nature observation or bushwalking.

Maximum penalty—10 penalty units.

**(2)** A person does not commit an offence against subsection (1) if the person is acting under a permit relating to the area.

***Division 4—Activities on allocated land and non-prohibited areas*****Deciding availability of land or area for use**

**36.(1)** The administration authority may decide when all or part of allocated land or a non-prohibited area is to be available for use.

**(2)** If the authority decides that the land or area is not to be available for use at all times, the authority must erect on the land or area to which the decision relates, a sign stating when the land or area is available for use.

**(3)** A person must not enter or remain on the land or area to which subsection (2) applies except when the land or area is available for use.

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



## **PART 4—ANIMALS AND WILDLIFE IN THE PARK**

### **Animals in prohibited areas**

**37.(1)** A person must not—

- (a) allow a dog to enter or stay in a dog prohibited area; or
- (b) allow an animal, including a dog, to enter or stay in an animal prohibited area.

Maximum penalty—10 penalty units.

**(2)** A person does not commit an offence against subsection (1) merely by allowing a guide dog to enter or stay in a dog or animal prohibited area.

### **Animals in areas that are not prohibited areas**

**38.** A person must not allow an animal to enter or stay in the park unless the animal is restrained by the person by a leash.

Maximum penalty—10 penalty units.

### **Feeding wildlife**

**39.** A person in the park must not feed wildlife, whether native or otherwise.

Maximum penalty—10 penalty units.

## **PART 5—MISCELLANEOUS**

### **Markings to regulate vehicles**

**40.** The administration authority may make ground or surface markings in the park ordering the parking and standing of vehicles.

**Signs to regulate vehicles**

**41.** The administration authority may erect on allocated land a sign (including an official traffic sign) ordering the driving, riding or use of vehicles, including for example—

- (a) a speed limit sign; or
- (b) a pedestrian crossing sign; or
- (c) a sign indicating where the driving, operation or riding of a vehicle is restricted or prohibited.

**Barriers and fences to prevent entry of persons**

**42.** The administration authority may erect or place in the park a barrier or fence to prevent the entry of persons—

- (a) onto allocated land, when the land is not available for use; or
- (b) into a non-prohibited area, when the area is not available for entry and use—
  - (i) under section 8; or
  - (ii) under a permit issued for unallocated land; or
- (c) into a prohibited area.

**Map of prohibited areas**

**43.** A map showing prohibited areas may be inspected, and purchased, at the Brisbane office of the department.

**Repeal of by-laws**

**44.** The *Brisbane Forest Park By-laws 1982* are repealed.

**SCHEDULE 1****ANIMAL PROHIBITED AREAS**

section 3 and schedule 5

Bellbird Grove, picnic area

Brisbane Forest Park headquarters

Camp Mountain, picnic area

Diagular National Park

Ironbark Gully, picnic area

J. C. Slaughter Falls, picnic area

Lake Manchester, picnic area

Lomandra, recreation area

McAffees Lookout, picnic area

Mount Coot-tha, picnic grounds 1, 2 and 3

Mount Coot-tha, picnic areas situated along Sir Samuel Griffith Drive

Red Cedar, picnic area

Simpson Falls

Westridge Outlook, picnic area

White Cedar, picnic area

Wivenhoe, picnic area

**SCHEDULE 2****DOG PROHIBITED AREAS**

section 3 and schedule 5

Bellbird Grove, picnic area

Brisbane Forest Park headquarters

Camp Mountain, picnic area

Ironbark Gully, picnic area

J. C. Slaughter Falls, picnic area

Lake Manchester, picnic area

Lomandra, recreation area

McAffees Lookout, picnic area

Mount Coot-tha, picnic grounds 1, 2 and 3

Mount Coot-tha, picnic areas situated along Sir Samuel Griffith Drive

Red Cedar, picnic area

Simpson Falls

Westridge Outlook, picnic area

White Cedar, picnic area

Wivenhoe, picnic area

**SCHEDULE 3****MAP OF PROHIBITED AREAS**

section 43 and schedule 5

Map BPF 1—Prohibited Areas

**SCHEDULE 4****FEES**

section 6

	\$
Camping permit . . . . .	3.50
Entry and camping permit . . . . .	3.50 <sup>1</sup>

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<sup>1</sup> There are no fees payable for the issue of other permits under this by-law.

## SCHEDULE 5

### DICTIONARY

#### section 3

**“allocated land”** means land forming part of the park that is allocated for use by the public under section 30 of the Act, and includes part of the land.

**“animal prohibited area”** means part of the park mentioned in schedule 1.

**“appliance”** means anything used or capable of being used for taking, or facilitating the taking of, a cultural or natural resource of the park, and includes—

- (a) an axe, hoe, mattock, pick, saw, shovel or other implement; and
- (b) a knife or other similar implement; and
- (c) birdlime or a net, snare or trap; and
- (d) a decoy; and
- (e) a substance that is an explosive under the *Explosives Act 1952*; and
- (f) poison; and
- (g) a torch or other artificial light; and
- (h) a thing that is a weapon under the *Weapons Act 1990*.

**“camp”** includes—

- (a) pitch, place or erect a tent, caravan or camping structure; and
- (b) place other camping equipment in position; and
- (c) stay overnight.

**“commercial activity”** includes—

- (a) selling, offering for sale, or displaying for sale, an article; and
- (b) the plying for hire of goods or services; and

## SCHEDULE 5 (continued)

- (c) practising photography for commercial purposes; and
- (d) providing a tour, safari or excursion; and
- (e) providing, for money or other consideration, an activity using the recreational or scenic values of the park.

**“cultural resource”**, of the park, means an object or place having anthropological, archaeological, historical, scientific, sociological or spiritual significance or value, including significance or value under Aboriginal tradition or Island custom.

**“dog prohibited area”** means part of the park mentioned in schedule 2.

**“group activity”** means an organised use of a part of the park in a way that may interfere with—

- (a) for allocated land—the use of the allocated land by the general public; or
- (b) for unallocated land—the use of the unallocated land by persons authorised under a permit or in another way to be on the land.

*Examples—*

1. A concert, public meeting or rally.
2. A religious activity.
3. A wedding.
4. An organised sporting activity.

**“guide dog”** means a guide dog under the *Guide Dogs Act 1972*.

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

**“litter bin”** means a receptacle for litter supplied by the administration authority.

**“motor cycle”** means a motor cycle under the *Traffic Act 1949*.

**“motor vehicle”** means a motor vehicle under the *Traffic Act 1949*.

**“native wildlife”** means a species or taxon of wildlife indigenous to Australia.



## SCHEDULE 5 (continued)

**“natural resource”**, of the park, means any natural or physical feature of the park, including air, minerals, soil, water or wildlife.

**“non-prohibited area”** means unallocated land that is not a prohibited area.

**“official traffic sign”** means an official traffic sign under the *Traffic Act 1949*.

**“operate”**, a vehicle or vessel, includes—

- (a) to put in motion an apparatus, device, machinery or motor in, on or attached to the vehicle or vessel; and
- (b) for a vehicle or vessel capable of being ridden (including, for example, a motor cycle)—to drive the vehicle or vessel.

**“pollute”**, for a watercourse, includes—

- (a) put a dangerous or harmful substance, grease or oil into the watercourse; and
- (b) use detergent, soap or shampoo in the watercourse.

**“prohibited area”** means the unallocated land shown as a prohibited area on the map mentioned in schedule 3.<sup>2</sup>

**“recreational use”**, of unallocated land, means a use of the land, or part of the land, as a place to ride a horse or bicycle.

**“restricted use”**, of allocated land, means a use of the land, or part of the land, as a place to—

- (a) conduct a commercial activity; or
- (b) conduct a group activity; or
- (c) distribute literature; or
- (d) solicit donations or information; or

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<sup>2</sup> Under section 45, a map showing prohibited areas may be inspected, and purchased, at the Brisbane office of the Department of Natural Resources, currently located at 41 George Street, Brisbane.

## SCHEDULE 5 (continued)

(e) fish; or

(f) swim or dive.

**“road”** means a road under the *Transport Operations (Road Use Management) Act 1995*.

**“securely stowed”**, in a vehicle or vessel, means kept in a place in or on the vehicle or vessel in a way that it—

(a) is not easily accessible; and

(b) is out of sight.

**“unallocated land”** means land forming part of the park that is not allocated land, and includes part of the land.

**“vehicle”** means a vehicle under the *Traffic Act 1949*.

**“vessel”** includes—

(a) a boat, canoe, hovercraft or ship; and

(b) anything else capable of use in or on water, whether floating or submersible, and whether or not self-propelled.

**“watercourse”** means a creek, reservoir, river or stream passing through the park in which water flows permanently or intermittently.

**“wildlife”** means a species or taxon of an animal, plant, procaryote, protista or virus.

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ENDNOTES

1. Made by the Brisbane Forest Park Administration Authority on 1 June 1999.
2. Approved by the Governor in Council on 24 June 1999.
3. Notified in the gazette on 25 June 1999.
4. Laid before the Legislative Assembly on . . .
5. The administering agency is the Department of Natural Resources.