



Forestry Act 1959

Forestry Regulation 2015

Current as at 1 October 2020

© State of Queensland 2021



This work is licensed under a Creative Commons Attribution 4.0 International License.



Queensland

Forestry Regulation 2015

Contents

		Page
Part 1	Preliminary	
1	Short title	5
2	Commencement	5
3	Definitions	5
Part 2	Timber reserves and State forests	
Division 1	Timber reserves	
4	Timber reserves—Act, s 28	5
Division 2	Declarations about State forests	
5	State plantation forests—Act, s 32A	6
6	Feature protection areas—Act, s 34A	6
7	Scientific areas—Act, s 34A	6
8	State forest parks—Act, s 34A	6
Division 3	References to plans mentioned in schs 1–5	
9	Plan references and plan availability	6
Part 3	Regulating and controlling State forests and timber reserves	
Division 1	Conduct	
10	General misconduct	7
11	Disturbance by amplified sound	8
12	Use of generator, compressor etc. in particular area of State forest	8
13	Soliciting donation or personal information	8
14	Erecting or displaying relevant notice	9
15	Taking away timber supplied as firewood	10
Division 2	Animals	
16	Particular animals not allowed to enter	10
17	Particular animals not allowed to stay	10
18	Dog to be under control	11
19	Dog not to cause nuisance	12

Contents

20	Dog not to stay overnight	12
21	Horse to be under control	13
22	Horse not to obstruct or stay overnight	13
23	Equestrian events	14
Division 3	Vehicles	
24	Application of div 3	15
25	Licence requirement	15
26	Registration requirement	15
27	Approval requirement for conditionally registered vehicle	17
28	Safe use of vehicle by reference to transport legislation	19
29	Persons on quad bike to wear approved motorbike helmet	20
30	Safe use of motorbike or quad bike	21
31	Other requirements about using vehicle	22
32	Driving or riding vehicle in particular area of State forest	23
Division 4	Vessels and aircraft	
33	Operation or use of vessel	23
34	Operation of aircraft	24
Part 4	Fees	
Division 1	Fees	
35	Fees	24
Division 2	Waiver	
36	Permit activity for charitable, cultural, educational, environmental or scientific purpose	25
37	Commercial activity permit—equivalent of application fee paid under another Act	25
38	Commercial activity permit—equivalent of permit fee paid under another Act	26
39	Commercial activity permit—equivalent of daily activity fee paid under another Act	27
39A	Commercial activity permit—daily activity fee waived for COVID-19 emergency	28
Part 5	Repeal	
40	Repeal	29
Schedule 1	Timber reserves	30
Schedule 2	State plantation forests	31
Schedule 3	Feature protection areas	35
Schedule 4	Scientific areas	36

Contents

Schedule 5	State forest parks	38
Schedule 6	Fees	39
Schedule 7	Dictionary	44

Forestry Regulation 2015

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Forestry Regulation 2015*.

2 Commencement

This regulation commences on 16 August 2015.

3 Definitions

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

Part 2 Timber reserves and State forests

Division 1 Timber reserves

4 Timber reserves—Act, s 28

Each timber reserve is described in schedule 1.

Division 2 Declarations about State forests

Note—

For land set apart and declared as State forest under section 25 of the Act, see the *Forestry (State Forests) Regulation 1987*.

Part 3 **Regulating and controlling State forests and timber reserves**

Division 1 **Conduct**

10 **General misconduct**

- (1) A person in a State forest or timber reserve must not, without reasonable excuse—
 - (a) be disorderly or unreasonably disturb someone else in the State forest or timber reserve; or
 - (b) do anything that interferes, or is likely to interfere, with the health or safety of the person or someone else in the State forest or timber reserve.

Maximum penalty—20 penalty units.

- (2) Subsection (1)(b) does not apply to conduct to the extent to which the *Work Health and Safety Act 2011* applies to the conduct.
- (3) A person must not, in a State forest or timber reserve, restrict access to a part of the State forest or timber reserve or a barbecue, table or other facility in the State forest or timber reserve.

Examples of restricting access—

cordoning off, claiming to have an exclusive right to use

Maximum penalty—20 penalty units.

- (4) Subsection (3) does not apply to a person who restricts the access mentioned in subsection (3) under an authority, agreement or lease under an Act authorising the person to restrict the access.

11 Disturbance by amplified sound

A person in a State forest or timber reserve must not, without reasonable excuse, use a sound amplifying system, including, for example, a radio, in a way that unreasonably disturbs someone else or an animal in the State forest or timber reserve.

Maximum penalty—20 penalty units.

12 Use of generator, compressor etc. in particular area of State forest

(1) A person must not, in a feature protection area or State forest park (each the area), use a generator, compressor or similar machine unless its use is allowed under—

- (a) a regulatory notice displayed in or near the area; or
- (b) an authority, agreement or lease under the Act for the area.

Maximum penalty—20 penalty units.

(2) Subsection (1) does not apply to a person if—

- (a) the person uses a generator to operate a device for the treatment of a person's medical condition; and
- (b) the generator does not emit a noise of more than 65dB(A) when measured 7 metres from the generator.

(3) In this section—

medical condition, of a person, means a medical condition for which the person has a medical certificate or other document issued by a doctor stating that the person has the condition.

13 Soliciting donation or personal information

(1) A person in a State forest or timber reserve must not, without authority under the Act, solicit—

- (a) a donation from someone else in the State forest or timber reserve; or

-
- (b) information that is personal information or information sought for a survey from someone else in the State forest or timber reserve.

Maximum penalty—20 penalty units.

- (2) Subsection (3) applies if—
 - (a) the holder of an authority under the Act to solicit a donation or the information mentioned in subsection (1) solicits a donation or information from someone else in a State forest or timber reserve; and
 - (b) the other person indicates to the holder that the person does not want to give the holder the donation or information.
- (3) The holder must not solicit the donation or information from the other person after the indication is given.

Maximum penalty—20 penalty units.

14 Erecting or displaying relevant notice

- (1) A person, other than the chief executive or a person authorised by the chief executive, must not, in a State forest or timber reserve, erect or display a relevant notice unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (2) A person must not, without lawful authority, interfere with a relevant notice that is erected or displayed with the authority of the chief executive in—
 - (a) for a relevant notice that is not the property of the State—a State forest; or
 - (b) a timber reserve.

Note for paragraph (a)—

See section 86(1)(j) of the Act for interfering with a notice that is the property of the State.

Maximum penalty—20 penalty units.

- (3) In this section—

[s 15]

interfere with, a relevant notice, includes take, destroy or damage the relevant notice.

relevant notice means a sign, pictograph or other device (of whatever material and whether fixed or movable).

15 Taking away timber supplied as firewood

A person must not take away from a State forest or timber reserve timber supplied by the chief executive for use as firewood in the State forest or timber reserve.

Maximum penalty—20 penalty units.

Division 2 Animals

16 Particular animals not allowed to enter

A person in charge of an animal, other than a dog, must not allow the animal to enter a State forest or timber reserve unless the person—

- (a) allows the animal to enter under a regulatory notice displayed in the State forest or timber reserve; or
- (b) allows the animal to enter the State forest or timber reserve under an authority under the Act; or
- (c) conducts an activity in the State forest or timber reserve under an authority under an Act and the animal is being used to help conduct the activity under the authority.

Maximum penalty—20 penalty units.

17 Particular animals not allowed to stay

A person in charge of an animal, other than a dog, must not allow the animal to stay in a State forest or timber reserve unless the person—

-
- (a) allows the animal to stay in an area in the State forest or timber reserve designated by a regulatory notice as an area where the animal may stay; or
 - (b) allows the animal to stay in the State forest or timber reserve under an authority under the Act; or
 - (c) conducts an activity in the State forest or timber reserve under an authority under an Act and the animal is being used to help conduct the activity under the authority.

Maximum penalty—20 penalty units.

Note—

See also section 20 or 22(2) for the circumstances in which a person in charge of a dog or horse may allow the dog or horse to stay overnight in a State forest or timber reserve.

18 Dog to be under control

- (1) A person in charge of a dog in a State forest or timber reserve must ensure the dog is under control in the State forest or timber reserve.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply to a person in charge of a dog in a State forest or timber reserve if—
 - (a) the person conducts an activity in the State forest or timber reserve under an authority under an Act; and
 - (b) the dog is being used to help conduct the activity under the authority.
- (3) In this section—

under control, for a dog, means—

- (a) the dog is controlled by a person who is physically able to control the dog by holding the dog by a leash that is appropriate to restrain the dog; or
- (b) the dog—
 - (i) is securely tethered to a fixed object; and

- (ii) is under the supervision of a person who is able to control the dog; or
- (c) the dog is being transported in an enclosed part of a vehicle, carry cage or other suitable closed container; or
- (d) the dog is being transported on the tray of a vehicle and is securely tethered so as to be confined to the vehicle tray.

19 Dog not to cause nuisance

- (1) A person in charge of a dog in a State forest or timber reserve must not allow the dog to behave in a way that—
- (a) causes a nuisance to or unreasonably disturbs someone else or another animal in the State forest or timber reserve; or
 - (b) is dangerous to a person or animal, or damages property, in the State forest or timber reserve.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply to a person in charge of a dog in a State forest or timber reserve if—
- (a) the person conducts an activity in the State forest or timber reserve under an authority under an Act; and
 - (b) the dog is being used to help conduct the activity under the authority; and
 - (c) the person takes reasonable steps to—
 - (i) minimise the nuisance or disturbance; or
 - (ii) prevent any danger or damage.

20 Dog not to stay overnight

A person in charge of a dog in a State forest or timber reserve must not allow the dog to stay overnight in the State forest or timber reserve unless the person—

-
- (a) allows the dog to stay overnight in an area in the State forest or timber reserve designated by a regulatory notice as an area where dogs may stay overnight; or
 - (b) conducts an activity in the State forest or timber reserve under an authority under an Act and the dog is being used to help conduct the activity under the authority; or
 - (c) has a reasonable excuse.

Maximum penalty—20 penalty units.

21 Horse to be under control

- (1) A person in charge of a horse in a State forest or timber reserve must ensure the horse is under control in the State forest or timber reserve.

Maximum penalty—20 penalty units.

- (2) In this section—

under control, for a horse, means the horse—

- (a) is controlled by a person by 1 of the following that is appropriate to restrain the horse—
 - (i) a bridle and rein;
 - (ii) a halter;
 - (iii) a headstall and lead; or
- (b) is securely tethered to a fixed object; or
- (c) is securely held in an enclosure in the State forest or timber reserve made available for use by the chief executive or otherwise under an authority under an Act.

22 Horse not to obstruct or stay overnight

- (1) A person in charge of a horse in a State forest or timber reserve must not tether the horse at a place in the State forest or timber reserve where the horse obstructs or prevents, or may obstruct or prevent, the free passage on a road or track of someone else, another animal or a vehicle.

Maximum penalty—20 penalty units.

- (2) A person in charge of a horse in a State forest or timber reserve must not allow the horse to stay overnight in the State forest or timber reserve unless the person—
- (a) allows the horse to stay overnight in an area in the State forest or timber reserve designated by a regulatory notice as an area where horses may stay overnight; or
 - (b) conducts an activity in the State forest or timber reserve under an authority under an Act and the horse is being used to help conduct the activity under the authority; or
 - (c) has a reasonable excuse.

Maximum penalty—20 penalty units.

23 Equestrian events

- (1) A person must not organise or promote the conduct of, or conduct, an equestrian event in a State forest or timber reserve unless the equestrian event is to be, or is, conducted in the State forest or timber reserve under an authority, agreement or lease under the Act.

Maximum penalty—20 penalty units.

- (2) A person in charge of a horse in a State forest or timber reserve must not compete, or allow the horse to be used for competing, in an equestrian event in the State forest or timber reserve unless—
- (a) the equestrian event is conducted under an authority, agreement or lease under the Act; or
 - (b) the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (3) In this section—

equestrian event includes an equestrian race, trial or exhibition.

Division 3 Vehicles

24 Application of div 3

This division applies to all areas, including roads, in a State forest or timber reserve.

25 Licence requirement

- (1) A person must not, in a State forest or timber reserve, drive or ride a vehicle unless the person holds a driver licence to drive or ride the vehicle on a road.

Maximum penalty—20 penalty units.

- (2) In this section—

driver licence see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

26 Registration requirement

- (1) A person must not, in a State forest or timber reserve, drive or ride a vehicle that is required, under a Registration Act, to be registered unless—

(a) the vehicle is registered; or

(b) if the vehicle is an unregistered vehicle—

(i) the person drives or rides, in the State forest or timber reserve, the unregistered vehicle under an authority or agreement under the Act; and

(ii) the unregistered vehicle is not driven or ridden on a road; and

(iii) the unregistered vehicle is not used for recreational purposes.

Maximum penalty—20 penalty units.

- (2) A person must not bring into a State forest or timber reserve a vehicle unless—

- (a) the vehicle is registered; or
- (b) if the vehicle is an unregistered vehicle—the person brings the unregistered vehicle into the State forest or timber reserve under an authority or agreement under the Act.

Maximum penalty—20 penalty units.

- (3) The authority or agreement mentioned in subsection (1)(b)(i) to drive or ride an unregistered vehicle in a State forest or timber reserve is taken to include the authority or agreement mentioned in subsection (2)(b) to bring the unregistered vehicle into the State forest or timber reserve, if the unregistered vehicle—
 - (a) is brought into the State forest or timber reserve, by a registered vehicle, to be driven or ridden under the authority or agreement mentioned in subsection (1)(b)(i); and
 - (b) is not driven or ridden on a road; and
 - (c) is not used for recreational purposes.
- (4) In this section—

bring, a vehicle into a State forest or timber reserve, does not include drive or ride the vehicle into or in the State forest or timber reserve.

registered, in relation to a vehicle, means the vehicle may, under a Registration Act, be lawfully used on a road.

Registration Act means—

- (a) the *Transport Operations (Road Use Management) Act 1995*; or
- (b) a law of another State or the Commonwealth that corresponds to the *Transport Operations (Road Use Management) Act 1995*.

unregistered vehicle has the meaning given by the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*, section 6(2).

27 Approval requirement for conditionally registered vehicle

- (1) A person must not, in a State forest or timber reserve, drive or ride a conditionally registered vehicle unless the person has the chief executive's written approval.

Maximum penalty—20 penalty units.

- (2) The chief executive may give an approval under subsection (1) if the person is to drive or ride the conditionally registered vehicle—

- (a) for a commercial purpose under an authority or agreement under the Act; or

Examples of using a conditionally registered vehicle for a commercial purpose under paragraph (a)—

- using the vehicle to conduct an activity under a commercial activity permit
- using the vehicle to conduct an activity under a permit for an apiary site
- using the vehicle as part of forest operations, including harvesting, silviculture or infrastructure management
- using the vehicle to extract, process or remove quarry material as authorised under the Act

- (b) for a commercial purpose under an authority under another Act to use land in the State forest or timber reserve; or

Example of using a conditionally registered vehicle for a commercial purpose under paragraph (b)—

using the vehicle to muster stock in a State forest or timber reserve under a permit to graze stock under the *Land Act 1994*

- (c) to provide a service to users of a State forest or timber reserve; or

Examples of using a conditionally registered vehicle for providing services to users of a State forest or timber reserve—

- using the vehicle to provide a mechanical or vehicle towing service to a visitor in a State forest or timber reserve
- using the vehicle for carrying out maintenance on a privately owned facility in a State forest or timber reserve

[s 27]

- (d) to conduct an organised event under section 73C(2) of the Act; or
- (e) for the management of the State forest or timber reserve; or

Example of using a conditionally registered vehicle for the management of a State forest or timber reserve—

using the vehicle for carrying out works, spraying weeds or controlling animals

- (f) to carry out an emergency or rescue activity; or
- (g) to enforce a law of the State; or
- (h) for the sole purpose of going directly through the State forest or timber reserve to or from other land outside the State forest or timber reserve if—
 - (i) the person owns or occupies the other land or is authorised by the owner or occupier of the other land to enter the land; and
 - (ii) the chief executive considers the most direct and reasonable route to or from the other land is through the State forest or timber reserve.

Example—

A person would be using a conditionally registered vehicle for the sole purpose of going directly through a State forest or timber reserve if the person were using the vehicle only to go through the State forest or timber reserve and not for another purpose, for example, recreation, during the journey.

- (3) Also, the chief executive may give an approval under subsection (1) if the chief executive reasonably believes the person who is to drive or ride the conditionally registered vehicle is suffering from a condition that—
 - (a) is not temporary; and
 - (b) significantly restricts the person's mobility.
- (4) However, the chief executive must not give an approval for the use of a conditionally registered vehicle in a State forest or timber reserve under subsection (2)(a), (b), (c), (d) or (h) or

subsection (3) if the chief executive considers the use of the conditionally registered vehicle would be likely to—

- (a) cause unreasonable damage to the State forest or timber reserve; or
 - (b) pose a serious risk to the health or safety of the public in the State forest or timber reserve.
- (5) For subsection (3), the chief executive may ask a person to give the chief executive a medical certificate or other document issued by a doctor to verify the nature of the person's condition.
- (6) In this section—

conditionally registered vehicle has the meaning given by the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*.

28 Safe use of vehicle by reference to transport legislation

- (1) If a person, while in a State forest or timber reserve, does an act or makes an omission that, if done or made on a road, would contravene any of the following provisions of the Queensland Road Rules, the person commits an offence against this subsection—
- section 256(1)
 - section 264
 - section 265(1) or (3)
 - section 266
 - section 268
 - section 270(1) or (2)
 - section 271(4) or (5).

Maximum penalty—20 penalty units.

- (2) If a person, while in a State forest or timber reserve, does an act or makes an omission that, if done or made on a road, would contravene the *Transport Operations (Road Use*

Management) Act 1995, section 83 or 84, the person commits an offence against this subsection.

Maximum penalty—20 penalty units.

- (3) To remove any doubt, it is declared that if a person who—
- (a) commits an offence against subsection (1) also commits an offence against a provision of the Queensland Road Rules mentioned in the subsection, the person can be punished for an offence against subsection (1) or an offence against a provision of the Queensland Road Rules mentioned in the subsection, but not both; or
 - (b) commits an offence against subsection (2) also commits an offence against a provision of the *Transport Operations (Road Use Management) Act 1995* mentioned in the subsection, the person can be punished for an offence against subsection (2) or an offence against the *Transport Operations (Road Use Management) Act 1995*, section 83 or 84, but not both.

29 Persons on quad bike to wear approved motorbike helmet

- (1) The rider of a quad bike that is moving, or is stationary but not parked, must wear an approved motorbike helmet securely fitted and fastened on the rider's head.

Maximum penalty—20 penalty units.

- (2) The rider of a quad bike that is moving, or is stationary but not parked, must not ride with a passenger unless the passenger complies with subsection (3).

Maximum penalty—20 penalty units.

- (3) A passenger on a quad bike that is moving, or is stationary but not parked, must wear an approved motorbike helmet securely fitted and fastened on the passenger's head.

Maximum penalty—20 penalty units.

- (4) In this section—

approved motorbike helmet means a helmet that—

-
- (a) complies with—
 - (i) AS 1698; or
 - (ii) AS/NZS 1698; or
 - (iii) the United Nations Economic Commission for Europe standard 22.05; or
 - (iv) another standard the chief executive considers is at least equal to a standard mentioned in subparagraph (i), (ii) or (iii); and
 - (b) bears a label, or similar mark, indicating compliance with a standard mentioned in paragraph (a).

30 Safe use of motorbike or quad bike

- (1) A person riding a motorbike or quad bike in a State forest or timber reserve must ensure that all of the wheels of the motorbike or quad bike stay in contact with the ground while the motorbike or quad bike is moving, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (2) A person must not, in a State forest or timber reserve, carry a passenger, or travel as a passenger, on a quad bike other than on a seat designed to carry a passenger.

Maximum penalty—20 penalty units.

- (3) In this section—

motorbike has the meaning given by the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

Note—

Under the *Transport Operations (Road Use Management) Act 1995*, *motorbike* is also defined as a 3-wheeled motor vehicle that is ridden in the same way as a 2-wheeled motor vehicle.

31 Other requirements about using vehicle

- (1) A person must not, in a State forest or timber reserve, ride or travel in or on something being towed by a moving motor vehicle, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (2) A person must not, in a State forest or timber reserve, drive or ride a vehicle at a speed or in another way that unreasonably damages or may unreasonably damage the State forest or timber reserve.

Maximum penalty—20 penalty units.

- (3) A person must not, in a State forest or timber reserve, without reasonable excuse—

- (a) drive or ride a vehicle into a place if a barrier or fence has been lawfully erected or placed to prevent entry into the place; or
- (b) operate or use a vehicle in a way that disrupts or may disrupt someone else's reasonable enjoyment of the State forest or timber reserve; or
- (c) park or stand a vehicle in a way that, or at a place where, the vehicle obstructs or prevents, or may obstruct or prevent, the free passage on a road or track of another vehicle; or
- (d) park or stand a vehicle in a way that, or at a place where, the vehicle is likely to—
 - (i) unreasonably damage the State forest or timber reserve; or
 - (ii) unreasonably interfere with a forest product in the State forest or timber reserve; or
- (e) park or stand a vehicle at a place designated for parking in a way that does not conform with ground or surface markings used for ordering the parking and standing of vehicles.

Maximum penalty—20 penalty units.

(4) This section does not apply to an act done under an authority or agreement under the Act.

(5) In subsection (2)—

State forest does not include a feature protection area, State forest park or forest drive.

Note for subsection (5)—

See section 34G of the Act.

32 Driving or riding vehicle in particular area of State forest

A person must not, in a feature protection area or State forest park (each the area), drive or ride a vehicle unless the driving or riding of the vehicle in the area is allowed under an authority or agreement under the Act.

Maximum penalty—20 penalty units.

Note—

The movement of vehicles in the area may also be regulated or prohibited by notice under section 34G of the Act.

Division 4 Vessels and aircraft

33 Operation or use of vessel

(1) A person must not, on a lake or watercourse in a State forest or timber reserve, operate or use a motorised vessel unless the use or operation is allowed under—

(a) a regulatory notice displayed in the State forest or timber reserve; or

(b) an authority or agreement under the Act that permits the use or operation of the vessel in the State forest or timber reserve.

Maximum penalty—20 penalty units.

(2) A person must not, on a lake or watercourse in a State forest or timber reserve—

[s 34]

- (a) moor, operate or use a vessel in a way that unreasonably damages, or may unreasonably damage, the State forest or timber reserve; or
- (b) operate or use a vessel in a way that disrupts or may disrupt someone else's reasonable enjoyment of the State forest or timber reserve.

Maximum penalty—20 penalty units.

34 Operation of aircraft

A person must not land in, or take off from, a State forest or timber reserve using an aircraft, including, for example, an aeroplane, balloon, hang-glider or paraglider, unless the person—

- (a) lands in, or takes off from, the State forest or timber reserve under an authority or agreement under the Act; or
- (b) has a reasonable excuse.

Maximum penalty—20 penalty units.

Part 4 Fees

Division 1 Fees

35 Fees

Subject to division 2, the fees payable under the Act are stated in schedule 6.

Division 2 Waiver

36 **Permit activity for charitable, cultural, educational, environmental or scientific purpose**

The chief executive may waive the payment of a fee to the extent, including entirely, the chief executive considers appropriate in the circumstances if—

- (a) the fee is payable for a matter mentioned in schedule 6, items 1 to 4; and
- (b) the activity under the permit is for a charitable, cultural, educational, environmental or scientific purpose.

37 **Commercial activity permit—equivalent of application fee paid under another Act**

(1) This section applies if—

- (a) an application (a forestry application) is made for a commercial activity permit under which the commercial activity to be conducted under the permit is to be conducted in 1 or more forestry areas and either or both of the following—
 - (i) a protected area under the *Nature Conservation Act 1992*;
 - (ii) a recreation area under the *Recreation Areas Management Act 2006*; and
- (b) the applicant has also made an application (related application) for an authority (however called) to conduct the activity in the protected area or recreation area; and
- (c) the chief executive is satisfied the forestry application and related application can be considered together.

Example—

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

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

- (2) The chief executive may waive all or part of the application fee payable for the forestry application.
- (3) However, subsection (2) only applies if the holder has paid an application fee (however called) for the related application.
- (4) Also, if the application fee payable for the forestry application is higher than the application fee paid for the related application, the chief executive can only waive an amount that is not more than the application fee paid for the related application.
- (5) In this section—
forestry area means—
 - (a) a forest reserve under the *Nature Conservation Act 1992* that was, immediately before its dedication as a forest reserve, a State forest; or
 - (b) a State forest; or
 - (c) a timber reserve.

38 Commercial activity permit—equivalent of permit fee paid under another Act

- (1) This section applies if—
 - (a) the chief executive waives all or part of the application fee payable for an application for a commercial activity permit under section 37; and
 - (b) the holder of the permit has paid a permit fee (however called) for the authority mentioned in section 37(1)(b) (the related authority).
- (2) The chief executive must also waive—
 - (a) if the permit fee paid for the related authority is the same or higher than the permit fee stated in schedule 6

for the commercial activity permit—the permit fee for the commercial activity permit; or

- (b) if the permit fee paid for the related authority is lower than the permit fee stated in schedule 6 for the commercial activity permit—the amount of the permit fee for the commercial activity permit equivalent to the permit fee paid for the related authority.

39 **Commercial activity permit—equivalent of daily activity fee paid under another Act**

- (1) This section applies if—
- (a) the holder of a commercial activity permit, other than for filming or photography, conducts the commercial activity authorised under the permit in the State forest, timber reserve or forest reserve to which the permit applies and either or both of the following—
- (i) a protected area under the *Nature Conservation Act 1992 (NC Act)*;
- (ii) a recreation area under the *Recreation Areas Management Act 2006 (RAM Act)*; and
- (b) the activity conducted in the State forest, timber reserve or forest reserve is also conducted for the same clients in the protected area or recreation area under a permit (however called) (***equivalent permit***) issued or granted under the NC Act or the RAM Act that authorises the conduct of the activity; and
- (c) the holder has paid a daily fee (however called) for conducting the activity under the equivalent permit.
- (2) The daily activity fee for conducting the activity under the commercial activity permit is the amount worked out by deducting the amount of the daily fee paid for conducting the activity under the equivalent permit from the daily activity fee stated in schedule 6 for the commercial activity permit.
- (3) If the amount under schedule 6 of the daily activity fee payable for conducting the activity is the same or less than the

amount of the daily fee paid for conducting the activity under the equivalent permit, the chief executive must waive payment of the daily activity fee.

Example—

The holder of a commercial activity permit conducts a commercial tour lasting more than 3 hours for 10 clients in Barakula State Forest and Carnarvon National Park and the holder has paid a daily fee of \$37.50 (\$3.75 for each client) under the *Nature Conservation Act 1992* for conducting the tour in the national park under an equivalent permit under that Act.

The daily activity fee payable for conducting the commercial tour in the State forest under the commercial activity permit is nil, being the daily activity fee stated in schedule 6 for conducting the tour (\$3.75 for each client) reduced by \$37.50, being the daily fee paid under the *Nature Conservation Act 1992* for conducting the tour in Carnarvon National Park under an equivalent permit under that Act.

(4) In this section—

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

forest reserve means a forest reserve under the *Nature Conservation Act 1992*.

39A Commercial activity permit—daily activity fee waived for COVID-19 emergency

- (1) This section applies in relation to a daily activity fee mentioned in schedule 6, item 4(c) that is payable under the Act—
 - (a) by the holder of a commercial activity permit other than for filming or photography; and
 - (b) in relation to an activity for a day in the period starting on 1 October 2020 and ending on 31 March 2021.
- (2) Payment of the fee is waived for the holder.

Part 5 **Repeal**

40 **Repeal**

The Forestry Regulation 1998, SL No. 264 is repealed.

Schedule 1 Timber reserves

section 4

Lot 165 on AP23568

TR 1 on plan FTY1434

TR 157 on plan FTY1077 excluding lot 157 on AP6291

TR 170 on plan FTY1843 excluding lots 1 and 2 on SP254326

TR 265 on plan FTY1762

TR 296 on plan FTY1438

TR 580 on plan FTY1444

TR 581 on plan FTY1445

TR 766 on plan FTY1420 excluding lot 766 on AP6326

Schedule 2 State plantation forests

section 5

Lot A on PLP0012

Lot A on PLP0034

Lots A, B and C on PLP0067

Lots A, B and C on PLP0082

Lot A on PLP0117

Lots A, B, C, D, E and F on PLP0124

Lots A, B, C, D, E, F, G, H, I, J, K, L and M on PLP0135

Lot A on PLP0138

Lots A, B, C, D, E, F, G and H on PLP0169

Lot A on PLP0179

Lots A, B, C, D, E, F, G, H, I, J, K, L and M on PLP0185

Lots A, B, C and D on PLP0191

Lots A and B on PLP0193

Lots A, B and C on PLP0200

Lots A, B, G, H, I and J on PLP0207

Lot A on PLP0220

Lots A and B on PLP0242

Lots A and B on PLP0256

Lots A, B, C, D, E, F, G and H on PLP0257

Lots A, B, C and D on PLP0258

Lots A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P and Q on
PLP0263

Lots A and B on PLP0274

Lots A, B, C, D and E on PLP0283

Lots A, B, C and D on PLP0287

Lots A, B, C, D, E, F, G and H on PLP0289

Lots A, B, C, D and E on PLP0298

Lot A on PLP0310

Lot A on PLP0313

Lots A, B, C, D and E on PLP0316

Lot A on PLP0321

Lot A on PLP0329

Lots A and B on PLP0355

Lots A and B on PLP0359

Lots A, B and C on PLP0379

Lot A on PLP0391

Lots A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W and X on PLP0435

Lots A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U and V on PLP0461

Lots A and B on PLP0466

Lot A on PLP0531

Lots A, B, C, D and E on PLP0546

Lots A, B, C, D, E, F, G, H, I, J, K, L, M, N, O and P on PLP0561

Lot A on PLP0575

Lots A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X and Y on PLP0589

Lots A, B, C, D, E, F, G, H, I, J, K and L on PLP0591

Lot A on PLP0593

Lots A, AA, AB, AC, AD, AE, AF, AG, AH, AI, AJ, AK, AL, AM, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y and Z on PLP0611

Lot A on PLP0612

Lot A on PLP0618
Lot A on PLP0637
Lot A on PLP0639
Lots A, B, C and D on PLP0652
Lot A on PLP0658
Lots A, B, C and D on PLP0661
Lots A, B and C on PLP0673
Lots A, B and C on PLP0695
Lots A, B and C on PLP0700
Lots A and B on PLP0753
Lots A, B and C on PLP0766
Lots A, B and C on PLP0792
Lots A, B, C, D, E, F, G, H, I, J, K, L and M on PLP0809
Lots A, B, C, D, E, F and G on PLP0840
Lots A, B and C on PLP0861
Lots A, B, C, D, E, F, G, H, I, J, K and L on PLP0865
Lot A on PLP0868
Lots A, B, C, D, E, F, G, H, I and J on PLP0893
Lots A, B, C and D on PLP0909
Lots A, B, C, D, E and F on PLP0915
Lot A on PLP0918
Lots A and B on PLP0944
Lots B, D, H and I on PLP0952
Lots A, B, C and D on PLP0957
Lots A, B, C, D and E on PLP0958
Lots A and B on PLP0986
Lot A on PLP0997
Lots A, B, C, D, E, F, G, H and I on PLP1004

Schedule 2

Lots A, B, C, D, E and F on PLP1142

Lots A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P and Q on
PLP1229

Lots A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q and R on
PLP1294

Lots A, B, C, D, E, F, G and H on PLP1419

Schedule 3 Feature protection areas

section 6

FPA 2 on plan FSM57
FPA 3 on plan FSM68
FPA 4 on plan FSM66
FPA 16 on plan FSM127
FPA 22 on plan FSM54
FPA 26 on plan FSM156
FPA 48 on plan FSM69
FPA 58 on plan FSM61
FPA 72 on plan FSM55
FPA 85 on plan FSM71
FPA 93 on plan FSM70
FPA 111 on plan FSM4

Schedule 4 Scientific areas

section 7

SA 1 on plan FSM7
SA 3 on plan FSM16
SA 4 on plan FSM17
SA 11 on plan FSM81
SA 16 on plan FSM44
SA 19 on plan FSM133
SA 20 on plan FSM147
SA 21 on plan FSM125
SA 22 on plan FSM136
SA 25 on plan FSM134
SA 26 on plan FSM94
SA 31 on plan FSM20
SA 32 on plan FSM43
SA 33 on plan FSM103
SA 35 on plan FSM114
SA 36 on plan FSM92
SA 44 on plan FSM6
SA 49 on plan FSM14
SA 52 on plan FSM28
SA 53 on plan FSM30
SA 54 on plan FSM41
SA 58 on plan FSM50
SA 60 on plan FSM64
SA 61 on plan FSM65

SA 63 on plan FSM79
SA 66 on plan FSM89
SA 67 on plan FSM95
SA 68 on plan FSM99
SA 75 on plan FSM135
SA 79 on plan FSM146
SA 81 on plan FSM151
SA 82 on plan FSM152
SA 83 on plan FSM153
SA 85 on plan FSM154

Schedule 5 State forest parks

section 8

SFP 3 on plan FSM31
SFP 4 on plan FSM161
SFP 5 on plan FSM33
SFP 6 on plan FSM34
SFP 10 on plan FSM38
SFP 13 on plan FSM49
SFP 19 on plan FSM62
SFP 23 on plan FSM160

Schedule 6 Fees

section 35

\$

- | | | |
|---|--|---|
| 1 | Camping fee, or camping permit, if a commercial activity permit is not required— | |
| | (a) for each night the camp site the subject of the permit is attended— | |
| | (i) for each person 5 years or older taking part in an educational tour, or camp, of a type approved by the chief executive | 3.70 |
| | (ii) otherwise— | |
| | (A) for each other person 5 years or older | 6.75 |
| | (B) maximum for each family | 4 times the fee for each other person as stated in subparagraph (ii)(A) |
| | (b) for each night the camp site the subject of the permit is unattended | 6.75 |
| 2 | Commercial activity permit for filming or photography involving more than 10 persons if no prescribed structure is involved— | |
| | (a) application for— | |
| | (i) permit | 377.20 |
| | (ii) extension of permit | 377.20 |
| | (iii) renewal of permit | 377.20 |

	\$
(b) permit fee—for each day on which activities are carried out under the permit	189.10
3 Commercial activity permit for filming or photography if prescribed structure is involved—	
(a) for 1 to 5 persons involved in the filming or photography—	
(i) application for—	
(A) permit	189.10
(B) extension of permit	189.10
(C) renewal of permit	189.10
(ii) permit fee—for each day on which activities are carried out under the permit	189.10
(b) for 6 to 25 persons involved in the filming or photography—	
(i) application for—	
(A) permit	936.00
(B) extension of permit	936.00
(C) renewal of permit	936.00
(ii) permit fee—for each day on which activities are carried out under the permit	936.00
(c) for 26 to 50 persons involved in the filming or photography—	
(i) application for—	
(A) permit	1,884.00
(B) extension of permit	1,884.00
(C) renewal of permit	1,884.00

	\$
(ii) permit fee—for each day on which activities are carried out under the permit	1,884.00
(d) for 51 or more persons involved in the filming or photography—	
(i) application for—	
(A) permit	3,781.00
(B) extension of permit	3,781.00
(C) renewal of permit	3,781.00
(ii) permit fee—for each day on which activities are carried out under the permit	3,781.00
4 Commercial activity permit other than for filming or photography—	
(a) application for—	
(i) permit	359.20
(ii) extension of permit	179.30
(iii) renewal of permit	179.30
(b) permit fee—	
(i) for 3 months or less	71.90
(ii) for more than 3 months but not more than 1 year	287.00
(iii) for more than 1 year but not more than 2 years	575.00
(iv) for more than 2 years but not more than 3 years	812.00

	\$
(c) activity fee for each day (the <i>daily activity fee</i>) for each client, 5 years or older, of the holder of the permit who takes part in the activity carried out under the permit, other than an educational tour, or camp, of a type approved by the chief executive—	
(i) if the activity lasts less than 3 hours	2.11
(ii) if the activity lasts 3 hours or more	3.75
(d) fee for camping for each night camped under the permit for each client, 5 years or older, of the holder of the permit who takes part in the activity carried out under the permit—	
(i) if the activity is an educational tour, or camp, of a type approved by the chief executive	3.70
(ii) otherwise	6.75
5 Permit to traverse, or other authority, for conducting a competitive motor vehicle event in a State forest, for each vehicle competing in the event—	
(a) for each kilometre travelled by the vehicle during any day the event is conducted under the permit or other authority	1.35
(b) maximum fee for each day	49.60
6 Permit to traverse, or other authority, for conducting a competitive equestrian event in a State forest, for each competitor in the event for each day the event is conducted under the permit or other authority	4.60
7 Organised event permit—	
(a) application fee	35.55

	\$
(b) if special access is allowed, special supervision is needed, or an area is reserved for use for the activity carried out under the permit, fee for each day on which activities are carried out under the permit—	
(i) for a vehicle-based activity—for each vehicle used for the activity	5.10
(ii) for a people-based activity—for each person taking part in the activity	2.55
8 Mustering, holding and releasing stock, for each head of stock mustered	179.30

Schedule 7 Dictionary

section 3

agreement includes contract.

authority, under an Act, to do something in a State forest or timber reserve means lawful authority (however called) under the Act to do the thing in the State forest or timber reserve.

operate, a vehicle or vessel, includes—

- (a) put in motion an apparatus, device, machinery or motor in, on or attached to the vehicle or vessel; and
- (b) drive or ride the vehicle or vessel.

organised event permit means a permit mentioned in section 73C(2)(c) of the Act under which an activity mentioned in section 73C(1) of the Act is conducted.

person in charge, of an animal, has the meaning given by the *Animal Care and Protection Act 2001*, section 12.

prescribed structure means a construction, or equipment, used to facilitate filming or photography, including, for example, a shelter, platform, tower or building, or generator or vehicle, but does not include—

- (a) a portable hide large enough to shelter only 1 person; or
- (b) a camera or camera accessories; or
- (c) a tripod; or
- (d) a power source consisting of only dry cells or a single wet cell battery; or
- (e) a vehicle used only for transport or camping under a permit or agreement under the Act or the *Recreation Areas Management Act 2006*.

quad bike has the meaning given by the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*, schedule 8.

road means a road as defined by the *Transport Operations (Road Use Management) Act 1995*.

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

special supervision means supervision, by an officer of the department, of the conduct of an activity—

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

Example of conduct requiring the maintenance of particular surroundings—

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

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

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