



*Forestry Act 1959*

# Forestry Regulation 2024

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Queensland

# Forestry Regulation 2024

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# Forestry Regulation 2024

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Forestry Regulation 2024*.

### 2 Commencement

This regulation commences on 22 September 2024.

### 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

- (1) Each existing timber reserve described in schedule 1, column 2 continues to be set apart under section 28 of the Act as a timber reserve.
- (2) Each existing timber reserve described in schedule 1, column 2 continues to be known by the name stated opposite in schedule 1, column 1.
- (3) In this section—

*existing timber reserve* means an area of land that—

- (a) immediately before 30 June 2014, was set apart under section 28 of the Act as a timber reserve; and
- (b) immediately before the repeal of the repealed regulation, continued to be set apart under that section as a timber reserve.

## **Division 2                      Declarations about State forests**

*Note—*

See the *Forestry (State Forests) Regulation 1987* for land set apart and declared as a State forest under section 25 of the Act.

### **5                      State plantation forests—Act, s 32A**

For section 32A(1) of the Act, each area of land described in schedule 2 continues to be declared to be a State plantation forest.

### **6                      Feature protection areas—Act, s 34A**

For section 34A(a) of the Act, each area of a State forest described in schedule 3 continues to be declared to be a feature protection area.

### **7                      Scientific areas—Act, s 34A**

For section 34A(a) of the Act, each area of a State forest described in schedule 4 continues to be declared to be a scientific area.

### **8                      State forest parks—Act, s 34A**

For section 34A(a) of the Act, each area of a State forest described in schedule 5 continues to be declared to be a State forest park.

## **Division 3                      References to plans**

### **9                      Plan references**

- (1) A reference to a plan with the prefix ‘FTY’ or ‘FSM’ in any of schedules 1 to 5 is a reference to a plan held by, and available for inspection from, the department.
- (2) A reference to another plan in any of schedules 1 to 5 is a reference to a plan registered in the land registry under the *Land Act 1994*.

## **Part 3                      Animals**

### **Division 1                      Animals other than dogs**

#### **10                      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—

- (a) the person is authorised to allow the animal to enter the forest or reserve—
  - (i) by a regulatory notice for the forest or reserve; or
  - (ii) under an authority under the Act; or
- (b) the person is conducting an activity in the forest or 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.

## **11 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—

- (a) the person is authorised to allow the animal to stay in an area of the forest or reserve by a regulatory notice for the area; or
- (b) the person is authorised to allow the animal to stay in the forest or reserve under an authority under the Act; or
- (c) the person is conducting an activity in the forest or 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 sections 14 and 16(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.

## **Division 2 Dogs**

### **12 Dogs 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 while in the forest or reserve.

Maximum penalty—20 penalty units.

- (2) However, subsection (1) does not apply to a person in charge of a dog in a State forest or timber reserve if—
  - (a) the person is conducting an activity in the forest or reserve under an authority under an Act; and
  - (b) the dog is being used to help conduct the activity under the authority.

- (3) A person in charge of a dog in a State forest or timber reserve must, if the dog defecates in the forest or reserve—
- (a) immediately collect any faeces from the dog and enclose it in a secure bag or wrapping; and
  - (b) either—
    - (i) put the enclosed faeces in a bin in the forest or reserve; or
    - (ii) if a bin is not available in the forest or reserve—take the enclosed faeces to a bin outside the forest or reserve.

Maximum penalty—20 penalty units.

- (4) In this section—

*under control*, for a dog, means—

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

### 13 Dogs 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—
- (a) that causes a nuisance to or unreasonably disturbs someone else or another animal in the forest or reserve; or

- (b) that is dangerous to a person or animal, or damages property, in the forest or reserve.

Maximum penalty—20 penalty units.

- (2) However, this section does not apply to a person in charge of a dog in a State forest or timber reserve if—
  - (a) the person is conducting an activity in the forest or 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 any nuisance or disturbance being caused by the dog's behaviour; or
    - (ii) prevent any danger or damage occurring from the dog's behaviour.

## 14 Dogs 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 forest or reserve unless—

- (a) the person is authorised to allow the dog to stay overnight in an area of the forest or reserve by a regulatory notice for the area; or
- (b) the person is conducting an activity in the forest or reserve under an authority under an Act and the dog is being used to help conduct the activity under the authority; or
- (c) the person has a reasonable excuse.

Maximum penalty—20 penalty units.

## Division 3                      Horses

### 15        Horses 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 forest or reserve.

Maximum penalty—20 penalty units.

- (2) In this section—

*under control*, for a horse, means—

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

### 16        Other restrictions on horses

- (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 forest or 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 forest or reserve unless—
- (a) the person is authorised to allow the horse to stay overnight in an area of the forest or reserve by a regulatory notice for the area; or
  - (b) the person is conducting an activity in the forest or reserve under an authority under an Act and the horse is being used to help conduct the activity under the authority; or
  - (c) the person has a reasonable excuse.

Maximum penalty—20 penalty units.

## 17 **Unauthorised 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 forest or reserve under an authority 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 forest or reserve unless—
- (a) the equestrian event is conducted under an authority under the Act; or
  - (b) the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (3) In this section—

***equestrian event*** means an equestrian race, trial, exhibition or other competition.

## Division 4                      Native animals

### 18            **Unauthorised feeding of native animals**

- (1) A person must not feed a native animal in a State forest or timber reserve unless the person feeds the animal—
  - (a) under an authority under the Act; or
  - (b) with the written approval of the chief executive.

Maximum penalty—20 penalty units.

- (2) In this section—

*feed*, a native animal, includes attempt to feed the animal.

### 19            **Unauthorised disturbance of native animals**

- (1) A person must not disturb a native animal in a State forest or timber reserve.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply to a person who disturbs a native animal—
  - (a) under an authority under the Act; or
  - (b) with the written approval of the chief executive; or
  - (c) in the course of a lawful activity not directed towards the disturbance if the disturbance could not reasonably have been avoided.

- (3) In this section—

*disturb*, a native animal, includes approach, harass, lure, pursue, tease and touch the animal.

## **Part 4                      Vehicles, vessels and other craft**

### **Division 1                Vehicles**

#### **Subdivision 1        Licensing and registration**

##### **20        Licensing requirement for driving or riding vehicles**

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

Maximum penalty—20 penalty units.

- (2) In this section—

*required licence*, to drive or ride a vehicle, means a licence required under a vehicle registration Act to drive or ride the vehicle on a road.

##### **21        Restrictions on unregistered vehicles**

- (1) A person must not bring an unregistered vehicle into, or drive or ride an unregistered vehicle in, a State forest or timber reserve.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply to a person bringing an unregistered vehicle into a State forest or timber reserve if—

- (a) the person brings the vehicle into the forest or reserve under an authority under the Act; or  
(b) the person has a reasonable excuse.

- (3) Also, subsection (1) does not apply to a person driving or riding an unregistered vehicle in a State forest or timber reserve if—

- (a) the vehicle is driven or ridden in the forest or reserve under an authority under the Act; and
  - (b) the vehicle is not driven or ridden on a road in the forest or reserve; and
  - (c) the vehicle is not used for a recreational purpose.
- (4) In this section—

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

*unregistered vehicle* means a vehicle that—

- (a) is required to be registered under a vehicle registration Act to lawfully operate the vehicle on a road; and
- (b) has not been registered under a vehicle registration Act.

## 22 Number plate identification requirements for vehicles

- (1) A person must not drive or ride a vehicle in a State forest or timber reserve if—
- (a) a required number plate for the vehicle is not attached to the vehicle; or
  - (b) any writing that identifies the vehicle on a required number plate for the vehicle is not clearly legible.

Maximum penalty—20 penalty units.

- (2) A person does not commit an offence against subsection (1) if the person has a reasonable excuse.
- (3) In this section—

*required number plate*, for a vehicle, means a number plate required to be attached to the vehicle under a vehicle registration Act to operate the vehicle on a road.

## **23 Approval requirement for driving or riding conditionally registered vehicles**

- (1) A person must not drive or ride a conditionally registered vehicle in a State forest or timber reserve without the written approval of the chief executive.

Maximum penalty—20 penalty units.

- (2) The chief executive may give an approval mentioned in subsection (1) to a person only if—

- (a) the chief executive considers the conditionally registered vehicle to which the approval applies is to be used by the person for any of the following purposes in a State forest or timber reserve—

- (i) for an emergency or rescue activity;
- (ii) for enforcing a law of the State;
- (iii) for the management of the forest or reserve;
- (iv) for a commercial purpose under an authority under the Act;
- (v) for a commercial purpose under an authority under another Act to use land in the forest or reserve;

*Example for subparagraph (v)—*

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

- (vi) for supporting an organised event conducted under an organised event permit;
- (vii) for providing a service to users of the forest or reserve;
- (viii) for the sole purpose of going directly through the forest or reserve to or from land outside the forest or reserve if—
  - (A) the person owns, occupies or is authorised to enter the land; and

- (B) the chief executive considers the most direct and reasonable route to or from the land is through the forest or reserve; or
  - (b) the chief executive considers the conditionally registered vehicle to which the approval applies is to be used by the person because they are suffering from a permanent condition that is significantly restricting their mobility; or
  - (c) the conditionally registered vehicle to which the approval applies—
    - (i) is a side-by-side vehicle; and
    - (ii) is to be driven by the person to participate for recreation in an activity—
      - (A) conducted under an organised event permit; and
      - (B) for which the vehicle is to operate in compliance with conditions stated for the code described as ‘LO6(A)’ under the conditional registration guideline under the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*.
- (3) However, the chief executive must not give an approval for a purpose mentioned in subsection (2)(a)(iv) to (viii), (b) or (c) if the chief executive considers the use of the conditionally registered vehicle to which the approval applies would be likely to—
- (a) cause unreasonable damage to a State forest or timber reserve; or
  - (b) pose a serious risk to the health or safety of the public in a forest or reserve.
- (4) For applying subsection (2)(b), 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.

(5) In this section—

***conditionally registered vehicle*** means a vehicle that is conditionally registered under the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*.

***side-by-side vehicle*** means a motor vehicle—

- (a) that is conditionally registered under the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021* as a utility off-road vehicle; and
- (b) that has—
  - (i) 2 axles only; and
  - (ii) a power-to-weight ratio of not more than 115kW per tonne.

## **Subdivision 2      Safe use**

### **24      Safe use of vehicles by reference to Queensland Road Rules**

- (1) This section applies in relation to an act or omission that, if done or made on a road, would contravene any of the following provisions of the Queensland Road Rules (each a ***road rule***)—
  - (a) section 246A;
  - (b) section 256;
  - (c) section 256A;
  - (d) section 264;
  - (e) section 264A;
  - (f) section 265;

- (g) section 268;
  - (h) section 270;
  - (i) section 271(4) or (5);
  - (j) section 271A.
- (2) A person commits an offence against this section if the person does the act or makes the omission in a State forest or timber reserve, whether or not on a road in the forest or reserve.
- Maximum penalty—20 penalty units.
- (3) To remove any doubt, it is declared that a person can not be punished for an offence against this section for an act or omission in relation to a road rule if the person has already been punished for an offence against the road rule for the same act or omission.

## **25 Safe use of vehicles by reference to Transport Operations (Road Use Management) Act 1995**

- (1) This section applies in relation to an act or omission that, if done or made on a road, would contravene either of the following provisions of the *Transport Operations (Road Use Management) Act 1995* (each a **road use provision**)—
- (a) section 83(1), other than an act or omission mentioned in paragraph (a) or (b) of the penalty for that section;
  - (b) section 84(2).
- (2) A person commits an offence against this section if the person does the act or makes the omission in a State forest or timber reserve, whether or not on a road in the forest or reserve.
- Maximum penalty—20 penalty units.
- (3) To remove any doubt, it is declared that a person can not be punished for an offence against this section for an act or omission in relation to a road use provision if the person has already been punished for an offence against the road use provision for the same act or omission.

## 26 Safe use of motorbikes, quad bikes and utility off-road vehicles

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

Maximum penalty—20 penalty units.

- (2) A person must not carry a passenger, or travel as a passenger, on a relevant motor vehicle in a State forest or timber reserve other than on a passenger seat for the vehicle.

Maximum penalty—20 penalty units.

- (3) In this section—

*relevant motor vehicle* means each of the following—

- (a) a motorbike under the *Transport Operations (Road Use Management) Act 1995*, schedule 4;
- (b) a quad bike under the Queensland Road Rules, schedule 5;
- (c) a utility off-road vehicle under the Queensland Road Rules, schedule 5.

## 27 Other requirements for safe and appropriate use of vehicles

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

Maximum penalty—20 penalty units.

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

- (a) park or stand a vehicle in a way that, or at a place where, the vehicle is likely to—
  - (i) unreasonably damage the forest or reserve; or

- (ii) unreasonably interfere with a forest product in the forest or reserve; or
- (b) operate or use a vehicle in a way that disrupts or may disrupt someone else's reasonable enjoyment of the forest or 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.

Maximum penalty—20 penalty units.

- (3) Subsection (2) does not apply to a person if—
  - (a) the person does an act mentioned in the subsection under an authority under the Act that expressly states doing that act is authorised; or
  - (b) the person has a reasonable excuse.
- (4) A person must not, in a relevant State forest area or timber reserve, drive or ride a vehicle at a speed or in another way that unreasonably damages or may unreasonably damage the forest or reserve.

Maximum penalty—20 penalty units.

*Note—*

See section 34G of the Act and section 29 in relation to driving or riding a vehicle in a feature protection area, State forest park or forest drive.

- (5) In this section—  
***relevant State forest area*** means an area of a State forest other than a feature protection area, State forest park or forest drive.

## 28 Appropriate places for using vehicles

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

- (a) drive or ride a vehicle into a place, or move a vehicle into a place, if a barrier or fence has been lawfully placed to prevent entry into the place; or
- (b) 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.

- (2) Subsection (1) does not apply to a person if—
  - (a) the person does an act mentioned in the subsection under an authority under the Act that expressly states doing that act is authorised; or
  - (b) the person has a reasonable excuse.

## **29 Driving or riding vehicles in feature protection areas or State forest parks**

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

Maximum penalty—20 penalty units.

*Note—*

See also section 34G of the Act in relation to the regulation or prohibition of the movement of vehicles in a feature protection area or State forest park by notice.

## **Division 2 Vessels and other craft**

### **30 Requirements for operating or using vessels**

- (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 authorised—

- (a) by a regulatory notice for the forest or reserve; or
- (b) under an authority under the Act.

Maximum penalty—20 penalty units.

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

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

Maximum penalty—20 penalty units.

### **31 Unauthorised operation of aircraft**

- (1) A person must not land in, or take off from, a State forest or timber reserve using an aircraft unless—

- (a) the person lands in, or takes off from, the forest or reserve—
  - (i) under an authority under the Act; or
  - (ii) for an emergency or rescue activity; or

*Examples for subparagraph (ii)—*

landing an aircraft for a medical evacuation, taking off in a helicopter for fire-fighting activities

- (b) the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (2) This section does not apply to an aircraft that is a drone.

*Note—*

See section 32 about the unauthorised possession and operation of drones.

## 32 Unauthorised possession or operation of drones

- (1) A person must not, without a reasonable excuse—
- (a) possess or operate a drone in a drone restriction area; or
  - (b) operate a drone in a drone restriction area from a location adjacent to the area.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply to—
- (a) a person possessing or operating a drone in a drone restriction area—
    - (i) under an authority under the Act; or
    - (ii) for an emergency or rescue activity; or
  - (b) a person possessing a drone in a drone restriction area if the drone is securely stored in a container in or on an aircraft, vehicle or vessel.

- (3) In this section—

*drone restriction area* means—

- (a) a camping area; or
- (b) another area of a State forest or timber reserve in which a regulatory notice prohibits the operation of a drone.

*operate*, a drone, includes film or photograph with the drone.

## Part 5 Other conduct

### 33 General misconduct

- (1) A person in a State forest or timber reserve must not, without a reasonable excuse—
- (a) be disorderly or create a disturbance in the forest or 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 forest or 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 restrict access to an area of a State forest or timber reserve or a barbecue, table or other facility in a State forest or timber reserve unless the person—
  - (a) has the written approval of the chief executive to restrict the access; or
  - (b) has an authority under an Act authorising the person to restrict the access; or
  - (c) has a reasonable excuse.

*Examples of restricting access—*

cordoning off, claiming to have an exclusive right to use

Maximum penalty—20 penalty units.

### **34 Disturbance by amplified sound**

A person in a State forest or timber reserve must not use a device to amplify sound in a way that may cause unreasonable disturbance to someone else or animals in the forest or reserve.

*Examples of devices—*

car stereo, radio, speakers

Maximum penalty—20 penalty units.

### **35 Unauthorised use of compressors, generators or similar machines**

- (1) A person must not use a compressor, generator or similar machine in a State forest or timber reserve, unless the use—

- (a) is authorised by a regulatory notice for the forest or reserve; or
- (b) is necessary to conduct an activity authorised under an authority under an Act.

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 documented medical condition of the person; 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—

*dB(A)* means decibels measured on the ‘A’ frequency weighting network.

*documented 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.

### **36 Unlawfully soliciting donations or information**

A person must not solicit donations or information in a State forest or timber reserve unless the person solicits the donations or information under an authority under the Act.

Maximum penalty—20 penalty units.

### **37 Unlawfully displaying or interfering with relevant notices**

- (1) A person, other than the chief executive or a person authorised by the chief executive, must not display a relevant notice in a State forest or timber reserve 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 displayed with the authority of the chief executive—

(a) if the notice is not the property of the State—in a State forest; or

*Note—*

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

(b) otherwise—in a timber reserve.

Maximum penalty—20 penalty units.

(3) In this section—

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

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

### **38 Unlawfully taking supplied firewood**

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

Maximum penalty—20 penalty units.

## **Part 6 Fees**

### **Division 1 Fees**

#### **39 Fees**

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

#### **40 Rounding of amounts expressed as numbers of fee units**

- (1) This section applies for working out the amount of a fee expressed in this regulation as a number of fee units.
- (2) For the purpose of the *Acts Interpretation Act 1954*, section 48C(3), the amount is to be rounded—
  - (a) if the result is not more than \$2.50—to the nearest cent (rounding one-half upwards); or
  - (b) if the result is more than \$2.50 but not more than \$100—to the nearest multiple of 5 cents (rounding one-half upwards); or
  - (c) if the result is more than \$100 but not more than \$500—to the nearest multiple of 10 cents (rounding one-half upwards); or
  - (d) if the result is more than \$500—to the nearest dollar (rounding one-half upwards).

## **Division 2                      Waivers**

#### **41 Waiver of permit fee for particular permits**

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

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

## 42 Waiver of application fee for commercial activity or organised event permits

- (1) This section applies in relation to an application for a commercial activity permit or an organised event permit (each the *forestry application*) if—
  - (a) the activity for which the permit is sought is to be conducted—
    - (i) in 1 or more forestry areas; and
    - (ii) in either or both of the following areas—
      - (A) a protected area under the *Nature Conservation Act 1992*;
      - (B) a recreation area under the *Recreation Areas Management Act 2006*; and
  - (b) the applicant has also applied for an authority (however called) for conducting the activity in the protected area or recreation area (the *related application*); and
  - (c) the chief executive is satisfied the forestry application and the related application can be considered together.
- (2) The chief executive may waive payment of the fee payable for the forestry application to the extent of the amount already paid for the related application, up to an amount not more than the full amount of the fee for the forestry application.

## 43 Waiver of permit fee for commercial activity permits

- (1) This section applies if—
  - (a) the chief executive waives, under section 42(2), all or part of the application fee payable for an application for a commercial activity permit; and
  - (b) the applicant has paid another fee that is a permit fee (however called) for an authority mentioned in section 42(1)(b) (the *equivalent fee*).

- (2) The permit fee mentioned in schedule 6 for the commercial activity permit is waived to the extent of the amount of the equivalent fee, up to an amount not more than the full amount of the equivalent fee.

#### **44 Waiver of daily activity fee for commercial activity or organised event permits**

- (1) This section applies in relation to a commercial activity permit, other than for filming or photography or an organised event permit (each the *forestry permit*), if—
- (a) the permit holder conducts the activity authorised under the permit in the forestry area to which the permit applies and also conducts the activity in 1 or more of the following areas—
- (i) a protected area under the *Nature Conservation Act 1992*;
- (ii) a recreation area under the *Recreation Areas Management Act 2006*; and
- (b) the same persons are taking part in the activity conducted in the protected area or recreation area under an equivalent permit (however called) under the relevant Act; and
- (c) the permit holder has paid a daily fee (however called) for conducting the activity under the equivalent permit.
- (2) The daily activity fee for the forestry permit is waived to the extent of the amount already paid for conducting the activity under the equivalent permit, up to an amount not more than the full amount of the daily activity fee.
- (3) In this section—
- daily activity fee*—
- (a) for a commercial activity permit—means a fee mentioned in schedule 6, item 4(c) for the permit; or

- (b) for an organised event permit—means a fee mentioned in schedule 6, item 7(b) for the permit.

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

## Division 3                      Refunds

### 44A    Refund of fees for particular commercial activity permits

- (1) This section applies if—
- (a) a person has been granted a commercial activity permit as part of a single integrated permission (a *new permit*); and
  - (b) immediately before the grant of the new permit, the person held a commercial activity permit.
- (2) The chief executive may, on the chief executive's own initiative or on application, refund all or part of a fee paid for the new permit if the chief executive considers the refund is appropriate having regard to—
- (a) the extent to which the activities authorised under the new permit are the same, or substantially the same, as the activities authorised under the commercial activity permit held by the person immediately before the grant of the new permit; and
  - (b) any other relevant matter.
- (3) The chief executive may refund the fee in the way the chief executive considers appropriate.

*Examples of ways chief executive may refund fee—*

- by giving the person the amount refunded
- by deducting the amount refunded from another fee the person is required to pay under the Act

- (4) If a person applies to the chief executive for a refund, the chief executive may deduct the refund processing fee from the amount refunded.
- (5) In this section—  
*refund processing fee*, for an application for a refund, means the fee—
  - (a) decided by the chief executive, being not more than the reasonable cost of—
    - (i) considering the application; and
    - (ii) refunding the fee or part of the fee to the applicant; and
  - (b) published on the department’s website.

## Part 7 Repeal

### 45 Repeal

The Forestry Regulation 2015, SL No. 83 is repealed.

## Part 8 Transitional provisions

### 46 Existing approvals for driving or riding conditionally registered vehicles

- (1) This section applies to an approval (an *existing approval*), given by the chief executive under section 27(1) of the repealed regulation that was in effect immediately before the commencement.
- (2) The existing approval is taken to be an approval given under section 23(2), subject to any term, condition or other restriction applying to the existing approval immediately before the commencement.

- (3) Subsection (2) does not prevent the existing approval being amended or cancelled by the chief executive.

#### **47 References to repealed regulation**

In an instrument, a reference to the repealed regulation may, if the context permits, be taken to be a reference to this regulation.

## **Schedule 1      Timber reserves**

section 4

<b>Column 1</b>	<b>Column 2</b>
<b>Name</b>	<b>Description</b>
Degilbo Timber Reserve 1	TR 580 on plan FTY1444
Degilbo Timber Reserve 2	TR 581 on plan FTY1445
Grosvenor Timber Reserve	TR 296 on plan FTY1438
Monkhouse Timber Reserve	Lot 165 on AP23568
Mount Perry Timber Reserve	TR 157 on plan FTY1077 excluding lot 157 on AP6291
Pluto Timber Reserve	TR 1 on plan FTY1434
Royton Timber Reserve	TR 265 on plan FTY1762

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## 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

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

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, M, N, O, P, Q, R, S, T, V, 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, L and M 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, F and G on PLP0915

Lot A on PLP0918

Lots A and B on PLP0944

Lots A, B, C and D on PLP0957

Lots A, B, C, D and E on PLP0958

Lots A and B on PLP0986

Lots A, B, C, D, E, F, G, H and I on PLP1004

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, 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 39

#### Fee units

- |   |                                                                                                                                                                   |                                                                      |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| 1 | Camping fee, or camping permit, if a commercial activity permit is not required, for each night the camp site the subject of the permit is booked (Act, s 56(1))— |                                                                      |
|   | (a) for each person 5 years or older taking part in an educational tour, or camp, of a type approved by the chief executive                                       | 3.75                                                                 |
|   | (b) otherwise—                                                                                                                                                    |                                                                      |
|   | (i) for each other person 5 years or older                                                                                                                        | 6.85                                                                 |
|   | (ii) maximum for each family                                                                                                                                      | 4 times the fee for each other person as stated in paragraph (b) (i) |
| 2 | Commercial activity permit for filming or photography that involves 11 or more persons if no prescribed equipment is involved (Act, ss 40A(3) and 56(1))—         |                                                                      |
|   | (a) application for—                                                                                                                                              |                                                                      |
|   | (i) permit                                                                                                                                                        | 383.60                                                               |
|   | (ii) extension of permit                                                                                                                                          | 383.60                                                               |
|   | (iii) renewal of permit                                                                                                                                           | 383.60                                                               |
|   | (b) permit fee—for each day on which activities are conducted under the permit                                                                                    | 192.30                                                               |

	<b>Fee units</b>
3 Commercial activity permit for filming or photography if prescribed equipment is involved (Act, ss 40A(3) and 56(1))—	
(a) for 1 to 5 persons involved in the filming or photography—	
(i) application for—	
(A) permit	192.30
(B) extension of permit	192.30
(C) renewal of permit	192.30
(ii) permit fee—for each day on which activities are conducted under the permit	192.30
(b) for 6 to 25 persons involved in the filming or photography—	
(i) application for—	
(A) permit	951.00
(B) extension of permit	951.00
(C) renewal of permit	951.00
(ii) permit fee—for each day on which activities are conducted under the permit	951.00
(c) for 26 to 50 persons involved in the filming or photography—	
(i) application for—	
(A) permit	1,916.00
(B) extension of permit	1,916.00
(C) renewal of permit	1,916.00
(ii) permit fee—for each day on which activities are conducted under the permit	1,916.00

	<b>Fee units</b>
(d) for 51 or more persons involved in the filming or photography—	
(i) application for—	
(A) permit	3,845.00
(B) extension of permit	3,845.00
(C) renewal of permit	3,845.00
(ii) permit fee—for each day on which activities are conducted under the permit	3,845.00
4 Commercial activity permit, other than for filming or photography (Act, ss 40A(3) and 56(1))—	
(a) application for—	
(i) permit	365.30
(ii) extension of permit	182.30
(iii) renewal of permit	182.30
(b) permit fee—	
(i) for a term of not more than 3 months	73.10
(ii) for a term of more than 3 months but not more than 1 year	291.80
(iii) for a term of more than 1 year but not more than 2 years	584.00
(iv) for a term of more than 2 years but not more than 3 years	825.00
(v) for a term of more than 3 years—	
(A) for the first 3 years of the term	825.00
(B) for each year after the third year of the term	276.30

	<b>Fee units</b>
(c) activity fee for each day for each person, 5 years or older, taking part in the activity conducted under the permit, other than an educational tour, or a camp, of a type approved by the chief executive—	
(i) if the activity lasts less than 3 hours	2.37
(ii) otherwise	4.18
(d) fee for camping for each person, 5 years or older, taking part in the activity conducted under the permit, for each night camped under the permit—	
(i) if the activity is an educational tour, or camp, of a type approved by the chief executive	3.75
(ii) otherwise	6.85
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 (Act, s 56(1))—	
(a) for each kilometre travelled by the vehicle during any day the event is conducted under the permit or other authority	1.38
(b) maximum fee for each day	50.40
6 Permit to traverse, or other authority, for conducting an 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 (Act, s 56(1))	4.65
7 Organised event permit (Act, s 56(1))—	
(a) application fee	36.15

	<b>Fee units</b>
(b) fee if special access is to be allowed, special supervision is needed, or an area is reserved for use, for an activity conducted under the permit, for each day on which the activity is conducted under the permit—	
(i) if the activity is a vehicle-based activity—for each vehicle used for the activity	5.15
(ii) otherwise—for each person taking part in the activity	2.55
8 Mustering, holding and releasing stock, for each head of stock mustered (Act, s 72(4)(c))	182.30

## Schedule 7 Dictionary

### section 3

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

**departmental officer** means a public service employee employed in the department.

**drone** means a device capable of flight—

- (a) that is able to be remotely piloted or programmed to autonomously fly a particular route; and
- (b) that is not capable of transporting a person.

**forestry area**, for part 6, division 2, means—

- (a) a State forest; or
- (b) a timber reserve.

**person in charge**, of an animal, see the *Animal Care and Protection Act 2001*, section 12.

**prescribed equipment** see section 73B(6) of the Act.

**repealed regulation** means the repealed *Forestry Regulation 2015*.

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

**special access**, for conducting an activity authorised under an organised event permit, means access to the State forest or timber reserve, or area of the forest or reserve, the subject of the permit if access to the forest or reserve, or area of the forest or reserve, would not otherwise be generally allowed.

**special supervision**, of an activity authorised under an organised event permit, means supervision by a departmental officer of the conduct of an activity under the permit—

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

***vehicle 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*.