



# Forestry Amendment (Penalty Notices) Regulation 2000

under the

Forestry Act 1916

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Forestry Act 1916*.

KIM YEADON, M.P.,  
Minister for Forestry

## Explanatory note

The object of this Regulation is to amend the *Forestry Regulation 1999*:

- (a) to provide that the offence under clause 69 (1) (a) of that Regulation of approaching within 100 metres of any person operating timber harvesting or hauling equipment may be dealt with by way of penalty notice, and
- (b) to amend the schedule of penalty notice provisions (Schedule 3) to include the Infringement Processing Bureau Codes for each offence listed in the schedule.

This Regulation is made under the *Forestry Act 1916*, including section 41 (the general regulation-making power).

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Clause 1            Forestry Amendment (Penalty Notices) Regulation 2000

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**Forestry Amendment (Penalty Notices) Regulation  
2000**

**1 Name of Regulation**

This Regulation is the *Forestry Amendment (Penalty Notices) Regulation 2000*.

**2 Amendment of Forestry Regulation 1999**

The *Forestry Regulation 1999* is amended as set out in Schedule 1.

**3 Notes**

The explanatory note does not form part of this Regulation.

## Schedule 1 Amendments

(Clause 2)

### [1] Clause 75 Prescribed penalty notice offences

Insert at the end of the clause:

- (2) For the purposes of section 46A (2) (c) of the Act, the prescribed amount of penalty for an offence dealt with under section 46A of the Act is the amount specified in Column 4 of Schedule 3 in relation to that offence.
- (3) If the reference to a provision in Column 1 of Schedule 3 is qualified by words that restrict its operation to specified kinds of offences or to offences committed in specified circumstances, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or only if it is committed in the circumstances so specified.

### [2] Clause 76

Omit the clause. Insert instead:

#### 76 Short descriptions of offences

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 3 is:
  - (a) if one or more IPB codes are set out in relation to the offence in Column 2 of Schedule 3, any of those IPB codes together with:
    - (i) the text set out in relation to the offence in Column 3 of Schedule 3, or
    - (ii) if a choice of words is indicated in that text, the words remaining after the omission of the words irrelevant to the offence, or
  - (b) if no IPB code is set out in relation to the offence in Column 2 of Schedule 3:
    - (i) the text set out in relation to the offence in Column 3 of Schedule 3, or

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- (ii) if a choice of words is indicated in that text, the words remaining after the omission of the words irrelevant to the offence.
- (2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 3, the prescribed expression is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.
- (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.
- (4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.
- (5) In this clause:
  - Infringement Processing Bureau* means the Infringement Processing Bureau within the Police Service.
  - IPB Code*, in relation to an offence, means the code allocated to the offence by the Infringement Processing Bureau.

### [3] Clause 77

Omit the clause.

**[4] Schedule 3**

Omit the Schedule. Insert instead:

**Schedule 3 Penalty notices and short descriptions**  
(Clause 76)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Offence</b>	<b>IPB code</b>	<b>Short description text</b>	<b>Penalty \$</b>
<b>Forestry Act 1916</b>			
Section 27 (1) (a) (i)	4863, 4864, 4865, 4866	cut/strip/obtain/remove/ destroy/damage timber	100
Section 27 (1) (a) (ii)	4867, 4868, 4869	dig for/extract/obtain/ remove/destroy/damage products	100
Section 27 (1) (a) (iii) in relation to timber on Crown-timber lands	4870, 4871, 4872, 4873	cause/knowingly suffer timber to be cut/stripped/ obtained/removed/ destroyed/damaged	100
Section 27 (1) (a) (iii) in relation to products on Crown-timber lands	4874, 4875, 4876	cause/knowingly suffer products to be dug/ extracted/obtained/ removed/ destroyed/damaged	100
Section 27 (1) (b) in relation to forest materials on State forest	4877, 4879, 4881, 4883	dig for/extract/obtain/ remove/destroy/damage forest materials on State forest	100
Section 27 (1) (b) in relation to forest materials on a flora reserve	4878, 4880, 4882, 4884	quarry/dig for/extract/ obtain/remove/destroy/ damage forest materials on flora reserve	100
Section 29 (1)	4885	work mill without authority or permission	100

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Offence</b>	<b>IPB code</b>	<b>Short description text</b>	<b>Penalty \$</b>
Section 29 (2)	4886, 4887	contravene sawmill licence/ permission to work mill	100
Section 32 (1)	4888, 4889, 4890	graze/water animals without authority within State forest/timber reserve/flora reserve	100
Section 32 (2)	4891, 4892, 4893, 4894, 4895, 4896	occupy/use land without authority within State forest/timber reserve/flora reserve	100
Section 32C (2) (a)	4897, 4898, 4899, 4900, 4901, 4902	possess/discharge firearm in State forest/timber reserve/flora reserve	100
Section 32C (2) (b)	9925	possess/place/use net/trap/ snare/hunting device/ poison/explosive in State forest/timber reserve/flora reserve	100
Section 32C (2) (c)	9926	discharge firearm into State forest/timber reserve/flora reserve	100
Section 32C (2) (d)	9927	take/kill/hunt/shoot/poison/ net/snare/spear/capture/ lure/injure bird/animal in State forest/timber reserve/ flora reserve	100
Section 32C (2) (e) in relation to the possession or discharge of a firearm	9928	cause/knowingly suffer possession/discharge of firearm in State forest/ timber reserve/flora reserve	100

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Offence</b>	<b>IPB code</b>	<b>Short description text</b>	<b>Penalty \$</b>
Section 32C (2) (e) in relation to the possession, placement or use of a net, trap, snare, hunting device, poison or explosive	9929	cause/knowingly suffer possession/placing/using net/trap/snare/hunting device/poison/explosive in State forest/timber reserve/flora reserve	100
Section 32C (2) (e) in relation to the discharge of a firearm into a State forest, timber reserve or flora reserve	9930	cause/knowingly suffer discharge of firearm into State forest/timber reserve/flora reserve	100
Section 32C (2) (e) in relation to the taking, killing, hunting, shooting, poisoning, netting, snaring, spearing, capturing, luring or injuring a bird or animal	9931	cause/knowingly suffer taking/killing/hunting/shooting/poisoning/netting/snaring/spearing/capturing/luring/injury of bird/animal in State forest/timber reserve/flora reserve	100
Section 32D (3) in relation to failing to deliver up firearm, net, trap, snare, hunting device, poison, explosive, bird or animal to a member of the police force or an authorised person	9932	Fail to deliver firearm/net/trap/snare/hunting device/poison/explosive/bird/animal	

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Offence</b>	<b>IPB code</b>	<b>Short description text</b>	<b>Penalty \$</b>
Section 32D (3) in relation to obstructing, hindering, preventing or interfering with a member of the police force or an authorised person	9933	Obstruct/hinder/prevent/interfere with member of police force/authorised person in exercise of duty	
Section 32G (1)	9934	Engage in/conduct prescribed activity in State forest/timber reserve/flora reserve	100
Section 38 (2)	9935	Obstruct authorised person in exercise of power	
Section 38A (4) (a)	9936	Fail/refuse to comply with requirement	100
Section 38A (4) (b)	9937	Provide false name/address	100
Section 38B (3) (a)	9938	Fail/refuse to comply with requirement	100
Section 38B (3) (b)	9939	Provide false/misleading information	100
Section 43 (1A)	9940	Fail to comply with direction of/obstruct/hinder/prevent/interfere with member of police force/authorised person	
Section 44 (1) (a)	9941	Violence towards/assault/threaten/intimidate officer/other person	
Section 44 (1) (b)	9942	Give/offer inducement/reward to officer/other person	

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Offence</b>	<b>IPB code</b>	<b>Short description text</b>	<b>Penalty \$</b>
Section 45	9943	Make false entry/return	100
<b>Forestry Regulation 1999</b>			
Clause 11 (2)	4903	fail to comply with request of officer to leave area/part of area	100
Clause 13 (4) (a)	4904	enter forestry area contrary to notice	100
Clause 13 (4) (b)	4905	drive vehicle into forestry area contrary to notice	100
Clause 13 (4) (c)	4906	drive machine into forestry area contrary to notice	100
Clause 13 (4) (d)	4907	remain in/drive/use vehicle/machine in forestry area contrary to notice	100
Clause 13 (6)	4908	exceed speed limit in forestry area	100
Clause 14 (3)	4909	enter/remain in exclusive use area	100
Clause 15 (3)	4911	fail to comply with request of officer to leave dangerous area	100
Clause 16 (1) (a)	4912	damage/interfere with/destroys vegetation	100
Clause 16 (1) (b)	4913	obstruct/damage/interfere with way/drainage structure	100
Clause 16 (1) (c)	4914	damage/obstruct/interfere with drainage feature	100

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Offence</b>	<b>IPB code</b>	<b>Short description text</b>	<b>Penalty \$</b>
Clause 16 (1) (d)	4915	interfere with material not part of way	100
Clause 16 (1) (e)	4916	erect fence/obstruction	100
Clause 16 (1) (f)	4917	obstruct/interfere with flow of water in watercourse	100
Clause 16 (1) (g)	9945	cause damage to/deface/interfere with/destroy/remove standard/sign/notice/barrier/device	100
Clause 16 (1) (h)	9946	cause damage to/deface/destroy building/enclosure/dam/ structure/ plant/equipment	100
Clause 18 (1)	9947	Light/maintain/use fire	100
Clause 19 (1)	9948	Light/maintain/use fire for processing	100
Clause 20	9949	Light/maintain/use fire to destroy waste	100
Clause 21 (1)	9950	Light/maintain/use fire for clearing	100
Clause 22	9951	Leave lit matter in forestry area	100
Clause 23	9952	Light maintain/use unauthorised fire	100
Clause 24 (1)	9953	Drive/use machine	100
Clause 25 (1)	7572	Store fuel in forestry area	100
Clause 26	7574	Refuel machine near flammable vegetation	100

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Offence</b>	<b>IPB code</b>	<b>Short description text</b>	<b>Penalty \$</b>
Clause 27 (2)	9954	Fail to comply with direction of officer	100
Clause 28 (2)	9955	Fail to comply with fire prevention requirements	100
Clause 29 (2) (a) and clause 23	9956	Not comply with direction to stop activity	100
Clause 29 (2) (b) and clause 23	9957	Resume prohibited activity	100
Clause 30 (1) and clause 30 (5)	9958	Leave site of fire	100
Clause 30 (3) and clause 30 (5)	9959	Not take steps to extinguish fire	100
Clause 30 (4) and clause 30 (5)	9960	Not take measures to extinguish fire	100
Clause 31 (1) (a) and clause 31 (2)	9961	Not take steps to prevent damage by fire	100
Clause 31 (1) (b) and clause 31 (2)	9962	Not report outbreak of fire	100
Clause 31 (1) (c) and clause 31 (2)	9963	Not attempt to extinguish fire/prevent spread of fire	100
Clause 46 (4)	9964	timber licensee/products licensee/forest materials licensee/party to sale agreement/party to merchandising agreement employ person without licence	100
Clause 68 (2)	4910	not comply with direction relating to timber/products/forest materials	100

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Offence</b>	<b>IPB code</b>	<b>Short description text</b>	<b>Penalty \$</b>
Clause 69 (1) (a)	8244	approach person operating equipment	100
Clause 69 (1) (b)	9965	interfere with equipment	100
Clause 70 (4) (a)	9966	not comply with requirement/request to provide statement/declaration	100
Clause 70 (4) (b)	9967	knowingly make false/misleading statement in relation to requirement/request	100
Clause 73	6063	contravene condition/limitation of authority	1,000

BY AUTHORITY