



New South Wales

# Forestry (Miscellaneous Amendments) Regulation 2001

under the

Forestry Act 1916

Her 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 *Forestry Regulation 1999* currently provides that the prescribed penalty for the offence of contravention of a condition or limitation of an authority, being an offence that is dealt with by way of a penalty notice, is \$1,000.

The object of this Regulation is to provide instead for the following penalties for that offence:

- (a) \$1,000 for contravention of a condition or limitation of an authority being a timber licence, contractor's licence or operator's licence,
- (b) \$100 for contravention of a condition or limitation of any other authority.

The proposed Regulation also amends the *Forestry Regulation 1999*:

- (a) to increase, from \$100 to \$1,000, the prescribed penalty for the offences of approaching within 100 metres of a person operating timber harvesting or hauling equipment, or interfering with such equipment, in a forestry area, being offences that are dealt with by way of penalty notices, and
- (a) to enable the Forestry Commission to delegate its function of authorising a person to take small amounts of timber or other products from a State forest or Crown land to any officer or employee of a local council and to any employee or agent of Australia Post, and

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(b) to enable offences relating to camping in a forestry area to be dealt with by way of penalty notices.

This Regulation is made under the *Forestry Act 1916*, including sections 41 (the general power to make regulations) and 46A.

## **Forestry (Miscellaneous Amendments) Regulation 2001**

### **1 Name of Regulation**

This Regulation is the *Forestry (Miscellaneous Amendments) Regulation 2001*.

### **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.

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Schedule 1 Amendments

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### Schedule 1 Amendments

(Clause 2)

#### [1] Section 74 Prescribed matters

Insert at the end of clause 74 (1) (b) (ii):

, and

- (iii) any officer or employee of a local council, and
- (iv) any employee or agent of Australia Post.

#### [2] Schedule 3 Penalty notices and short descriptions

Insert before the matter relating to clause 46 (4) of the *Forestry Regulation 1999* in Schedule 3, in Columns 1, 2, 3 and 4 respectively:

Clause 32 (3) (a)	8238	contravene prohibition/condition in notice	\$100
Clause 32 (3) (b)	8239	contravene camping direction	\$100
Clause 33 (2)	8240	camp without paying camping charge	\$100

#### [3] Schedule 3

Omit all the matter relating to clause 69 (1) (a) and (b) of the *Forestry Regulation 1999*.

Insert instead:

Clause 69 (1) (a)	8244	approach person operating equipment	\$1,000
Clause 69 (1) (b)	9965	interfere with equipment	\$1,000

**[4] Schedule 3**

Omit all the matter relating to clause 73 of the *Forestry Regulation 1999*.

Insert instead:

Clause 73, in relation to an authority being a timber licence, contractor's licence or operator's licence	6063	contravene condition/ limitation of licence	\$1,000
Clause 73, in relation to an authority other than a timber licence, contractor's licence or operator's licence	5596	contravene condition/ limitation of authority	\$100