

Forestry Regulation 1999

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New South Wales

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New South Wales

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Forestry Regulation 1999



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Forestry Regulation 1999*.

2 Commencement

This Regulation commences on 1 September 1999.

3 Definitions

(1) In this Regulation:

approved means approved for the time being by the Commission.

authorised officer means:

(a) a person authorised by the Commission in writing, or

(b) an employee of the Commission directed by the Commission in writing,

to exercise the function conferred or imposed on an authorised officer by the provision of this Regulation in which the expression is used.

contractor's licence means a contractor's licence issued under clause 47.

Eastern and Central Division has the meaning given by the *Crown Lands Act 1989*.

employee of the Commission includes an officer or other person appointed by the Governor under section 10 of the Act.

exercise a function includes perform a duty.

flammable matter includes vegetable matter whether it is still growing or not.

forestry area means a State forest, timber reserve or flora reserve, and includes any part of a State forest, timber reserve or flora reserve.

function includes a power, authority or duty.

machine means a device powered by an internal combustion engine, and includes a motor vehicle, a stationary engine, a chainsaw, or any felling, logging, welding or road making equipment.

operator's licence means an operator's licence issued under clause 47.

prescribed fee for a licence, permit or other matter specified in Column 1 of Schedule 1, means the amount specified in Column 2 of that Schedule opposite the description of the licence, permit or other matter.

Region means a part of New South Wales that the Commission has for the time being designated as a Region for the purpose of administering the Act.

Regional Manager means the person for the time being in charge of the forestry administration of a Region.

sale agreement means an agreement in force under section 11 (1) (m) (i) of the Act.

special management zone means land declared as a special management zone under section 21A of the Act.

the Act means the [Forestry Act 1916](#).

use a machine includes operate or control the machine.

Western Division has the meaning given by the [Crown Lands Act 1989](#).

- (2) The explanatory note, table of contents and notes in the text of the Regulation do not form part of this Regulation.

Part 2 Establishment and organisation of State forests, special management zones and flora reserves

4 State forests to be named and numbered

The Commission must ensure that every State forest (including a State forest constituted under section 18 (2A) of the Act) has a distinctive name and a distinctive number.

5 State forest to be managed in accordance with management plan

- (1) Following appropriate investigation and survey work, the Commission must ensure that every State forest is managed in accordance with an approved management plan.
- (2) The management plan may be for the State forest concerned, or for that State forest together with other State forests or other nearby Crown-timber lands.
- (3) The Commission must not approve a management plan (or a significant amendment to a management plan) for a forest unless:

- (a) a draft management plan (or draft amendment to a management plan) has been dealt with in accordance with subclauses (4)-(6), or
 - (b) the draft plan or amendment is in accordance with the terms of an approval given by the Minister under Division 4 of Part 5 of the *Environmental Planning and Assessment Act 1979* within 5 years before the date on which the plan (or amendment) is to take effect.
- (4) A draft management plan (or draft amendment to a management plan) is to be publicly advertised in a notice that:
- (a) is published in a daily newspaper circulating throughout the State and a local newspaper (if any) circulating in any local government area in which the forest to which the draft plan or amendment applies is located, and
 - (b) includes a brief description of the draft plan or amendment, and
 - (c) includes a statement indicating a location at which members of the public may examine a copy of the draft plan or amendment, and
 - (d) indicates a closing date on or before which written submissions may be made to the Commission concerning the draft plan or amendment, being a date that is not less than 30 days after the date on which the notice is first published.
- (5) The Commission is to consider any submissions made to it on or before the closing date for submissions specified in a notice under subclause (4).
- (6) A draft management plan must specify:
- (a) the ecologically sustainable forest management strategy to be adopted by the Commission in relation to the forest to which the plan applies, and
 - (b) the conditions under which any timber, products or forest material may be taken from the forest, and
 - (c) the conditions subject to which the forest may otherwise be used.
- (7) The Commission must ensure that the management plan for a State forest is departed from only with its approval. The Commission's approval may only be given if the proposed departure from the plan is publicly advertised in accordance with subclause (4) and the Commission has considered any submissions made in relation to the proposal.

6 Management plans to be consistent with integrated forestry operations approvals

- (1) In this clause:

integrated forestry operations approval means an approval under Division 2 of Part 4 of the *Forestry and National Park Estate Act 1998*.

relevant area means the area to which an integrated forestry operations approval applies.

- (2) The Commission must not approve a management plan (or a significant amendment to a management plan) for a forest that is wholly or partly located in a relevant area unless the draft plan or amendment is in accordance with the terms of the integrated forestry operations approval for the area.
- (3) A management plan for a forest that is wholly or partly located in a relevant area must be consistent with the terms of the integrated forestry operations approval for the area. To the extent that the provisions of any such management plan are inconsistent with the terms of the integrated forestry operations approval, the terms of the approval prevail.
- (4) The requirements of this clause relating to a management plan for a forest that is wholly or partly located in a relevant area are in addition to the requirements specified under clause 5.

7 Special management zones

The Commission must ensure that every special management zone has a distinctive name and a distinctive number.

8 Flora reserves to be named

The Commission must ensure that every flora reserve has a distinctive name and a distinctive number. This clause applies whether or not the reserve comprises land dedicated as a State forest.

9 Public access to plans

The Commission must ensure that copies of approved management plans for State forests and of the working plans for flora reserves, together with any approved amendments of such plans:

- (a) are kept at the offices of the Regional Manager for the Region in which the State forest or flora reserve is situated and at the head office of the Commission, and
- (b) are available for inspection by members of the public at those offices during the normal business hours of the Commission.

Part 3 Control and management of State forests, timber reserves and

flora reserves

Division 1 Control of forestry areas generally

10 Definition of “authorised officer”

In this Division, **authorised officer** includes a police officer.

11 Persons to leave forestry area when requested

(1) A person who:

(a) enters or remains in a forestry area in contravention of the Act or this Regulation,
or

(b) while in a forestry area:

(i) causes annoyance or inconvenience to any other person in the area, or

(ii) otherwise contravenes the Act or this Regulation,

must, on being requested to do so by an authorised officer, leave the area, or a part of the area, specified by the officer.

(2) A person who fails to comply with a request under this clause is guilty of an offence.

Maximum penalty: 20 penalty units.

(3) A person is guilty of an offence under this clause only if the authorised officer when making the request:

(a) discloses to the person that he or she is an authorised officer, and

(b) informs the person that failure to comply with the request is an offence under this Regulation.

12 Removal of persons from forestry area

(1) An authorised officer may remove from a forestry area a person:

(a) who has entered or is remaining in the area in contravention of the Act or this Regulation, or

(b) who is causing annoyance or inconvenience to other persons in the area, or

(c) who otherwise contravenes the Act or this Regulation,

and who fails to leave the area after being requested to do so by the officer.

(2) The removal of a person under this clause does not prevent the person from being charged with an offence under clause 11.

13 Control of persons, vehicles and machines in forestry area

- (1) The Commission may, by displaying a notice to that effect in a conspicuous position in or in the immediate vicinity of a forestry area, prohibit:
 - (a) all persons, or all persons of a class specified in the notice, or
 - (b) all vehicles, or all vehicles of a class specified in the notice, or
 - (c) all machines, or all machines of a class specified in the notice,from entering the area or a part of the area specified in the notice.
- (2) Any such prohibition may be for an indefinite period or for such period or periods as are specified in the notice.
- (3) The Commission may erect or authorise the erection of such enclosures, gates or ramps as it considers necessary for the purposes of such a prohibition.
- (4) A person who, without the prior written permission of the Commission:
 - (a) enters a forestry area, or
 - (b) drives a vehicle into a forestry area, or
 - (c) drives a machine into a forestry area, or
 - (d) having entered a forestry area, remains in, drives a vehicle in, or drives or uses a machine in, the area,in contravention of a notice displayed in accordance with subclause (1) is guilty of an offence.
Maximum penalty: 20 penalty units.
- (5) The Commission may, by displaying a notice to that effect in a conspicuous position in or in the immediate vicinity of a forestry area or a part of a forestry area, fix the maximum speed at which any vehicle or machine, or any vehicle or machine of a class specified in the notice, may be driven in the area or part.
- (6) A person who drives a vehicle or machine in a forestry area in excess of the speed specified in a notice displayed in accordance with subclause (5) is guilty of an offence.
Maximum penalty: 20 penalty units.
- (7) In this clause:
drive a vehicle or machine, includes ride, take or place the vehicle or machine.
vehicle includes a caravan or other trailer.

14 Reservation of forestry area for separate or exclusive use

- (1) The Commission may, by displaying a notice to that effect in a conspicuous position in or in the immediate vicinity of a forestry area, reserve for such periods as it thinks fit the area for separate or exclusive use for the purpose of:
 - (a) recreational use and enjoyment, or
 - (b) enabling any person to exercise a right or privilege conferred by a licence, permit, forest lease or other authority issued or granted by the Commission, or
 - (c) enabling any exercise or activity to be carried on by members of the Australian Defence Force, or
 - (d) enabling the Commission to exercise any of its functions.
- (2) The Commission may erect or authorise the erection of such enclosures, gates or ramps as it considers necessary for the purposes of such a reservation.
- (3) A person who, without the prior permission of the Commission, enters or remains in an area set aside under this clause for separate or exclusive use is guilty of an offence.

Maximum penalty: 20 penalty units.

15 Authorised officer may request person to leave forestry area

- (1) An authorised officer may request a person to leave a forestry area if:
 - (a) in the area:
 - (i) logging operations or other forest activities are in progress, or
 - (ii) a bushfire is burning, or
 - (iii) in the opinion of the Commission or the officer, conditions of high fire danger exist, or
 - (iv) the Commission, the officer or another authorised officer is undertaking deliberate or controlled burning of any kind, or
 - (v) very wet or windy conditions exist, or
 - (vi) a way has been damaged, or
 - (vii) a way needs maintenance or protection as a result of adverse weather, and
 - (b) the Commission or officer believes that:
 - (i) those activities or conditions constitute a danger or potential danger to the safety of persons or property, or

- (ii) there is likely to be conflict with other uses of the area by other persons, or
 - (iii) there is a risk of a significant adverse impact on the area.
- (2) The Commission may erect or cause to be erected such enclosures, gates or ramps as it considers necessary for the purpose of preventing or restricting the entry of persons into the forestry area concerned.
- (3) A person who fails to comply with a request under this clause is guilty of an offence.
Maximum penalty: 20 penalty units.
- (4) Subclause (3) applies to a person irrespective of any provisions of a lease, licence or permit that the person holds in relation to the forestry area concerned.
- (5) A person is guilty of an offence under this clause only if the authorised officer when making the request:
- (a) discloses to the person that he or she is an authorised officer, and
 - (b) informs the person that failure to comply with the request is an offence under this Regulation.
- (6) In this clause and in clause 16:
way includes a road, track, trail, bridge and causeway.

16 Offence to damage forests and reserves

- (1) A person who, while in a forestry area:
- (a) causes damage to, interferes with or destroys vegetation (other than timber), or
 - (b) obstructs, damages or interferes with a way or a drainage structure associated with a way, or
 - (c) damages, obstructs or interferes with a drainage feature such as a watercourse or a drainage line, or
 - (d) in a manner that does not involve committing an offence under section 27 (1) (b) of the Act—interferes with material that is not part of a way, or
 - (e) erects a fence or other obstruction, or
 - (f) obstructs or interferes with the flow of water in a watercourse, or
 - (g) causes damage to, defaces, interferes with, destroys or removes a standard, sign, notice, barrier or device erected by the Commission, or
 - (h) causes damage to, defaces, or destroys a building, enclosure, dam or other

structure, or plant or equipment, of the Commission or of a lessee or licensee of the Commission,

is guilty of an offence.

Maximum penalty: 20 penalty units.

(2) However, such an offence is not committed if the act in question:

(a) is done with the prior written consent of the Commission, or

(b) is authorised by a licence, permit, forest lease or other authority issued or granted under the Act or this Regulation or under some other law.

(3) Damage caused to a way is not an offence under subclause (1) (b) if it was a natural consequence of travelling over the way in accordance with any direction contained in a notice or control sign.

(4) In this clause:

drainage structure includes a drain, drop down structure and dissipater, road drainage pipe, culvert and cross bank.

material includes soil, sand and gravel.

Note—

Section 27 of the Act creates certain offences relating to timber, products and forest materials on Crown-timber lands. The expressions **timber**, **products** and **forest materials** are defined in section 4 of the Act.

Division 2 Fire

17 Definitions

In this Division:

fire means combustion of any kind, whether burning gas, liquid or solid fuel.

fireplace means the site or location in which a fire is lit, and includes a naturally occurring site or a fixed or portable barbecue.

18 Lighting of fire in forestry area for cooking or other purposes

(1) A person must not light, maintain or use a fire in a forestry area, or cause a fire to be lit, maintained or used in such an area, for cooking, heating, preparing meals or boiling water, or for personal warmth, repairing tools or for another similar purpose, unless:

(a) the site of the fire at any point is at least 4.5 metres from the nearest log, stump or tree, and the ground within 1.5 metres of the site of the fire at all points is cleared of all flammable matter, or

(b) the fire is lit in a fireplace of a kind approved by an authorised officer.

Maximum penalty: 20 penalty units.

(2) However, subclause (1) does not apply in relation to any fire:

(a) that is authorised to be lit, maintained or used in accordance with a special purposes permit or by an authorised officer, or

(b) that is in a part of a building, caravan or other vehicle (being a part that is specially constructed for containing a fire).

19 Lighting of fire in forestry area to process timber, products or materials

(1) A person must not light, maintain or use a fire in a forestry area, or cause a fire to be lit, maintained or used in such an area, for the purpose of processing timber, products or forest materials, unless the land within a minimum of 30 metres distance (or such other distance as may be specified or allowed by an authorised officer in the particular case) of all points of the site of the fire:

(a) has been cleared of all flammable matter, and

(b) is kept cleared of that material until the fire has been extinguished.

Maximum penalty: 20 penalty units.

(2) This clause is subject to clause 20.

20 Lighting of fire in forestry area to destroy waste material

A person must not, for the purpose of destroying waste resulting from the processing of timber, products or forest materials, light, maintain or use a fire in a forestry area, or cause a fire to be lit, maintained or used in such an area, in the open air, unless:

(a) the fire is lit in an incinerator from which the escape of all sparks and incandescent and burning material is prevented, or

(b) the fire is lit with the permission of and in accordance with the written conditions specified by an authorised officer if that officer is satisfied that such an incinerator is not available.

Maximum penalty: 20 penalty units.

21 Lighting of fire in forestry area to clear vegetation or to make firebreak

(1) A person must not light, maintain or use a fire in a forestry area, or cause a fire to be lit, maintained or used in such an area, for the purpose of clearing trees, grass or other vegetation or material or for burning a firebreak unless:

(a) the person has obtained authority to do so from an authorised officer, and

- (b) the fire is lit, maintained and used in accordance with the conditions specified by such a person.

Maximum penalty: 20 penalty units.

- (2) This clause does not apply to an employee of the Commission acting in the execution of the employee's duty.

22 Leaving lighted tobacco product or lighted match in forestry area

A person who leaves or deposits in a forestry area a lighted cigarette or other lighted tobacco product or a lighted match is guilty of an offence.

Maximum penalty: 20 penalty units.

23 Lighting fire for unauthorised purpose

A person who lights, maintains or uses a fire in a forestry area, or causes a fire to be lit, maintained or used in a forestry area, for a purpose other than a purpose authorised by this Division is guilty of an offence.

Maximum penalty: 20 penalty units.

24 Use of machine in forestry area

- (1) A person who in a forestry area drives or uses a machine is guilty of an offence, unless:

- (a) a spark arrester that is in a serviceable condition is securely fixed to the exhaust of the machine, and
- (b) the fuel, electrical and braking systems and all combustion chambers, manifolds, exhaust pipes and expansion chambers of the machine and their joints are in all respects in safe working order, and
- (c) the machine is free of surplus oil, dust impregnated with oil and vegetable matter.

Maximum penalty: 20 penalty units.

- (2) In subclause (1) (a), **machine** does not include a motor vehicle.

25 Storage of liquid fuel in forestry area

- (1) A person who, while in a forestry area, stores liquid fuel is guilty of an offence, unless the fuel is stored:

- (a) under, or for the purposes of carrying out an activity authorised by, a licence, permit or other authority issued or granted by the Commission, and
- (b) in accordance with any conditions relating to the storage of liquid fuel imposed by

the licence, permit or authority.

Maximum penalty: 20 penalty units.

(2) This clause does not apply to liquid fuel stored in the fuel tank of a machine.

26 Refuelling machine near flammable vegetation

A person must not, while in a forestry area, refuel a machine except at a location at which the ground is clear of all flammable vegetation for a distance of at least 1.5 metres from every part of the machine.

Maximum penalty: 20 penalty units.

27 Stopping dangerous operations in forestry area

(1) An authorised officer who believes that a machine that is in such mechanical condition as to create a danger of fire:

- (a) is being used in a forestry area, or
- (b) is being used in such a way as to create such a danger,

may direct the person who is using the machine to stop using it until such time as an authorised officer considers it can be safely used without creating such a danger.

(2) A person who fails to comply with a direction under this clause is guilty of an offence.

Maximum penalty: 20 penalty units.

28 Fire prevention measures in forestry area

(1) If a building or group of buildings located in a forestry area are used in connection with forest operations, a person who is carrying on forest operations in the area must:

- (a) surround the building or group of buildings with a road or fire break that is cleared of all flammable material to a width of not less than 4.5 metres, and
- (b) ensure that the road or fire break is adequately maintained, and
- (c) carry out or cause to be carried out such burning or other protective operations in the vicinity of the building or group of buildings as an authorised officer directs from time to time, and
- (d) ensure that:
 - (i) all flammable material lying within 1.5 metres of the building or group of buildings is removed, and
 - (ii) the area is kept clear of all flammable matter.

- (2) A person who fails to comply with this clause is guilty of an offence.

Maximum penalty: 20 penalty units.

- (3) In this clause:

building includes a hut, tent, caravan or temporary dwelling.

forest operations includes sawmilling or logging.

29 Stopping certain activity in forestry area

- (1) An authorised officer may direct a person to stop carrying on an activity in a forestry area if the officer believes that the weather conditions are such that continuation of the activity is likely to cause the ignition or the spread of fire.

- (2) A person who is given such a direction must:

(a) immediately comply with the direction, and

(b) must not resume the activity until an authorised officer permits it to be resumed.

- (3) A person who contravenes subclause (2) is guilty of an offence.

Maximum penalty: 20 penalty units.

- (4) This clause applies to a person to whom a direction under this clause is given even if the direction is inconsistent with the conditions or limitations specified in a licence, permit, forest lease or other authority issued or granted to the person under the Act or this Regulation.

- (5) A person is guilty of an offence under this clause only if the authorised officer when giving the direction:

(a) discloses to the person that he or she is an authorised officer, and

(b) informs the person that failure to comply with the direction is an offence under this Regulation.

30 Extinguishing fire in forestry area

- (1) A person who lights or uses a fire in a forestry area must not leave the site of the fire, temporarily or otherwise, unless:

(a) the fire is extinguished, or

(b) another person has undertaken to remain at that site to tend or extinguish the fire.

- (2) A person does not contravene subclause (1) only because he or she leaves the site of the fire temporarily in order to report the escape or escalation of the fire to an

employee of the Commission or to obtain help.

- (3) A person who lights or uses a fire in a forestry area must, if directed to do so by an authorised officer, take all reasonable steps to extinguish the fire.
- (4) A person who lights or uses a fire in a forestry area must, if the fire escapes from the site at which it was lit or escalates so as to endanger any other person or any property, immediately take all reasonably practicable measures to ensure that the fire is extinguished.
- (5) A person who contravenes a provision of this clause is guilty of an offence.

Maximum penalty: 20 penalty units.

31 Duties of holder of written authority in forestry area

- (1) A person who holds a licence, permit or forest lease in respect of part of a forestry area, or who is acting in accordance with an authorisation in force under section 30I of the Act that relates to a forestry area:
 - (a) must take all reasonable precautions to prevent unauthorised damage by fire to the area, and
 - (b) must, on becoming aware of an outbreak of fire within the area, ensure that the outbreak is immediately reported to an employee of the Commission, and
 - (c) must attempt to extinguish the fire or, if it cannot be extinguished, must attempt to prevent the fire from spreading.
- (2) A person who fails to comply with a requirement of this clause is guilty of an offence.

Maximum penalty: 20 penalty units.

Division 3 Camping

32 Prohibiting camping in forestry area

- (1) The Commission may, by displaying a notice to that effect in a conspicuous position in or in the immediate vicinity of a forestry area:
 - (a) prohibit persons from camping in the area, or
 - (b) permit persons to camp in the area but only in accordance with conditions specified in the notice.
- (2) An authorised officer may give directions to a person who is camping or proposing to camp in the forestry area as to the number of persons who are allowed to camp and as to the location or removal of the camp. The directions must not be inconsistent with the conditions specified in the notice displayed in relation to that area.

(3) A person who contravenes:

(a) a prohibition or conditions specified in a notice displayed in accordance with subclause (1), or

(b) a direction given in accordance with subclause (2),

is guilty of an offence.

Maximum penalty: 20 penalty units.

33 Imposition of charges for camping in forestry areas

(1) The Commission:

(a) may impose and collect charges for camping in a forestry area, and

(b) may display notices at or in the vicinity of a road that provides access to the area to the effect that persons are prohibited from camping in the area unless they have paid to the Commission or an authorised officer the requisite camping charge.

(2) If a notice is displayed in accordance with subclause (1) in relation to a forestry area, a person must not camp in the area, unless the requisite camping charge has been paid to the Commission or to an authorised officer.

Maximum penalty: 20 penalty units.

(3) A court may, in addition to imposing a penalty for a contravention of this clause, make an order for the payment of the charge to which the contravention relates.

Part 4 Licences, permits and forest leases

Division 1 Provisions applicable to all written authorities

34 Definition

In this Division:

written authority means any of the following:

(a) a timber licence,

(b) a products licence,

(c) a forest materials licence,

(d) a contractor's licence,

(e) an operator's licence,

- (f) a sawmill licence,
- (g) a clearing licence,
- (h) a grazing permit,
- (i) an occupation permit to occupy land for a purpose specified in section 31 (1A) of the Act,
- (j) a forest lease of land within a State forest,
- (k) a hunting permit in respect of land referred to in section 32B of the Act,
- (l) a special purposes permit in respect of land referred to in section 32F (2) of the Act.

35 Application for written authority

- (1) An application for a written authority relating to Crown-timber land may be lodged at:
 - (a) the office of the Regional Manager for the Region in which the land is located, or
 - (b) any other office approved by the Commission.
- (2) However, an application for:
 - (a) a special purposes permit to authorise the carrying out of an a research project or a scientific or other investigation or survey under clause 58 (1) (d) may be lodged at the office of the Forest Research and Development Division of the Commission, and
 - (b) a sawmill licence must be made to the Regional Manager for the Region in which the mill is located, and
 - (c) a clearing licence to clear trees from Crown-timber land in the Western Division (other than Crown-timber land that is a State forest or timber reserve) must be lodged at the office of the Western Lands Commissioner.

36 Form of application for written authority

- (1) An application for a written authority must be made in the approved form.
- (2) However, an application for a clearing licence to clear trees from Crown-timber land in the Western Division (other than Crown-timber land that is a State forest or timber reserve) is not required to be in an approved form but must be made in writing.
- (3) The Commission may also require an applicant for a written authority to provide it with such further particulars with respect to an application as it considers necessary to determine the application.
- (4) The Commission may refuse an application for which a form of application is required

if:

- (a) a requirement under subclause (3) is not complied with within a reasonable period, or
- (b) the application is not accompanied by the application fee (if any) required by this Regulation.

37 Payment of fees

- (1) An application for:
 - (a) a sawmill licence, or
 - (b) a hunting permit in respect of land referred to in section 32B of the Act, or
 - (c) a forest lease of land within a State forest,must be accompanied by the prescribed fee.
- (2) An application for an occupation permit to occupy land for a purpose specified in section 31 (1A) of the Act must be accompanied by the prescribed fee, unless the Commission waives payment of that fee.
- (3) If an application referred to in subclause (1) is refused or withdrawn, the Commission may retain the fee or such part of it as the Commission determines.
- (4) The prescribed fee for a written authority must be paid before the authority is issued or granted.
- (5) The Commission may, as a condition of issuing a grazing permit, require the payment of a fee for agistment, as assessed by the Commission.
- (6) The Commission may waive or reduce any fee in relation to a written authority if, in the opinion of the Commission, the granting of the written authority will be beneficial to the management or protection of a forestry area or part of a forestry area.

38 Refusal by Commission to issue written authority

- (1) The Commission may refuse to issue, grant or renew a written authority for any reason that it considers appropriate.
- (2) In particular, the Commission may refuse an application for the issue, grant or renewal of a written authority, unless the applicant has deposited with the Commission an amount of money as a guarantee for the payment of any amount (other than a penalty) that may become payable to the Crown or the Commission as a consequence of a contravention of any of the conditions or limitations of the authority.

39 Form of written authority

- (1) A written authority is to be in a form determined by the Commission, subject to this clause.
- (2) A timber licence, products licence or forest materials licence must describe the locality from which the relevant timber, products or forest materials specified in the licence is or are authorised to be taken.
- (3) A grazing permit must specify:
 - (a) the number and kind of animals to be agisted on the land described in the permit, and
 - (b) the weekly rate of agistment per head.

40 Variation of written authority

- (1) The Commission may, by notice in writing served on the holder of a written authority, add conditions or limitations to, or vary or revoke any existing conditions or limitations of, the written authority.
- (2) However, any conditions or limitations added or varied under subclause (1) are void in so far as they are inconsistent with conditions or limitations of the licence imposed by the Act or by this Regulation.
- (3) A notice served under this clause may be served personally or by post but is not effective until 1 month after the day of service.

41 Transfer of written authority

- (1) An application for the Commission's consent to the transfer of a written authority in accordance with section 34 of the Act must:
 - (a) be made in the approved form, and
 - (b) be lodged at the office of the Regional Manager for the Region in which the land or sawmill to which the application relates is located, and
 - (c) be accompanied by the prescribed fee, and
 - (d) be accompanied by any duty payable in relation to the transfer.
- (2) The Commission may require the written authority concerned to be lodged with an application or at some later time.
- (3) An application may be withdrawn at any time before the Commission notifies the transferor that the consent has been granted.
- (4) The withdrawal of an application must be in writing.

- (5) If an application is withdrawn, the Commission may, at its discretion, retain all or part of the prescribed fee for the application towards meeting any costs incurred in dealing with the application.
- (6) The Commission is to notify the applicant in writing that the consent has been granted.

Note—

Section 34 of the Act provides that a licence, permit or forest lease is transferable only with the written consent of the Commission.

42 Refusal of consent to transfer of written authority

- (1) The Commission may refuse consent to the transfer of a written authority for any reason that it considers appropriate.
- (2) In particular, the Commission may refuse its consent to the transfer of a written authority in respect of which the transferor owes any amount of money to the Commission, unless the Commission is satisfied that arrangements have been made for the payment of that amount.
- (3) The Commission is to notify the applicant in writing that the consent has not been granted.

43 Commission to record consent to transfer

If the Commission consents to the transfer of a written authority, it must record the consent by an appropriate endorsement:

- (a) either on the authority or by attaching to it a document containing the endorsement, and
- (b) in the records of the Commission.

44 Application to obtain duplicate written authority

- (1) A person may apply in writing to the Commission for a duplicate written authority if the written authority held by the person has been lost or destroyed.
- (2) An application must be accompanied by the fee (if any) fixed by the Commission.
- (3) On receipt of such an application, the Commission must issue an applicant with a duplicate of a written authority if satisfied that:
 - (a) the written authority concerned has been lost or destroyed, and
 - (b) the applicant is the person entitled to hold that authority.

Division 2 Timber, products and forest materials licences

45 Licences to specify royalty

A timber licence, products licence and forest materials licence must contain particulars (current at the time of issue of the licence) of the royalty that must be paid, or of the rate or rates at which the royalty must be paid, in respect of the timber, products or forest materials authorised to be taken by the licence.

Division 3 Contractors' and operators' licences

46 Person who does not hold contractor's or operator's licence not to be engaged or employed

- (1) The holder of a timber licence, products licence or forest materials licence, a party to a sale agreement, or a party to a merchandising agreement with the Commission, must ensure that:
 - (a) every timber contractor who is engaged to cut, obtain or remove timber, products or forest materials for the purpose of the licence or agreement is the holder of a contractor's licence, and
 - (b) every person (not being a timber contractor) who is engaged or employed to cut, obtain or remove timber, products or forest materials for that purpose is the holder of an operator's licence.
- (2) A timber contractor who is engaged by the holder of a timber licence, products licence or a forest materials licence, or by a party to a sale agreement, or by a party to a merchandising agreement, for the purpose of the licence or agreement:
 - (a) must not:
 - (i) cut, obtain or remove timber, products or forest materials, or
 - (ii) authorise or direct another person to cut, obtain or remove timber, products or forest materials,for that purpose, unless the contractor is the holder of a contractor's licence, and
 - (b) must not engage or employ another person to cut, obtain or remove timber, products or forest materials for that purpose, unless the other person is the holder of an operator's licence.
- (3) A person (not being a timber contractor) who is engaged or employed:
 - (a) by the holder of a timber licence, products licence or forest materials licence, or
 - (b) by a party to a sale agreement or a merchandising agreement,

must not cut, obtain or remove timber, products or forest materials for the purpose of the licence or agreement, unless the person is the holder of an operator's licence.

- (4) A person who contravenes this clause is guilty of an offence.

Maximum penalty: 20 penalty units.

- (5) In this clause:

employed means employed under a contract of service.

engaged means engaged under a contract for the performance of services.

merchandising agreement means an agreement between the Commission and a timber contractor for the purpose of harvesting timber.

timber contractor means a person who operates as a contractor to cut, obtain or remove timber, products or forest materials and who engages or employs one or more other persons to perform the work involved.

47 Commission may issue contractor's or operator's licence

- (1) The Commission may issue a contractor's licence or an operator's licence for such period, and subject to such conditions and limitations, as it thinks fit.
- (2) The prescribed fee for a contractor's licence or an operator's licence must be paid before the licence is issued.

48 Suspension and cancellation of contractor's or operator's licence

The Commission:

- (a) may suspend a contractor's licence or an operator's licence if it believes on reasonable grounds that a condition or limitation of the licence has been contravened, and
- (b) may cancel the licence if, after giving the holder of the licence an opportunity to be heard, it finds the condition or limitation to have been contravened.

Division 4 Sawmill licences

49 Scope of sawmill licence

- (1) A sawmill licence authorises the holder, subject to this Regulation and to the conditions and limitations of the licence, to work a mill for the sawing and treatment of timber at the site specified in the licence.
- (2) However, the Commission may, on the application in writing of the holder of the licence to vary the site of the mill specified in the licence, agree in writing to the relocation of that site.

- (3) If the Commission has agreed to the relocation of the site of a sawmill to another site, that other site is taken to be the site of the mill specified in the sawmill licence.

50 Renewal of sawmill licence

- (1) An application for the renewal of a sawmill licence to work a mill for the sawing and treatment of timber must be made to the Regional Manager for the Region in which the mill is located.
- (2) The prescribed fee for renewal of a sawmill licence must be paid before the licence is renewed.
- (3) The Commission may refuse to renew a sawmill licence for any reason that it considers appropriate.

51 Conditions of written permission to work mill

- (1) For the purposes of section 29 (1) (b) of the Act, the prescribed circumstances in which a person may work a mill for the sawing or treatment of timber are that, during the period for which the permission is in force, the person to whom permission is granted will use the timber sawn or treated at the mill concerned only for that person's own use and not for sale.
- (2) A person seeking permission under this clause must apply in writing to the Regional Manager for the Region in which the mill is located.
- (3) The prescribed fee for the permission must be paid before the permission is granted.
- (4) The Commission may refuse to grant the permission for any reason that it considers appropriate.

Note—

Section 29 of the Act prohibits a person from working a mill for sawing or treating timber except under the authority of a sawmill licence or in accordance with the written permission of the Commission.

Division 5 Clearing licences

52 Fee for clearing licence

- (1) The Commission may, as a condition of issuing a clearing licence to clear trees from Crown-timber land located in the Eastern and Central Division or from a State forest or a timber reserve located in the Western Division, require the payment of a fee to meet the costs of dealing with the application and to be incurred in supervising the operations to be undertaken under the licence.
- (2) The fee is to be an amount in accordance with a scale determined by the Commission, but must not exceed \$1,000.

- (3) The following persons are exempt from paying a fee for a clearing licence:
- (a) a rural lands protection board in respect of a clearing licence relating to a travelling stock reserve, stock holding area or stock watering place that is under the board's control,
 - (b) the trustee of a reserve in respect of a clearing licence relating to the reserve,
 - (c) a person who applies for a clearing licence for the purpose only of clearing a fence line,
 - (d) the owner of purchase-tenure land that is subject to a profit à prendre under section 25F (1) of the Act in respect of a clearing licence for the treatment of any forestry area on which, in the opinion of the Commission, operations under the profit à prendre have been completed,
 - (e) a lessee under a lease of land from the Crown, if the licence is issued to enable timber to be cleared to allow improvements on the land to be erected in accordance with the conditions of the lease.

Note—

Section 25F of the Act deals with the Crown's rights to timber and products on purchase-tenure land. The expressions **timber** and **products** are defined in section 4 of the Act.

53 Holder of clearing licence may conduct further clearing operations

- (1) This clause applies if:
- (a) the Commission has issued a clearing licence authorising the clearing of trees on Crown-timber land located in the Eastern and Central Division or on a State forest or timber reserve located in the Western Division, and
 - (b) further work is proposed to be carried out within 10 years from the date of issue of the licence for the purpose of keeping the land concerned cleared of trees.
- (2) The holder of a clearing licence may carry out the work referred to in subclause (1) (b) if the holder:
- (a) notifies the Commission, before starting the work, of the holder's intention to carry out the work, and
 - (b) carries out the work in accordance with any directions given by an authorised officer.

Division 6 Occupation permits

54 Suspension of occupation permit

If an occupation permit provides for the payment of rent for a specified period before that

period commences, the permit is taken to be suspended during any part of the period for which the rent remains unpaid.

Division 7 Forest leases

55 Application to vary conditions of forest lease

- (1) A lessee under a forest lease who wishes to have a condition of the lease varied must apply in writing to the Regional Manager for the Region in which the leased land is located.
- (2) The application must be accompanied by the prescribed fee.
- (3) The fee is not refundable to the applicant even if the application is refused.

56 Surrender of forest lease

- (1) The lessee under a forest lease may apply to the Commission in writing to surrender of the lease.
- (2) The Commission must, on receipt of such an application, accept the surrender of the lease, unless the lessee is in arrears with the payment of rent or is otherwise in breach of the terms of the lease.

Division 8 Hunting permits

57 Conditions of hunting permit

- (1) It is a condition of a hunting permit that the holder of the permit must not use a means of hunting other than one specified in the permit.
- (2) A person claiming to be the holder of a hunting permit must, on demand by a police officer or an employee of the Commission, produce the permit for inspection.
- (3) A person who fails to comply with such a demand is guilty of an offence.

Maximum penalty: 20 penalty units.

Division 9 Special purposes permits

58 Activities prescribed for special purposes permit

- (1) For the purposes of section 32F (1) of the Act, the following are prescribed activities:
 - (a) a trial, rally, water sport or similar activity involving:
 - (i) the demonstration of motor vehicles, motorised equipment or water craft of any kind, or
 - (ii) competition between participants in the use, control, performance or

navigation of any such vehicles, equipment or craft,

- (b) a tour, trail-ride, safari or other similar activity conducted for reward (whether or not including camping) involving the use of:
 - (i) a motor vehicle, aircraft or water craft of any kind, or
 - (ii) a cycle or a horse or other pack animal,and designed to make use of the environment or facilities of a State forest, timber reserve or flora reserve,
- (c) selling, letting out on hire or otherwise providing (whether or not for profit) goods, services or equipment to visitors to a State forest, timber reserve or flora reserve (except where the selling, letting out on hire or providing is done by a person in accordance with the conditions of a forest lease or an occupation permit),
- (d) a research project or a scientific or other investigation or survey,
- (e) taking photographs, or making motion pictures, videotape or sound recordings, for advertising or other commercial purposes,
- (f) carrying out market research,
- (g) organised youth or adventure activities,
- (h) organised recreation, civil or religious activities,
- (i) professional or technical excursions,
- (j) regular use of a road within a forestry area as part of a commercial enterprise.

- (2) However, an activity is not prescribed for the purposes of section 32F of the Act if it is being carried out by a person who is for the time being exempted by the Commission from having to comply with section 32G of the Act in relation to the activity.

Note—

Section 32F of the Act enables a special purposes permit to be granted authorising its holder to engage in or conduct a **prescribed activity**.

59 Fee for special purposes permit

The Commission may from time to time determine the charge to be paid for a special purposes permit.

60 Revocation of special purposes permit

- (1) The Commission may, having regard to the state of the weather, risk of fire or any other factor that it considers relevant, revoke a special purposes permit by giving

notice to the holder of the permit that it is revoked.

- (2) If a special purposes permit is revoked under this clause, the Commission may refund all or part of the fee paid for the permit.

Part 5 Dealings with timber, products and forest materials

61 Timber to be branded

- (1) A person who removes timber from land on which it was cut or obtained is guilty of an offence unless the timber:
 - (a) has been branded with the owner's brand and the letters "PP", or
 - (b) has been marked or identified in some other manner directed or approved by the Commission for the purposes of this clause.

Maximum penalty: 20 penalty units.

- (2) This clause does not apply to the removal of timber from Crown-timber lands.

62 Offence to misrepresent brands

A person who:

- (a) applies the letter "P", or causes that letter to be applied, to timber cut or obtained on Crown-timber lands, or
- (b) represents timber to be, or not to be, timber cut or obtained on Crown-timber lands knowing that the timber has not or has been so cut or obtained,

is guilty of an offence.

Maximum penalty: 20 penalty units.

63 Prescription of Commission brands

- (1) The brands comprising a broad arrow, and a broad arrow with the letters "FC" or "RP" (with or without numbers or other symbols), are prescribed as brands to be used by employees of the Commission and persons acting with the authority of the Commission, for the purposes of branding trees, stumps, logs, poles and other timber products obtained from Crown-timber lands.
- (2) A person, other than a person referred to in subclause (1), who uses, for the purpose of branding trees, stumps, logs, poles or other timber products:
 - (a) a brand prescribed by subclause (1), or
 - (b) any brand that consists partly of a brand so prescribed,

is guilty of an offence.

Maximum penalty: 20 penalty units.

64 Offence to make, use or possess branding instruments unlawfully

(1) A person who, without the approval of the Commission:

(a) uses or has possession of an instrument designed for use by employees of the Commission for the purpose of branding timber, or

(b) makes, uses or has possession of an instrument purporting to be an instrument so designed,

is guilty of an offence.

Maximum penalty: 20 penalty units.

(2) This clause does not apply to an employee of the Commission.

65 Offence to deface brands

(1) A person who defaces, destroys or removes an identifying brand comprising a broad arrow (with or without letters, numerals or other symbols) that has been branded or marked on timber (including a tree or tree stump) by or at the direction of an employee of the Commission is guilty of an offence.

Maximum penalty: 20 penalty units.

(2) This clause does not apply to a person who is lawfully processing the timber.

66 Payment of royalty or purchase price

(1) The holder of a timber licence, products licence or forest materials licence, or the purchaser of timber or products under a sale agreement, must pay to the Commission the amount of royalty due under the licence, or the purchase price payable under the agreement:

(a) within the period specified in any account issued by the Commission that requires payment of that amount or purchase price, or

(b) within such extended period as the Commission may allow.

(2) A person who, being the holder of a timber licence, products licence or forest materials licence, or the purchaser of timber or products under a sale agreement, fails to comply with subclause (1) is guilty of an offence.

Maximum penalty: 20 penalty units.

67 Offence to remove certain timber without permission of Commission

- (1) A person who is entitled:
 - (a) to take timber or products on or from Crown-timber land otherwise than under the authority of a timber licence or products licence, and
 - (b) to use the timber or products for the purpose of building or fencing or any other purpose,may remove the timber or products from that land, but only with the written permission of the Commission.
- (2) A person referred to in subclause (1) who removes timber or products from Crown-timber land otherwise than in accordance with that subclause is guilty of an offence.
Maximum penalty: 20 penalty units.
- (3) In giving permission for the removal of timber or products, the Commission may impose such conditions and limitations as it considers appropriate.

Part 6 Miscellaneous offences

68 Offence not to comply with directions of authorised officer

- (1) A person to whom an authorised officer gives a direction:
 - (a) relating to the taking of timber or products by the person on or from Crown-timber lands, or
 - (b) relating to the taking of forest materials by the person from a State forest,must comply with the direction.
- (2) A person who, without lawful excuse, fails to comply with this clause is guilty of an offence.
Maximum penalty: 20 penalty units.

69 Offence to approach or interfere with certain operations

- (1) A person who:
 - (a) approaches within 100 metres of any person who is operating timber harvesting or hauling equipment in a forestry area, or
 - (b) interferes with timber harvesting or hauling equipment in a forestry area,is guilty of an offence.
Maximum penalty: 20 penalty units.

(2) A person who is an authorised person does not commit an offence under this clause.

(3) In this clause:

authorised person means:

- (a) an employee of the Commission, or
- (b) or a person acting under the authority of a lease, licence, permit, delegation or other authority issued or granted by the Commission, or
- (c) an authorised officer, or
- (d) a police officer, or
- (e) an officer or employee of the National Parks and Wildlife Service, or of the Environment Protection Authority, while exercising functions as such an officer or employee.

interfere with timber harvesting or hauling equipment includes obstruct, deface, climb onto, or attach to, the equipment.

timber harvesting or hauling equipment means any equipment, plant, machinery or vehicle used in the felling, cutting, pushing, pulling, lifting or hauling of timber.

70 Offence not to comply with requirement for certain information

- (1) An authorised officer may require a person who deals with timber, products or forest materials to provide the Commission with a statement in an approved form:
 - (a) giving details of the quantity and description of timber, products or forest materials dealt with, or hewn, sawn or otherwise treated, or transported or consigned by road, rail or water by the person concerned during a specified period, and
 - (b) disclosing the land (whether Crown-timber lands, other Crown lands or other lands) from which the timber, products or forest materials has or have been cut, obtained, removed or taken delivery of, and the place to which the timber, products or forest materials were consigned.
- (2) A person to whom such a requirement is made must comply with the requirement within the period specified by the authorised officer who made the requirement.
- (3) The person must also, if requested to do so by an authorised officer, support the statement with a declaration as to its accuracy.
- (4) A person who:
 - (a) without lawful excuse, fails to comply with a requirement or request made under

this clause, or

(b) in purporting to comply with the requirement or request, makes a statement that is, to the person's knowledge, false or misleading in a material respect,

is guilty of an offence.

Maximum penalty: 20 penalty units.

(5) In this clause, ***deals with***, in relation to timber, products or forest materials, includes dealing with them by cutting, obtaining, removing and taking delivery of them.

71 Offence not to comply with requirement to provide forestry statistics

(1) The Commission may, by notice in writing, require a person who is engaged in dealing in timber or products to provide it with a statement showing the quantity and description of timber or products that the person has dealt with during the period specified in the request.

(2) A person to whom such a requirement is made must comply with the requirement within the period specified by the Commission.

(3) A person who:

(a) without lawful excuse, fails to comply with a requirement made under this clause, or

(b) in purporting to comply with the requirement, makes a statement that is, to the person's knowledge, false or misleading in a material respect,

is guilty of an offence.

Maximum penalty: 20 penalty units.

(4) In this clause, ***dealing*** includes buying, selling, milling and treating.

72 Offence for officer to trade in timber, products or forest materials

An employee of the Commission who, except with the prior written approval of the Commission:

(a) trades as principal or agent in timber, products or forest materials, or

(b) does any act under an interest held by the employee under a licence or agreement that authorises the taking, removal or sale of timber, products or forest materials,

is guilty of an offence.

Maximum penalty: 20 penalty units.

73 Offence to contravene conditions and limitations of licences, permits and other

authorities

Any person who contravenes a condition or limitation of a licence, permit, forest lease or other authority issued or granted under the Act or this Regulation is guilty of an offence.

Maximum penalty: 20 penalty units.

Part 7 Miscellaneous provisions

74 Prescribed matters

- (1) For the purposes of section 10A (1) (d) of the Act, the following are prescribed as persons or classes or descriptions of persons to whom the Commission may delegate its functions:
 - (a) in relation only to the function of the Commission under section 27G of the Act (except in respect of State forests and timber reserves)—any person for the time being appointed as an authorised officer under section 59 of the *Native Vegetation Conservation Act 1997*,
 - (b) in relation only to the function of the Commission under section 30I of the Act:
 - (i) any public servant, and
 - (ii) any police officer.
- (2) For the purposes of section 25E (3) of the Act, the prescribed period is 12 months.
- (3) For the purposes of section 25I (1) of the Act, the prescribed form is a form that is in accordance with Schedule 2.
- (4) For the purposes of section 30I (1) (a) and (b) of the Act, the prescribed value is \$1,000.
- (5) For the purposes of paragraph (e) of the definition of **structure** in section 35A (1) of the Act, the following are prescribed:
 - (a) implements, machinery, tanks, troughing, piping, stands, components of a building, containers, pipes, slabs and fabricated structures,
 - (b) any parts of those objects.
- (6) For the purposes of section 36A of the Act, a **control sign** means a standard, sign, notice or device that:
 - (a) complies with Australian Standard AS 1742-*Manual of Uniform Traffic Control Devices* and Australian Standard AS 1319-*Rules for the Design and Use of Safety Signs for the Occupational Environment*, both published by the Standards Association of Australia, or

(b) contains directions or instructions as determined by the Commission.

Note—

- (a) Section 10A of the Act authorises the Commission to delegate the exercise or performance of specified functions to a **prescribed person** or a member of a **prescribed class or description** of persons.
- (b) Section 25D of the Act empowers the Minister, on the recommendation of the Commission, to declare specified Crown lands not to be subject to section 25E or 25F of the Act (which respectively place restrictions of granting applications to purchase land that is subject to prescribed leases from the Crown and specify the Crown's rights to timber and products on purchase-tenure land). The expressions **timber** and **products** are defined in section 4 of the Act.
- (c) Section 25I of the Act requires the Commission to execute a certificate releasing land from a profit à prendre in specified circumstances (such as when the relevant timber or products have been worked out).
- (d) Section 27G of the Act empowers the Commission to issue clearing licences to clear trees (not having economic value) from certain Crown-timber lands.
- (e) Section 30I of the Act allows the Commission to authorise a person to take small quantities of timber, products or forest materials from land within certain State forests or to take small quantities of timber or products from Crown lands.
- (f) Section 35A of the Act empowers the Commission to have unauthorised structures removed from a State forest, timber reserve or flora reserve.
- (g) Section 36A of the Act empowers the Commission to give a direction, by means of a control sign, prohibiting, regulating or controlling the use or enjoyment of a State forest, timber reserve or flora reserve.

75 Prescribed penalty notice offences

- (1) For the purposes of section 46A (2) (b) of the Act, the following offences are prescribed:
 - (a) offences under sections 27 (1), 29, 32, 32C (2), 32G, 38A (4), 38B (3) and 45 of the Act, and
 - (b) all offences under this Regulation.
- (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.

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
 - (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.

77 (Repealed)

78 Repeal and savings

- (1) The *Forestry Regulation 1994* is repealed.
- (2) Schedule 4 has effect.

Schedule 1 Fees

(Clause 3)

Column 1 Description	Column 2 Fee
Application for a sawmill licence	\$129
Application for an occupation permit where no on-site inspection is required	\$87
Application for an occupation permit where an on-site inspection is, in the opinion of the appropriate Regional Manager, required	\$215
Application for a forest lease where no on-site inspection is required	\$87
Application for a forest lease where an on-site inspection is, in the opinion of the appropriate Regional Manager, required	\$215
	\$80 for a licence the duration of which is not more than 3 months
	\$118 for a licence the duration of which is more than 3 months but not more than 6 months
Timber licence	\$150 for a licence the duration of which is more than 6 months but not more than 9 months
	\$172 for a licence the duration of which is more than 9 months but not more than 12 months
	For a licence the duration of which is more than 12 months—\$172 for each year, or part of a year, of the duration of the licence
	\$75 for a licence the duration of which is not more than 3 months
	\$97 for a licence the duration of which is more than 3 months but not more than 6 months
Products licence	\$113 for a licence the duration of which is more than 6 months but not more than 9 months
	\$129 for a licence the duration of which is more than 9 months but not more than 12 months
	For a licence the duration of which is more than 12 months—\$129 for each year, or part of a year, of the duration of the licence
Forest materials licence	\$75 for a licence the duration of which is not more than 3 months

	\$97 for a licence the duration of which is more than 3 months but not more than 6 months
	\$113 for a licence the duration of which is more than 6 months but not more than 9 months
	\$129 for a licence the duration of which is more than 9 months but not more than 12 months
	For a licence the duration of which is more than 12 months—\$129 for each year, or part of a year, of the duration of the licence
Sawmill licence or any renewal of a sawmill licence	\$162 for each year ending 31 December, or any part of a year, of the duration of the licence
Grazing permit	\$6 per month, or part of a month, of the duration of the permit
Hunting permit	\$31 per month, or part of a month, of the duration of the permit
Transfer of forest lease	\$103
Transfer of occupation permit	\$103
Transfer of sawmill licence	\$108
Transfer of timber licence, products licence or forest materials licence	\$108
	\$22 for a licence the duration of which is not more than 3 months
	\$38 for a licence the duration of which is more than 3 months but not more than 6 months
Contractor's licence	\$48 for a licence the duration of which is more than 6 months but not more than 9 months
	For a licence the duration of which is more than 9 months—\$54 for each year, or part of a year, of the duration of the licence
	\$16 for a licence the duration of which is not more than 3 months
	\$22 for a licence the duration of which is more than 3 months but not more than 6 months
Operator's licence	\$27 for a licence the duration of which is more than 6 months but not more than 9 months
	For a licence the duration of which is more than 9 months—\$32 for each year, or part of a year, of the duration of the licence

Permission to work a sawmill	\$80 for each year ending 31 December, or any part of a year, of the duration of the licence
Application to vary a condition of a forest lease where no on-site inspection is required	\$54
Application to vary a condition of a forest lease where an on-site inspection is, in the opinion of the appropriate Regional Manager, required	\$162

Schedule 2 Form

(Clause 74)

Forestry Act 1916

Certificate of release of land from profit à prendre

The land described below is land in respect of which a profit à prendre as to the timber and products on that land has been reserved to the Crown under section 25F of the *Forestry Act 1916*. The Forestry Commission of New South Wales now certifies, in accordance with section 25I (1) of that Act, that that land is free from the profit à prendre.

Description of the land

Parish: _____ County: _____
 Area: _____ Lot: _____ Deposited plan no: _____

Reference to title

Incomplete purchase no: _____
 Land Division of: _____
 Folio identifier: _____
 Dated this _____ day of _____

.....*For the Forestry Commission of New South Wales*

Schedule 3 Penalty notices and short descriptions

(Clause 76)

Column 1 Offence	Column 2 IPB code	Column 3 Short description text	Column 4 Penalty (\$)
<i>Forestry Act 1916</i>			
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
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

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	
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	
Section 45	9943	Make false entry/return	100
Forestry Regulation 1999			
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
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
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
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

Schedule 4 Savings and transitional provisions

(Clause 78)

1 Definitions

In this Schedule:

repealed Regulation means the *Forestry Regulation 1994*.

written authority means any licence, permit, forest lease or other authority issued or granted under the repealed Regulation, and includes a sale agreement.

2 Names of forests and flora reserves

The name and number allocated to a State forest or flora reserve under the repealed Regulation is, until varied or replaced by the Commission, taken to be the name and number of the forest or reserve for the purposes of this Regulation.

3 Management plans

A management plan approved for the purposes of the repealed Regulation in relation to a State forest or other Crown-timber land and in force immediately before the commencement of this Regulation is taken to be a management plan approved in relation to the forest or timber land for the purposes of this Regulation.

4 Notices

Any notice erected for the purpose of a provision of the repealed Regulation is, if it was being displayed immediately before the commencement of this Regulation, taken to be displayed under and for the purposes of any corresponding provision of this Regulation.

5 Districts, Regions and Areas

- (1) A district or region designated by the Commission for the purposes of the repealed Regulation, as in force immediately before the commencement of this Regulation, is, until varied or replaced by the Commission, taken to be a Region so designated for the purposes of this Regulation.
- (2) Any act, matter or thing done or omitted to be done by a General Manager in relation to a Region before the repeal of the repealed Regulation is, in so far as the act, matter or thing could be done or omitted to be done by a Regional Manager of a Region under this Regulation, taken to have been done or omitted to be done by the Regional Manager of the Region.

- (3) Any act, matter or thing begun, or in force, in relation to a forestry area (as defined in clause 9 of the repealed Regulation) but not completed before the commencement of this Regulation may, if it could be done under this Regulation in relation to a forestry area, be completed under this Regulation in relation to the area.

6 Written authorities

A written authority issued or granted under a provision of the repealed Regulation, and having effect immediately before the commencement of this Regulation, continues to have effect as if it were issued or granted under the corresponding provision of this Regulation.

7 Applications

An application for a written authority made before the repeal of the repealed Regulation and not disposed of before the commencement of this Regulation is taken to be an application for the corresponding authority under this Regulation.

8 Fees and royalties

Any fee or royalty payable under the repealed Regulation but not paid before the commencement of this Regulation is recoverable in a court of competent jurisdiction as a debt due to the Commission.

9 Authorised officer

An authorised officer under the repealed Regulation is taken to be an authorised officer under this Regulation.

10 Records

Any record kept for the purposes of a provision of the repealed Regulation is taken to be a record kept for the purposes of the corresponding provision (if any) of this Regulation.

11 Permission under clause 67 of repealed Regulation

Any written permission given by the Commission under clause 67 of the repealed Regulation, and having effect immediately before the commencement of this Regulation, is taken to be a written permission given by the Commission for the purposes of clause 67 of this Regulation.

12 Other acts, matters and things

- (1) Any act, matter or thing done or omitted to be done by an authorised person under or for the purposes of a provision of the repealed Regulation, and having effect immediately before the commencement of this Regulation, is taken to have been done or omitted to be done by an authorised officer under or for the purposes of the corresponding provision (if any) of this Regulation.

- (2) Any other act, matter or thing done or omitted to be done under or for the purposes of a provision of the repealed Regulation, and having effect immediately before the commencement of this Regulation, is taken to have been done or omitted to be done under or for the purposes of the corresponding provision (if any) of this Regulation.