

South Australia

Forestry (Miscellaneous) Variation Regulations 2021

under the *Forestry Act 1950*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Forestry (Miscellaneous) Variation Regulations 2021*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Forestry Regulations 2013*

4—Variation of regulation 3—Interpretation

- (1) Regulation 3, definition of *adult*—delete the definition
- (2) Regulation 3, definition of *bus*—delete the definition
- (3) Regulation 3, definition of *child*—delete the definition
- (4) Regulation 3, definition of *family*—delete the definition
- (5) Regulation 3, definition of *senior or pensioner*—delete the definition

5—Variation of regulation 9—Lighting, maintaining or using fires

Regulation 9(3)(b)—delete "in a properly constructed fire place or a portable cooking appliance" and substitute:

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- (i) in a fire place in the reserve that has been constructed by the Corporation for that purpose; or
 - (ii) in a portable cooking appliance; and

6—Variation of regulation 12—Use of aircraft and drones

Regulation 12—after its present contents (now to be designated as subregulation (1)) insert:

- (2) A person must not, without lawful authority, fly a drone or other unmanned aerial vehicle in a forest reserve.
Maximum penalty: \$750.
Expiation fee: \$105.
- (3) A person must not, without lawful authority, jump into a forest reserve from an aircraft or drop an object into a forest reserve from an aircraft.
Maximum penalty: \$750.
Expiation fee: \$105.

7—Insertion of regulations 13A and 13B

After regulation 13 insert:

13A—Possession and use of chainsaws

- (1) A person must not, without lawful authority, have control of, carry or use a chainsaw in a forest reserve.
Maximum penalty: \$750.
Expiation fee: \$105.

- (2) Subregulation (1) does not apply to a person who has control of, carries or uses a chainsaw in a forest reserve other than a native forest reserve—
 - (a) in the course of exercising rights or performing obligations pursuant to a lease, licence or agreement entered into by the Corporation; or
 - (b) in the course of exercising rights or performing obligations under an Act or a statutory instrument; or
 - (c) for the purpose of fighting a bushfire or dealing with any other emergency.

13B—Use of generators and alternators

A person must not, without lawful authority, operate a generator or alternator in a forest reserve.

Maximum penalty: \$750.

Expiation fee: \$105.

8—Variation of regulation 15—Protection of vegetation

Regulation 15(1)(a)—after "plant" insert:

, fungi, lichen, algae

9—Variation of regulation 17—Protection of soil, fossils etc

Regulation 17(1)—after paragraph (a) insert:

- (ab) use a device for detecting metal or minerals in a forest reserve; or

10—Variation of regulation 20—Bringing animals into reserves

Regulation 20(3)—delete subsection (3) and substitute:

- (3) Subregulation (2) does not apply to a person who brings a dog onto the forest reserve other than a native forest reserve if—
 - (a) in the case of an area of the forest reserve designated by the Corporation for that purpose—the dog is restrained on a lead not exceeding 3 m in length; or
 - (b) in any other case—the dog is, at all times, under the person's effective control or the effective control of some other person.
- (4) For the purposes of this regulation, a dog will be taken to be in the *effective control* of a person if the person is exercising control of the dog—
 - (a) by means of a physical restraint; or
 - (b) by command, the dog being in close proximity to the person and the person being able to see the dog at all times.

11—Insertion of regulation 20A

After regulation 20 insert:

20A—Straying and grazing of animals

A person must not, without lawful authority, permit an animal to stray into, or graze in, a forest reserve.

Maximum penalty: \$750.

Expiation fee: \$105.

12—Variation of regulation 25—Permits

- (1) Regulation 25(3)(c)—delete "fee (if any) prescribed by or under these regulations" and substitute:

prescribed fee (if any)

- (2) Regulation 25(6)(c)—after "aircraft," insert:

drone or other unmanned aerial device, generator or alternator, metal or mineral detector,

13—Revocation of regulation 26

Regulation 26—delete the regulation

14—Variation of regulation 27—Fees

- (1) Regulation 27(1) and (2)—delete subregulations (1) and (2) and substitute:
- (1) Subject to this regulation, the prescribed fee is payable in respect of the issue of a permit authorising an act or activity that would, if undertaken without lawful authority, constitute an offence under these regulations.
 - (2) If a permit authorises more than 1 act or activity, the prescribed fee specified for each act or activity authorised is payable.
- (2) Regulation 27(3)(a)—delete "(whether or not an act or activity described in Schedule 1)"
- (3) Regulation 27(5)—delete subregulation (5)

15—Revocation of Schedule 1

Schedule 1—delete the Schedule

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 4 February 2021

No 10 of 2021