

SOUTH AUSTRALIA

**FORESTRY (RECREATIONAL ACCESS AND USE OF RESERVES)  
REGULATIONS, 1989**

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**REGULATIONS UNDER THE FORESTRY ACT, 1950**

*Forestry (Recreational Access and Use of Reserves)  
Regulations, 1989*

being

No. 3 of 1990: *Gaz.* 11 January 1990, p. 58<sup>1</sup>

as varied by

No. 201 of 1994: *Gaz.* 1 December 1994, p. 1901<sup>2</sup>

<sup>1</sup> Came into operation 1 February 1990: reg. 2.

<sup>2</sup> Came into operation 1 April 1995: reg. 2.

N.B. The amendments effected to these regulations by Regulation No. 263 of 2000 had not come into operation at the date of, and have not been included in, this consolidation.

2.

PART I

PRELIMINARY

**Citation**

1. These regulations may be cited as the *Forestry (Recreational Access and Use of Reserves) Regulations, 1989*.

**Commencement**

2. These regulations will come into operation on 1 February, 1990.

**Interpretation**

3. In these regulations, unless the contrary intention appears—

"the Act" means the *Forestry Act, 1950*;

"aircraft" includes a hang-glider, para-glider, ultra-light aircraft, gas or hot air balloon or other similar craft;

"boat" means any vessel or craft that is used, or is capable of being used, as a means of transportation on water;

"drive" includes ride;

"firearm" means a device from which any kind of shot, bullet or other missile can be discharged;

"forest reserve" includes a native forest reserve;

"issuing officer" means—

(a) a Public Service employee of any of the following classifications:

(i) Department of Primary Industries, Forestry Group—

(A) forester;

(B) forest co-ordinator;

(C) forest work group leader;

(D) forest ranger;

(E) clerical officer;

(ii) Department of Primary Industries, Sustainable Resources Group—

(A) revegetation officer, located at Murray Bridge;

(B) works supervisor, located at Murray Bridge;

3.

(iii) Department of Environment and Natural Resources—

(A) ranger;

(B) senior ranger;

(C) district ranger;

(b) a Public Service employee who is a forest warden;

"motor vehicle" means a mobile machine propelled, or capable of being propelled by an engine, electricity or any other power including animal power but not human power;

"trapping device" means a trap, net, snare or other device designed to take or facilitate the taking of animals.

*Note: For definition of divisional penalties (and divisional expiation fees) see Appendix 2.*

**Non-derogation from Minister's powers**

4. Nothing in these regulations derogates from the power of the Minister—

(a) to deny a person access to, or require a person to leave, a forest reserve or part of a forest reserve as the Minister thinks fit for the proper control and management of the forest reserve but subject to any lease, licence, easement, profit or other interest, or any permit, granted and in force pursuant to the Act or these regulations;

or

(b) to authorize entry to or an activity in a forest reserve otherwise than by a permit under these regulations.

4.

## PART II

### ENTRANCE TO RESERVES OR PARTS OF RESERVES

#### **Prohibition of entrance on total fire ban days**

5. A person must not, without lawful authority, enter or remain in a forest reserve on a day on which the lighting or maintaining of fires in the open air for any purpose is banned under the *Country Fires Act, 1989*, throughout the State or a part of the State in which the forest reserve is situated.

#### **Prohibition of entrance by notice**

6. (1) A person must not, without lawful authority, enter or remain in a forest reserve or part of a forest reserve contrary to the terms of notices erected with the approval of the Minister at the entrances to that reserve or that part of the reserve.

(2) In this regulation a reference to an entrance to a forest reserve or part of a forest reserve is a reference to a place at which any established road or track intersects the boundary of that forest reserve or that part of the reserve.

#### **Prohibition of entrance at night**

7. A person must not, without lawful authority—

(a) camp in a forest reserve overnight;

(b) enter a forest reserve before sunrise on any day;

or

(c) enter or remain in a forest reserve after sunset on any day.

#### **Prohibition of entrance to caves or sinkholes**

8. A person must not, without lawful authority, enter or remain in a cave or sinkhole in a forest reserve.

PART III

CONTROLS ON ACTIVITIES IN RESERVES

**Lighting or maintaining of fires**

9. (1) A person must not, without lawful authority, light or maintain a fire in the open air in a native forest reserve.

(2) A person must not, without lawful authority, at any time during the month of November, December, January, February, March or April in any year light or maintain a fire in the open air, or use a gas or electrical cooking appliance, heater or lamp in the open air, in a forest reserve.

(3) A person must not, without lawful authority, light or maintain a fire in a forest reserve unless—

- (a) the fire is for cooking or personal comfort;
  - (b) the fire is contained in a properly constructed fire place or a portable cooking appliance;
  - (c) the space immediately around and above the fire is cleared of all flammable material to a distance of at least four metres;
  - (d) the fire does not occupy an area in excess of one square metre;
  - (e) a person who is able to control the fire is present at the site of the fire from the time it is lighted to the time it is completely extinguished;
- and
- (f) an appropriate agent adequate to extinguish the fire is at hand.

**Driving vehicles in reserves**

10. (1) A person must not, without lawful authority, drive a motor vehicle in a native forest reserve.

(2) A person must not, without lawful authority, drive a motor vehicle in a forest reserve—

- (a) except on an established road or track, or within five metres either side of such road or track for the purpose only of parking or turning the vehicle;

or

- (b) on a road or track or part of a road or track that has been closed off by a sign or barrier erected with the approval of the Minister.

**Using boats in reserves**

11. A person must not, without lawful authority, use a boat on any stream, creek, dam, reservoir, lake, sinkhole or other body of water in a forest reserve.

**Landing or using aircraft in reserves**

12. A person must not, without lawful authority, land or use an aircraft in a forest reserve except in the case of an emergency.

**Use of firearms, etc.**

13. A person must not, without lawful authority, carry, discharge or use a firearm or a trapping device in a forest reserve.

**Taking animals into reserves**

14. (1) A person must not, without lawful authority, take any animal into a native forest reserve or permit any animal of which that person has the care and control to enter or remain in a native forest reserve.

(2) A person must not, without lawful authority, take any pet into a forest reserve, or permit any pet of which that person has the care and control to enter or remain in a forest reserve, unless the animal is, at all times while in the reserve, under his or her effective control or the effective control of some other person.

(3) A person must not, without lawful authority, lead or ride a horse within a forest reserve.

**Depositing rubbish**

15. (1) A person must not, without lawful authority, deposit rubbish (including soil, stone, rubble, animal or vegetable matter and other debris, waste or refuse) in a forest reserve.

(2) This regulation does not apply to rubbish arising from an activity lawfully engaged in by the person in the forest reserve if the rubbish is deposited in a receptacle or place set aside for that purpose in the reserve.

**Protection of animals**

16. A person must not, without lawful authority, damage, destroy or remove any animal warren, burrow or nest in or from a forest reserve.

**Protection of vegetation**

17. (1) A person must not, without lawful authority, damage, destroy or remove any tree, plant, wood, bark, pine needles or other similar matter in or from a forest reserve.

(2) This regulation does not prevent wood that is set aside in a forest reserve for use as firewood from being so used.

**Protection of water**

18. A person must not, without lawful authority—

(a) take water from any tank, watercourse or natural water storage in a forest reserve except as reasonably required in connection with any activity lawfully engaged in by that person in the forest reserve;

(b) dam or divert a watercourse in a forest reserve;

(c) foul or pollute water in any tank, watercourse or natural water storage in a forest reserve.

7.

**Protection of soils, etc.**

19. A person must not, without lawful authority, remove soil or stones from, or fossick for gems or minerals in, a forest reserve.

PART IV

PERMITS

**Permits**

20. (1) Subject to these regulations, an issuing officer may issue a permit authorizing an act or activity that would otherwise be unlawful by virtue of these regulations.

(2) An application for a permit—

(a) may be made in person to an issuing officer or may be lodged, personally or by post, with the Minister;

and

(b) must, if the application is for a permit of a class in respect of which a fee is specified in the schedule, be accompanied by the appropriate fee.

(3) A permit may be issued applying to a group of persons named in the permit on the application of one member of the group.

(4) A permit may be issued subject to such conditions as are specified in the permit.

(5) Without limiting the conditions to which a permit may be subject, those conditions may—

(a) require only persons licensed or otherwise qualified to engage in an activity to which the permit relates to engage in that activity;

(b) specify the area to which the permit relates;

(c) restrict any person to whom the permit applies to the use of a specified type of motor vehicle, boat, aircraft, camping equipment, firearm or trapping device in undertaking an activity to which the permit relates.

(6) A permit—

(a) comes into force on the day fixed in the permit for its commencement or, if no day is fixed, on the day on which it is issued;

and

(b) expires on the day fixed in the permit for its expiry (being a day not more than 12 months from the day of commencement) or, if no expiry day is fixed, on the expiration of 12 months after the day on which it came into force.

(7) An issuing officer must give effect to any directions of the Minister as to—

(a) the classes or numbers of persons to whom permits may be issued or to whom permits may apply;

9.

- (b) the acts or activities that may be authorized by permits;
- (c) the areas to which permits may relate;
- (d) the periods for which permits may operate;
- (e) the conditions to be contained in permits.

(8) A permit may—

(a) if any person to whom the permit applies contravenes or fails to comply with any condition of the permit—be varied or revoked by an issuing officer by instrument in writing served personally or by post—

(i) on the person to whom the permit was issued;

or

(ii) on the person who contravened or failed to comply with the condition;

or

(b) if, in the opinion of the Minister, it is necessary or desirable to do so for the purpose of protecting a forest reserve or anything in a forest reserve—be varied or revoked by the Minister by instrument in writing served personally or by post on the person to whom the permit was issued.

(9) If an issuing officer is satisfied that a permit has been lost or destroyed, the issuing officer may, on payment of the appropriate fee specified in the schedule, issue a replacement permit.

(10) A person whose application for a permit is refused must, on request, be refunded an amount equal to the fee that accompanied the application.

(11) The fee for a permit may be waived if the issuing officer is satisfied that it is appropriate to do so having regard to—

(a) the purposes for which the permit is sought;

or

(b) the limited financial means of the applicant.

(12) A person to whom a permit under these regulations applies must carry the permit or ensure that it is readily available for production at all times while that person is in the forest reserve to which the permit relates.

10.

PART V

OFFENCES

**False or misleading statements**

21. (1) If a person applying for a permit under these regulations makes, in or for the purposes of the application, a statement that is false or misleading in a material particular, the person is guilty of an offence.

Penalty: Division 10 fine.

(2) It is a defence to a charge of an offence under subregulation (1) if it is proved that the defendant believed on reasonable grounds that the statement was true.

**General offence**

22. A person who contravenes or fails to comply with any of these regulations or a condition specified in a permit issued under these regulations is guilty of an offence.

Penalty: Division 10 fine.

Expiation fee: Division 11 fee.

SCHEDULE  
*Fees*

**Interpretation**

1. In this schedule—

"adult" means a person of or over 15 years of age;

"child" means a person of or over 3 years of age but under 15 years of age.

**Fees**

2. (1) Where a permit authorises an act or activity described in the second column of the table at the foot of this clause that would otherwise be unlawful under the regulation set out in the first column, the fee specified in the third column of the table is payable in respect of that permit.

(2) Where a permit authorises more than one act or activity described in the table, the specified fee for each act or activity authorised is payable (except in the case of acts or activities that relate to the same regulation).

(3) The fee for a replacement permit is \$2.00.

<b>Regulation</b>	<b>Act or activity</b>	<b>Fee</b>
Reg. 7	Camping in a forest reserve overnight, or entering, or remaining in, a forest reserve at night	\$3.00 per adult (\$1.00 per child) per night
Reg. 10	Driving a motor vehicle in a forest reserve	\$5.00 per vehicle per day
Reg. 11	Using a boat on a body of water in a forest reserve	\$2.00 per boat per day; or \$30.00 per boat per year
Reg. 12	Landing or using an aircraft in a forest reserve	\$20.00 per aircraft per day
Reg. 14	Leading or riding a horse in a forest reserve	\$5.00 per adult (\$3.00 per child) per month; or \$35.00 per adult (\$25.00 per child) per year; or \$2.00 per adult (\$1.00 per child) per day for the purposes of an event conducted by a club, association or body (whether incorporated or otherwise)
Reg. 19	Removing soil or stones from, or fossicking for gems or minerals in, a forest reserve	\$2.00 per adult (\$1.00 per child) per day; or \$5.00 per adult (\$3.00 per child) per month; or \$30.00 per adult (\$20.00 per child) per year.

**APPENDIX 1**

**LEGISLATIVE HISTORY**

Regulation 3:	definition of "issuing officer" substituted by 201, 1994, 3
Regulation 10(2):	varied by 201, 1994, reg. 4
Regulation 21(1):	varied by 201, 1994, reg. 5
Regulation 22:	varied by 201, 1994, reg. 6
Schedule:	substituted by 201, 1994, reg. 7

**APPENDIX 2****DIVISIONAL PENALTIES AND EXPIATION FEES**

At the date of publication of this reprint divisional penalties and expiation fees are, as provided by section 28A of the *Acts Interpretation Act 1915*, as follows:

Division	Maximum imprisonment	Maximum fine	Expiation fee
1	15 years	\$60 000	—
2	10 years	\$40 000	—
3	7 years	\$30 000	—
4	4 years	\$15 000	—
5	2 years	\$8 000	—
6	1 year	\$4 000	\$300
7	6 months	\$2 000	\$200
8	3 months	\$1 000	\$150
9	-	\$500	\$100
10	-	\$200	\$75
11	-	\$100	\$50
12	-	\$50	\$25

*Note: This appendix is provided for convenience of reference only.*