

# South Australian Forestry Regulations

PROPOSED AMENDMENTS - JULY 2020

SOUTH AUSTRALIA FORESTRY REGULATIONS 2013 Regulation and number under review	CURRENT FORESTRY REGULATION	RECOMMENDED AMENDMENT	REASON FOR AMENDMENT
<b>9 (1) Lighting, maintaining or using fires</b>	A person must not without lawful authority, light, maintain or use a fire in the open air in a native forest reserve.	Inclusion of 9 (1) (b): A person must not, without lawful authority, light, maintain or use a fire in a forest reserve, other than a native forest reserve, except in a fire place constructed by the Corporation for that purpose, and subject to the conditions of sub regulations 10 (2) and 10 (3).	This amendment provides clarification that fires are only permitted in designated fire pits located at campgrounds and picnic areas within the forest reserve.
<b>12 Use of aircraft</b>	12: A person must not, without lawful authority, land or otherwise use an aircraft in a forest reserve except in the case of an emergency.	Inclusion of 12 (2): A person must not, without lawful authority, fly a drone or other remotely piloted aircraft over or in a forest reserve.	The use of and enquiries to use drones in forests, both recreationally and commercially is increasing.  ForestrySA plan to authorise use of drones as a permitted activity, in line with the CASA guidelines.
<b>15 (1) Protection of vegetation</b>	15: A person must not, without lawful authority, remove from a forest reserve, or intentionally destroy, damage or disturb in a forest reserve, any-  (a) tree, plant or other vegetation; or  (b) wood, bark, mulch or other dead vegetation.	Inclusion 15 (1) (a) to read as:  Tree, plant, fungi, lichen, algae or other vegetation.	This amendment will allow ForestrySA to regulate the removal of fungi for commercial purposes if required.

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<p><b>20 (1-3) Bringing animals into reserves</b></p> <p><b>(Previously - Bringing horses or other animals into reserves)</b></p>	<p>Sub regulation (2) does not apply in the case of a forest reserve, other than a native forest reserve if –</p> <p>(a) the animal is a pet; and</p> <p>(b) the animal is, at all times while in the reserve, under the person’s effective control or the effective control of some other person.</p>	<p>(1) A person must not, without lawful authority, cause or permit any animal of which the person has care and control to enter or remain in a forest reserve.</p> <p>(2) A person must not, without lawful authority -</p> <p>(a) cause or permit a horse of which the person has care or control to enter or remain in a forest reserve; or</p> <p>(b) lead or ride a horse in a forest reserve.</p> <p>3) Subregulation (1) does not apply in the case of a forest reserve other than a native forest reserve if-</p> <p>(a) the animal is a dog</p> <p>(b) the animal is at all times while in the reserve, restrained on a lead which must not exceed three metres in length.</p>	<p>The current regulations do not require dogs to be on a lead in a forest reserve.</p> <p>There has been a noticeable increase in dog attacks and complaints within forest reserves.</p> <p>This amendment will make dog management in forest reserves consistent with National Parks and Wildlife (National Parks) Regulations 2016.</p>
<p><b>26 Display of certain permits in vehicles</b></p>		<p><b>Remove Regulation</b></p>	<p>ForestrySA has transitioned to online permits with no paper copies provided. It is no longer a requirement to display paper copies.</p>

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<b>Possession and use of chainsaws</b>	None	<p>(1) A person must not, without lawful authority, have control of, carry, or use a chainsaw in a forest reserve.</p> <p>(2) A person may have control of, carry or use a chainsaw in a forest reserve-</p> <p>(a) in the course of performing obligations pursuant to a lease, license or agreement entered into by the Corporation in relation to the forest reserve; or</p> <p>(b) for the purpose of fighting a bushfire or dealing with any other emergency.</p>	<p>There is no specific regulation regarding the use of chainsaws.</p> <p>The unauthorised use of chainsaws by the public in forest reserves is common and poses a noise nuisance and a risk to public safety.</p> <p>This amendment will ensure chainsaws can only be used under certain circumstances.</p>
<b>Use of generators and alternators</b>	None	<p><b>Use of Generators:</b></p> <p>A person must not, without lawful authority, operate a generator in a forest reserve.</p>	<p>There is no specific regulation regarding the use of generators.</p> <p>The use of modern generators is increasingly prevalent in forest campgrounds and for events.</p> <p>The amendment will align the regulations with the current practice of allowing the use of a generator through a permit under certain conditions. i.e. noise restriction and placement for fire protection.</p>

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Use of metal or mineral detectors	None	A person must not, without lawful authority, use a device for detecting metal or minerals in a forest reserve.	<p>There is no specific regulation regarding the use of metal or mineral detectors.</p> <p>Fossicking, in particular with a metal detector, is a popular activity currently authorised through the ForestrySA permit and regulated fees.</p> <p>This amendment will cover permit authorisation.</p>
Straying and grazing of animals	None	A person must not, without lawful authority, permit an animal to stray into or graze, in a forest reserve unless they are authorised to do so by a lease, license or agreement entered into by the Corporation for that purpose.	<p>Although rare, there have been recorded instances of unauthorised release of feral animal species and unauthorised grazing in forest reserves.</p> <p>This amendment will allow ForestrySA to require the removal of unlawful grazing animals or expiate a person found to have released feral animal species into a forest reserve.</p>

*Please note: All other current Forestry Regulations 2013 have been reviewed and remain the same in content.*

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CURRENT PENALTIES FOR BREACHES OF ALL FORESTRY REGULATIONS 2013	PROPOSED INCREASE FOR PENALTIES	PERCENTAGE INCREASE OF PENALTIES
Maximum penalty: <b>\$750</b> (for major breaches requiring investigation, apprehension)	Maximum penalty: <b>\$1,000</b>	33% increase
Expiation fee: <b>\$105</b> Plus \$60 victims of crime levy: <b>\$165</b>	Expiation fee: <b>\$150</b> Plus \$60 victims of crime levy: <b>\$210</b>	43% increase

## Justification for increase in penalties:

- The maximum penalty increased to \$1,000 in parity with National Parks and Wildlife (National Parks) Regulations 2016 maximum penalty.
- Proposed increase to the Expiation fee is based on feedback from offenders surprised how low the fine is and likelihood of reoffending.

*Please note: All penalty increases would apply to current Forestry Regulations and to new regulations which would be introduced.*

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ACTIVITY	CURRENT FEES	PROPOSED FEES	REASON FOR AMENDMENT
Aircraft – use or landing	\$50 per day	\$100 per day	<ul style="list-style-type: none"> <li>Fee increase will help offset associated administrative fees.</li> </ul>
Boat - use	\$5 per day; \$6 per week	Remove from fee structure.	Uncommon activity within the South East region
Camping	1. \$10 per vehicle (4 persons or less), other than a motorbike. 2. All other persons; (a) per child, senior or pensioner   \$2 per night \$6 per week \$30 per year (b) per adult                                   \$5 per night \$10 per week \$50 per year (c) per family                               \$20 per week \$100 per year	1. \$18 per vehicle (5 persons or less), per night 2. Hike in or cycling only (a) per child                               \$4 per night (b) per adult                               \$7 per night *Removal of Annual, Weekly and Family permits	Reasons: <ul style="list-style-type: none"> <li>The introduction of a new vehicle permit fee provides a simplified permit method consistent with the National Parks and Wildlife Service South Australia.</li> <li>The introduction of a vehicle permit removes significant administrative time currently spent amending minor changes to bookings (e.g. adjusting people numbers) and will improve in field efficiencies e.g. checking permits.</li> <li>A per person fee will continue to be available for campers hiking or cycling to a campsite without a vehicle.</li> </ul>
Driving	\$10 per vehicle/day; \$20 per vehicle/week	Remove from fee structure.	Reasons: <ul style="list-style-type: none"> <li>This fee is covered under vehicle tours, vehicle rallies and motorbike events.</li> <li>All other driving/riding vehicles in forest reserves is, unless authorised, prohibited under the Forestry Act, regulation (10)</li> </ul>

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ACTIVITY	CURRENT FEES	PROPOSED FEES	REASON FOR AMENDMENT
Fossicking	(a) per child, senior or pensioner \$2 per night \$6 per week \$30 per year (b) per adult \$5 per night \$10 per week \$50 per year (c) per family \$20 per week \$100 per year	a) per child, senior or pensioner \$4 per day \$40 per year (b) per adult \$7 per day \$70 per year *Removal of weekly and family permits.	Reasons: • This minor fee increase will help offset the costs of administration and on-ground management.

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ACTIVITY	CURRENT FEES	PROPOSED FEES	REASON FOR AMENDMENT
Horse Riding - casual	<p>(a) per child, senior or pensioner \$2 per night \$6 per week \$30 per year</p> <p>(b) per adult \$5 per night \$10 per week \$50 per year</p> <p>(c) per family \$20 per week \$100 per year</p>	<p>a) per child, senior or pensioner \$4 per day \$40 per year</p> <p>(b) per adult \$7 per day \$70 per year</p> <p>*Removal of weekly and family permits.</p>	<p>Reasons:</p> <ul style="list-style-type: none"> <li>• Fee increase will assist in offsetting costs of maintaining the purpose-built infrastructure for horses within forest reserve. Recent upgrades of infrastructure include the construction of new horse yards at Tinjella Hut. ForestrySA plan to construct additional stepovers in Second Valley Forest at suitable locations, providing greater access and recreational riding opportunities in the Fleurieu Peninsula.</li> <li>• This minor fee increase will help offset the costs of administration and on-ground management.</li> </ul>
Vehicle tour - unguided	\$10 per vehicle/day	\$25 per vehicle/day	<ul style="list-style-type: none"> <li>• Currently ForestrySA receive one or two requests per year by 4WD clubs to hold vehicle tours in reserves.</li> <li>• A \$25 fee is not unreasonable for authorised and controlled vehicle entry. An event application is also required. A loan key will be provided by the Forest Ranger for access.</li> </ul>
Replacement Permit	\$3 per permit	Remove from fee structure	<ul style="list-style-type: none"> <li>• Replacement permits will no longer be applicable with the transition to an online booking system.</li> </ul>