

Version No. 001
Forests (Timber Promotion Council)
Regulations 2004

S.R. No. 7/2004

Version as at 28 January 2004

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Page</i>
1. Objectives	1
2. Authorising provision	1
3. Revocation	1
4. Definitions	1
5. Establishment and constitution of Timber Promotion Council	2
6. Chairperson and acting Chairperson	3
7. Appointment of deputy members	3
8. Term of appointment of members of the Council	4
9. Revocation of appointment	4
10. Council proceedings	4
11. Powers and functions of the Council	5
12. Council to provide annual report to the Secretary	5
13. Council subject to direction of the Secretary	6
14. Fees and allowances for members	6
15. Corporate plan	6
16. Transitional provision	8

SCHEDULE 1—Expenses and Allowances	9
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ENDNOTES	10
1. General Information	10
2. Table of Amendments	11
3. Explanatory Details	12

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1. Objectives

The objectives of these Regulations are to provide for—

- (a) the establishment of a Timber Promotion Council to promote the use of timber; and
- (b) attendance fees, travel expenses and allowances and other expenses and allowances payable to members of the Council; and
- (c) the powers and functions of the Council and of the Secretary in relation to the Council.

2. Authorising provision

These Regulations are made under section 99 of the **Forests Act 1958**.

3. Revocation

The Forests (Timber Promotion Council) Regulations 1992¹ and the Forests (Timber Promotion Council) (Amendment) Regulations 2000² are **revoked**.

4. Definitions

In these Regulations—

"Chairperson" means Chairperson of the Council;

"Council" means the Timber Promotion Council established under these Regulations;

"member" means a member of the Council and includes the deputy of a member appointed under these Regulations.

5. Establishment and constitution of Timber Promotion Council

- (1) There is established a body to be known as the "Timber Promotion Council".
- (2) The Timber Promotion Council consists of up to 11 persons appointed by the Governor in Council of whom—
 - (a) up to 8 persons are to be representatives of the timber industry of whom—
 - (i) up to 4 persons are to be nominated by the Victorian Association of Forest Industries; and
 - (ii) one person is to be nominated by the Timber Merchants' Association; and
 - (iii) one person is to be nominated by the Construction Forestry Mining and Energy Union; and
 - (iv) one person is to be nominated by the Victorian Forest Harvest and Cartage Council; and
 - (v) one person is to be a person with expertise in marketing nominated by the Victorian Association of Forest Industries and the Construction Forestry Mining and Energy Union; and

- (b) 3 persons are to be representatives of the Secretary of whom—
- (i) one person is to be an employee of the Department of Sustainability and Environment nominated by the Secretary; and
 - (ii) one person is to be an employee of the Department of Innovation, Industry and Regional Development nominated by the Secretary to that Department; and
 - (iii) one person is to be an employee of the Department of Primary Industries nominated by the Secretary to that Department.

6. Chairperson and acting Chairperson

- (1) The Governor in Council must appoint one of the members to be Chairperson.
- (2) If, for any reason, the Chairperson is unable to perform his or her duties, the Secretary may appoint any member to be the Acting Chairperson for up to 60 days with the same functions, duties and entitlements as the Chairperson has under these Regulations.

7. Appointment of deputy members

- (1) The Governor in Council may appoint, as the deputy of any member—
 - (a) in the case of a member who is a representative of the timber industry, another representative of the timber industry nominated by the organisation specified in regulation 5(2)(a) which nominated the member in respect of whom the deputy is to be appointed; or

- (b) in the case of a member who is a representative of the Secretary, another representative of the Secretary who is an employee of the appropriate Department nominated by the appropriate Secretary of the relevant Department specified in regulation 5(2)(b) who nominated the member in respect of whom the deputy is to be appointed.
- (2) If, for any reason, a member is unable to perform his or her duties, the member's deputy may act in the place of the member.
- (3) A deputy of a member may act for that member for the period during which the original member is appointed as a member of the Council.

8. Term of appointment of members of the Council

- (1) Subject to these Regulations, a person appointed as a member of the Council—
 - (a) holds office for a period of 1 year, or a lesser term specified in the instrument of appointment; and
 - (b) is eligible for re-appointment.
- (2) A member may resign from the Council in writing to the Governor in Council.

9. Revocation of appointment

The Governor in Council may, at any time, revoke the appointment of the Chairperson, a member or a deputy of a member.

10. Council proceedings

- (1) Subject to sub-regulations (2) and (3), meetings of the Council may be held at such times and places as the Council determines.

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- (2) Subject to sub-regulation (3), the Chairperson may convene a meeting of the Council as he or she thinks necessary.
 - (3) The Chairperson must convene a meeting of the Council—
 - (a) at the request of the Secretary; or
 - (b) when requested in writing by any 3 members.
 - (4) At a meeting of the Council from which both the Chairperson and any Acting Chairperson appointed under regulation 6(2) are absent, the members must elect a member to act as Chairperson at that meeting.
 - (5) At a meeting of the Council, a quorum comprises the majority of the members for the time being.
 - (6) The Council must cause proper minutes of its proceedings to be kept.
 - (7) Subject to sub-regulation (5), the Council may act despite any vacancy in its membership.
 - (8) Subject to these Regulations, the Council may regulate its own proceedings.

11. Powers and functions of the Council

- (1) The Council is to provide advice to the Secretary on timber promotion.
- (2) The Council must use the money made available to it to promote the use of timber.

12. Council to provide annual report to the Secretary

- (1) The Council must provide the Secretary with a report and statement of accounts with respect to its activities during the last preceding financial year.
 - (2) A report under sub-regulation (1) must be provided not later than 31 October in each year.
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13. Council subject to direction of the Secretary

The Council is at all times subject to the direction of the Secretary in the discharge of its powers and functions.

14. Fees and allowances for members

A member, other than a member appointed under regulation 5(2)(b), is entitled to be paid—

- (a) in the case of the Chairperson, an attendance fee of \$150 for each day during which he or she attends any meeting of the Council; and
- (b) in the case of any other member or deputy of a member, an attendance fee of \$130 for each day during which he or she attends any meeting of the Council; and
- (c) travelling and other expenses and allowances which are incurred in carrying out the duties of a member of the Council, as set out in Schedule 1.

15. Corporate plan

- (1) The Council must prepare a corporate plan each year and provide a copy to the Secretary—
 - (a) on or before 31 July in each year; or
 - (b) at such other time as the Secretary may specify.
- (2) The proposed corporate plan must be in or to the effect of a form approved by the Secretary and must include—
 - (a) a statement of corporate intent including—
 - (i) the objectives of the Council;
 - (ii) the main undertakings of the Council;
 - (iii) the nature and scope of the activities to be undertaken by the Council;

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- (iv) the accounting policies to be applied in the accounts;
 - (v) the performance targets and other measures by which the performance of the Council may be judged in relation to its stated objectives;
 - (vi) the kind of financial information to be provided to the Secretary by the Council during the course of those financial years, including the information to be included in each annual report;
 - (vii) such other matters as may be agreed on by the Secretary and the Council;
- (b) a business plan containing the information required by the Secretary;
 - (c) estimates of receipts and expenditure of the Council for the financial year or such other period as the Secretary may specify.
- (3) The Council must consider any comments on the proposed plan that are made to it by the Secretary within 2 months of the Secretary providing comment.
- (4) The Council must—
- (a) consult in good faith with the Secretary following communication to the Council of the comments; and
 - (b) make such changes to the plan as are agreed between the Secretary and the Council; and
 - (c) deliver the completed plan to the Secretary within 1 month after the end of the period referred to in sub-regulation (3).
- (5) The plan may be modified at any time with the agreement of the Secretary.
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- (6) If the Council, by written notice to the Secretary, proposes a modification to the plan, the Council may, within 14 days, make the modification unless the Secretary, by written notice to the Council directs the Council not to make it.
- (7) The Secretary may, with the agreement of the Minister, from time to time direct the Council to include any specified matters in or omit any specified matters from a statement of intent, business plan or estimates.
- (8) Before giving any direction under sub-regulations (6) or (7), the Secretary must consult with the Council as to the matters referred to in the notice.
- (9) The Council must comply with a direction under sub-regulation (6) or (7).
- (10) At any particular time, the statement of corporate intent, business plan or the estimates for the Council are the statement, plan and estimates last completed, with any modifications or deletions made in accordance with this regulation.

16. Transitional provision

Despite the change in the constitution and membership of the Council made by these Regulations, the Council is deemed, on and from the commencement of these Regulations, to be the same body as it was before that commencement.

SCHEDULE 1

Regulation 14(c)

EXPENSES AND ALLOWANCES**Travel Allowances**

If a member uses his or her private vehicle to carry out the duties of a member, an allowance is to be paid at the following rate—

Motor Car—over 35 P.M.U. (over 3001 cc)	68·5 cents per kilometre
Motor Car—under 35 P.M.U. (up to 3000 cc)	57·0 cents per kilometre
Motor Cycle—under 250 cc	24·8 cents per kilometre
Motor Cycle—over 250 cc	33·0 cents per kilometre

Accommodation, Meals and Incidental Expenses and Allowances

If a member is absent from his or her home in the course of carrying out the duties of a member, the following expenses and allowances are to be paid—

Meal and Bed	Leave Before	Return After	Capital City	Other
Breakfast	7:00 a.m.	9:30 a.m.	\$15.00	\$11.00
Lunch	12:00 p.m.	3:00 p.m.	\$26.00	\$20.00
Dinner	5:00 p.m.	7:00 p.m.	\$36.00	\$28.00
Bed	Overnight	\$112.00	\$82.00	
Incidentals	Away overnight	\$14.00	\$14.00	

ENDNOTES

1. General Information

The Forests (Timber Promotion Council) Regulations 2004, S.R. No. 7/2004 were made on 28 January 2004 by the Governor in Council under section 99 of the **Forests Act 1958**, No. 6254/1958 and came into operation on 28 January 2004.

The Forests (Timber Promotion Council) Regulations 2004 will sunset 10 years after the day of making on 28 January 2014 (see section 5 of the **Subordinate Legislation Act 1994**).

2. Table of Amendments

There are no amendments made to the Forests (Timber Promotion Council) Regulations 2004 by statutory rules, subordinate instruments and Acts.

3. Explanatory Details

¹ Reg. 3: S.R. No. 192/1992. Subsequently amended by S.R. No. 117/2000.

² Reg. 3: S.R. No. 117/2000.