



TASMANIAN GOVERNMENT GAZETTE

PUBLISHED BY
AUTHORITY
ISSN 0039-9795

THURSDAY 6 JUNE 2013

No. 21 337

Forestry

TASMANIAN FORESTS AGREEMENT (SPECIAL COUNCIL) ORDER 2013

Tasmanian Forests Agreement Act 2013
(section 17)

I make the following order under section 17 of the *Tasmanian Forests Agreement Act 2013*.

Dated 6 June 2013.

BRYAN ALEXANDER GREEN
Minister for Energy and Resources

1. Short title

This order may be cited as the *Tasmanian Forests Agreement (Special Council) Order 2013*.

2. Commencement

This order takes effect on the day on which it is published in the *Gazette*.

3. Interpretation

(1) In this order –

the Act means the *Tasmanian Forests Agreement Act 2013*;

alternate member means an alternate member of the Special Council appointed in accordance with clause 7;

financial year means a period of 12 months ending on 30 June in any year;

member means a member of the Special Council appointed in accordance with clause 6 and, where the context requires, includes an alternate member acting as an alternate for a member.

- (2) The *Acts Interpretation Act 1931* applies to the interpretation of this order as if this order were a regulation made under the Act.

4. Establishment of Special Council

Pursuant to section 17(1) of the Act the Minister hereby establishes the Special Council.

(Note: The purposes for which the Special Council is established include the purposes referred to in section 17(1)(a), (b) and (c) of the Act.)

5. Matters specified for the purposes of section 17(1)(e)

The following matters are specified for the purposes of section 17(1)(e) of the Act:

- (a) providing advice to the Minister on any review of the required yield of special species timbers in accordance with section 19(2) of the Act and the preparation of any a special timbers plan in accordance with clause 9 of the Tasmanian Forest Agreement;
- (b) providing advice to the Minister in relation to the development and implementation of plans for the transition of the Tasmanian forest industry to a greater reliance on plantations;
- (c) providing support and advocacy in the community and markets to improve market access and social acceptance for Tasmanian forest products;
- (d) developing and implementing a communications strategy in relation to the activities of the Special Council including, but not limited to, the activities of the Special Council related to promoting and supporting the Tasmanian Forest Agreement;
- (e) providing support to the implementation of the Tasmanian

Forest Agreement in respect of the following matters:

- (i) the obtaining of Forest Stewardship Council certification, and any other relevant certifications, for forest products derived from permanent timber production zone land within the meaning of the *Forestry Act 1920*;
 - (ii) the further development of Australian national certification standards for forest management;
 - (iii) the development of solutions to address forest residues access and supply issues in the short term;
- (f) preparing for the endorsement of the Minister –
- (i) a work plan and budget for each financial year that details the proposed work of the Special Council and planned expenditure against that work plan for that financial year with respect to the purposes of the Special Council under section 17(1)(a), (b) and (c) of the Act and in relation to the matters specified in this order for the purposes of section 17(1)(e) of the Act, by no later than 31 August in any financial year; and
 - (ii) by no later than 31 July of the following financial year, a report to the Minister on the implementation and progression of the work plan and expenditure of any funds allocated to the delivery of that work plan referred to in sub-paragraph (i).

6. Members of the Special Council

- (1) The following persons are appointed as the first members of the Special Council with effect on and from the date of this order:
- (a) Donald James Henry, representing the Australian Conservation Foundation;
 - (b) Kenneth John Padgett, representing the Australian Forest Contractors Association;
 - (c) Ross Christian Hampton, representing the Australian Forest Products Association;

- (d) Jane Calvert, representing the Construction, Forestry, Mining and Energy Union;
- (e) Phillip James Pullinger, representing Environment Tasmania Inc;
- (f) Colin James McCulloch, representing the Tasmanian Forest Contractors Association;
- (g) Terrence John Edwards, representing the Forest Industries Association of Tasmania;
- (h) Shane Patrick Rice, representing the Tasmanian Sawmillers Association;
- (i) Lyndon Henry Schneiders, representing The Wilderness Society Inc;
- (j) Martin James Adams, representing Timber Communities Australia;
- (k) Pavel Ruzicka representing the interests of the Tasmanian special species timber industry;
- (l) Michael Oliver (Vica) Bayley, being a person nominated by the Minister under section 17(6)(l) of the Act.

7. Alternate members of the Special Council

- (1) The following persons are appointed as the first alternate members of the Special Council with effect on and from the date of this order:
 - (a) Johannes Hendrik Drielsma is appointed as a alternate member for the member representing the interests referred to in clause 6(1)(c);
 - (b) Stuart James Coultman Ralph is appointed as a alternate member for the member representing the interests referred to in clause 6(1)(h).
 - (c) Warrick Jordan is appointed as a alternate member for the member representing the interests referred to in clause 6(1)(i).

- (2) An alternate member is to act as a member of the Special Council only if the member, for whom he or she is appointed as an alternate, is –
 - (a) absent from a meeting of the Special Council; or
 - (b) incapable of acting as a member of the Special Council.
- (3) If an alternate member acts as a member of the Special Council –
 - (a) he or she may exercise all the powers of the member for whom he or she is an alternate; and
 - (b) all things done or omitted to be done by the alternate member are as valid, and have the same consequences, as if they had been done or omitted to be done by the member for whom he or she is an alternate.

8. Provisions applicable to members and alternate members of the Special Council

- (1) Each appointment made pursuant to clauses 6 and 7 is for a term of 2 years commencing on the commencement of this order.
- (2) A member or alternate member may hold the office of member or alternate member in conjunction with State Service employment under the *State Service Act 2000*.
- (3) The *State Service Act 2000* does not apply in relation to a member or alternate member in his or her capacity as a member or alternate member.
- (4) The Minister may terminate the appointment of a member or alternate member if –
 - (a) the member or alternate member has been convicted of an indictable offence or an offence which, if committed in Tasmania, would be an indictable offence; or
 - (b) the Minister considers that the member or alternate member is physically or mentally incapable of continuing as a member or alternate member; or

- (c) the Minister considers that the member or alternate member is unable to perform adequately or competently the functions of the member's office or alternate member's office; or
 - (d) the member is absent from 3 consecutive meetings of the Special Council without leave of absence given by the Minister; or
 - (e) the member or alternate member ceases to represent the entity that the member or alternate member represented at the time of his or her appointment as a member or alternate member; or
 - (f) the Minister considers it appropriate or necessary to do so for any other reason.
- (5) A member or alternate member vacates office if he or she –
- (a) dies; or
 - (b) resigns by written notice to the Minister; or
 - (c) is removed from office under subclause (4).

9. Chairperson

Subject to section 17(12) of the Act, Jane Calvert is to act as chairperson of the Special Council.

10. Meetings of the Special Council

- (1) Subject to subclauses (2), (3) and (4), meetings of the Special Council are to be held at the times and places determined by the Special Council.
- (2) The Special Council must meet on at least 4 separate occasions during each period of 12 months ending on an anniversary of the date of this order.
- (3) The chairperson, after giving each member and each alternate member reasonable notice of a meeting –
 - (a) may convene a meeting at any time; and
 - (b) must convene a meeting when requested to do so by 4 or more other members or alternate members.

- (4) If a chairperson is absent from duty or otherwise unable to perform the duties of the office, a meeting may be convened, after reasonable notice of the meeting has been given of the meeting, by –
 - (a) 4 or more other members or alternate members; or
 - (b) the Minister.
- (5) For the purposes of subclauses (3) and (4), what constitutes reasonable notice is to be determined by the Special Council.
- (6) If practicable, the Special Council is to pass resolutions by consensus.
- (7) The Special Council will be taken to have failed to pass a resolution if 2 or more members cast a dissenting vote against the resolution.
- (8) For the purposes of subclause (7) –
 - (a) each member has a single vote; and
 - (b) the chairperson of the meeting only has a deliberative vote.
- (9) Subject to the Act and this order, the Special Council may regulate the calling of, and the conduct of business at, its meetings as it considers appropriate.
- (10) Without limiting subclause (9) meetings of the Special Council may be called by using electronic mail.
- (11) The Special Council may permit members to participate in a particular meeting or all meetings by –
 - (a) telephone; or
 - (b) video conference; or
 - (c) any other means of electronic communication approved by the Special Council.
- (12) A member who participates in a meeting under a permission granted under subclause (11) is taken to be present at the meeting.
- (13) The Special Council may allow a person to attend a meeting for the purpose of advising or informing it on any matter.

11. Minutes of meetings of the Special Council

- (1) In this clause –

business day means any day excluding Easter Tuesday, a Saturday, a Sunday, or a statutory holiday for the purposes of *Statutory Holidays Act 2000* observed in Hobart.

- (2) The chairperson presiding at a meeting of the Special Council must keep minutes of that meeting.
- (3) The minutes in respect of a meeting for the purposes of subclause (2) are to be limited to the following matters:
- (a) the members present at the meeting and any apologies received from members unable to attend the meeting;
 - (b) the business of the meeting;
 - (c) any resolutions passed at the meeting;
 - (d) such other matters as determined by the chairperson who presides at the meeting.
- (4) The chairperson is to provide to the Minister a copy of the minutes of a meeting not later than 5 business days after the date of that meeting.

12. Committees

- (1) The Special Council may establish one or more committees, as it considers appropriate, for the purposes of providing advice to the Special Council in respect of any matter that concerns that Special Council.
- (2) A committee is to consist of such number of members of the Special Council as the Special Council determines.
- (3) Meetings of a committee are to be held in accordance with any directions given by the Special Council.
- (4) Subject to subclause (3), a committee may regulate the calling of, and the conduct of business at, its meeting.

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