

**Regional Forest Agreements Reference Group**  
**Terms of Reference**

## **INTRODUCTION**

Over the next three years the Victorian Government will be partnering with Traditional Owners to modernise the State of Victoria's Regional Forest Agreements (RFAs) and the forest management system they accredit. In addition to delivering modernised RFAs before March 2020, the modernisation process will also deliver:

- A vision for the future management of our forests
- A state forest management strategy
- Legislative and regulatory reform of timber harvesting operations, and
- Integrated forest and fire management planning.

The Victorian Government has established objectives for the modernisation process:

- Drive strategic, landscape-scale management of multiple forest values.
- Provide greater opportunity for local communities in the sustainable management of forests.
- Simplify the RFA framework and increase regulatory certainty.
- Increase the transparency and durability of forest management.
- Improve the long-term sustainability and viability of forest-based industries.

The Victorian Government has allocated \$17.6 million towards the modernisation of Victoria's RFAs and forest management system to ensure the future management of our forests is informed by extensive engagement with Victorian communities, and a robust contemporary assessment of forest values.

The Victorian Government has agreed with the Commonwealth of Australia to work towards 20-year extensions to the Victorian RFAs that deliver a modernised and harmonised RFA framework that meets the needs of communities, industry and the environment.

In addition to practical improvements to the Victorian RFA framework that ensures it remains effective and credible in the long term, the modernisation process will ensure the renewed RFAs reflect modern science and the changes that have occurred in the 20 years since the RFAs commenced, including:

- Recognition of the rights of Traditional Owners to partner in land management and seek economic and cultural opportunities.
- The impact of climate change and extreme weather events, including drought and bushfires.
- Changing forest-based industries and opportunities.
- Advancements in scientific and technological knowledge, and our understanding of forests and ecosystems.

## **DEFINITIONS**

1. In these Terms of Reference -

**Code of Conduct** means the *Directors' Code of Conduct and Guidance Notes* issued by the Victorian Public Sector Commission.<sup>1</sup>

**Department** means the Department of Environment, Water, Land and Planning, or its successor.

**Deputy Secretary** means Deputy Secretary Forest, Fire and Regions, Department of Environment, Water, Land and Planning.

**DPC Guidelines** means the *Appointment and Remuneration Guidelines* as issued by the Department of Premier and Cabinet<sup>2</sup>.

**Member** means a member of the Reference Group and includes a reference to the Chairperson unless the contrary intention is expressed.

**Nominating Body** means a body that under these Terms of Reference has nominated a person to be a member of the Reference Group.

**Minister** means the Minister for Energy, Environment and Climate Change.

**PAA** means the *Public Administration Act 2004*.

**Public sector employee** has the meaning given in section 4(1) of the PAA.

**Reference group** means the Regional Forest Agreements (RFA) Reference Group, established by these Terms of Reference.

#### **ESTABLISHMENT, TENURE AND VARIATION**

2. The Deputy Secretary establishes the RFA Reference Group, effective from the date of these Terms of Reference.
3. The Deputy Secretary may amend these Terms of Reference at any time.
4. The Chairperson may request an amendment to these Terms of Reference in writing, in which case the Deputy Secretary will consider that request and will advise the Chairperson of their decision as to whether to amend the Terms of Reference or not.
5. The Deputy Secretary may revoke these Terms of Reference in writing at any time and upon revocation of these Terms of Reference the reference group ceases to exist.
6. The reference group operates until 31 March 2020 or such earlier date on which the Deputy Secretary revokes these Terms of Reference.
7. Operation of the reference group may be extended beyond 31 March 2020 subject to written approval of the Deputy Secretary.

#### **GENERAL GUIDANCE**

8. The reference group is subject to the general direction of the Deputy Secretary regarding the efficient and timely performance of its functions.
9. The Minister or a representative from her office may attend each meeting.

#### **PURPOSE**

10. The purpose of the reference group is to enable representatives of key organisations engaged in forest management and advocacy to work together to provide advice to the Deputy Secretary on potential changes to the Victorian RFAs, consistent with the Victorian Government's objectives.

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<sup>1</sup> Available at <http://vpssc.vic.gov.au/resources/directors-code-of-conduct-and-guidance-notes/>

<sup>2</sup> Available at: <http://www.dpc.vic.gov.au/index.php/policies/governance/appointment-and-remuneration-guidelines>

11. The reference group will provide a forum for strategic discussion around relevant issues and opportunities, informed by contemporary science and community values.
12. The reference group's advice may extend to broader forest management system reforms at the direction of the Deputy Secretary.
13. It is desirable, but not a requirement, that reference group members reach consensus on all issues. All views will be documented and considered by the chairperson in providing their advice to the Deputy Secretary.

#### **FUNCTIONS AND OUTPUTS**

14. The functions of the reference group are:
  - (a) To provide strategic advice on how to best achieve the Victorian Government's objectives of modernising the Victorian RFAs to:
    - Drive strategic, landscape-scale management of multiple forest values
    - Provide greater opportunity for local communities in the sustainable management of forests
    - Simplify the RFA framework and increase regulatory certainty
    - Increase the transparency and durability of forest management
    - Improve the long-term sustainability and viability of forest-based industries
  - (b) To request, receive and consider advice [through the Chairperson] from the independent RFA Scientific Advisory Panel in providing its advice
  - (c) To request, receive and consider information [through the Chairperson] from the department, such as findings of forest values assessments and outcomes of engagement with Traditional Owners and broader Victorian communities, in providing its advice
  - (d) To provide other advice as requested and agreed.
15. The Deputy Secretary may request that the Chairperson, reference group or specific members of the reference group accompany them to meetings with departmental staff or external parties.
16. The reference group is subject to the general direction of the Deputy Secretary in the performance of its functions.

#### **NOT IN SCOPE**

17. When performing its functions under this Terms of Reference, the reference group:
  - (a) Is not expected nor required to undertake consultation with the public or an independent engagement role itself. Members (including the Chairperson) must seek permission of the Deputy Secretary to meet with departmental staff or external parties outside formal meetings.
  - (b) Will not seek submissions or conduct formal hearings.
  - (c) Is not expected to conduct its own research.
  - (d) Is not required to reach consensus in providing its advice.

#### **MEMBERSHIP**

18. The reference group will have a maximum of nine (9) members appointed by the Deputy Secretary, including:
  - a) An independent chairperson with experience in chairing high profiles committees containing stakeholders with divergent views and expertise in government policy processes.
  - b) A maximum of nine (9) representatives from organisations involved in forest management and advocacy, comprising:
    - i. Environment non-government organisations
    - ii. Timber industry

- iii. Apiary industry
  - iv. Tourism industry
  - v. Recreational users
  - vi. Traditional Owners
19. Reference group members will be peak bodies with statewide reach, a significant Victorian membership base, and whose membership base are significantly interested or impacted by forest management decisions.

#### **RESPONSIBILITIES OF MEMBERS AND STANDARDS OF CONDUCT**

20. Members of the reference group are responsible for:
- (a) Representing the interests of their organisation and its membership in reference group discussions.
  - (b) Drawing on professional and other networks in considering options presented to the reference group.
  - (c) Discussing and debating matters referred to the reference group, suggesting alternative approaches and contributing constructively to reference group discussions.
  - (d) Acting in a collegiate and collaborative manner when debating issues and providing advice.
21. Each member must at all times act:
- (a) In accordance with the Code of Conduct made under the PAA.
  - (b) In a manner that is consistent with the public-sector values in section 7(1) of the PAA.
22. On the termination or expiry of a member's appointment, the member must return all documents relating to the reference group to the Chairperson.

#### **CONFIDENTIALITY**

23. It is important that members feel free to contribute honestly and that there is a level of trust between members.
24. All electronic and written documents are for reference group members with the expectation that members will distribute these documents responsibly and only for obtaining feedback from the groups they represent.
25. Any material provided to the reference group that is marked confidential, must be treated confidentially to provide a forum for frank and fearless advice and debate.
26. The contributions of members are not to be used against them, or any organisation they belong to, outside the meetings. The views or information presented during the meetings are not to be provided to the media.
27. Confidential information that a reference group member gains through the reference group's work:
- (a) will be kept confidential even after he/she is no longer a member; and
  - (b) will not be used for improper purposes (e.g. to gain an advantage for the member or to cause detriment to the reference group).
28. Reference group are to refer all media enquiries about the work of the reference group to the Chairperson and Deputy Secretary.

#### **TIME COMMITMENT**

29. A time commitment of up to six hours per month for meeting attendance is expected. Additional preparation time outside of meetings will be required.
30. The reference group is expected to meet monthly, or as determined by the Chairperson.
31. The location of meetings will be in the Melbourne CBD, at a location to be advised.
32. Members are expected to attend a minimum of 75 per cent of meetings.

33. Attendance in-person at meetings is preferable. Where attendance in-person is not possible, a reference group member may attend remotely by request to the Secretariat. Suitable means of remote attendance may include Skype (or similar), teleconference call, or other form of audio or audio-visual two-way communication.

#### **APPOINTMENT AND REMUNERATION**

34. A member is appointed by the Deputy Secretary, for the term of office specified in his or her instrument of appointment.
35. Subject to clause 37 of these Terms of Reference, a member is entitled to receive remuneration for their service on the reference group as set out in their instrument of appointment.
36. No additional remuneration is payable to a member for time spent in preparation for meetings of the reference group.
37. A member (including the Chairperson) is entitled to be reimbursed for reasonable travel and personal expenses related to their service on the reference group, at the rates that apply to employees of the department.
38. To claim for remuneration and expenses, members must:
- (a) Complete the department's commencement form and other required forms, on appointment.
  - (b) Submit claim forms to the Secretariat as required, together with supporting evidence.

#### **REMOVAL FROM OFFICE AND VACANCIES**

39. The Deputy Secretary, without cause or notice, may remove a member from office at any time.
40. The office of a member becomes vacant if:
- (a) A member resigns in writing addressed to the Deputy Secretary.
  - (b) A member is removed from office.
  - (c) A member dies or in the opinion of the Deputy Secretary, becomes incapable of performing his/her duties.
  - (d) A member becomes a bankrupt or a person disqualified from acting as a director or acting in the management of a company.
  - (e) A nominating body advises the Deputy Secretary and their nominee, in writing, that it wishes to nominate a new person for appointment as a member to represent them.
41. Upon a vacancy occurring in the office of a member, the vacancy may be filled by the Deputy Secretary in accordance with these Terms of Reference.

#### **MEETING PROCEDURE**

42. Meetings of the reference group may be conducted in a manner determined by the Chairperson subject to these Terms of Reference and any direction given by the Deputy Secretary.
43. The reference group may meet when there is a quorum of at least 70 per cent of members presently appointed to the reference group.
44. Should a member not be able to attend a meeting, that member may send a proxy to represent their organisation with the prior approval of the Chairperson.
45. The Chairperson, or presiding member, must ensure, as far as practicable, that every member has adequate opportunity to participate in discussions.

#### **MINUTES**

46. The Chairperson must ensure that:
- (a) Minutes of each meeting are kept.

- (b) Minutes are circulated for comment by members before being formally adopted at the next meeting.
- (c) The adopted minutes are provided to the Deputy Secretary within 14 days of being adopted.

47. A communique summarising key points of discussions from each reference group meeting will be published on the department's external website.

#### **OBSERVERS**

48. A person who is not a member of the reference group, such as a presenter or an observer ('Observer'), may attend all or part of a reference group meeting on the Chairperson's written invitation.
49. An Observer may, at the invitation of the Chairperson, make a presentation to the reference group or participate in discussions in a reference group meeting. An Observer is not entitled to shape the reference group's advice to the Deputy Secretary and is required to step out of a meeting on the Chairperson's request.
50. An Observer who is not a public-sector employee will be required to sign a Deed of Confidentiality.
51. An Observer must either destroy or return all copies of documents provided to them for the purposes of that meeting at the end of that meeting.

#### **SECRETARIAT SUPPORT**

52. Administrative and project support to the reference group will be provided by the department.
53. Day to day liaison between the department and the reference group will be via the Chairperson.
54. The Secretariat will organise meeting rooms, distribute agendas and papers, and provide other administrative support in consultation with the Chairperson.
55. The Secretariat will assist in drafting reports and preparing meeting papers.
56. The Secretariat will disseminate information and papers to members in an efficient and effective manner.
57. Staff of other groups of the department and relevant agencies may also be requested by the Secretariat to provide technical assistance.
58. The operating costs of the reference group will be met by the department.

#### **CONFLICTS OF INTEREST**

59. A member who has a direct pecuniary or private interest in a matter being discussed at a meeting of the reference group must declare the nature of the interest and the potential for there to be a conflict:
- (a) At the commencement of a meeting.
  - (b) If they become aware of an interest during discussions, as soon as possible after becoming aware of the interest.
60. A member who has made a declaration of a potential conflict of interest may not be present or take part in any discussion of the matter to which the declaration relates unless the reference group agrees otherwise.
61. A member who has made a declaration of a potential conflict of interest must not vote on the matter to which the declaration relates.
62. The Chairperson or member presiding at a meeting at which a declaration of an interest is made must cause the declaration to be recorded in the minutes of the meeting.

63. The Chairperson must keep a record of declared interests. Any member may request and be granted access to this Register of Interests.

#### **PRIVACY**

64. The reference group must have processes in place to ensure that its members, in the course of their duties on the reference group, comply with the requirements imposed by or under the *Privacy and Data Protection Act 2014* as if the reference group is a public sector agency for the purposes of that Act.

#### **INTELLECTUAL PROPERTY**

65. The rights to Intellectual Property created by the members of the reference group in the course of their duties on the reference group, including any reports required under these Terms of Reference, is the property of the State of Victoria. However, the Deputy Secretary on behalf of the state grants the reference group a licence to use this property as authorised under these Terms of Reference.
66. In this clause "Intellectual Property" includes legal rights that protect the results of creative efforts including copyright, proprietary rights in relation to inventions (including patents), registered and unregistered trademarks, confidential information (including trade secrets and know how), registered designs, circuit layouts, and all other proprietary rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields but does not include moral rights.

#### **FREEDOM OF INFORMATION**

67. Members of the reference group should be aware that all documents of the reference group (such as meeting agendas, papers, minutes) will be held by the department and will be subject to the *Freedom of Information Act 1982*.

Dated: 17/04/2019



**Colleen White**

Acting Deputy Secretary Forest, Fire and Regions