

Community Forestry Support Package

Application Guidelines June 2024

Forestry Transition Program



We acknowledge and respect Victorian Traditional Owners as the original custodians of Victoria's land and waters, their unique ability to care for Country and deep spiritual connection to it.

We honour Elders past and present whose knowledge and wisdom has ensured the continuation of culture and traditional practices.

DEECA is committed to genuinely partnering with Victorian Traditional Owners and Victoria's Aboriginal community to progress their aspirations.



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1. Background

In May 2023 the Victorian Government announced the cessation of commercial native timber harvesting in State forests by 1 January 2024.

The Victorian Government's Forestry Transition program aims to maintain as many regional jobs as possible as the timber industry transitions away from native timber harvesting.

The Community Forestry Support Package is part of a suite of programs on offer by the Victorian Government to support community forestry operators and non-contractor firewood customers who are significantly impacted by the native timber industry transition.

2. Overview of the Community Forestry Support Package

The Community Forestry Support Package (the Package) is a payment the Victorian Government will make compensating for timber undersupply between 1 July 2022 and 30 June 2024 to:

- community forestry operators who hold a Forest Produce Licence (FPL) or a Forest Produce Agreement (FPA)
- non-contractor firewood customers who hold a Timber Sale Agreement (TSA).

The Package is voluntary for all eligible applicants.

Assistance is available to businesses to complete an application to the support package, via a Forestry Transition team member. Businesses are also encouraged to seek independent advice as required.

The Package is administered by the Department of Energy, Environment and Climate Action (the Department).

The Department will assess each application and recommend a funding decision.

The decision on funding support will be made by the Minister for Agriculture in their absolute discretion.

Community forestry operators and non-contractor firewood customers and their employees are also eligible to register for the Victorian Forestry Worker Support Program, worker support payments subject to eligibility requirements, and for a one-off hardship payment.

3. Eligible businesses

To be eligible to apply for one or more component/s within the Package, applicant businesses must:

- a. be a community forestry operator that holds a Forest Produce Licence or Forest Produce Agreement issued or administered by VicForests for timber supply in 2022-23 and/or 2023-24, that is not for the sole purpose of storm or bushfire salvage operations, as a one-off FPL or FPA for a defined period of time for a specific location; or
- b. be a non-contractor firewood customer that is party to a Timber Sale Agreement with VicForests for timber supply in 2022-2023 and/or 2023-24¹; and
- c. hold a current registered Australian Business Number (ABN); and
- d. declare that they meet all industrial relations obligations as an employer in accordance with the National Employment Standards under the *Fair Work Act 2009* (Cth) if they are an employing business.

4. What will the Department pay?

Subject to section 11 of these Guidelines and execution of the Grant Agreement, the amount the Department will pay through a Package will be made up of:

- a volume compensation payment – *see component 1 below*;
- a payment of up to \$1,000,000 for non-fully depreciated plant and equipment used for native timber harvesting or processing operations – *see component 2 below*;
- a reimbursement payment for any employee statutory redundancy costs made by the business – *see component 3 below*;
- a site rehabilitation payment for licensees or agreement holders with an annual licensed or agreed supply level of 1,000m³ or 1,000 tonnes or greater – *see component 4 below*:

Component 1: Volume Compensation

The Department will pay eligible **Forest Produce Licence holders** (including those who hold a Forest Produce Agreement) up to the rates given in Table 1 for:

- their Annual Supply Level volume for 2022-23 as per the relevant FPL, plus
- the Annual Supply Level volume for 2023-24 as per the relevant FPL

minus

- any volume taken during 2022-23, and minus
- any volume taken during 2023-24.

The Department will pay eligible non-contractor **Timber Sale Agreement holders** up to the rates given in Table 1 for:

- the minimum Annual Supply Level volume for 2022-23 as per the relevant TSA, minus any volume taken during 2022-23; plus
- the minimum Annual Supply Level volume for 2023-24 as per the relevant TSA, minus any volume taken during 2023-24.

Note: For Timber Sale Agreements with an 'up to' volume amount, the minimum volume will be used for the calculation

minus

- any compensation payments received from VicForests in 2022-23 and/or 2023-24 for the relevant Timber Sale Agreements.

Community forestry operators who have applied for compensation for 2023-24 licensed or contracted sawlog volume through the Sawmill Voluntary Transition Package (SVTP) will apply for that volume through that program. Any sawlog volume compensated through the SVTP will not be compensated through this Package.

¹ Harvest and/or haulage contractors with a Sale on Truck Timber Sale Agreement are not eligible to apply.

Payment rates

The Department will pay up to the rates per unit in the schedules below to price the surrendered volume of timber.

Table 1: Schedule of rates for fencing, firewood, and wood chop logs

Product / grade	All species – all grades \$/m ³	All species – all grades \$/piece	All species – all grades \$/tonne
Fencing	120	20	n/a
Firewood	80	n/a	100
Wood chop logs	150	n/a	n/a

Table 2: Schedule of rates for Box Ironbark, Red Gum and durable species and Common and Mixed species sawlog

Product / grade	Class/grade 1 \$/m ³	Class/grade 2 \$/m ³	Class/grade 3 \$/m ³
Box – Ironbark	350	225	n/a
Red Gum, speciality, and durable species	350	300	140
Common and mixed species	300	140	125

If a Forest Produce Licensee, Forest Produce Agreement holder or Timber Sale Agreement holder engages a harvest and/or haulage contractor to harvest and/or deliver the timber, payment of the harvest and/or haulage component of the timber price will be based on the evidence of that amount being made to the relevant harvest and haulage contractor.

The conversion rates in Table 3 have been used to determine the schedule of rates in Table 1.

Table 3: Conversion rates

Original Unit	Conversion Rate	Converted Unit
Stacked cubic metre (sm ³)	0.8	m ³
Linear metre	0.3	m ³



Component 2: Non-fully depreciated plant and equipment

The Department will pay the difference between the non-fully depreciated value of each piece of eligible plant and equipment and the auction realisable value based on a valuation undertaken by the Valuer-General Victoria, as detailed in Section 5.

To be eligible for the payment, plant and equipment must:

- be listed on the business's ATO-compliant 2021-22 or 2022-23 depreciation schedule with a closing value of greater than \$0.00
- be used primarily for the harvesting, hauling, or processing of timber
- not be a motor vehicle, IT and office equipment, or infrastructure. These will be considered as separate asset classes from the plant and equipment used for the processing of native forest timber and will not be included in the valuation.

The business may sell or donate the plant and equipment after a payment has been made.

If the valuation amount is less than the written down value for a piece of plant or equipment, the Department will pay the difference, up to \$1.0 million in total per eligible business.

If the valuation amount is greater than the written down value for a piece of plant or equipment, the Department will not make a payment.

Refer to Table 4 below for example.

If an applicant has previously submitted an application for the plant and equipment compensation through any other Forestry Transition program, the applicant will not be able to receive a payment through Component 2 of this Package.

The final sum to be included in the grant agreement is subject to this process having been completed.

Component 3: Employee statutory redundancy costs

The Department will reimburse the business for employee statutory redundancy payments made by the business, capped at the maximum rate specified in the applicable Award or National Employment Standards.

The reimbursement amount will be based on the evidence of the redundancy payment being made to an employee. Only actual redundancy amounts will be reimbursed.

The Department will not reimburse the payment of leave entitlements. Note that reimbursement of employee redundancy payments will be made on the basis of a genuine redundancy. A genuine redundancy relates to a worker's position that is not required by the employer, in this case due to the consequence of the transition away from harvesting native timber from state forests.

The position will be superfluous to each employer's needs and not to be occupied by anyone. Accordingly, the dismissal is because of the redundancy of the position (and not for any other reason).

There must be no contrived arrangement (such as promise of another job) or other circumstances which indicate the redundancy is not genuine.

Some workers may be categorised as 'dual capacity' employees, in that they are engaged by an employing entity, and are also a directing mind or officeholder of that entity. The department will seek to understand the nature of the termination in these circumstances to determine if there is a genuine redundancy.

Component 4: Site rehabilitation

The Department will pay up to \$50,000 towards site rehabilitation and remediation for licensees and agreement holders who have an annual allocation of 1,000 tonnes or cubic metres or more, across one or more licences or agreements and intend to cease operating as a processor of forest products

Table 4: Example of valuation amount compared to the written down value of a piece of plant or equipment

	Written down value	Current market value	Projected loss on sale	Departmental payment
Item 1	\$250,000	\$20,000	\$230,000	\$230,000
Item 2	\$100,000	\$130,000	\$0	\$0

5. Assessment

Eligibility check

The Department will confirm the eligibility of each applicant's Application.

An Application is 'eligible' if:

1. the eligibility criteria listed in section 3 are all met;
2. the information and evidence provided is true and correct in every particular;
3. the declaration required to be made when submitting the Application is made; and
4. the Application is submitted by the Application Closing Date.

The Department may request clarification of the information provided, ask for additional information or validate the information provided before formally determining the eligibility of the Application.

The Application cannot be assessed until the information requested is provided within the timeframes specified by the Department.

Assessment and Valuation

To assess the non-fully depreciated value of plant and equipment, the Department may request the applicant provide clarifying or further information, and access to the business site/s to inspect the property and assets of the business.

The Department will arrange for a valuer from the Valuer-General Victoria to visit the site, accompanied by a Departmental officer, to undertake an independent valuation of all the eligible non-fully depreciated plant and equipment that has been listed by the applicant in their Application.

Subject to this valuation process, if the valuation amount for a piece of plant or equipment is less than the written down value in the business' asset register, then the Department will pay the difference between the orderly liquidation value as assessed by the valuer and the written down value. If the valuation amount is greater than the written down value for a piece of plant or equipment, the Department will not make a payment.

The completed valuation by the Valuer-General Victoria is final and non-negotiable.

The Department will assess all other components of the package and make a recommendation for funding to the Minister.

6. Key dates

Applications open: Friday, 1 December 2023

Applications close: Friday, 27 September 2024

7. Application process

Applications are submitted online or by completing a hard copy form with Department assistance.

To apply, visit www.deeca.vic.gov.au/forestry/grants/community-forestry-support-package and click on the 'apply now' button to access the application form.

Attaching required documents:

When attaching documents to your application supporting documents must be in an acceptable file type, such as Word, Excel, PDF, or JPEG. The maximum file size for each file is 10MB.

You will receive an application number when you submit an application online. Please quote this number in all communications with the department relating to your application.

If you have documents to submit that cannot be attached to your online application you can email them to communityforestry@ecodev.vic.gov.au, quoting your application number. Attach all documents to one email, zipping the files if required.

Applications for the Package must be submitted by 5:00pm Friday, 27 September 2024 (Application Closing Date)

Step 1: Invitation to submit an Application

The Department will write to eligible community forestry operators and non-contractor firewood customers inviting them to submit an Application for a Package.

Step 2: Discuss the application with the Forestry Transition Business Support Team

Eligible applicants are encouraged to contact the Forestry Transition Business Support Team to discuss their individual circumstances and proposed application and potential payments:

Kara Zdrzalka

Email: kara.zdrzalka@deeca.vic.gov.au

Phone: **0417 483 803**

Applicants can also seek professional advice and support in the preparation of their application.

Step 3: Businesses prepare and submit an Application

The Application is to be made through an online form or a manual form with Department assistance and requires the applicant business to provide the following information and commitments to the Department:

1. A declaration that the business is eligible to participate in the Package:
 - a. holds a Forest Produce Licence or Forest Produce Agreement issued or administered by VicForests that includes the supply of box ironbark, red gum, durable, speciality, common or mixed species timber for timber supply for 2022-23 and/or 2023-24 (if a community forestry operator); or
 - b. is a party to a current Timber Sale Agreement with VicForests for timber supply for 2022-2023 and/or 2023-24 (if a non-contractor firewood customer); or
 - c. holds a current registered Australian Business Number (ABN); and
 - d. meets all industrial relations obligations as an employer in accordance with the National Employment Standards under the *Fair Work Act 2009* (Cth) if they are an employing business
 2. A copy of the current executed and dated Timber Sale Agreement with VicForests including any relevant Deeds of Amendment and/or a copy of the current executed and dated Forest Produce Licence administered by VicForests and/or a copy of the current executed and dated Forest Produce Agreement with VicForests.
 3. Confirmation of Community Forestry Support Package components:
 - a. Component 1 – Timber volume
 - i. Acknowledgement of the Timber volume as outlined in the letter sent by the Department inviting an application for the Community Forestry Support Package. If the applicant considers the volume to be incorrect, they are encouraged to contact the Program Manager on communityforestry@deeca.vic.gov.au. The final package payment will be subject to the process outlined in Section 4.
 - b. Component 2 – Plant and equipment compensation
 - i. A copy of the business's asset depreciation schedule that is Australian Taxation Office compliant
 - ii. Identification of the plant and equipment for which compensation is requested
 - iii. Agree to the Department arranging for a valuer from the Valuer-General Victoria to visit the site, accompanied by a Departmental officer, to undertake an independent valuation of all the eligible non-fully depreciated plant and equipment for which compensation is requested.
 - c. Component 3 (if applicable) – Employee statutory redundancy costs
 1. A spreadsheet detailing the employee statutory redundancy payments to be made to employees who are to be made redundant:
 2. Employee starting date
 3. Years of service
 4. Hourly rate
 5. Award
 6. Redundancy pay weeks
 7. Redundancy pay value
- Note that the information in the spreadsheet may be de-identified and not include employee names.
4. Component 4 (if applicable), confirmation that the business intends to cease operating as a processor of forest products
 5. A declaration that the business:
 - a. will comply with the conditions of participation in the Package set out in these Guidelines;
 - b. consents to the Department sharing information with Australian and State government departments and agencies and the Australian Business Register for the purpose of verifying the information provided in the Application;
 - c. understands that if the business chooses to participate in the Package and intends to make some or all of their workforce redundant (if applicable), the business will be required to, from the date an application is submitted:
 - i. provide employees with the opportunity to participate in an agreed program of pre-redundancy training, including onsite skills audit and/or verification and other Forestry Transition Worker Support Program activities, with the cost of any leave to be at no cost to the employee or the State; and
 - ii. provide access for the Department's worker support program staff to engage with employees regarding the Forestry Transition Worker Support Program, with the access to employees to be provided at no cost to the Department or employees;

- d. understands that if the business is successful in the Package, the business will be required to:
 - i. enter into a grant agreement with the Department for the payment
 - ii. agree to the termination of the Timber Sale Agreement that they hold with VicForests (applicable to non-contractor firewood customers holding a Timber Sale Agreement)
 - iii. meet all employee statutory entitlements of employees associated with redundancy due to this Package (applicable to an employing business)
 - iv. enter into an irrevocable Deed of Termination and Release with VicForests for all Timber Sale Agreements or Forest Produce Agreements held with VicForests (applicable to Timber Sale Agreement holders and Forest Produce Agreement holders until the expiry date of the relevant agreement)
 - v. send correspondence to VicForests and sign a statutory declaration confirming they are surrendering their remaining allocation and relinquishing their Forest Produce Licence, and agree to not producing or processing under a Forest Produce Licence that they hold with VicForests after an agreement for a Community Forestry Support Package is reached with the Department until the expiry date of the relevant licence or agreement
 - vi. identify how contractors will be paid the harvest and haulage component of the timber price in cases where there has been long-standing use of contractors for the harvest and delivery of timber for a sawmill purchasing timber through a Forest Produce Licence (if applicable)
 - vii. consent to VicForests sharing the applicant's Timber Sale Agreement or Forest Produce Licence, and details of the volumes taken, with the Department until the expiry date of the relevant licence or agreement
 - viii. enable worker support payment redundancy top-ups to be calculated by the Worker Support Service by ensuring that full payroll and employment information is provided in writing for workers that are made redundant (this includes all information relating to start date; years of service with the business; annual salary and rates of pay; relevant Award; statutory redundancy payments made or to be made by the business to the worker; unused annual leave and statutory entitlements paid) (if applicable)

- ix. meet all obligations relating to major workplace change in accordance with the relevant award or Enterprise Bargaining Agreement.

8. Offer and grant agreement

Step 4: Offer of a Package

The Minister for Agriculture will consider the recommendations made by the Department when deliberating on final approval for a Package for a successful applicant and write to successful applicants with an offer to enter into a grant agreement with the Department.

The successful applicant must respond to the Letter of Offer indicating they have accepted it.

The letter of offer is a non-binding agreement and will lapse after 15 business days from the date of the letter unless varied by agreement with the Department.

Step 5: Grant agreement

Successful applicants must enter into a funding agreement with Department of Energy, Environment and Climate Action (DEECA).

Legislative and regulatory requirements

In delivering the activity grant recipients are required to comply with all relevant Commonwealth and state/territory legislations and regulations, including but not limited to:

- *The Privacy Act 1988 (Commonwealth)*
- *The Freedom of Information Act 1982 (Vic)*
- *Occupational Health and Safety Act 2004*

The grant agreement is a legally enforceable document that clearly set out the obligations of both parties. The grant agreement aims to protect the Victorian Government's interests and to ensure the efficient and effective use of public money.

The grant agreement will detail all funding obligations and conditions, including without limitation the following key terms:

1. Holders of a Forest Produce Licence, Forest Produce Agreement or Timber Sale Agreement will be required to indemnify and release the State and its agencies and their officers and agents from and against any and all current and any and all future claims, actions, proceedings, demands, costs and expenses in connection with the Package.

2. All monies due and payable to VicForests but remaining unpaid must be paid prior to the Package payment being paid.
3. Where the successful applicant has been the recipient of financial assistance or a grant from the State for which an agreement has been entered into, any obligations of the business to the State arising out of the take-up of a Package payment will require settlement in accordance with the Department's directions. (For example, a sawmill might be the recipient of a Victorian Timber Innovation Grant and the take-up of a Package Payment may impact on the achievement of a grant milestone.)
4. The applicant must settle liability in connection with the surrender of the Timber Sale Agreement, Forest Produce Agreement and enter into a Deed of Termination and Release with VicForests (on such terms as required by VicForests until the expiry date of the relevant agreement).
5. No part of the Package payment will be made under the grant agreement to Forest Produce Agreement or Timber Sale Agreement holders until VicForests' Deed of Termination and Release has been executed by VicForests and the applicant or until the Timber Sale Agreement or Forest Produce Agreement has expired.
6. The full amount of a Package payment will only be made after evidence has been provided that any required statutory entitlements for employees have been met, unless special circumstances can be demonstrated and arrangements settled with the Department in advance.
7. The applicant agrees to provide reasonable access for the Department-funded Forestry Transition's worker support program staff to engage with employees regarding the worker support program, with the cost of providing access to employees to be at no cost to the Department or employees.
8. The Package payment will be paid in one or more instalments after 1 July 2023 as determined by the Department in consultation with the successful applicant.

Successful applicants must agree and sign the grant agreement within 15 business days from the date the Department provides them with the grant agreement, otherwise the offer will lapse.

The Department in its discretion may consider an extension.

The offer from the Minister for Agriculture is to be kept confidential by the applicant and its officer, employees, agents and related entities, subject to the confidentiality obligations in these Guidelines, unless the Department releases the business names of the successful applicants publicly.

9. GST and other taxes

Applicants should note that all costs and calculations included in the Application must be exclusive of GST.

Applicants will be required to determine the tax implications of any payment under the Package from their own taxation advisors and at their own risk. Tax liabilities (if any) payable or paid as a consequence of the Package is entirely the responsibility of the applicant and will not be reimbursed.

If a successful applicant is registered for GST, a GST payment will be added to any payments made under the Package.

Successful applicants without an ABN will need to provide a completed Australian Taxation Office form 'Statement by a Supplier' so that no withholding tax is required from the grant payment.

10. Absolute discretion

The Department reserves the right to request the applicant to provide further information should it be deemed necessary.

The Department reserves the right to amend these Guidelines and the application terms at any time as it deems appropriate.

Any further changes to the Guidelines will not affect the eligibility of the applicants and Applications made prior to the date of publication of any update.

The State makes no representation that a grant of funds will be made to any applicant and reserves the right to adjust any payment (or any component of a payment) that is calculated in accordance with these Guidelines or to make no funds available under the Package, in its absolute discretion.

11. Payments

Payments will be made as long as:

- the funding agreement has been signed by both parties;
- other terms and conditions of funding continue to be met.

12. Privacy

Any personal information about you or a third party in your application will be collected by the department for the purposes of administering your grant application and informing Members of Parliament of successful applications. Personal information may also be disclosed to external experts, such as members of assessment panels, or other Government Departments for assessment, reporting, advice, comment or for discussions regarding alternative or collaborative grant funding opportunities. If you intend to include personal information about third parties in your application, please ensure that they are aware of the contents of this privacy statement.

Any personal information about you or a third party in your correspondence will be collected, held, managed, used, disclosed or transferred in accordance with the provisions of the Privacy and Data Protection Act 2014 and other applicable laws.

DEECA is committed to protecting the privacy of personal information. You can find the DEECA Privacy Policy online at www.delwp.vic.gov.au/privacy.

Enquiries about access to information about you held by the Department should be directed to:

Freedom of Information Manager and Privacy Officer
Department of Energy, Environment and Climate Action

PO Box 500
EAST MELBOURNE VIC 8002

Email: foi.unit@delwp.vic.gov.au

13. Other Forestry Transition assistance available

Worker support

Community Forestry Operators and non-contractor firewood customers, and their workers are also eligible to register for the Victorian Forestry Worker Support Program, delivered by ForestWorks.

The Victorian Forestry Worker Support Program offers:

- support payments;
 - redundancy top-up
 - relocation payment
 - over 45 payment
 - hardship payment
- employment support
- training service
- health and wellbeing support.

How to access the Victorian Forestry Worker Support Program

To register for the Victorian Forestry Worker Support Program, please visit <https://forestworks.com.au/victorian-forestry-worker-support-program/> or call 1800 177 001 for more information.

Business and industry support

The Forestry Transition includes assistance for affected timber businesses and communities. Successful applicants under the Package remain eligible for other Forestry Transition support packages when and if released, subject to meeting the specific requirements.

Forestry Transition support for business and industry includes:

- Victorian Timber Innovation Grants – this program supports businesses to transition from native timber and explore, investigate and implement business transition opportunities.
- Transition Fund – this fund will support businesses to maintain or create jobs in communities affected by the forestry transition.

Details of these programs can be found at deeca.vic.gov.au/forestry/forestry-transition-program or by phoning 1800 318 812.

14. Privacy

The Department of Energy, Environment and Climate Action (DEECA) is committed to protecting personal information provided by you in accordance with the principles of the Victorian privacy laws.

Any personal information about the applicant or a third party in the Application will be collected by the Department for the purpose of grant administration.

If personal information about third parties is included in the application, the applicant must ensure that those third parties are aware of the contents of this privacy statement and the contents of the Department of Energy, Environment and Climate Action Privacy Policy available from the Privacy Officer (details below).

Any personal information about the applicant or a third party in correspondence will be collected, held, managed, used, disclosed or transferred in accordance with the provisions of the Privacy and Data Protection Act 2014 (Vic), Health Records Act 2001 (Vic) and other applicable laws.

In order to seek documents held by the Department you may submit an FOI request under the Freedom of Information Act 1982 to the FOI Manager, Department of Energy, Environment and Climate Action.

The Department is committed to protecting the privacy of personal information. The Department's privacy policy is available from:

Enquiries about access to information about you held by the Department should be directed to:

Freedom of Information Manager and Privacy Officer

Department of Energy, Environment and Climate Action

PO Box 500
EAST MELBOURNE VIC 8002

Email: foi.unit@delwp.vic.gov.au

In order to seek documents held by the Department you may submit an FOI request under the Freedom of Information Act 1982 to the FOI Manager, Department of Energy, Environment and Climate Action.

15. No representation

Businesses are solely responsible for obtaining independent, professional legal and financial advice prior to making an application.

By making an application, the applicant acknowledges that it has not relied on, and will not rely on, any financial or other advice, representation, statement or promise provided or made by or on behalf of the Department in connection with their participation in the Package and exiting future timber supply.

The Department makes no representation that a grant of funds will be made to any applicant and reserves the right to make no funds available under the Package.



16. Further support

Community Forestry Support Package contact

Program Manager: **Kara Zdrzalka**

Email: communityforestry@deeca.vic.gov.au

Further information

Businesses requiring further information about the Forestry Transition should contact a Forestry Transition representative for further details.

Telephone: **1800 318 182**

Email: forestrytransition@deeca.vic.gov.au

Website: deeca.vic.gov.au/forestry/grants

The Guidelines will also be made available at the following website: deeca.vic.gov.au/forestry

Authorised by the Department of Energy,
Environment and Climate Action

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