

### *Regional Forest Agreements Scientific Advisory Panel*

#### Terms of Reference

The Victorian Government has embarked on a major program to modernise the State's Regional Forest Agreements (RFAs) and the forest management system they accredit. The modernisation process will ensure the RFAs reflect modern science and consider the needs of communities, industry and the environment and will reflect 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 about forests and ecosystems, threatened species, climate change and extreme weather events, such as droughts and fires.

The RFA Modernisation Program, being led by the Department of Environment, Land, Water and Planning (the Department) has three key elements: updated **assessments** of forest values, robust **engagement** with communities, and **renewal** of Victoria's RFAs and forest management system.

The forest values assessment will update our knowledge on a wide range of forest values to ensure the RFAs reflect modern science, consider community needs, and provide a robust framework that balances the environmental, ecosystem service, economic, social and community values of our forests.

The assessment process will build on existing data and information and will incorporate new knowledge where possible. The process will identify priority gaps in existing information and will be designed to ensure that the modernised RFAs will be soundly based on the best available information.

In addition to modernised Regional Forest Agreements, the RFA modernisation program will be a catalyst for:

- development of a vision for the future management of our forests
- development of a State forest management strategy
- legislative and regulatory reform
- integrated forest and fire management planning

#### Definitions

1. In these Terms of Reference-

**Panel** means the departmental advisory committee known as Regional Forest Agreements Scientific Advisory Panel, established by these Terms of Reference by the Deputy Secretary in accordance with clause 1.

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

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

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

**Deputy Secretary** means the Deputy Secretary, Forest, Fire and Regions, to the Department or their successor.

**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 Panel and includes a reference to the Chairperson unless the contrary intention is expressed.

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

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

**Royal Society of Victoria** means The Royal Society of Victoria Incorporated (ABN: 62 145 872 663), (ACN: A9576), of 9 Victoria Street, Melbourne, Victoria 3000, Australia.

### ESTABLISHMENT, TENURE AND VARIATION

2. The Deputy Secretary establishes a non-statutory, departmental advisory committee, to be known as the 'Regional Forest Agreements Scientific Advisory Panel' (the Panel), in accordance with these Terms and Reference, and 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 Panel ceases to exist.
6. The Panel operates until 31 March 2020 or such earlier date on which the Deputy Secretary revokes these Terms of Reference.
7. Operation of the Panel may be extended beyond 31 March 2020 subject to written approval of the Deputy Secretary.

### GENERAL GUIDANCE

8. The Panel is subject to the general direction of the Deputy Secretary regarding the efficient and timely performance of its functions.

### PURPOSE

9. The purpose of the Panel is to provide independent scientific advice, review and validation to assure communities, stakeholders and Government that the scientific methods and data used to assess forest values and inform forest management decisions are credible, rigorous and able to withstand scrutiny of other scientists and technical experts. The Panel will review and report on the relative merits and limitations of methods and data used to assess forest values.

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

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10. The Panel will also provide science-based advice and recommendations to inform the renewal of the Victorian RFAs and design of a contemporary forest management system that is resilient and adaptive to a changing climate and associated management challenges.
11. The Panel is intended to enhance the credibility of the forest values assessment process of the RFA Modernisation Program and the science underpinning the modernisation of Victoria's RFAs and broader forest management system.
12. Given the overlap in skills and expertise, the Panel may also be called upon to review survey standards and data associated with the Department's Forest Protection Survey Program to detect threatened species or species with prescriptions in coupes planned to be harvested in State forests in Gippsland, the Central Highlands and the Hume regions.

### **FUNCTIONS AND OUTPUTS**

13. The functions of the Panel are to:

- a. review relevant forest values assessment approaches, and provide advice on any constraints or limitations on how the data can be used;
- b. provide science-based recommendations on potential changes to the RFAs and forest management system, including specific targets or commitments that could be made to support a contemporary Comprehensive, Adequate and Representative reserve system;
- c. provide recommendations to the Deputy Secretary on research priorities to enable the sustainable management of Victoria's forests to deliver highest and best uses under a changing climate;
- d. receive referrals from, and provide advice to, the RFA Reference Group;
- e. provide reports of advice to the Deputy Secretary to be published on the Department's external website.

14. The Panel is subject to the general direction of the Deputy Secretary in the performance of its functions.

### **NOT IN SCOPE**

15. When performing its functions under this Terms of Reference, the Panel:

- a. is not expected nor required to undertake consultation with the public or an independent engagement role itself. Members (including the Chairperson) may only meet with departmental staff or external parties on the request of the Deputy Secretary
- b. will not seek submissions or conduct formal hearings, and
- c. is not expected to conduct its own research.

### **MEMBERSHIP**

16. The Panel will have a maximum of eight (8) members appointed by the Deputy Secretary.
17. Identification of suitable Panel members will be through a public expression of interest process, managed by the Royal Society of Victoria.
18. The Panel will have skills-based membership which will provide a cross-section of environmental, economic and social science expertise relevant to the sustainable management of forests. The Panel members will collectively have skills or expertise in the following areas:

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- Biodiversity conservation
- Forest and landscape ecology
- Hydrology
- Ecosystem services
- Climate change
- Adaptive management
- Environmental economics
- Social science

19. The Panel will be made up of scientists who are:

- recognised by their peers as leaders in their field
- well networked, and able to draw on outside scientific expertise to support the Panel as required
- able to effectively distil complex scientific information and communicate it effectively to a non-scientific audience.

20. The Panel composition will seek to achieve diversity among members, including career stage and gender equality.

21. Each member of the Panel is required to comply with these Terms of Reference. A Member's ongoing participation as a member of the Panel constitutes implied acceptance of these Terms of Reference.

### **CHAIRPERSON**

22. The Deputy Secretary must appoint one of the Members to be the Chairperson.

23. The Chairperson must provide leadership and oversee the performance of the Panel's functions and delivery of its accountabilities in accordance with this Terms of Reference.

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

24. Members of the Panel will serve in their individual capacity based on skills and experience, not as representatives of any organisation or sector.

25. When participating in Panel business a Member is to act in the best interests of the Panel.

26. Members of the Panel are responsible for:

- a. discussing and debating matters referred to the Panel, suggesting alternative approaches and contributing constructively to Panel discussions
- b. drawing on their professional and other networks to provide expert advice to the Panel as required
- c. acting in a collegiate and collaborative manner when debating issues and providing advice and recommendations.

27. Each member must at all times act:

- a. In accordance with the Code of Conduct made under the PAA, and

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- b. In a manner that is consistent with the public-sector values in section 7(1) of the PAA.
28. On the termination or expiry of a member's appointment, the member must return all documents relating to the Panel to the Chairperson or arrange for the secure destruction of papers and documents.

### **CONFIDENTIALITY**

29. It is important that members feel free to contribute honestly at that there is a level of trust between members.
30. The detail of deliberations, and any material provided to the Panel that is marked confidential, must be treated confidentially to provide a forum for frank and fearless advice and debate. A Member must not discuss any deliberations or circulate any meeting agendas, minutes, papers or other materials publicly without the consent of the Chairperson and Deputy Secretary.
31. Confidential information that a Panel member gains through the Panel'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 Panel).
32. Panel Members are to refer all media enquiries about the work of the Panel to the Chairperson and Deputy Secretary.

### **TIME COMMITMENT**

33. A time commitment, including preparation time, of up to 15 hours per month is expected.
34. The Panel is expected to meet monthly, or as determined by the Chairperson and Deputy Secretary.
35. The location of meetings will be in the Melbourne CBD at a location to be advised.
36. Members are expected to attend a minimum of 75 per cent of meetings.
37. Attendance in-person at meetings is preferable. Where attendance in-person is not possible, a Panel 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**

38. A Member is appointed by the Deputy Secretary for the term of office specified in his or her instrument of appointment.
39. Subject to clause 41 of these Terms of Reference, a member is entitled to receive remuneration for their service on the Panel as set out in their instrument of appointment.
40. No additional remuneration is payable to a member for time spent in preparation for meetings of the Panel.
41. A member (including the Chairperson) is entitled to be reimbursed for reasonable travel and personal expenses related to their service on the Panel, at the rates that apply to employees of the Department.
42. To claim for remuneration and expenses, members must:
- a. complete the Department's Commencement Form and other required forms, on appointment; and

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- b. submit Claim Forms to the Secretariat as required, together with supporting evidence.

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

43. The Deputy Secretary, without cause or notice, may remove a member from office at any time.
44. 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 or her duties; or
  - d. a member becomes a bankrupt or a person disqualified from acting as a director or acting in the management of a company.
45. 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**

46. Meetings of the Panel may be conducted in a manner determined by the Chairperson subject to these Terms of Reference and any direction given by the Deputy Secretary.
47. The Panel may meet when there is a quorum of at least 70% of members presently appointed to the Panel.
48. Should a member not be able to attend a meeting, that member may send a proxy to represent them with the prior approval of the Chairperson.
49. The Panel will aim for consensus in its advice to the Deputy Secretary. In the absence of consensus, advice will be made by a majority of the members present at that meeting and dissenting views recorded.
50. The Chairperson, or presiding member, must ensure, as far as practicable, that every member has adequate opportunity to participate in discussions.

### **MINUTES**

51. 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, and
  - c. The adopted minutes are provided to the Deputy Secretary within 14 days of being adopted.
52. A communique summarising key points of discussions from each Panel meeting will be published on the Department's external website.

### **OBSERVERS**

53. A person who is not a member of the Panel, such as a presenter or an observer ('Observer'), may attend all or part of a Panel meeting on the Chairperson's written invitation.

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54. An Observer may, at the invitation of the Chairperson, make a presentation to the Panel or participate in discussions in a Panel meeting. An Observer is not entitled to shape the Panel's advice to the Deputy Secretary and is required to step out of a meeting on the Chairperson's request.
55. An Observer who is not a public-sector employee will be required to sign a Deed of Confidentiality.
56. 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**

57. Administrative and project support to the Panel will be provided by the Department.
58. Day to day liaison between the Department and the Panel will be via the Chairperson.
59. The Secretariat will organise meeting rooms, distribute agendas and papers, and provide other administrative support in consultation with the Chairperson.
60. The Secretariat will assist in drafting reports and preparing meeting papers.
61. The Secretariat will disseminate information and papers to members in an efficient and effective manner.
62. Staff of other groups of the Department and relevant agencies may also be requested by the Secretariat to provide technical assistance.
63. The operating costs of the Panel will be met by the Department.

### **CONFLICTS OF INTEREST**

64. A member who has a direct pecuniary or private interest in a matter being discussed at a meeting of the Panel must declare the nature of the interest and the potential for there to be a conflict:
  - a. at the commencement of a meeting; or
  - b. if they become aware of an interest during discussions, as soon as possible after becoming aware of the interest.
65. 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 Panel agrees otherwise.
66. A member who has made a declaration of a potential conflict of interest must not vote on the matter to which the declaration relates.
67. 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.
68. The Chairperson must keep a record of declared interests. Any member may request and be granted access to this Register of Interests.

### **PRIVACY**

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

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### INTELLECTUAL PROPERTY

70. The rights to Intellectual Property created by the members of the Panel in the course of their duties on the Panel, 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 Panel a licence to use this property as authorised under these Terms of Reference.
71. 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

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

Dated:

12/04/2019



**Colleen White**

**Acting Deputy Secretary Forest, Fire and Regions**

**Department of Environment, Land, Water and Planning**