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### Timber Promotion Act 1970

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### Timber Promotion Act 1970

**An Act to provide for the establishment of a Tasmanian Timber Promotion Board for the promotion of the use of wood, and for the making of funds available to the Board for that purpose**

**[Royal Assent 18 December 1970]**

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

#### **1. Short title and commencement**

- (1) This Act may be cited as the Timber Promotion Act 1970 .
- (2) This Act shall commence on a date to be fixed by proclamation.

#### **2. Interpretation**

*[Section 2 Amended by No. 25 of 1994, s. 45 and Sched. 3 ]* In this Act, unless the contrary intention appears –

**Board** means the Tasmanian Timber Promotion Board established under this Act;

*[Section 2 Amended by No. 50 of 2013, Sched. 1, Applied: 11 Dec 2013]* **Forestry corporation** means the Forestry corporation continued by section 6 of the Principal Act;

**Fund** means the Tasmanian Timber Promotion Fund established under section eight ;

*[Section 2 Amended by No. 50 of 2013, Sched. 1, Applied: 11 Dec 2013]* **Principal Act** means the Forest Management Act 2013 –

and other words and expressions to which meanings are assigned by the Principal Act have respectively the same meanings as they have for the purposes of that Act.

### **3. Establishment and functions of Tasmanian Timber Promotion Board**

(1) There shall be established a Tasmanian Timber Promotion Board which shall be charged with the duty of promoting the use, whether in this State or elsewhere, of wood, particularly wood obtained in the State.

(2) The Minister may refer to the Board any matter arising in connection with the promotion of the use of wood, and the Board shall consider any matter so referred and report to the Minister thereon.

(3) For the purposes of this Act the promotion of the use of wood includes –

(a) the carrying out of research and other investigations in relation to the uses of wood and to the marketing of wood and the products obtained therefrom; and

(b) the dissemination of information and the giving of publicity in respect of any of the matters referred to in paragraph (a) of this subsection.

(4) For the purpose of carrying out any of its functions under this Act the Board may make arrangements with or give assistance to any authority, organization, association, or other person.

### **4. Constitution of the Board**

*[Section 4 Subsection (5) amended by No. 25 of 1994, s. 45 and Sched. 3 ] [Section 4 Subsection (7) substituted by No. 29 of 1984, s. 3 and Sched. 1 ]*

(1) The Board shall be a body corporate with perpetual succession and a common seal.

(2) The Board shall consist of such number of members, not less than five or more than seven, as the Minister may determine, appointed in accordance with the provisions of this section.

(3) Such number of members of the Board as the Minister may determine, being more than half the number of the members thereof as determined under subsection (2) of this section, shall be appointed by the Minister on the nomination of the body known as the Tasmanian Timber Association or, if that body has ceased to exist, such other association for the furtherance of the interests of persons engaged in the timber industry in this State as the Minister determines.

(4) Where a member of the Board is required to be appointed under subsection (3) of this section and no person is nominated for that appointment in accordance with directions given by the Minister in that behalf, the Minister may appoint as a member of the Board such person as he considers suitable to represent the interests of persons engaged in the timber industry in this State.

(5) At least two of the members of the Board shall be appointed by the Minister on the recommendation of the Forestry corporation, and at least one of the two members so appointed shall be a employee of the Forestry corporation.

(6) The chairman of the Board shall be such member thereof as the Board may annually appoint in that behalf.

(7) *[Section 4 Subsection (7) amended by No. 86 of 2000, Sched. 1, Applied: 01 May 2001]* The members of the Board are not, as such, subject to the State Service Act 2000 , but a State Service officer or State Service employee may hold office as a member of the Board in conjunction with State Service employment.

(8) *[Section 4 Subsection (8) amended by No. 86 of 2000, Sched. 1, Applied: 01 May 2001]* The Board shall pay to the members thereof such remuneration and travelling or other allowances as the Minister approves; but no remuneration shall be paid under this subsection to a Commissioner or a State Service officer or State Service employee in respect of any duties performed by him otherwise than on a State Service holiday.

## **5. Term of office and removal of members of the Board**

*[Section 5 Subsection (7) amended by No. 25 of 1994, s. 45 and Sched. 3 ]*

- (1) Subject to this section a member of the Board, unless he sooner resigns or is removed from office or otherwise ceases to hold office, continues in office for a period of three years from the date on which he was last appointed a member of the Board.
- (2) Where a member of the Board dies or ceases to hold office otherwise than by reason of the effluxion of time, the member appointed to fill the vacancy ceases to hold office at the expiration of the unexpired term of office of the member in whose place he is appointed.
- (3) The Minister may remove from office any member of the Board who, he is satisfied –
  - (a) has become permanently incapable of carrying out the duties of his office;
  - (b) has misconducted himself in the performance of the duties of his office;
  - (c) has, without leave of the Board, been absent from three or more consecutive meetings of the Board;
  - (d) has applied to take, or takes, advantage of any law relating to bankruptcy, or has compounded, or entered into an arrangement, with his creditors; or
  - (e) has been convicted (whether in this State or elsewhere) of an offence of such nature that, in the opinion of the Minister, renders it improper for him to continue to hold office as a member of the Board.
- (4) Without prejudice to the generality of the provisions of paragraph (b) of subsection (3) of this section, a member of the Board shall be deemed to have misconducted himself in the performance of the duties of his office if –
  - (a) he votes on any matter before the Board in which he has a direct pecuniary interest; or
  - (b) he takes part in, or is present at, the discussion of any such matter before the Board without disclosing his pecuniary interest to the members of the Board present.
- (5) *[Section 5 Subsection (5) substituted by No. 45 of 2003, Sched. 1, Applied:01 Jan 2004]* In the case of a member of the Board who has a spouse or who is in a personal relationship, within the meaning of the Relationships Act 2003 , a pecuniary interest of the spouse or the other party to the personal relationship is taken for the purposes of this section to be a pecuniary interest of the member if the interest is known to that member.
- (6) The Minister may, at the request of the body referred to in subsection (3) of section four, remove from office a member of the Board appointed under that subsection if he is satisfied that it is desirable that he should be so removed.
- (7) The Minister may, at the request of the Forestry corporation, remove from office any member of the Board appointed under subsection (5) of section four; and any employee of the Forestry corporation holding office as a member of the Board ceases to hold office as a member of the Board on his ceasing to be an employee of the Forestry corporation.
- (8) A member of the Board shall not be removed from office otherwise than under this section.
- (9) Where the Board has given permission for a member thereof to be absent from the meetings of the Board for a period of at least three months the Minister may appoint a person to act as a member of the Board in the place of that member; and the person so appointed shall, during the period for which that member is so given permission to be absent, act as a member of the Board in his place.

## **6. Proceedings, &c., of the Board**

- (1) The chairman of the Board, or if he is absent or there is no chairman, such one of the other members present as they may choose, shall preside at each meeting of the Board.
- (2) The chairman or other person presiding at a meeting of the Board has a deliberative vote only and, in the event of an equality of votes on any matter before a meeting of the Board, that matter stands adjourned to the next meeting of the Board.

- (3) At any meeting of the Board a quorum is constituted if half or more than half the number of members of the Board, as determined pursuant to subsection (2) of section four, is present.
- (4) The Board shall cause proper minutes to be made of the proceedings at its meetings.
- (5) Subject to this Act, the Board may regulate its own proceedings.

## **7. Secretary and other officers**

The Board shall appoint a secretary of the Board, and may employ such persons as it considers necessary for the exercise of its functions.

## **8. Tasmanian Timber Promotion Fund**

*[Section 8 Subsection (2) amended by No. 25 of 1994, s. 45 and Sched. 3 ]*

- (1) The Board shall establish and maintain a fund to be called the Tasmanian Timber Promotion Fund.
- (2) There shall be paid into the Fund –
  - (a) all sums paid by the Forestry corporation to the Board under this Act; and
  - (b) any other funds paid or made available to the Board.
- (3) The expenses incurred by the Board, and any other sums required to be paid by the Board, shall be defrayed out of the Fund.
- (4) Moneys standing to the credit of the Fund may be invested by the Board in any manner in which trustees are authorized to invest trust funds or in such other manner as the Treasurer, on the recommendation of the Minister, may approve.

## **9. Additional royalty for promotion purposes**

*[Section 9 Subsection (5) amended by No. 25 of 1994, s. 45 and Sched. 3 ]*

- (1) The Minister may, by order made on the recommendation of the Board, fix an additional royalty to be paid in respect of timber obtained for sawmilling purposes.
- (2) An order under this section may determine the rate of the additional royalty, the timber in respect of which it is fixed, and the manner in which it is to be assessed in respect of any timber.
- (3) The amount of the royalty payable under the Principal Act in respect of timber in respect of which an additional royalty is fixed under this Act, being timber that is obtained after the commencement of this Act under a forest permit or a licence granted under the Principal Act (whether that permit or licence was so granted before or after that commencement) is increased by the amount of that additional royalty.
- (4) Subject to this Act the provisions of the Principal Act relating to the payment and recovery of royalties, and the application of the proceeds thereof, apply to royalties the amount of which is increased under this section.
- (5) Where any timber is sold by the Forestry corporation under the Principal Act the amount of the additional royalty fixed under this section in respect of that timber shall be specified in the contract under which the timber is sold; and in fixing the consideration to be paid for any such timber the Forestry corporation shall have regard to the sums required to be paid in respect thereof under paragraph (b) of subsection (1) of section ten.
- (6) Where the Commission has, before the commencement of this Act, entered into a contract for the sale to any person of timber in respect of which an additional royalty is fixed under this section, that contract shall be deemed, by virtue of this subsection, to have been varied so that the consideration required to be paid thereunder for any of such timber that is delivered to that person after the commencement of this Act is increased by the amount of the additional royalty fixed under this section in respect of that timber.

## **10. Payments by Forestry corporation to Board**

*[Section 10 Subsection (1) amended by No. 25 of 1994, s. 45 and Sched. 3 ]*

- (1) The Forestry corporation shall pay to the Board, at such times as the Minister directs, sums of amounts equivalent to –

(a) so much of the amounts of the royalties paid to the Forestry corporation as arise from the additional royalties fixed under section nine ; and

(b) the amount of the additional royalty fixed under that section as assessed on timber in respect of which that royalty is fixed that has been sold by the Forestry corporation and for which payment has been made to the Forestry corporation.

(2) Paragraph (b) of subsection (1) of this section applies to timber sold under a contract that is entered into by the Forestry corporation after the commencement of this Act and to any timber sold under such a contract that is entered into before that commencement that is delivered to the purchaser thereof after that commencement.

(3) The sums required to be paid by the Forestry corporation under this section shall be paid out of the sums that would, apart from this subsection, be required under Part V of the Principal Act to be paid into the Consolidated Revenue, and the sums so required to be paid shall be deemed not to form part of the revenue of the Forestry corporation for the purposes of that Act.

## **11. Estimates of expenditure of the Board**

(1) Before the commencement of any financial year the Commission shall furnish to the Board an estimate of the amount of the sums that are likely to be paid to the Board under section ten during that financial year.

(2) After the receipt of an estimate under subsection (1) of this section in respect of any financial year the Board shall prepare and submit to the Minister an estimate of the expenditure of the Board during that financial year.

(3) An estimate under subsection (2) of this section shall contain such particulars as the Minister may direct.

(4) The Minister may direct the Board to submit an estimate to him under subsection (2) of this section within such time as may be specified in that direction, and if the Board does not comply with that direction, it shall not, without the approval of the Minister, defray any expenses out of the Fund until such an estimate is submitted to the Minister and approved by him.

## **12. Annual report and accounts**

*[Section 12 Subsection (2) amended by No. 9 of 1982, s. 7 and Sched. 10 ]*

(1) The Board shall as soon as practicable after the end of each financial year submit to the Minister a report on its proceedings during that year.

(2) *[Section 12 Subsection (2) amended by No. 50 of 2008, Sched. 1, Applied:01 Mar 2009] [Section 12 Subsection (2) amended by No. 42 of 2001, Sched. 1, Applied:15 Jul 2001]* The Board shall cause proper accounts to be kept of its receipts and expenditure and shall, as soon as practicable after the end of each financial year, cause its accounts for that year to be made up and to be audited by the Auditor-General in accordance with the Audit Act 2008 , and shall submit to the Minister a copy of those accounts together with a copy of the report of the Auditor-General thereon.

(3) The Minister shall lay before each House of Parliament a copy of any report or accounts submitted to him under this section.