



# Forestry Plantations Queensland Act 2006

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This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprint.**

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## Queensland

# Forestry Plantations Queensland Act 2006

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# Forestry Plantations Queensland Act 2006

[as amended by all amendments that commenced on or before 2 May 2007]

**An Act to establish Forestry Plantations Queensland to manage, under the *Forestry Act 1959*, State forests that are plantation forests, including selling particular forest products from those forests, and to own and use other property for plantation-related purposes, and to amend various Acts**

## Part 1 Preliminary

### 1 Short title

This Act may be cited as the *Forestry Plantations Queensland Act 2006*.

### 2 Commencement

This Act, other than part 6, commences on a day to be fixed by proclamation.

### 3 Dictionary

The dictionary in schedule 2 defines particular words used in this Act.

### 4 Declaration of land as State plantation forest

- (1) A regulation may declare a stated area of land to be a State plantation forest if the land is, or is part of, a State forest.
- (2) However, land that is a State forest park under the *Forestry Act 1959* may not be declared to be a State plantation forest.

- (3) If the land stops being a State forest or part of a State forest, the declaration of the land as a State plantation forest is taken to have been revoked.
- (4) To remove any doubt, it is declared that the declaration of land as a State plantation forest does not affect the status of the land as State forest.

## **5 Things done by responsible Ministers**

- (1) For this Act—
  - (a) if a thing is required to be done, or may be done, by the responsible Ministers, the thing is to be done by the Ministers jointly, and
  - (b) if a thing is required to be, or may be, given to the responsible Ministers, the thing is to be given to each of the Ministers.
- (2) However, if the responsible Ministers' offices are held, or the functions of the offices are being performed, by 1 person, the thing may be done by, or given to, that person alone.

# **Part 2 Forestry Plantations Queensland**

## **Division 1 Establishment and capacity of FPQ**

### **6 Establishment of Forestry Plantations Queensland**

- (1) A corporation sole constituted by the chief plantation forestry officer is established under the name Forestry Plantations Queensland.
- (2) The corporation as established under that name—
  - (a) has perpetual succession and a seal; and
  - (b) may sue and be sued in its corporate name.

**7 FPQ represents the State**

- (1) FPQ represents the State.
- (2) Without limiting subsection (1), FPQ has all the State's privileges and immunities.

**8 Legal capacity of FPQ**

- (1) FPQ has all the powers of an individual and may, for example—
  - (a) enter into contracts; and
  - (b) acquire, hold, dispose of, and deal with, property; and
  - (c) appoint agents and attorneys; and
  - (d) engage consultants; and
  - (e) fix charges, and other terms, for services it supplies; and
  - (f) do anything necessary or convenient to be done in the performance of its functions under this or another Act.
- (2) FPQ also has the powers conferred on it by this or another Act.
- (3) FPQ may exercise its powers inside and outside Queensland.
- (4) Without limiting subsection (3), FPQ may exercise its powers outside Australia.
- (5) This section applies subject to section 9 and division 3, subdivision 3.<sup>1</sup>

**9 Limitation on FPQ's powers in relation to State plantation forests**

The only powers FPQ may exercise in relation to a State plantation forest are the powers conferred on it under the *Forestry Act 1959* or a profit a prendre mentioned in section 46(1AA) of that Act.

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<sup>1</sup> Division 3 (Financial matters), subdivision 3 (FPQ's financial powers)

**10 FPQ declared to be excluded matter**

FPQ is declared to be an excluded matter for the Corporations Act, section 5F,<sup>2</sup> in relation to all of the Corporations legislation.

**11 FPQ's seal**

- (1) FPQ's seal is to be kept in the custody of the chief plantation forestry officer.
- (2) The seal may only be used by—
  - (a) the chief plantation forestry officer; or
  - (b) another person authorised, in writing, by the chief plantation forestry officer.

**Division 2 Functions of FPQ****12 Functions of FPQ**

- (1) FPQ has the following functions—
  - (a) managing State plantation forests by—
    - (i) entering into a profit a prendre for the *Forestry Act 1959*, section 46(1AA),<sup>3</sup> in relation to natural resource products on State plantation forests; and
    - (ii) dealing with the natural resource products in accordance with the profit a prendre and the *Forestry Act 1959*; and

*Examples of ways FPQ might deal with natural resource products under the profit a prendre—*

- establishing, maintaining and felling trees
- marketing and selling natural resource products

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2 Corporations Act, section 5F (Corporations legislation does not apply to matters declared by State or Territory law to be an excluded matter)

3 *Forestry Act 1959*, section 46 (Sale of forest products or quarry material)

*Forestry Plantations Queensland Act 2006*

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- (iii) performing functions, and exercising powers, under the *Forestry Act 1959* in relation to State plantation forests;

*Examples of functions performed and powers exercised by FPQ under the Forestry Act 1959—*

- marketing and selling services related to State plantation forests
- constructing and maintaining infrastructure, including, for example, roads
- maintaining areas of vegetation, including, for example, for a buffer zone

- (b) owning and using freehold land primarily for plantation purposes and any other purpose consistent with those plantation purposes;

*Examples of other purposes that may be consistent with plantation purposes—*

- using some of the land for a nursery
- using some of the land for grazing
- using some of the land for recreational purposes

- (c) entering into, and complying with, profits a prendre under the *Land Act 1994*, the *Land Title Act 1994* or a law of another State;

- (d) selling plantation-related services to other persons;

- (e) investing, under section 17, in activities performed on, or connected with, any of the following—

- (i) a State plantation forest;
- (ii) freehold land mentioned in paragraph (b);
- (iii) land subject to a profit a prendre mentioned in paragraph (c);
- (iv) the provision of services mentioned in paragraph (d);

- (f) paying dividends to the State under section 22;

- (g) performing community service obligations;

- (h) reporting to the responsible Ministers as required under this Act or the FA&A Act;

- (i) performing other functions given to FPQ under this or another Act;
  - (j) taking action incidental to the discharge of the functions mentioned in paragraphs (a) to (i).
- (2) FPQ must perform its functions in a way that is consistent with the following—
- (a) for the functions mentioned in subsection (1)(b) and (c)—best practice principles for sustainable management of plantation forests;
  - (b) directions given to FPQ under section 32;
  - (c) FPQ's strategic plan and operational plan.
- (3) In this section—

*plantation purposes* means planting, maintaining and felling trees for the purpose of sale.

## **Division 3                    Financial matters**

### **Subdivision 1            Interpretation**

#### **13            Meaning of *financial arrangements***

In this division—

*financial arrangements* means arrangements entered into in Queensland or elsewhere, and whether or not the parties are resident or situated in Queensland or elsewhere, that provide for, relate to or are directed towards any of the following—

- (a) the borrowing of money, the raising of money or the obtaining of all forms of financial accommodation in Australia or elsewhere, including by the issue of debentures, bonds, inscribed stock and other securities;
- (b) the lending of money;
- (c) the entering into and performance of deferred payment arrangements as debtor or creditor;

- (d) the granting or taking of leases, or the letting or taking on hire for any term, of land, buildings, plant, machinery, equipment and any other property as lessee, lessor, hirer, owner or tenant;
- (e) the entering into of partnerships, trusts, ventures and the formation of companies;
- (f) the acquisition, holding, dealing with, guaranteeing, consolidation, reissue and disposal of—
  - (i) shares in a corporation, debentures of a corporation, bonds, stock and other securities of a corporation, including debentures, bonds, inscribed stock and other securities, including those issued by FPQ; or
  - (ii) land, buildings, plant, machinery, equipment and any other property (*relevant property*) and an interest in relevant property or a mortgage or another charge in relation to relevant property;
- (g) the acceptance of money on deposit;
- (h) the entering into of covenants, undertakings, arrangements, promises, guarantees and indemnities to meet obligations or liabilities incurred by or to a person, whether or not the person is a party to the covenants, undertakings, arrangements, promises, guarantees and indemnities;
- (i) the entering into of arrangements directed at the granting of financial accommodation by or to a person, whether or not the person is a party to the arrangements;
- (j) the entering into of purchase obligations as purchaser or sale obligations as seller, to purchase or sell an output or other product or service of any kind;
- (k) the investing of money;
- (l) the issuance, drawing, acceptance, endorsement or discounting of bills of exchange, promissory notes, payment orders or other negotiable instruments;
- (m) the formation or establishment of, participation in the formation or establishment of, or participation in a business undertaking;

- (n) the underwriting of issues of shares in, or debentures or other securities of, a business undertaking;
- (o) the holding of money, real property or other property as trustee or agent;
- (p) a transaction for the purpose of managing or varying financial returns or managing or varying financial or currency risks, including but not limited to currency exchange rate, interest rate, discount rate, volatility or other risks;
- (q) a transaction for the purpose of returning a gain or avoiding a loss by reference to currency obligations, currency exchange rate movements, or interest or discount rate movements;
- (r) other arrangements prescribed under a regulation.

## **Subdivision 2      Application of Financial Administration and Audit Act 1977**

### **14      FPQ is statutory body**

FPQ is a statutory body under the FA&A Act.

*Note—*

FPQ is not a statutory body under the *Statutory Bodies Financial Arrangements Act 1982* (see section 6(1) of that Act).

## **Subdivision 3      FPQ's financial powers**

### **15      Banking**

- (1) FPQ may, to the extent necessary or convenient for its day-to-day operations, operate a deposit and withdrawal account with a financial institution.
- (2) The account may be operated with an overdraft facility only with the approval of the responsible Ministers.
- (3) The account must be operated in Australian currency.

## 16 Borrowing

- (1) FPQ may borrow an amount only with, and subject to any conditions of, the approval of the responsible Ministers.
- (2) For subsection (1), the responsible Ministers' approval may—
  - (a) relate to a stated class of borrowings or a particular borrowing; and
  - (b) be subject to any conditions the responsible Ministers consider necessary or desirable.
- (3) Subject to a regulation under subsection (4), FPQ does not borrow only because, in the ordinary course of business of performing its functions, it enters into any of the following—
  - (a) a hire-purchase agreement;
  - (b) an operating lease;
  - (c) a credit card facility.
- (4) A regulation may declare that something is, or is not, a form of financial accommodation for the definition *borrow*, including, for example, a particular type of hire-purchase agreement, operating lease or credit card facility.
- (5) In this section—

*borrow* includes raise and obtain, in any way, money, credit and other financial accommodation.

*other financial accommodation* includes—

  - (a) finance leases primarily to raise amounts to buy, or to finance the purchase of, property the subject of the leases; and
  - (b) guarantees, letters of credit and any other form of undertaking, provided by a financial institution or other person to meet the liabilities or obligations of FPQ.

## 17 Investing

- (1) FPQ may invest funds only with, and subject to any conditions of, the approval of the responsible Ministers.
- (2) For subsection (1), the responsible Ministers' approval may—

- (a) relate to a stated class of investments or a particular investment; and
  - (b) be subject to any conditions the responsible Ministers consider necessary or desirable.
- (3) This section does not apply to an investment stated in FPQ's operational plan.

## **18 Giving guarantees**

FPQ may guarantee the performance of another entity's obligations under a financial arrangement only with the approval of the responsible Ministers.

## **19 Entering into derivative transactions**

- (1) FPQ may enter into a derivative transaction only with the approval of the responsible Ministers.
- (2) In this section—
- derivative transaction* means a transaction mentioned in section 13(p) or (q).

## **20 Entering into other financial arrangements**

- (1) FPQ may enter into another financial arrangement only with, and subject to any conditions of, the approval of the responsible Ministers.
- (2) For subsection (1), the responsible Ministers' approval may—
- (a) relate to—
    - (i) if the financial arrangement is mentioned in subsection (3)—a stated class of financial arrangements or a particular financial arrangement; or
    - (ii) otherwise—a particular financial arrangement; and
  - (b) be subject to any conditions the responsible Ministers consider necessary or desirable.
- (3) For subsection (2)(a)(i), the financial arrangements are those arrangements providing for, relating to or directed towards—

- (a) a matter mentioned in section 13(d), (f)(ii), (g), (j), (l), (m) or (o); or
  - (b) a matter mentioned in section 13(h), other than a guarantee or indemnity given by FPQ.
- (4) Subsection (1) does not apply to another financial arrangement—
- (a) stated in FPQ's operational plan for the relevant financial year; or
  - (b) relating to a proposed activity, proposed investment or community service obligation stated in FPQ's operational plan.
- (5) In this section—
- another financial arrangement* means a financial arrangement other than a financial arrangement to which section 16, 17, 18 or 19 applies.

## 21 Forming companies

- (1) FPQ may—
- (a) form, or participate in the formation of, a company; or
  - (b) otherwise become a parent entity in relation to a company;
- only with the approval of the responsible Ministers.
- (2) In this section—
- parent entity* see the FA&A Act, schedule 3.

## Subdivision 4 Dividends

### 22 Payment of dividends

- (1) FPQ must pay the State a dividend for each financial year.
- (2) On or after 1 May, but before 16 May, of the financial year, FPQ must recommend to the responsible Ministers the amount of the dividend to be paid by FPQ for the financial year.

- (3) The recommendation must be accompanied by an estimate of FPQ's profits for the financial year, after—
  - (a) provision has been made for income tax or its equivalent; and
  - (b) any unrealised capital gains from upwards revaluation of non-current assets have been excluded.
- (4) Before the end of the financial year, the responsible Ministers must—
  - (a) approve the recommendation; or
  - (b) give FPQ a direction under section 32 to pay a stated dividend.
- (5) The amount of the dividend must not be more than FPQ's estimated profits for the financial year.
- (6) The dividend must be paid within—
  - (a) 6 months after the end of the financial year; or
  - (b) if a longer period is allowed by the responsible Ministers—the longer period.

## **Division 4                      Operational plan**

### **23            Purpose of div 4**

- (1) The purpose of this division is to provide for requirements for FPQ's operational plan and for compliance with the plan.
- (2) The requirements stated in this division apply in addition to the requirements for the plan under the FA&A Act.
- (3) If there is an inconsistency between a requirement under this division and a requirement under the FA&A Act, a requirement under this division prevails to the extent of the inconsistency.

### **24            Requirement to comply with operational plan**

FPQ must comply with its operational plan for a financial year.

**25 Content of operational plan**

- (1) FPQ's operational plan must include the following matters—
- (a) FPQ's objectives;
  - (b) the nature and scope of the activities proposed to be undertaken by FPQ during the financial year to which the operational plan relates;
  - (c) FPQ's capital structure;
  - (d) FPQ's proposed investments for the financial year, other than investments of a class approved by the responsible Ministers under section 17;
  - (e) the total amount of FPQ's outstanding and proposed borrowings;
  - (f) community service obligations FPQ must perform during the financial year;
  - (g) FPQ's policies about managing the risk associated with investments or borrowings that may adversely affect FPQ's financial position;
  - (h) FPQ's policies and strategies about each of the following—
    - (i) providing other persons with access to State plantation forests under the *Forestry Act 1959*;
    - (ii) providing the services in State plantation forests that were available to recreational users of the forests immediately before this section commenced, unless otherwise agreed by the responsible Ministers;
    - (iii) coordinating FPQ's activities with other managers of public land;
    - (iv) managing the risk of fire in State plantation forests;
  - (i) the information required to be given by FPQ in its quarterly reports to the responsible Ministers;
  - (j) any other matter relevant to FPQ's functions and required to be included in the operational plan by the responsible Ministers.

- (2) Without limiting subsection (1)(j), the responsible Ministers may require FPQ to include in its operational plan an undertaking to comply with a stated Government policy.

## **26 Preparation of draft operational plan**

FPQ must prepare, and give to the responsible Ministers for their agreement, a draft operational plan—

- (a) within 2 months of the commencement of this section for—
- (i) if the commencement is within 2 months of the end of the financial year in which the commencement falls—the financial year after the financial year in which the commencement falls; or
- (ii) otherwise—the financial year in which the commencement falls; and
- (b) for a later financial year—not later than 2 months before the start of the financial year.

## **27 Responsible Ministers' powers in relation to draft operational plan**

- (1) The responsible Ministers may, in relation to a draft operational plan given to them under section 26—
- (a) agree to the draft operational plan; or
- (b) return the draft operational plan to FPQ and ask it to—
- (i) consider or further consider any matter; and
- (ii) revise the draft operational plan in light of its consideration or further consideration; and
- (iii) give the revised draft operational plan to the responsible Ministers for their agreement; or
- (c) give FPQ a direction under section 32 to make stated changes to the draft operational plan.
- (2) FPQ must comply with a request under subsection (1)(b).

**28 When draft operational plan has effect**

- (1) A draft operational plan becomes FPQ's operational plan for the financial year to which the draft plan relates when it is agreed to by the responsible Ministers.
- (2) Until the draft operational plan is agreed to by the responsible Ministers, the operational plan for the most recently ended financial year continues to apply.

*Note—*

See also section 63 in relation to the operational plan that has effect until the first draft operational plan is agreed to by the responsible Ministers.

**29 Execution of operational plan**

A draft operational plan agreed to by the responsible Ministers must be executed by FPQ and the responsible Ministers.

**30 Amendment of operational plan**

The responsible Ministers may amend FPQ's operational plan at any time by giving FPQ written notice of the amendments.

**Division 5 Reporting****31 Quarterly reports**

- (1) FPQ must give the responsible Ministers a report on its operations for each quarter in a financial year.
- (2) A quarterly report must be given to the responsible Ministers—
  - (a) within 6 weeks after the end of the quarter; or
  - (b) if another period after the end of the quarter is agreed between FPQ and the responsible Ministers—within the agreed period.
- (3) A quarterly report must contain the information required to be given in the report under FPQ's operational plan.
- (4) In this section—

**quarter**, in a financial year, means the following periods in the year—

- (a) 1 July to 30 September;
- (b) 1 October to 31 December;
- (c) 1 January to 31 March;
- (d) 1 March to 30 June.

## **Division 6                      Directions and delegations**

### **32            Responsible Ministers' power to give directions**

- (1) The responsible Ministers may give FPQ a written direction about a matter relevant to the performance of FPQ's function under this or another Act, including a direction mentioned in section 22 or 27.<sup>4</sup>
- (2) FPQ must comply with the direction.
- (3) If the responsible Ministers give FPQ a direction under subsection (1), FPQ's annual report under the FA&A Act must include—
  - (a) particulars of the direction; and
  - (b) particulars of FPQ's response to the direction.

### **33            Delegation by FPQ**

- (1) FPQ may delegate its functions under this or another Act to the board, a member of the board or another appropriately qualified person.
- (2) However, FPQ may not delegate its power to approve remuneration under section 55(5).<sup>5</sup>
- (3) In this section—

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4    Section 22 (Payment of dividends) or 27 (Responsible Ministers' powers in relation to draft operational plan)

5    Section 55 (Establishing committees)

*appropriately qualified* includes having the qualifications, experience or standing appropriate to perform the function.

*functions* includes powers.

## **Division 7                      Work performance arrangements**

### **34            Work performance arrangements**

- (1) FPQ may enter into, and give effect to, a work performance arrangement with—
  - (a) the chief executive of a department; or
  - (b) the appropriate authority of another government entity, including, for example, the head of a public service office.
- (2) A work performance arrangement may make provision for all matters necessary and convenient to be provided under the arrangement.
- (3) For example, a work performance arrangement may provide—
  - (a) for the appointment of a public service employee or another person to an office, and the holding of the office by the person, for the arrangement; and
  - (b) for the authorising of a public service employee or another person to exercise powers for the arrangement; and
  - (c) whether payment is to be made for work done under the arrangement and, if so, what payment is to be made and who is to make the payment.
- (4) If a public service employee or another person performs work for FPQ under a work performance arrangement, the person—
  - (a) is not employed by FPQ; and
  - (b) remains an officer or employee of the government entity that is a party to the arrangement.
- (5) To remove any doubt, it is declared that FPQ does not have power to employ a public service employee or another person

performing work for FPQ under a work performance arrangement.

(6) In this section—

**government entity** see the *Public Service Act 1996*, section 21.

**work performance arrangement** means an arrangement under which a public service employee of a department, or an employee of another government entity, performs work for FPQ.

## **Division 8                      Other matters**

### **35            Compensation payable to FPQ if State plantation forest revoked etc.**

(1) This section applies if—

- (a) land is a State plantation forest; and
- (b) all or part of the land stops being a State forest (the **excluded land**) under the *Forestry Act 1959*, section 26(2) or 32, or the *Nature Conservation Act 1992*, section 30 or 70G, or otherwise.

(2) The State must pay compensation to FPQ for the reasonable value of the natural resource products on the excluded land when it stops being a State plantation forest.

### **36            FPQ to enter into agreement with State about access to land**

(1) FPQ must enter into an agreement with the State under which—

- (a) FPQ agrees to provide the State with prescribed entry rights in relation to State plantation forests; and
- (b) the State agrees to provide FPQ with prescribed entry rights in relation to State land.

(2) The agreement must state—

- (a) for subsection (1)(a)—

- (i) who may exercise the prescribed entry rights on behalf of the State; and
  - (ii) the State plantation forest, or the part of the State plantation forest, in relation to which the rights may be exercised; and
  - (iii) the functions that may be carried out, or the powers that may be exercised, on the land by the State; and
- (b) for subsection (1)(b)—
- (i) the areas of State land to which the prescribed entry rights apply; and
  - (ii) the functions that may be carried out, or the powers that may be exercised, on the land by FPQ.
- (3) In this section—

***prescribed entry rights*** means the following rights, to the extent they are reasonably required by the State or FPQ to carry out functions under an Act—

- (a) to enter and traverse the relevant land;
- (b) to carry out functions, and exercise powers, under an Act on the relevant land.

***State land*** means all land in Queensland, other than land that is—

- (a) lawfully granted or contracted to be granted in fee simple by the State; or
- (b) dedicated for public purposes; or
- (c) subject to a lease or licence lawfully granted by the State.

### **37 Application of *Crime and Misconduct Act 2001***

FPQ is a unit of public administration under the *Crime and Misconduct Act 2001*.

### **38 Application of *Ombudsman Act 2001***

- (1) The *Ombudsman Act 2001* does not apply to—

- (a) the making of a recommendation by FPQ to the responsible Ministers; or
  - (b) a decision by FPQ about its commercial policy or commercially competitive activities.
- (2) In this section—

***commercially competitive activities*** means activities carried on—

- (a) on a commercial basis; and
- (b) either—
  - (i) in competition with a person, other than an excluded person; or
  - (ii) in a market where there is competition between other persons, other than excluded persons only.

***excluded person*** means the following—

- (a) the Commonwealth or a State;
- (b) a State authority;
- (c) a local government.

### **39 Application of mineral resources legislation**

- (1) To remove any doubt, it is declared that FPQ does not have property in minerals or petroleum on or below the surface of a State plantation forest.

*Note—*

See also—

- (a) the *Mineral Resources Act 1989*, section 8 (Crown's property in minerals); and
- (b) the *Petroleum Act 1923*, section 9 (Petroleum the property of the Crown); and
- (c) the *Petroleum and Gas (Production and Safety) Act 2004*, section 26 (Petroleum the property of the State).

- (2) In this section—

***mineral*** see the *Mineral Resources Act 1989*, section 6.

*petroleum* see the *Petroleum and Gas (Production and Safety) Act 2004*, section 10.

## **Part 3                      Forestry Plantations    Queensland Advisory Board**

### **Division 1                      Establishment and functions**

#### **40                      Establishment of Forestry Plantations Queensland    Advisory Board**

The Forestry Plantations Queensland Advisory Board is established.

#### **41                      Board's functions**

The board has the following functions—

- (a) to advise FPQ about matters relevant to the performance of FPQ's functions;
- (b) to exercise powers delegated to the board by FPQ;
- (c) other functions prescribed under a regulation.

### **Division 2                      Board membership**

#### **42                      Board membership**

The board consists of not more than 5 members appointed by the responsible Ministers.

#### **43                      Disqualification from membership**

A person can not become, or continue as, a board member if the person is a public service employee.

**44 Chairperson and deputy chairperson**

- (1) The responsible Ministers must appoint a board member to be the chairperson of the board and may appoint another member to be the deputy chairperson of the board.
- (2) The chairperson or deputy chairperson holds office as chairperson or deputy chairperson—
  - (a) for the term decided by the responsible Ministers; or
  - (b) if the person's term of office as a board member ends before the person's term of office as chairperson or deputy chairperson ends—until the person's term of office as a board member ends; or
  - (c) if the person's term of office as a board member and the person's term of office as chairperson or deputy chairperson end on the same day—until the day the person's offices end.
- (3) A vacancy occurs in the office of chairperson or deputy chairperson if the person holding office—
  - (a) resigns from office by signed notice of resignation given to the responsible Ministers; or
  - (b) is removed from office by signed notice from the responsible Ministers.
- (4) However, a person removed from, or resigning from, the office of chairperson or deputy chairperson may continue to be a board member.

**45 Term of appointment**

A board member may be appointed for a term not exceeding 3 years.

**46 Resignation from office**

A board member may resign by signed notice given to the responsible Ministers.

**47 Conditions of appointment**

- (1) A board member is entitled to be paid the remuneration decided by the responsible Ministers.
- (2) A board member holds office—
  - (a) on the conditions stated in this Act; and
  - (b) on the other conditions decided by the responsible Ministers.

**Division 3 Board meetings****48 Conduct of board's business**

Subject to this Act, the board may conduct its business in the way it considers appropriate.

**49 Times and places of board meetings**

Board meetings are to be held at the times and places the board decides.

**50 Presiding at board meetings**

- (1) The chairperson must preside at all board meetings at which the chairperson is present.
- (2) If the chairperson is absent, the deputy chairperson, if present, must preside.
- (3) If the chairperson and the deputy chairperson are absent, the board member chosen by the board members present must preside.

**51 Quorum for board meetings**

A quorum for a board meeting is 3 board members.

**52 Meetings held using communication technology**

- (1) The board may hold meetings by using any technology allowing reasonably contemporaneous and continuous

communication between the board members taking part in the meeting.

*Example of technology allowing reasonably contemporaneous and continuous communication—*

teleconferencing

- (2) A board member who participates in a board meeting under subsection (1) is taken to be present at the meeting.

### **53 Board minutes**

The board must keep minutes of its meetings.

### **54 Disclosure of interest**

- (1) This section applies to a board member (the *interested person*) if—
- (a) the interested person has a direct or indirect interest in an issue being considered, or about to be considered, by the board; and
  - (b) the interest could conflict with the proper performance of the person's duties about the consideration of the issue.
- (2) As soon as practicable after the relevant facts come to the interested person's knowledge, the person must disclose the nature of the interest to a board meeting.
- (3) Unless the board otherwise directs, the interested person must not—
- (a) be present when the board considers the issue; or
  - (b) take part in a decision of the board about the issue.
- (4) The interested person must not be present when the board is considering whether to give a direction under subsection (3).
- (5) If there is another person who must, under subsection (2), also disclose an interest in the issue, the other person must not—
- (a) be present when the board is considering whether to give a direction under subsection (3) about the interested person; or

- (b) take part in making the decision about giving the direction.
- (6) Subsection (7) applies if—
  - (a) because of this section, a board member is not present at a board meeting for considering or deciding an issue, or for considering or deciding whether to give a direction under subsection (3); and
  - (b) there would be a quorum if the member were present.
- (7) The remaining persons present are a quorum of the board for considering or deciding the issue, or for considering or deciding whether to give the direction, at the meeting.
- (8) A disclosure under subsection (2) must be recorded in the board's minutes.

## **Division 4            Other provisions**

### **55        Establishing committees**

- (1) The board may, with the approval of FPQ, establish committees to help it perform its functions.
- (2) However, FPQ's approval is not required for establishing a committee that consists only of persons who are board members.
- (3) Appointments to a committee must be made by the board by written notice.
- (4) The board may appoint any person who has skills or experience appropriate to the committee's terms of reference or functions.
- (5) A committee member is not entitled to any remuneration, unless the remuneration is approved in writing by FPQ.
- (6) A committee may decide its own procedures.

## Part 4 Chief plantation forestry officer

### 56 Appointment of chief plantation forestry officer

- (1) There is to be a chief plantation forestry officer.
- (2) The chief plantation forestry officer is to be appointed by the Governor in Council.

### 57 Functions of chief plantation forestry officer

The chief plantation forestry officer has the functions given under this or another Act.

## Part 5 Transitional provisions

### 58 Definitions for pt 5

In this part—

*commencement* means the commencement of this part.

*FPQO* means the public service office called Forestry Plantations Queensland Office declared under the *Public Service Act 1996*.

*relevant assets and liabilities* see section 59.

### 59 Meaning of *relevant assets and liabilities*

- (1) The *relevant assets and liabilities* are the assets and liabilities of the State that are controlled by FPQO immediately before the commencement and stated in a register of assets and liabilities prepared for FPQO and approved by the responsible Ministers.
- (2) The responsible Ministers may approve the register for the purpose of subsection (1).

**60 Assets and liabilities etc.**

- (1) On the commencement—
  - (a) the State is divested of all relevant assets and liabilities and the relevant assets and liabilities become the assets and liabilities of FPQ; and
  - (b) contracts, agreements, arrangements and deeds, relating to the relevant assets and liabilities, to which the State is a party, in force immediately before the commencement, are taken to have been entered into by FPQ and may be enforced against or by FPQ; and
  - (c) any property relating to the relevant assets and liabilities that, immediately before the commencement, was held on trust, or subject to a condition, by the State continues to be held on the same trust, or subject to the same condition, by FPQ; and
  - (d) a lease relating to the relevant assets and liabilities granted by, or to, the State, in force immediately before the commencement, is taken to have been granted by, or to, FPQ; and
  - (e) proceedings by or against the State, or that could have been started by or against the State before the commencement, relating to the relevant assets or liabilities may be continued or started by or against FPQ.
- (2) The registrar of titles or other person responsible for keeping a register for dealings in property must, if asked by FPQ, record the vesting of the property under this section in FPQ.

**61 Relevant proceedings**

- (1) A relevant proceeding that could have been started by or against the State before the commencement, but was not started before the commencement, may be started by or against FPQ.
- (2) In this section—

*relevant proceeding* means a proceeding related to the performance of functions, or the exercise of powers, by the

State under the *Forestry Act 1959* in relation to a State forest that is, on the commencement, a State plantation forest.

## **62 Document taken to be FPQ's strategic plan**

- (1) The document that is, immediately before the commencement, FPQO's business plan is, on the commencement, taken to be FPQ's strategic plan.
- (2) Subsection (1) applies to the extent FPQO's business plan provides for matters mentioned in the *Financial Management Standard 1997*, section 18.
- (3) Subsection (1) stops applying when a strategic plan for FPQ is developed under the FA&A Act.

## **63 Document taken to be FPQ's operational plan**

- (1) The relevant annual performance contract is, on the commencement, taken to be FPQ's operational plan.
- (2) Subsection (1) applies to the extent the relevant annual performance contract provides for matters mentioned in section 25 or the *Financial Management Standard 1997*, section 21.
- (3) Subsection (1) stops applying when the responsible Ministers agree to a draft operational plan under part 2, division 4.
- (4) In this section—

***commercialisation document*** means the document called 'Commercialisation of Government Service Functions in Queensland' mentioned in the *Financial Management Standard 1997*, schedule 1, item 4.

***DPI Forestry*** means the commercialised business unit of the department in which the *Fisheries Act 1994* is administered known as DPI Forestry.

***relevant annual performance contract*** means the annual performance contract entered into by DPI Forestry under the commercialisation document and in force for that entity immediately before the establishment of FPQO.

## Schedule 2      Dictionary

### section 3

**approval** means written approval.

**board** means the Forestry Plantations Queensland Advisory Board established under section 40.

**chief plantation forestry officer** means the chief plantation forestry officer appointed under section 56.

**commencement**, for part 5, see section 58.

**community service obligation** means an obligation on FPQ—

- (a) to perform an activity or provide a service that—
  - (i) is not in FPQ’s commercial interests to perform or provide; and
  - (ii) is purchased by the Government; and
- (b) arising—
  - (i) from a direction given to FPQ by the responsible Ministers under section 32; or
  - (ii) because of its inclusion in FPQ’s operational plan.

**FA&A Act** means the *Financial Administration and Audit Act 1977*.

**Finance Minister** means the Minister responsible for administering the FA&A Act.

**financial arrangements**, for part 2, division 3, see section 13.

**FPQ** means the corporation established under section 6 under the name Forestry Plantations Queensland.

**FPQO**, for part 5, see section 58.

**natural resource product** see the *Forestry Act 1959*, section 5.

**operational plan**, of FPQ, means the operational plan FPQ is required to develop under the FA&A Act.

## Schedule 2 (continued)

*Note—*

See the *Financial Management Standard 1997*, part 2 (Planning), division 2 (Strategic and operational planning for agencies). See also the additional requirements for FPQ's operational plan in part 2, division 4.

**Primary Industries Minister** means the Minister responsible for administering the *Fisheries Act 1994*.

**relevant assets and liabilities**, for part 5, see section 59.

**responsible Ministers** means the Finance Minister and the Primary Industries Minister.

**State forest** see the *Forestry Act 1959*, section 5.

**State plantation forest** means land declared under section 4 to be a State plantation forest.

**strategic plan**, of FPQ, means the strategic plan FPQ is required to develop under the FA&A Act.

*Note—*

See the *Financial Management Standard 1997*, part 2 (Planning), division 2 (Strategic and operational planning for agencies).

## Endnotes

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 2 May 2007. Future amendments of the Forestry Plantations Queensland Act 2006 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1 rv	none	1 May 2006	Revision notice issued for R1
1A	—	2 May 2007	prov exp 1 May 2007

## 5 List of legislation

### **Forestry Plantations Queensland Act 2006 No. 16**

date of assent 24 April 2006

ss 1–2, pt 6 commenced on date of assent

remaining provisions commenced 1 May 2006 (2006 SL No. 77)

## 6 List of annotations

### **Transitional regulation-making power**

**s 64** exp 1 May 2007 (see s 64(3))

### **PART 6—AMENDMENT OF PARLIAMENT OF QUEENSLAND ACT 2001**

**pt 6 (ss 65–67)** om R1 (see RA ss 7(1)(k) and 40)

### **PART 7—AMENDMENT OF OTHER ACTS**

**pt 7 (s 68)** om R1 (see RA ss 7(1)(k) and 40)

### **SCHEDULE 1—AMENDMENTS OF ACTS**

om R1 (see RA s 40)