

# FOREST PRODUCTS AMENDMENT BILL 2020

INTRODUCED BY  
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## EXPLANATORY MEMORANDUM

### Overview of the Bill

The purpose of the Bill is to amend the *Forest Products Act 2000* (WA).

#### Clause 1

This clause contains the title of the Bill.

#### Clause 2

This clause provides for commencement of the Act.

Sections 1 and 2 come into operation on the day on which the Act receives Royal Assent.

The rest of the Act will come into operation on a day or days fixed by proclamation. The delay in commencement is to provide a period in which the necessary administrative arrangements may be made.

#### Clause 3

This clause contains definitions of terms in the Bill.

#### Clause 4

This clause provides for the Part to amend the *Forest Products Act 2000*.

#### Clause 5

This clause amends definitions in the *Forest Products Act 2000*.

#### Clause 6

This clause amends the definition of “forest products” to include matters provided for in regulations and to exclude native vegetation not grown for harvest in the form of plantations.

#### Clause 7

This clause provides for the repeal of provisions in the *Forest Products Act 2000*.

#### Clause 8

This clause provides for new provisions to be inserted into the *Forest Products Act 2000*.

#### Inserted Clause 5

This clause provides for a body corporate under the name “Forest CEO” to be established.

#### Inserted Clause 6

This clause provides for the functions of the Forest CEO, including powers to do all things necessary or convenient to perform those functions.

#### Inserted Clause 7

This clause requires the Forest CEO to comply with the principles of ecologically sustainable forest management, and defines those principles.

#### Inserted Clause 8

This clause requires any person or body exercising functions and powers under the Act to comply with the principles of ecologically sustainable forest management.

Inserted Clause 9

This clause provides for the Minister to delegate powers and duties under the Act.

Inserted Clause 10

This clause provides for the Forest CEO to delegate powers and duties under the Act.

Inserted Clause 11

This clause provides for the appointment of staff required for the administration of the Act, including transfer of members of the Forest Products Commission.

Inserted Clause 12

This clause provides for the Forest CEO to, by agreement, arrange to use the services of officers in the service of the Crown in right of the State or the facilities of State departments, agencies or instrumentalities.

Inserted Clause 13

This clause provides for the “Forest Products Account” to become the “Forest Research and Development Account”, to be applied by the Forest CEO for specific stated purposes.

Inserted Clause 14

This clause empowers the Minister to order that a specified class of forestry activity be prohibited. The order may be amended or revoked by the Minister by further order.

The penalty for breach of an order is to be a fine of up to \$10,000 for individuals or \$50,000 for corporations. The clause also provides for a defence.

Inserted Clause 15

This clause provides for an order under the previous clause to be disallowable by Parliament under section 42 of the *Interpretation Act 1984*.

Inserted Clause 16

This clause provides definitions for the Part.

Inserted Clause 17

This clause empowers the Forest CEO to enter into specific contracts as defined in the previous clause.

Inserted Clause 18

This clause provides that particular contracts may provide for particular obligations and other arrangements.

Inserted Clause 19

This clause provides for contracts under the Act to be in accordance with management plans under the CALM Act.

Inserted Clause 20

This clause provides for provisions in contracts under the Act that are inconsistent with the Act, the CALM Act or a management plan under the CALM Act to be of no effect.

Clause 9

This clause amends Part 9 of the *Forest Products Act 2000* to account for the change from the Forest Products Commission to the Forest CEO.

Clause 10

This clause amends Part 10 of the *Forest Products Act 2000* to account for the change from the Forest Products Commission to the Forest CEO, and repeals other provisions of the Act.

Clause 11

This clause provides for the Part to amend the *Conservation and Land Management Act 1984*.

Clause 12

This clause amends definitions in the *Conservation and Land Management Act 1984*, to account for the changes to the *Forest Products Act 2000*.

Clause 13

This clause amends other provisions of the *Conservation and Land Management Act 1984*, to account for the changes to the *Forest Products Act 2000*.

Clause 14

This clause provides for regulations to be made by the Governor in order to transition to the *Forest Products Act 2000* and *Conservation and Land Management Act 1984* as amended by this Act.

Clause 15

This clause provides for the assets, rights and liabilities of the Forest Products Commission to be devolved to the Forest CEO, including legal proceedings and remedies.

Clause 16

This clause provides specifically for contracts under the *Forest Products Act 2000* to have effect as if entered into by the Forest CEO rather than the Forest Products Commission.

Clause 17

This clause provides for the acts, rights and obligations of the Forest Products Commission to continue in effect as if commenced, done or omitted to be done by the Forest CEO.

This clause also provides for references to the Forest Products Commission in agreements and instruments to have effect as if these were references to the Forest CEO.

Clause 18

This clause provides specifically for rights, obligations and powers under agreements to which the Forest Products Commission is a party to have effect as if held by, imposed or conferred on the CEO.

Clause 19

This clause provides for the Forest CEO to ensure agreements and contracts relating to matters outside the Forest CEO's functions are transferred, varied or concluded as soon as reasonably practicable.

Clause 20

This clause provides for positions, functions and duties required under the Act to be determined by the Minister, and for positions, functions and duties under the amended Act to be transferred to another Department as ordered by the Minister.

Clause 21

This clause provides for the registration and notice of documents necessary to give effect to the Act.

Clause 22

This clause provides for an exemption from State taxes that may arise from the operation of the transitional arrangements set out in the Act.

Clause 23

This clause provides for the operation of this Part of the Act not to be regarded as particular breaches, or as giving rise to remedies, causing instruments to be unenforceable or allowing release of any surety.