

Forest Products Amendment Bill 2021

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Western Australia

LEGISLATIVE ASSEMBLY

Forest Products Amendment Bill 2021

A Bill for

An Act to amend the *Forest Products Act 2000*.

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

2 This is the *Forest Products Amendment Act 2021*.

3 **2. Commencement**

4 This Act comes into operation as follows —

- 5 (a) sections 1 and 2 — on the day on which this Act
6 receives the Royal Assent;
7 (b) the rest of the Act — on a day fixed by proclamation.

8 **3. Act amended**

9 This Act amends the *Forest Products Act 2000*.

10 **4. Section 3 amended**

11 (1) In section 3 insert in alphabetical order:

12

13 *storage of carbon*, in relation to forest products, means
14 the absorption from the atmosphere of carbon dioxide
15 by, and the storage of carbon in, the forest products.
16

17 (2) In section 3 in the definition of *departmental land*:

18 (a) in paragraph (c) delete “held by the CALM Act CEO”
19 and insert:

20

21 vested in the Conservation and Land Management
22 Executive Body,
23

24 (b) after paragraph (a) insert:

25

26 or
27

1 **5. Section 4 amended**

2 In section 4 in the definition of *forest products* delete “land or
3 sharefarmed land.” and insert:

4
5 land, sharefarmed land, or freehold land acquired as described
6 in section 10(3)(fa).

7
8 **6. Section 6 amended**

9 In section 6(3):

10 (a) in paragraph (d) delete “contract.” and insert:

11

12 contract;

13

14 (b) after paragraph (d) insert:

15

16 (e) a person who has a material personal interest in
17 a commercial undertaking or arrangement
18 relating to the performance of the
19 Commission’s function under section 10(1)(ga).

20

21 **7. Section 10 amended**

22 (1) Before section 10(1) insert:

23

24 (1A) In this section —

25 *relevant right* means the right —

26 (a) to establish, maintain and harvest, or to
27 maintain and harvest, or to maintain forest
28 products; and

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1 (b) to perform a function under subsection (1)(ga)
2 in relation to rights and benefits arising from
3 the storage of carbon in the forest products.
4

5 (2) After section 10(1)(g) insert:
6

7 (ga) to apply for, hold, exploit and dispose of any
8 rights and other legal and commercial benefits
9 that may arise from the storage of carbon in
10 forest products —

11 (i) on freehold land owned by the
12 Commission; or

13 (ii) on other freehold land in respect of
14 which the Commission has the relevant
15 right;

16 and
17

18 (3) After section 10(3)(f) insert:
19

20 (fa) acquiring the ownership of freehold land for the
21 purposes of subsection (1)(g)(i); or
22

23 (4) After section 10(3) insert:
24

25 (3A) The Commission may dispose of premises or land that
26 it acquires as owner under subsection (3).
27

28 (5) After section 10(4) insert:
29

30 (4A) Without limiting subsection (4), for the purposes of
31 subsection (1)(ga) the Commission may —

- 1 (a) make any commercial arrangements the
2 Commission considers appropriate; or
3 (b) establish and maintain any accounts the
4 Commission requires; or
5 (c) do anything else that the Commission considers
6 necessary or convenient to be done for those
7 purposes.
8

9 (6) In section 10(1) after each of paragraphs (a) to (g) and (h) to (u)
10 insert:
11

12 and
13

14 (7) In section 10(3) after each of paragraphs (a) to (e) insert:
15

16 or
17

18 **8. Section 13A inserted**

19 At the end of Part 3 insert:
20

21 **13A. Validation of certain acquisitions of freehold land**

22 Any freehold land acquired by the Commission before
23 the *Forest Products Amendment Act 2021* section 7(3)
24 (the *amending provision*) comes into operation is taken
25 to be, and to always have been, as validly acquired as it
26 would have been if it had been acquired under this Act
27 as amended by the amending provision.
28

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1 **9. Section 22 amended**

2 (1) After section 22(2)(b) insert:

3

4 (ba) strategies for performing the Commission's
5 function under section 10(1)(ga) in relation to
6 rights and benefits arising from the storage of
7 carbon in forest products; and

8

9 (2) In section 22(2) after each of paragraphs (a), (b) and (b)(i)
10 insert:

11

12 and

13

14 **10. Section 70 amended**

15 (1) After section 70(2)(k) insert:

16

17 (ka) any matter relating to the Commission's
18 function under section 10(1)(ga) in relation to
19 rights and benefits arising from the storage of
20 carbon in forest products; or

21

22 (2) In section 70(2) after each of paragraphs (a) to (j) insert:

23

24 or

25

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