another person has effect as if the agreement were entered into by the Forest Products Commission as agent of that person.

(3) Subclauses (1) and (2) apply only to the extent that the agreement concerned relates to the harvesting, sale or supply of forest products and to matters associated with that harvesting, sale or supply.

Schedule 1

Page 54, line 8 - To delete "or".

Page 54, lines 9 to 11 - To delete the lines and substitute the following -

(c) the making of arrangements in relation to timber sharefarming agreements referred to in section 34B of the CALM Act;

(d) the establishment or maintenance of plantations of forest products, plant nurseries for the production of forest products, or seed or propagation orchards of forest products;

(e) the undertaking of research into the management and production of forest products in plantations;

(f) the undertaking of research into the use of forest products; or

(g) the provision of corporate services to the Department, including personnel, financial management, computing, legal, marketing, planning, statistical, records management or safety and training services.

Page 55, after line 22 - To insert the following -

"Department" means the department of the Public Service referred to in section 32 of the CALM Act;

FOREST PRODUCTS BILL 1999

Pro Forma Amendment

On motion by Mr Barnett (Leader of the House) resolved, that the following amendments be made pro forma -

Clause 3

Page 2, after line 13 - To insert the following -

"CALM Act sharefarming agreement" means a timber sharefarming agreement referred to in section 34B of the CALM Act (not being a timber sharefarming agreement to which Schedule 1 clause 4 of the Conservation and Land Management Amendment Act 2000 applies);

Page 2, after line 15 - To insert the following -

"Commission sharefarming agreement" means a timber sharefarming agreement under Part 7 or a timber sharefarming agreement to which Schedule 1 clause 4 of the Conservation and Land Management Amendment Act 2000 applies;

Page 3, after line 20 - To insert the following -

"manage", in relation to forest products, includes establish, regenerate, grow, tend and protect;

Page 3, line 31 - To delete "timber" and substitute the following -

Commission sharefarming agreement or a CALM Act

Page 4, lines 4 to 7 - To delete the lines.

Clause 10

Page 7, lines 13 to 16 - To delete the lines and substitute the following -

(d) to promote and encourage the development of the forest production requirements of the State, and to undertake any project or operation for that purpose;

(e) to acquire rights and powers, and accept obligations -

(i) under Commission sharefarming agreements; or

(ii) through the agency of the Executive Director under CALM Act sharefarming agreements;

(f) to enter into a contract with any person for the doing by that person of anything that the Commission is authorized or required to do under a Commission sharefarming agreement;
(g) to maintain, or establish and maintain -
   (i) plantations of forest products;
   (ii) plant nurseries for the production of forest products; or
   (iii) seed or propagation orchards of forest products;

(h) to enter into contracts with any person for the management of forest products;

Page 8, after line 11 - To insert the following -
   (ii) the management of forest products;

Page 8, line 14 - To insert after "of" -
   managing or

Page 8, line 18 - To insert after "products" -
   after felling or cutting

Page 9, line 31 to page 10, line 4 - To delete the lines and substitute the following -
   (b) controlling land to the extent required for managing forest products;
   (c) controlling land to the extent required for the harvesting and sale of forest products;
   (d) acquiring or holding interests in land, or managing land to the extent required for the purposes
       of Commission sharefarming agreements;
   (e) acquiring or holding interests in land, or managing land, through the agency of the Executive
       Director to the extent required for the purposes of CALM Act sharefarming agreements;
   (f) having land vested in it, or the care, control and management of land placed with it, for the
       purposes of subsection (1)(g); or
   (g) leasing land for a purpose consistent with the Commission's functions.

New clause

Page 15, after line 20 - To insert the following -

19. Half-yearly reports

   (1) In addition to the reporting requirements referred to in section 49, the Commission must, for the
       first half of a financial year, give to the Minister a report on the operations of the Commission.

   (2) A half-yearly report must be given to the Minister -

       (a) within 2 months after the end of the reporting period; or

       (b) if another period after the end of the reporting period is agreed between the Minister
           and the commissioners, within the agreed period.

   (3) The Commission must give a copy of each half-yearly report to the Treasurer.

   (4) A half-yearly report must include the information required to be given in the report by a relevant
       statement of corporate intent under Division 2.

Clause 30

Page 20, line 10 - To insert after "Minister" -

   , including information to be given in half-yearly reports

New clauses

Page 31, after line 18 - To insert the following -

Part 7 - Timber sharefarming agreements

50. Definitions

   In this Part -

   "owner" includes a lessee or licensee.

51. Entry into timber sharefarming agreements

   (1) The Commission may enter into, or enter into and carry out, whether as a principal or an agent,
       a timber sharefarming agreement in respect of any land with the owner of that land.
(2) For the purposes of this Part a timber sharefarming agreement is an agreement -
   (a) by which the right to establish, maintain and harvest, or the right to maintain and
       harvest, or the right to harvest, a crop of trees on land is acquired -
       (i) by the Commission;
       (ii) by another person through the Commission acting as an agent; or
       (iii) by the Commission and by another person through the Commission acting as
            an agent;
       and
   (b) which provides for rights, obligations and powers relating to -
       (i) payment of money or the giving of other consideration by, or the division of
           the crop or the proceeds of the crop between, the parties to the agreement; and
       (ii) access to the land and, where appropriate, the undertaking of work or the
           provision of facilities on it by those parties.

(3) A timber sharefarming agreement may also contain other matters in addition to those referred
    to in subsection (2).

(4) The references in subsection (2)(a) to the harvesting of a crop of trees include reference to the
    harvesting of forest products from the crop, and the references in subsection (2)(b) to the crop
    include reference to forest products from the crop.

52. Consent of owner and occupier required

The Commission is not to enter into a timber sharefarming agreement with the lessee or licensee
of any land unless the owner of the freehold, and any person occupying the land with the
consent of the owner of the freehold, has given approval in writing to the agreement.

53. Nature of rights created

(1) The right acquired as referred to in section 51(2)(a) is a profit a prendre and an interest in the
    land to which the right relates and, except as otherwise provided or permitted under this Act,
    has all the attributes of a profit a prendre including, but not limited to, assignability.

(2) Subsection (1) has effect despite any rule of law or equity to the contrary and has effect even
    if the right acquired as referred to in section 51(2)(a) is accompanied by an obligation to
    exercise that right.

(3) If the right acquired as referred to in section 51(2)(a) is assigned or otherwise disposed of -
    (a) the Commission or other person assigning or disposing of the right is no longer
        required to carry out obligations under the timber sharefarming agreement;
    (b) the timber sharefarming agreement continues to be a timber sharefarming agreement
        for the purposes of this Part even if the person to whom the right passes is not the
        Commission and does not acquire the right through the Commission acting as an agent.

(4) Without limiting subsection (1), a timber sharefarming agreement may be registered as a profit
    a prendre under the Transfer of Land Act 1893.

(5) The obligations and restrictions that bind the owner of any land under a timber sharefarming
    agreement that is registered under the Transfer of Land Act 1893 are binding also on the owner’s
    heirs, executors, administrators and successors in title, except to the extent that the agreement
    otherwise provides.

(6) Where a timber sharefarming agreement in respect of any land is registered under the Transfer
    of Land Act 1893 and bears the written consent of a mortgagee or chargee of the land whose
    mortgage or charge was registered before the timber sharefarming agreement, the estate or
    interest of the owner of the land passing to and vesting in a purchaser on a sale by the mortgagee
    or chargee is subject to the timber sharefarming agreement.

(7) A timber sharefarming agreement is not a lease or licence to which section 20 of the Town
    Planning and Development Act 1928 applies.

(8) The provisions of this section extend to a timber sharefarming agreement to which Schedule 1
    clause 4 of the Conservation and Land Management Amendment Act 2000 applies.
Heading to Part 7

Page 32, line 1 - To insert after "for" -

the management,

Clause 50

Page 32, line 5 - To insert after "the" -

management,

Page 32, line 10 - To insert after "be" -

managed,

Page 32, line 15 - To insert after "of" -

managing or

Clause 52

Page 32, line 26 - To insert after "the" -

management or

Page 32, line 29 - To insert after "of" -

managing or

Page 33, line 4 - To insert after "products" -

after felling or cutting

Page 33, line 5 - To insert after "be" -

managed or

Clause 53

Page 33, line 27 - To insert after "be" -

managed,

Clause 54

Page 34, line 6 - To insert after "of" -

managing or

Page 34, lines 19 and 20 - To delete "establishing, regenerating, tending, protecting or otherwise".

Page 34, line 23 - To delete "sharefarming land" and substitute "land the subject of a CALM Act sharefarming agreement".

Page 34, after line 27 - To insert the following -

(e) in the case of a contract relating to forest products on land the subject of a Commission sharefarming agreement, a component for the purpose of enabling the full recovery of the costs incurred by the Commission in establishing and maintaining, or maintaining, the crop of trees from which the forest products are derived;

Clause 55

Page 35, line 12 - To insert after "and" -

manage forest products on it or

The SPEAKER: For any member who has a doubt, the Government is simply incorporating all of the amendments into a printed Bill so that members may more easily deal with it.

ROAD TRAFFIC AMENDMENT BILL 1999

Consideration in Detail

Resumed from an earlier stage of the sitting.

Clause 5: Section 5A inserted -

Debate was adjourned after the clause had been partly considered.

Ms MacTIERNAN: I hope that during the break the Deputy Premier has been able to clarify a couple of points for me, in particular the meaning of proposed new section 5A(1)(d) and the opening words of that proposed section.