Collie Hardwood Plantation Agreement Act
1995
Western Australia

Collie Hardwood Plantation Agreement Act
1995

Contents

1. Short title 1
2. Commencement 1
3. Interpretation 1
4. Agreement ratified and implementation authorised 1

Schedule 1 — Collie Hardwood Plantation Agreement

Notes
Compilation table 7
Collie Hardwood Plantation Agreement
Act 1995

An Act to ratify, and authorise the implementation of, an agreement between the State and Hansol Australia Pty. Ltd. in relation to the establishment of large scale commercial hardwood plantations in the Collie region of the State.

1. Short title
   This Act may be cited as the Collie Hardwood Plantation Agreement Act 1995.

2. Commencement
   This Act comes into operation on the day on which it receives the Royal Assent.

3. Interpretation
   In this Act, the Agreement means the Collie Hardwood Plantation Agreement, a copy of which is set out in Schedule 1, and includes that agreement as varied from time to time in accordance with its provisions.

4. Agreement ratified and implementation authorised
   (1) The Agreement is ratified.
   (2) The implementation of the Agreement is authorised.
   (3) Without limiting or otherwise affecting the application of the Government Agreements Act 1979, the Agreement operates and takes effect despite any other Act or law.
Schedule 1 — Collie Hardwood Plantation Agreement

[Heading amended: No. 19 of 2010 s. 4.]

COLLIE HARDWOOD PLANTATION AGREEMENT

THIS AGREEMENT is made this 4th day of January 1994

B E T W E E N:

THE HONOURABLE RICHARD FAIRFAX COURT B. Com., M.L.A., Premier of the State of Western Australia, acting for and on behalf of the said State and its instrumentalities from time to time (hereinafter called “the State”) of the one part

AND

HANSOL AUSTRALIA PTY. LTD. ACN 061 693 856 a company incorporated in the State of New South Wales and having its registered office at Ernst and Young, Level 15, The Ernst and Young Building, 321 Kent Street, Sydney, New South Wales (hereinafter called “the Company”) of the other part

WHEREAS:

(a) The Company is desirous of establishing in the Collie region of Western Australia large scale commercial hardwood plantations for the purpose of producing pulpwood for export;

(b) To this end timber sharefarming agreements as described in section 34B of the Conservation and Land Management Act 1984 may be acquired by or will be entered into by the Executive Director of the Department of Conservation and Land Management (“the Executive Director”) as agent of the Company (“the Company’s timber sharefarming agreements”) pursuant to a deed of agency and indemnity entered into by the Executive Director and the Company (“the Deed of Agency and Indemnity”);

(c) The State for the purposes of promoting development in the Collie region and of promoting Western Australian exports agrees to assist the Company upon and subject to the terms of this Agreement.
NOW THIS AGREEMENT WITNESSES:

Introduction of Bill

1. The State shall introduce and sponsor a Bill in the Parliament of Western Australia to ratify this Agreement and endeavour to secure its passage as an Act prior to 31st December 1994 or such later date as the parties hereto may agree.

Commencement and operation of agreement

2. The provisions of this Agreement other than this clause 2 shall not commence to operate until the Bill referred to in clause 1 has been passed by the Parliament of Western Australia and comes into operation as an Act.

Company operations

3. The Company in its operations in Western Australia shall comply with and observe the laws for the time being in force in Western Australia.

Undertakings by the State

4. During the term of this Agreement —

   (a) The State shall not expropriate or confiscate from the Company timber standing or felled produced by or on behalf of the Company under the Company’s timber sharefarming agreements or wood chips made from that timber;

   (b) The State shall not impose, nor shall it permit or authorise any of its agencies or instrumentalities or any local or other authority of the State to impose discriminatory taxes rates or charges of any nature whatsoever on or in respect of the Company’s timber sharefarming agreements the timber standing or felled produced thereunder or wood chips made from that timber;

   (c) The State shall not discriminate against the Company in processing the Company’s applications made in respect of its activities relating to the production of timber by or on behalf of the Company under the Company’s timber sharefarming agreements or made in respect of the processing thereof into wood chips;
(d) The State shall not impose restrictions which prevent the export by
the Company of timber produced under the Company’s timber
sharefarming agreements;

(e) Subject to relevant safety considerations the State shall not
materially obstruct, nor shall it permit or authorise any of its
agencies or instrumentalities or any local or other authority of the
State materially to obstruct, the Company’s operations in respect of
the Company’s timber sharefarming agreements or the
transportation of the timber produced therefrom or processing for
export or transportation of wood chips made from that timber; and

(f) On request by the Company the State shall make representations to
the Commonwealth or to the Commonwealth constituted agency
authority or instrumentality concerned for the grant to the
Company of any licence or consent under the laws of the
Commonwealth necessary to enable or to permit the Company to
export timber produced under the Company’s timber sharefarming
agreements; and

(g) The State shall not cause the Executive Director to breach either
the Deed of Agency and Indemnity or the Company’s timber
sharefarming agreements.

Variation

5. (1) The parties hereto may from time to time by agreement in writing
add to substitute for cancel or vary all or any of the provisions of
this Agreement for the purposes of more efficiently or
satisfactorily implementing or facilitating any of the objects of this
Agreement.

(2) The Minister shall cause any agreement made pursuant to
subclause (1) to be laid on the Table of each House of Parliament
within twelve sitting days next following its execution.

(3) Either House may, within twelve sitting days after the agreement
has been laid before it, pass a resolution disallowing the agreement,
but if after the last day on which the agreement might have been
disallowed neither House has passed such a resolution, then the
agreement shall have effect from and after that last day.
Term of Agreement

6. This Agreement shall expire at such time as the Company ceases to have any rights or obligations under any of the Company’s timber sharefarming agreements, or on 30 June 2030, whichever is earlier.

Applicable law

7. This Agreement shall be interpreted according to the law for the time being in force in the State of Western Australia and the parties hereto irrevocably submit to the exclusive jurisdiction of the courts of Western Australia and to courts hearing appeals from those courts.

EXECUTED by the parties.

SIGNED for and on behalf of the State of Western Australia by THE HONOURABLE RICHARD FAIRFAX COURT M.L.A., Premier in the presence of: R. F. COURT

_______________________________
JANE LONGTON

Witness

197 ST GEORGES TERRACE

Address

PUBLIC SERVANT

Occupation
THE COMMON SEAL of HANSOL AUSTRALIA PTY. LIMITED
ACN 061 693 856 was hereunto affixed by authority of the Directors in the presence of:

MYOUNG KEUM LYU
Director

D. H. LEE
Director/Secretary
Notes

1 This is a compilation of the *Collie Hardwood Plantation Agreement Act 1995* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

**Compilation table**

<table>
<thead>
<tr>
<th>Short title</th>
<th>Number and year</th>
<th>Assent</th>
<th>Commencement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collie Hardwood Plantation Agreement Act 1995</td>
<td>47 of 1995</td>
<td>1 Nov 1995</td>
<td>1 Nov 1995 (see s. 2)</td>
</tr>
</tbody>
</table>

**Reprint 1: The Collie Hardwood Plantation Agreement Act 1995 as at 4 Apr 2003**

| Standardisation of Formatting Act 2010 s. 4       | 19 of 2010      | 28 Jun 2010 | 11 Sep 2010 (see s. 2(b) and Gazette 10 Sep 2010 p. 4341) |