



Western Australia

Forest Products Amendment Act 2022

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Contents

1.	Short title	2
2.	Commencement	2
3.	Act amended	2
4.	Section 3 amended	2
5.	Section 4 amended	3
6.	Section 6 amended	3
7.	Section 10 amended	3
8.	Section 13A inserted	5
	13A. Validation of certain acquisitions of freehold land	5
9.	Section 22 amended	6
10.	Section 70 amended	6



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Forest Products Amendment Act 2022

No. 20 of 2022

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

[Assented to 24 June 2022]

The Parliament of Western Australia enacts as follows:

s. 1

1. Short title

This is the *Forest Products Amendment Act 2022*.

2. Commencement

This Act comes into operation as follows —

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

3. Act amended

This Act amends the *Forest Products Act 2000*.

4. Section 3 amended

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

storage of carbon, in relation to forest products, means the absorption from the atmosphere of carbon dioxide by, and the storage of carbon in, the forest products.

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

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

vested in the Conservation and Land Management Executive Body,

- (b) after paragraph (a) insert:

or

5. Section 4 amended

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

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

6. Section 6 amended

In section 6(3):

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

contract;

- (b) after paragraph (d) insert:

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

7. Section 10 amended

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

- (1A) In this section —

relevant right means the right —

- (a) to establish, maintain and harvest, or to maintain and harvest, or to maintain forest products; and

s. 7

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

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

- (ga) to apply for, hold, exploit and dispose of any rights and other legal and commercial benefits that may arise from the storage of carbon in forest products —
 - (i) on freehold land owned by the Commission; or
 - (ii) on other freehold land in respect of which the Commission has the relevant right;
- and

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

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

(4) After section 10(3) insert:

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

(5) After section 10(4) insert:

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

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

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

and

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

or

8. Section 13A inserted

At the end of Part 3 insert:

13A. Validation of certain acquisitions of freehold land

Any freehold land acquired by the Commission before the *Forest Products Amendment Act 2022* section 7(3) (the ***amending provision***) comes into operation is taken to be, and to always have been, as validly acquired as it would have been if it had been acquired under this Act as amended by the amending provision.

s. 9

9. Section 22 amended

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

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

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

and

10. Section 70 amended

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

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

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

or

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