

COAL ACQUISITION (AMENDMENT) ACT 1990 No. 20

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Coal Acquisition Act 1981 No. 109

SCHEDULE 1 - AMENDMENTS

COAL ACQUISITION (AMENDMENT) ACT 1990 No. 20

NEW SOUTH WALES



Act No. 20, 1990

An Act to amend the Coal Acquisition Act 1981 for the purpose of making further provision with respect to determining the compensation that is to be payable as a result of the operation of that Act. [Assented to 14 June 1990]

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Coal Acquisition (Amendment) Act 1990.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Coal Acquisition Act 1981 No. 109

3. The Coal Acquisition Act 1981 is amended as set out in Schedule 1.

SCHEDULE 1 - AMENDMENTS

(See. 3)

(1) Section 3 (**Definitions**):

After the definition of “coal” in section 3, insert:

“**relevant proceedings**” means proceedings held in accordance with arrangements made under section 6 for the purpose of determining a case to which subsection (1) of that section applies, and includes the hearing of an appeal from original proceedings held for that purpose.

(2) Section 5 (**Vesting of Coal in the Crown**):

At the end of section 5, insert:

(2) This section does not apply to coal granted under the Coal Ownership (Restitution) Act 1990.

(3) The reference in subsection (1) to leases does not include, and is to be taken never to have included, a reference to coal leases within the meaning of the Coal Mining Act 1973.

SCHEDULE 1 - AMENDMENTS - *continued*

(3) Section 6 (**Arrangements by the Governor**):

After section 6 (2), insert:

(3) Arrangements under this section may differentiate between the persons to whom compensation is payable as a result of the enactment of this Act by providing that specified persons, or persons of a specified class, are not entitled to be paid more than a specified sum or specified sums of money in respect of coal vested in the Crown by the operation of section 5, irrespective of the amount of coal that they owned immediately before the commencement of this Act.

(4) Arrangements under this section may:

- (a) authorise the person presiding over relevant proceedings to issue a summons to a person requiring the person to appear at the proceedings for the purpose of giving evidence, or of producing documents specified in the summons, relevant to the determination of the Proceedings, or both; and
- (b) provide for the taking in the proceedings of evidence on oath before the person presiding over the proceedings.

(4) Sections 7, 8

After section 6, insert:

Failure to attend relevant proceedings etc.

7. (1) A person is guilty of an offence if:

- (a) arrangements in force under section 6 authorise the issue of summonses requiring attendance at relevant proceedings for a purpose specified in section 6 (4); and
- (b) the person:
 - (i) having been served with such a summons, fails without reasonable excuse to comply with the summons; or

SCHEDULE 1 - AMENDMENTS - *continued*

- (ii) having complied with the summons, fails without reasonable excuse to answer a question put to the person by the person presiding over the relevant proceedings concerned.
- (2) A person is guilty of an offence if:
 - (a) arrangements in force under section 6 provide for evidence in relevant proceedings to be taken on oath; and
 - (b) the person, having appeared in such proceedings for the purpose of giving evidence, fails without reasonable excuse to take an oath in accordance with a requirement to do so imposed by the person presiding over the proceedings.
- (3) A person who in any relevant proceedings gives evidence that the person knows to be false or misleading in a material respect is guilty of an offence.

Maximum penalty 20 penalty units.

Proceedings for offences

8. Proceedings for an offence against this Act are to be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

*[Minister's second reading speech made in -
Legislative Assembly on 16 May 1990
Legislative Council on 30 May 1990]*