



New South Wales

# Coal Acquisition (Re-acquisition Arrangements) Order 2001

under the

Coal Acquisition Act 1981

I, Professor Marie Bashir AC, Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 6 of the *Coal Acquisition Act 1981*, make the following Order.

Dated this 30th day of August 2001.

By Her Excellency's Command,

The Hon EDWARD OBEID, M.L.C.,

Minister for Mineral Resources

## Explanatory note

The object of this Order is to amend the *Coal Acquisition (Re-acquisition Arrangements) Order 1997* so as:

- (a) to enable the New South Wales Coal Compensation Board to refuse, in certain circumstances, an application by a person for compensation for consequential loss on the revesting of coal in the Crown under section 5A of the *Coal Acquisition Act 1981*, and
- (b) to provide that appeals against a determination of compensation or the refusal of an application for compensation are to be lodged with the New South Wales Coal Compensation Review Tribunal (which deals with the appeals) instead of the Board, and

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Explanatory note

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(c) to provide that the Tribunal, rather than the Board, is empowered to extend the time for lodging a notice of appeal, and

(d) to reduce the application fee for an appeal to the Tribunal by \$400 to \$100.

This order also makes consequential amendments to the *Coal Acquisition (Compensation) Arrangements 1985*.

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Clause 1                      Coal Acquisition (Re-acquisition Arrangements) Order 2001

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# **Coal Acquisition (Re-acquisition Arrangements) Order 2001**

### **1 Name of Order**

This Order is the *Coal Acquisition (Re-acquisition Arrangements) Order 2001*.

### **2 Amendment of Coal Acquisition (Re-acquisition Arrangements) Order 1997**

The *Coal Acquisition (Re-acquisition Arrangements) Order 1997* is amended as set out in Schedule 1.

### **3 Amendment of Coal Acquisition (Compensation) Arrangements 1985**

The *Coal Acquisition (Compensation) Arrangements 1985* is amended as set out in Schedule 2.

### **4 Notes**

The explanatory note and table of contents do not form part of this Order.

**Schedule 1 Amendment of Coal Acquisition  
(Re-acquisition Arrangements) Order 1997**

(Clause 3)

**[1] Clause 7 Compensation for consequential loss when coal revested**

Insert after clause 7 (3):

(3A) If, on considering a claim to which this clause applies:

- (a) the Board is not satisfied that the applicant has sustained a loss, or
- (b) the Board is satisfied that the applicant has sustained a loss but, having regard to all the circumstances of the case, considers it would not be just and equitable for compensation to be paid in respect of the claim,

the Board is to refuse the claim.

**[2] Clause 23 Appeals**

Omit "Board" from clause 23 (2) where firstly occurring.

Insert instead "Tribunal".

**[3] Clause 23 (2)**

Omit "\$500". Insert instead "\$100".

**[4] Clause 23 (3)**

Omit "Board" where firstly, secondly and lastly occurring.

Insert instead "Tribunal".

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Schedule 2      Amendment of Coal Acquisition (Compensation) Arrangements 1985

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**Schedule 2    Amendment of Coal Acquisition  
(Compensation) Arrangements 1985**

(Clause 4)

**[1]    Clause 3 Definitions**

Insert in alphabetical order:

*applicant* means an applicant for compensation under the 1997 Compensation Arrangements.

*application* means an application for compensation under the 1997 Compensation Arrangements.

**[2]    Clause 28 Hearing of appeal by Tribunal**

Insert at the end of the clause:

- (2) Schedule 3 applies in respect of an appeal under clause 23 of the 1997 Compensation Arrangements as if a reference in that Schedule to “claim” and “claimant” were a reference to “application” and “applicant”.

**[3]    Clause 29 Decisions of Compensation Review Tribunal**

Insert “or application” after “claim” wherever occurring in clause 29 (2) and (3).

**[4]    Clause 29 (3)**

Insert “or applicant” after “claimant” wherever occurring.

**[5]    Schedule 3 Provisions relating to hearing of appeals by Compensation Review Tribunal**

Omit “under clause 27” from clauses 2, 3 and 6 wherever occurring.  
Insert instead “with the Tribunal”.

**[6]    Schedule 3, clause 7**

Omit “under clause 27”. Insert instead “before the Tribunal”.

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Amendment of Coal Acquisition (Compensation) Arrangements 1985

Schedule 2

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**[7] Schedule 3, clause 10**

Omit “under clause 27, the Compensation Review Tribunal”.

Insert instead “with the Tribunal, the Tribunal”.

**[8] Schedule 3, clause 11**

Omit “lodged under clause 27”.