



New South Wales

Clean Coal Administration Amendment Bill 2011

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Clean Coal Administration Act 2008* as follows:

- (a) to rename the Act as the *Coal Innovation Administration Act 2008*,
- (b) to restructure the Clean Coal Council and rename it as Coal Innovation NSW,
- (c) to rename the Clean Coal Fund as the Coal Innovation NSW Fund,
- (d) to update certain terminology in the Act,
- (e) to make other amendments of a minor or consequential nature (including providing for savings and transitional matters).

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Clean Coal Administration Act 2008 No 50

Schedule 1 [1] amends the long title of the Act to reflect the changes proposed to be made by the proposed Act to the names of the fund and the council established under the Act and to certain terminology in the Act.

Schedule 1 [4] replaces the defined term *clean coal technologies* with the term *low emissions coal technologies* to better reflect the type of technologies falling within the definition (being technologies for facilitating reduction of greenhouse gas emissions from the use of coal). **Schedule 1 [8]** makes consequential amendments.

Schedule 1 [2] changes the name of the Act to the *Coal Innovation Administration Act 2008* to better reflect the purposes of the fund and functions of the council established under the Act and to be consistent with their proposed renaming.

Schedule 1 [6] and [11] rename the Clean Coal Fund and the Clean Coal Council as the Coal Innovation NSW Fund and Coal Innovation NSW (*CINSW*), respectively, to better reflect their purposes and functions in relation to the funding and development of low emissions coal technologies. **Schedule 1 [3], [5]–[7], [9], [10] and [13]** make consequential amendments.

Schedule 1 [12] replaces provision for the constitution of the Clean Coal Council with provision for the constitution of Coal Innovation NSW. This body will now consist of 2 ministerially appointed members from government and 2 from industry (rather than 5 from government and 5 from industry, as is currently the case with the Clean Coal Council), up to a further 4 members chosen and appointed by the Minister (rather than an unlimited number of such members, as is currently the case) and an independent person (rather than a member) appointed by the Minister as Chairperson.

Schedule 1 [14] updates a provision relating to the first meeting of the Clean Coal Council so that it relates to the first meeting of CINSW.

Schedule 1 [15] inserts provisions of a savings or transitional nature as a consequence of the enactment of the proposed Act.

First print

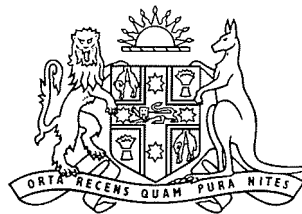


New South Wales

Clean Coal Administration Amendment Bill 2011

Contents

	Page
1 Name of Act	2
2 Commencement	2
Schedule 1 Amendment of Clean Coal Administration Act 2008 No 50	3



New South Wales

Clean Coal Administration Amendment Bill 2011

No. , 2011

A Bill for

An Act to amend the *Clean Coal Administration Act 2008* to rename the Act, to reconstitute and rename the council established under the Act, to rename the fund established under the Act and to update certain terminology.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Clean Coal Administration Amendment Act 2011</i> .	3
2 Commencement	4
This Act commences on the date of assent to this Act.	5

Schedule 1	Amendment of Clean Coal Administration Act 2008 No 50	1
		2
[1] Long title		3
	Omit the long title.	4
	Insert instead “An Act to establish the Coal Innovation NSW Fund to provide funding for low emissions coal technologies; and to establish Coal Innovation NSW.”.	5
		6
		7
[2] Section 1		8
	Omit the section. Insert instead:	9
	1 Name of Act	10
	This Act is the <i>Coal Innovation Administration Act 2008</i> .	11
[3] Section 3 Definitions		12
	Insert in alphabetical order:	13
	<i>CINSW</i> means Coal Innovation NSW established by this Act.	14
[4] Section 3, definition of “clean coal technologies”		15
	Omit the definition. Insert in alphabetical order:	16
	<i>low emissions coal technologies</i> means technologies for facilitating reduction of greenhouse gas emissions from the use of coal.	17
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[5] Section 3, definition of “the Council”		20
	Omit the definition.	21
[6] Sections 3, definition of “the Fund” and 4 (1)		22
	Omit “the Clean Coal Fund” wherever occurring.	23
	Insert instead “the Coal Innovation NSW Fund”.	24
[7] Part 2, heading		25
	Omit “Clean Coal Fund”. Insert instead “Coal Innovation NSW Fund”.	26
[8] Sections 5, 7 (6) and 11 (1) (b)–(e)		27
	Omit “clean coal technologies” wherever occurring.	28
	Insert instead “low emissions coal technologies”.	29

[9]	Sections 7 (1) (b), 11, 12 and 13, Schedule 1, clauses 1, definitions of “Chairperson” and “member”, 5 (1) (e), 8–12 and 13 (1)–(4)	1 2
	Omit “The Council” and “the Council” wherever occurring.	3
	Insert instead “CINSW”.	4
[10]	Part 3, heading	5
	Omit “Clean Coal Council”. Insert instead “Coal Innovation NSW”.	6
[11]	Section 9 Establishment of CINSW	7
	Omit “a Clean Coal Council”. Insert instead “Coal Innovation NSW”.	8
[12]	Section 10	9
	Omit the section. Insert instead:	10
	10 Membership of CINSW	11
	(1) CINSW is to consist of the following members appointed by the Minister:	12 13
	(a) an independent person appointed by the Minister to be the Chairperson of CINSW,	14 15
	(b) 2 persons, each of whom is employed in or by a government agency,	16 17
	(c) 2 persons who are nominated jointly by the Australian Coal Association and the Minerals Council to represent the New South Wales black coal industry,	18 19 20
	(d) such other persons (up to a maximum of 4) as the Minister may appoint from time to time, being persons whom the Minister considers have qualifications or experience relevant to the functions of CINSW.	21 22 23 24
	(2) If either or both of the nominations required for the purposes of subsection (1) (c) are not made within such time or in such manner as may be specified by the Minister by notice to the Australian Coal Association and the Minerals Council, the Minister may appoint any person or persons so that 2 members are appointed to represent the New South Wales black coal industry.	25 26 27 28 29 30 31
	(3) Schedule 1 contains provisions relating to members of CINSW.	32

[13] Schedule 1	1
Omit the heading and source reference. Insert instead:	2
Schedule 1 Provisions relating to members and procedure of CINSW	3
	4
(Section 10 (3))	5
[14] Schedule 1, clause 14	6
Omit “of the Council”.	7
Insert instead “of CINSW after the commencement of the <i>Clean Coal Administration Amendment Act 2011</i> ”.	8
	9
[15] Schedule 2	10
Insert after Schedule 1:	11
Schedule 2 Savings, transitional and other provisions	12
	13
Part 1 General	14
1 Regulations	15
(1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:	16
	17
<i>Clean Coal Administration Amendment Act 2011</i>	18
	19
(2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.	20
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(3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate so as:	22
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(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or	24
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(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.	28
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Part 2	Provisions consequent on enactment of Clean Coal Administration Amendment Act 2011	1
		2
		3
2	Definition	4
	In this Part:	5
	<i>amending Act</i> means the <i>Clean Coal Administration Amendment Act 2011</i> .	6
		7
3	Cessation of appointment of members	8
	A person holding office as a member of the Clean Coal Council immediately before the substitution of section 10 by the amending Act:	9
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		11
	(a) ceases to hold that office on that substitution, and	12
	(b) is not entitled to any remuneration or compensation because of loss of that office, and	13
		14
	(c) is eligible (if otherwise qualified) to be appointed as a member of Coal Innovation NSW.	15
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4	Continuation of Fund	17
(1)	The Coal Innovation NSW Fund is a continuation of the Clean Coal Fund operating under this Act immediately before the commencement of the amending Act.	18
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		20
(2)	In any Act (other than this Act), in any instrument made under any Act or in any document, a reference to the Clean Coal Fund is taken to be a reference to the Coal Innovation NSW Fund.	21
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		23