

Passed by both Houses



New South Wales

# Clean Coal Administration Amendment Bill 2011

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*I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney, , 2011*



New South Wales

## **Clean Coal Administration Amendment Bill 2011**

Act No , 2011

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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.

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*I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.*

*Assistant Speaker of the Legislative Assembly.*

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Clean Coal Administration Amendment Act 2011*.

**2 Commencement**

This Act commences on the date of assent to this Act.

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## **Schedule 1      Amendment of Clean Coal Administration Act 2008 No 50**

**[1] Long title**

Omit the long title.

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.”.

**[2] Section 1**

Omit the section. Insert instead:

**1 Name of Act**

This Act is the *Coal Innovation Administration Act 2008*.

**[3] Section 3 Definitions**

Insert in alphabetical order:

*CINSW* means Coal Innovation NSW established by this Act.

**[4] Section 3, definition of “clean coal technologies”**

Omit the definition. Insert in alphabetical order:

*low emissions coal technologies* means technologies for facilitating reduction of greenhouse gas emissions from the extraction, preparation or use of coal.

**[5] Section 3, definition of “the Council”**

Omit the definition.

**[6] Sections 3, definition of “the Fund” and 4 (1)**

Omit “the Clean Coal Fund” wherever occurring.

Insert instead “the Coal Innovation NSW Fund”.

**[7] Part 2, heading**

Omit “Clean Coal Fund”. Insert instead “Coal Innovation NSW Fund”.

**[8] Sections 5, 7 (6) and 11 (1) (b)–(e)**

Omit “clean coal technologies” wherever occurring.

Insert instead “low emissions coal technologies”.

**[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)**

Omit “The Council” and “the Council” wherever occurring.

Insert instead “CINSW”.

**[10] Part 3, heading**

Omit “Clean Coal Council”. Insert instead “Coal Innovation NSW”.

**[11] Section 9 Establishment of CINSW**

Omit “a Clean Coal Council”. Insert instead “Coal Innovation NSW”.

**[12] Section 10**

Omit the section. Insert instead:

**10 Membership of CINSW**

- (1) CINSW is to consist of the following members appointed by the Minister:
  - (a) an independent person appointed by the Minister to be the Chairperson of CINSW,
  - (b) 2 persons, each of whom is employed in or by a government agency,
  - (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,
  - (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.
- (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.
- (3) Schedule 1 contains provisions relating to members of CINSW.

**[13] Schedule 1**

Omit the heading and source reference. Insert instead:

**Schedule 1 Provisions relating to members and procedure of CINSW**

(Section 10 (3))

**[14] Schedule 1, clause 14**

Omit “of the Council”.

Insert instead “of CINSW after the commencement of the *Clean Coal Administration Amendment Act 2011*”.

**[15] Schedule 2**

Insert after Schedule 1:

**Schedule 2 Savings, transitional and other provisions**

**Part 1 General**

**1 Regulations**

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:  
*Clean Coal Administration Amendment Act 2011*
- (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.
- (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:
  - (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
  - (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.

## **Part 2 Provisions consequent on enactment of Clean Coal Administration Amendment Act 2011**

### **2 Definition**

In this Part:

*amending Act* means the *Clean Coal Administration Amendment Act 2011*.

### **3 Cessation of appointment of members**

A person holding office as a member of the Clean Coal Council immediately before the substitution of section 10 by the amending Act:

- (a) ceases to hold that office on that substitution, and
- (b) is not entitled to any remuneration or compensation because of loss of that office, and
- (c) is eligible (if otherwise qualified) to be appointed as a member of Coal Innovation NSW.

### **4 Continuation of Fund**

- (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.
- (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.