



Coal Industry Repeal Act 2001

No. 32, 2001



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An Act to repeal the *Coal Industry Act 1946*, and for related purposes

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An Act to repeal the *Coal Industry Act 1946*, and for related purposes

[Assented to 28 April 2001]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Coal Industry Repeal Act 2001*.

2 Commencement

This Act commences on a day or days to be fixed by Proclamation.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule

concerned, and any other item in a Schedule to this Act has effect according to its terms.

4 Dissolution of Joint Coal Board etc.

- (1) The Joint Coal Board is dissolved in so far as it is constituted under the *Coal Industry Act 1946*.
- (2) It is the intention of the Parliament that a law of New South Wales may:
 - (a) make provision for the transfer of the assets, rights and liabilities of the Joint Coal Board; and
 - (b) make provision for the transfer of the members of staff of the Joint Coal Board immediately before the dissolution of the Board; and
 - (c) make provision for any other matter that is incidental to the dissolution of the Joint Coal Board.

Note: Section 5 places a restriction on the transfer of Commonwealth records under such a law of New South Wales.

- (3) In this section:

assets means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description (including money), and includes securities, choses in action and documents.

Joint Coal Board means the body corporate constituted under:

- (a) the *Coal Industry Act 1946*; and
- (b) the *Coal Industry Act 1946* of New South Wales.

liabilities means all liabilities, debts and obligations (whether present or future and whether vested or contingent).

rights means all rights, powers, privileges and immunities (whether present or future and whether vested or contingent).

5 Commonwealth records

- (1) This Act does not authorise a Commonwealth record (within the meaning of the *Archives Act 1983*) to be transferred or otherwise dealt with except in accordance with the provisions of the *Archives Act 1983*.

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- (2) A Commonwealth record (within the meaning of the *Archives Act 1983*) must not be transferred to a person under a law of New South Wales that makes provision for matters of a kind mentioned in subsection 4(2) of this Act unless the National Archives of Australia has given permission under paragraph 24(2)(b) of the *Archives Act 1983*.

6 Workers' compensation schemes

- (1) Any workers' compensation scheme established by the Joint Coal Board (within the meaning of section 4 of this Act) and in operation under section 26 of the *Coal Industry Act 1946* immediately before the repeal of that Act is taken to have been established by the company nominated under clause 3 of Schedule 8 to the *Coal Industry Act 2001* of New South Wales.
- (2) This section does not limit section 4.

7 Compensation for acquisition of property

- (1) If:
- (a) apart from this section, the operation of this Act would result in the acquisition of property from a person otherwise than on just terms; and
 - (b) the acquisition would be invalid because of paragraph 51(xxxi) of the Constitution;
- the Commonwealth is liable to pay the person a reasonable amount of compensation in respect of the acquisition.
- (2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in the Federal Court of Australia for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.
- (3) In this section:
- acquisition of property* has the same meaning as in paragraph 51(xxxi) of the Constitution.
- just terms* has the same meaning as in paragraph 51(xxxi) of the Constitution.

Schedule 1—Coal Industry Act 1946

1 The whole of the Act

Repeal the Act.

*[Minister's second reading speech made in—
House of Representatives on 28 June 2000
Senate on 5 April 2001]*

(131/00)