



# **Coal Industry Repeal (Validation of Proclamation) Act 2002**

**No. 20, 2002**

**An Act to validate the Proclamation fixing  
1 January 2002 as the commencement date of the  
*Coal Industry Repeal Act 2001*, and for related  
purposes**

Note: An electronic version of this Act is available in SCALEplus  
(<http://scaleplus.law.gov.au/html/comact/browse/TOCN.htm>)



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**An Act to validate the Proclamation fixing  
1 January 2002 as the commencement date of the  
*Coal Industry Repeal Act 2001*, and for related  
purposes**

*[Assented to 4 April 2002]*

The Parliament of Australia enacts:

## **1 Short title**

This Act may be cited as the *Coal Industry Repeal (Validation of Proclamation) Act 2002*.

## Section 2

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### 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, on the day or at the time specified in column 2 of the table.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 and 2 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent	4 April 2002
2. Sections 3, 4 and 5	31 December 2001	31 December 2001
3. Section 6	The day on which this Act receives the Royal Assent	4 April 2002

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table is for additional information that is not part of this Act. This information may be included in any published version of this Act.

### 3 Objects

The objects of this Act are to ensure that:

- (a) the *Coal Industry Repeal Act 2001* commences on 1 January 2002; and
- (b) as a result, all actions taken on the assumption that 1 January 2002 was the commencement date are valid.

Note: Under section 3 of the *Coal Industry Act 2001* of New South Wales, **dissolution date** is defined as the date on which subsection 4(1) of the *Coal Industry Repeal Act 2001* commences.

#### 4 Validation of Proclamation

- (1) This section applies to the purported Proclamation that:
  - (a) fixed 1 January 2002 as the day on which the *Coal Industry Repeal Act 2001* commences; and
  - (b) was signed by the Governor-General on 20 December 2001; and
  - (c) was not published in the *Gazette* before 31 December 2001.
- (2) The Proclamation is as effective as it would have been if it had been published in the *Gazette* before 1 January 2002.

#### 5 Acquisition of property

Section 7 of the *Coal Industry Repeal Act 2001* applies to this Act in a corresponding way to the way in which it applies to that Act.

#### 6 Validation of acts

##### *Past acts*

- (1) For the purposes of this section, a ***past act*** is an act or thing that was done on the assumption that the *Coal Industry Repeal Act 2001* had commenced on 1 January 2002.

##### *Validation by Commonwealth law*

- (2) To avoid doubt, past acts are as valid, and are taken always to have been as valid, as they would have been if the *Coal Industry Repeal Act 2001* had commenced on 1 January 2002.
- (3) Subsection (2) has effect to the extent to which it is not in excess of the legislative power of the Commonwealth.
- (4) In addition to its effect apart from this subsection, subsection (3) also has the effect it would have if its application were, by express provision, confined to the legislative power conferred by paragraph 51(xx) of the Constitution.

Note: Paragraph 51(xx) of the Constitution deals with corporations.

## Section 6

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- (5) It is the intention of the Parliament that subsections (2), (3) and (4) are not to apply to the exclusion of a law of New South Wales to the extent that that law is capable of operating concurrently with those subsections.

### *Validation by State law*

- (6) To avoid doubt, it is the intention of the Parliament that a law of New South Wales may provide that past acts are as valid, and are taken always to have been as valid, as they would have been if the *Coal Industry Repeal Act 2001* had commenced on 1 January 2002.

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*[Minister's second reading speech made in—  
House of Representatives on 20 February 2002  
Senate on 13 March 2002]*

(35/02)