Coal Research Assistance Act 1977

Act No. 135 of 1977 as amended

This compilation was prepared on 9 July 2008
taking into account amendments up to Act No. 73 of 2008

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

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Notes

Coal Research Assistance Act 1977
An Act relating to coal research

1 Short title [see Note 1]

This Act may be cited as the Coal Research Assistance Act 1977.

2 Commencement [see Note 1]

This Act shall come into operation on the day on which it receives the Royal Assent.

3 Interpretation

In this Act, unless the contrary intention appears:

**Australian Coal Research Limited** means the company incorporated in the State of Queensland carrying on business under the name of the Australian Coal Research Limited at the time of the commencement of the Coal Research Assistance Amendment Act 1992.

**coal** includes brown coal.

**grant agreement** means:

(a) in relation to the Research Account—an agreement entered into by the Commonwealth before the commencement of the Coal Research Assistance Amendment Act 1992 for the purposes of, or in connection with, research to be done with money provided, in whole or in part, out of the Account; and

(b) in relation to Australian Coal Research Limited—an agreement to which the company is a party, entered into for the purposes of, or in connection with, research to be done with money provided, in whole or in part, by the company.

**intellectual property rights** means rights associated with all copyrights, registered and unregistered trademarks, registered designs, trade secrets and know-how, and all other intellectual property as defined in Article 2 of the Convention Establishing the World Intellectual Property Organisation of July 1967 concluded at Stockholm, to which Australia is a party.
research means scientific, technical or economic research in connexion with coal or products derived from coal, and includes:
(a) the training of persons for the purpose of any such research;
(b) the publication of reports, periodicals, books and papers in connexion with such research;
(c) the dissemination of information and advice in connexion with scientific, technical or economic matters related to coal or products derived from coal; and
(d) any matter incidental to a matter referred to in this definition.

Research Account means the Coal Research Trust Account established by this Act.

research advisory committee means a committee appointed under subsection 7(1) or declared under subsection 7(2) to be a research advisory committee for the purposes of this Act.

unfunded commitment means:
(a) in relation to the Research Account—the amount of financial liability arising from grant agreements in relation to the Account that cannot be met by the amount of money standing to the credit of the Account; and
(b) in relation to Australian Coal Research Limited—the amount of financial liability arising from grant agreements in relation to the company that cannot be met by the total value of liquid assets held by the company.

4 Coal Research Trust Account

(1) An account is hereby established to be known as the Coal Research Trust Account.

(2) The Research Account is a Trust Account for the purposes of section 62A of the Audit Act 1901.

5 Money to be paid into the Research Account

(1) There are payable into the Research Account amounts equal to the amount determined by the Minister under subsection (2) multiplied by the number of tonnes of coal on which amounts of duty of excise are raised from time to time.
(2) The Minister may, for the purposes of this section, determine an amount (not exceeding 5 cents) per tonne of coal.

(3) No money is to be paid into the Research Account if the Minister does not make a determination under subsection (2).

(4) Amounts payable into the Research Account under subsection (1) are payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

5A Transfer of Research Account funds

On the commencement of this section, the amount of money standing to the credit of the Research Account at that time is to be transferred to Australian Coal Research Limited.

6 Application of the Research Account

(1) Subject to this section and section 5A, moneys standing to the credit of the Research Account may be expended:
   (a) with the approval of the Minister, for the purpose of research;
   and
   (b) in payment of remuneration and allowances payable under section 7.

(2) In exercising his or her power under paragraph (1)(a) to approve the expenditure of moneys from the Research Account, the Minister shall have regard to recommendations, if any, furnished to him or her by a research advisory committee with respect to the expenditure of those moneys.

(3) Without limiting subsection (1), moneys may be expended under that subsection for the purpose of research conducted jointly by a person or body associated with Australia and a person or body associated with another country.

7 Research advisory committees

(1) The Minister may appoint such persons as he or she thinks fit to be a research advisory committee for the purposes of this Act.

(2) Where the Minister considers that any other body of persons is so constituted that it would be appropriate for it to make
recommendations to him or her with respect to the expenditure of moneys on research, the Minister may, by writing signed by him or her, declare that committee to be a research advisory committee for the purposes of this Act.

(3) The Minister may exercise his or her powers under this section so that, at any time, there is more than one research advisory committee.

(4) The Minister may request a research advisory committee to furnish to him or her recommendations for the purposes of subsection 6(2) and such other recommendations and advice with respect to research as the Minister considers appropriate.

(5) Subject to subsection (7), a member of a committee appointed by the Minister under subsection (1) shall be paid such remuneration as is determined by the Remuneration Tribunal but, if no determination of that remuneration by the Tribunal is in operation, he or she shall be paid such remuneration as is prescribed.

(6) A member referred to in subsection (5) shall be paid such allowances as are prescribed.

(7) Subsections (5) and (6) have effect subject to the Remuneration Tribunal Act 1973.

8 Transfer of grant agreements

On and after the commencement of this section, every grant agreement in relation to the Research Account has effect as if:

(a) Australian Coal Research Limited were substituted for the Commonwealth as a party to the grant agreement; and

(b) any reference in the grant agreement to the Commonwealth, to the Department or to the Secretary were a reference to Australian Coal Research Limited.

8A Transfer of intellectual property rights

On the commencement of this section, any intellectual property rights of the Commonwealth arising from a grant agreement in relation to the Research Account are to be transferred to Australian Coal Research Limited.
Section 8B

8B Transfer of assets

(1) The Minister may determine, in writing, that assets and liabilities specified in the determination, being assets and liabilities of the Commonwealth in relation to research, are to be transferred to Australian Coal Research Limited on and from a date specified in the determination.

(2) If an asset is transferred under subsection (1), Australian Coal Research Limited becomes liable to pay and discharge all debts, liabilities and obligations of the Commonwealth (if any) that existed in respect of the asset immediately before the transfer.

(3) A determination made under subsection (1) is a disallowable instrument for the purposes of section 46A of the Acts Interpretation Act 1901.

8C Exemption from stamp duty

Australian Coal Research Limited is not liable to pay stamp duty under a law of the Commonwealth, of a State or of a Territory on any documents that have come into existence because of, or for a purpose connected with or arising out of any transaction between the Commonwealth and the company as a result of the operation of section 5A, 8, 8A, or 8B.

8D Reversion to Commonwealth

(1) If the Minister is satisfied that:

   (a) in the interest of the Australian coal industry; or
   (b) in the national interest;

Australian Coal Research Limited should cease to have responsibility in relation to research, the Minister may, in writing, determine that the assets and liabilities of Australian Coal Research Limited that are specified in the regulations are to be transferred to the Commonwealth from a date specified in the regulations.

(2) A determination made under subsection (1) must be published in the Gazette as soon as possible after it is made.

(3) Regulations may be made to provide for saving and transitional provisions arising from a determination made under subsection (1).
Section 8E

8E Transfer of unfunded commitments

(1) The operation of section 8D must not result in the transfer to the Commonwealth of any unfunded commitments of Australian Coal Research Limited existing at the time of the transfer, of a total value that exceeds the total value, in real terms, of the unfunded commitments of the Research Account existing immediately before the commencement of the Coal Research Assistance Amendment Act 1992.

(2) In subsection (1), the value in real terms of unfunded commitments of the Research Account means the value of those commitments calculated with reference to the changes in the Consumer Price Index, as published by the Australian Statistician from time to time, during the period beginning on the day of the commencement of the Coal Research Assistance Amendment Act 1992 and ending at the time a determination is made under section 8D.

8F Compensation for acquisition of property

(1) If the operation of section 8, 8A, 8B or 8D involves the acquisition of property from a person otherwise than on just terms, the Commonwealth must pay to the person such reasonable compensation:
   (a) as is agreed between the person and the Commonwealth; or
   (b) failing agreement—as is determined by a court of competent jurisdiction.

(2) In assessing compensation payable in proceedings under this section, any damages or compensation recovered or other remedy given in proceedings begun otherwise than under this section and arising out of the same transaction must be taken into account.

(3) In this section:

   acquisition of property and just terms have the same meanings as in paragraph 51(xxxi) of the Constitution.

10 Regulations

(1) The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be
prescribed for carrying out or giving effect to this Act and, in particular, making provision for and in relation to the conduct of the business of, and the convening and conduct of meetings of a committee appointed under subsection 7(1).

(2) Regulations may be made to prescribe:
   (a) the method by which assets and liabilities are to be transferred to the Commonwealth under section 8D; and
   (b) the method by which unfunded commitments are to be transferred to the Commonwealth under section 8E; and
   (c) any other matter necessary for the purposes of, or in relation to, the transfer to the Commonwealth of responsibility in relation to research following a determination made by the Minister under section 8D.

Coal Research Assistance Act 1977

ComLaw Authoritative Act C2008C00355
Notes to the Coal Research Assistance Act 1977

Note 1

The Coal Research Assistance Act 1977 as shown in this compilation comprises Act No. 135, 1977 amended as indicated in the Tables below.

Table of Acts

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<th>Act</th>
<th>Number and year</th>
<th>Date of Assent</th>
<th>Date of commencement</th>
<th>Application, saving or transitional provisions</th>
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Notes to the *Coal Research Assistance Act 1977*

**Act Notes**

(a) The *Coal Research Assistance Act 1977* was amended by Schedule 4 (items 1 and 51) only of the *Statute Law Revision Act 1996*, subsection 2(1) of which provides as follows:

(1) Subject to subsections (2) and (3), this Act commences on the day on which it receives the Royal Assent.
## Table of Amendments

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