

2016-2017-2018

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

## **Coal-Fired Power Funding Prohibition Bill 2018**

**No.     , 2018**

*(Mr Bandt)*

**A Bill for an Act to prohibit Commonwealth  
support for coal-fired power stations, and for  
related purposes**



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**A Bill for an Act to prohibit Commonwealth support for coal-fired power stations, and for related purposes**

The Parliament of Australia enacts:

**Part 1—Preliminary**

**1 Short title**

This Act is the *Coal-Fired Power Funding Prohibition Act 2018*.

## 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, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

### 3 Act binds the Crown

This Act binds the Crown in each of its capacities.

### 4 Definitions

In this Act:

***authority of the Commonwealth*** means:

- (a) a Commonwealth entity within the meaning of the *Public Governance, Performance and Accountability Act 2013*; or
- (b) a Commonwealth company within the meaning of the *Public Governance, Performance and Accountability Act 2013*; or
- (c) any other body (whether incorporated or not) established for a public purpose by or under a law of the Commonwealth; or
- (d) an incorporated company in which the Commonwealth, or a body corporate referred to in paragraph (b) or (c), has a controlling interest.

## **Part 2—Prohibition on Commonwealth support for coal-fired power stations**

### **5 Prohibition on Commonwealth support for coal-fired power stations**

- (1) The Commonwealth or an authority of the Commonwealth must not, on or after the commencement of this Act:
- (a) provide financial or other support for the purpose (or for purposes that include the purpose) of the refurbishment or building of a coal-fired power station; or
  - (b) purchase, or assist the purchase or transfer of ownership of, a coal-fired power station.

*Exception—regulatory processes under other laws*

- (2) Subsection (1) does not apply to support or assistance provided solely for purposes connected with the Commonwealth or authority:
- (a) processing an application for an approval, licence or permit (however described) that is required under a law of the Commonwealth; or
  - (b) undertaking any other regulatory process under or in accordance with a law of the Commonwealth.

*Exception—transition assistance or research*

- (3) Paragraph (1)(a) does not apply to:
- (a) financial or other support provided in connection with a program that provides transition assistance to workers affected, or who may be affected, by the retirement of a coal-fired power station; or
  - (b) funding research by an approved research institute (within the meaning of section 73A of the *Income Tax Assessment Act 1936*), so far as the research relates to coal-fired power stations generally and does not relate only to a particular

## Section 6

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coal-fired power station or particular coal-fired power stations.

*Exception—managed closures*

- (4) Subsection (1) does not apply to:
- (a) the provision of support in relation to a coal-fired power station; or
  - (b) the purchase, or the assisting of the purchase or transfer of ownership, of a coal-fired power station;
- if the purpose, or one of the purposes, of the support, purchase or assistance is the managed closure of the coal-fired power station.

*Acquisition of property*

- (5) Subsection (1) does not apply to the extent (if any) that the operation of this Act would result in an acquisition of property (within the meaning of paragraph 51(xxxi) of the Constitution) from a person otherwise than on just terms (within the meaning of that paragraph).

*Subsection (1) has effect despite other laws*

- (6) Subsection (1) has effect despite anything in any other law of the Commonwealth (whether passed or made before or after the commencement of this section) unless the law expressly provides otherwise.
- (7) Subsection (6) does not affect the operation of subsection (5).

## **6 Executive power of the Commonwealth not otherwise limited**

This Act only limits the executive power of the Commonwealth to the extent set out in section 5 and does not, by implication, limit that power to any other extent.