

INFORMATION SERVICE INFORMATION SERVICE INFORMATION SERVICE

As readers will recall, the National Board of AMPLA decided in June, 1984 to implement an Information gathering service relating to matters of interest in the resources areas to be published in the AMPLA Bulletin. Initially, this service was presented as a pilot scheme from South Australia. At the June 1985 meeting, the Board resolved to continue this service in the other States. Consequently, all State Branches have now established or are in the process of firmly establishing an Information gathering and reporting service from their State.

This issue of the Bulletin contains the first information report from New South Wales. Miss Linda Pearson from the New South Wales Institute of Technology, Faculty of Law, is the reporter for the New South Wales Branch. She has made arrangements with a number of private practitioners, corporate Counsel, and officers in the relevant Departments, to forward her information about developments suitable for insertion in the Bulletin.

Continuing the South Australian Information Service, this issue contains information reported by Phillip McNamara. In forthcoming issues of the Bulletin, there will be information from Queensland, Western Australia and Victoria.

Reporters would be grateful if Ampla members and Bulletin subscribers were to pass on relevant and non-confidential information about developments which may not otherwise reach readers of the Bulletin. Comments and suggestions about the Information Service would also be most welcome.

NEW SOUTH WALES *

Coal Acquisition Act, 1981 (N.S.W.) — Compensation Arrangements

On 21 June 1985 the Coal Acquisition (Compensation) Arrangements 1985 were published in the NSW Government Gazette. The arrangements contain provisions made for the determination of the cases in which compensation is to be payable, and for determination of the amount and method of payment of compensation, as provided in s.6 of the Coal Acquisition Act 1981.

The Arrangements provide for the establishment of two new bodies, the New South Wales Compensation Board and the New South Wales Coal Compensation Review Tribunal. The Board has four members: H. A. N. Bowman, member and Chairman, and R. P. Daly, F. J. Hilton and K. Trott as part-time members. The Tribunal has three members: A. L. Barnett, member and Chairman, and M. J. Smith and Professor F. Roxborough as members.

Claims for compensation are to be made to the Board in the first instance, with a right of appeal to the Tribunal on two grounds only, the amount of compensation assessed or the refusal of a claim for compensation.

Persons entitled to claim compensation under the Arrangements are:

- (i) any person in whom saleable coal (that is, coal which is or has been extracted for sale or disposal or which might reasonably be expected to be extracted for sale or disposal) was vested immediately before 1 January 1982, where that coal was situated within a colliery holding at any time between 1 January 1982 and 1 January 1986 (former coal owner) and
- (ii) any person who claims to have sustained pecuniary loss directly attributable to the discharge of any trust, lease, licence, obligation, estate, interest or contract by virtue of s.5 of the Coal Acquisition Act, where that person was not a former coal owner.

While claims are to be made by 30 April 1986, late claims may be made until 30 April 1988 if the Board is satisfied that failure to lodge the claim was attributable to mistake, absence from NSW, or other reasonable excuse.

The formula for calculating claims for compensations by former coal owners is specified in clauses 18 and 19 of the Arrangements. Compensation may be awarded in excess of the formula if a former coal owner acquired the coal on or after 1 November 1975, and would suffer hardship or injustice if the compensation were calculated only in accordance with the formula, or if the claim is a charitable organisation or a public fund, authority or institution. Claimants who are not former coal owners are to be compensated for the amount of pecuniary loss sustained, where it would be just and equitable for the claimant to be compensated for that loss. Appeals may be taken to the Tribunal within 30 days after notification of the determination of a claim or the refusal of a claim. The Tribunal has power to vary the Board's determination, and to determine the amount of compensation payable.

Neither the Board nor the Tribunal is to be subject to the control or direction of any person in the exercise of their functions. Costs of claims and appeals are to be borne by the claimant.

* Linda Pearson Reporter
5 August 1985