

COAL ACQUISITION ACT 1981—INSTRUMENT

(Relating to late claims for compensation and other matters)

NEW SOUTH WALES



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(L.S.) P. R. SINCLAIR, Governor.

I, Rear Admiral PETER ROSS SINCLAIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 6 of the Coal Acquisition Act 1981 and clause 33 of the Coal Acquisition (Compensation) Arrangements 1985, and of all other powers enabling me in that behalf, make the arrangements set out in this instrument.

Signed at Sydney, this 9th day of December, 1992.

By His Excellency's Command,

I. R. CAUSLEY,
Minister for Natural Resources.

The Coal Acquisition (Compensation) Arrangements 1985 are amended:

- (a) by inserting in clause 4 (5) (b) after the words "shall be" the words "the Valuer-General or";
- (b) by omitting paragraph (d) from subclause (1) in clauses 10, 11 and 12 and by inserting instead the following paragraph in subclause (1) of each of those clauses:
 - (d) be lodged with the Compensation Board before 30 June 1994.

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- (c) by omitting from clauses 10 (4), 11(2) and 12 (2) the words “, subject to clause 13,” wherever occurring;
- (d) by omitting clause 13;
- (e) by inserting after clause 17B the following clause:

Gains to be offset against compensation

17C. In the calculation under clause 18, 19, 20, 21 or 22 of the amount in respect of a claim, the Compensation Board may make such reduction as the Board determines to be equivalent to the money value of any benefit obtained by the claimant from the discharge of any trust, lease, licence, obligation, estate, interest or contract by virtue of section 5 of the Coal Acquisition Act 1981, or from the operation of the Coal Acquisition (Transitional Provisions) Regulation 1982 or clause 4 of Schedule 2 to the Coal Mining (Amendment) Act 1981.

- (f) by inserting at the end of clause 22AB the following subclause:
 - (8) For the avoidance of doubt, any compensation paid or payable to Durham Holdings Pty Ltd under this clause is taken to satisfy any claim of a person who has acquired any interest directly or indirectly from Durham Holdings Pty Ltd. Accordingly, no compensation is payable under this clause to Renison Limited.
- (g) by inserting in clause 4 of Schedule 3 after the words “as in open court” the words “unless the chairman otherwise orders for the purposes of preserving the confidentiality of evidence given before the Compensation Review Tribunal”.

EXPLANATORY NOTE

The purpose of this Instrument is to amend the Coal Acquisition (Compensation) Arrangements 1985:

- (a) to provide that the member of the Coal Compensation Board who represents the Valuer-General’s Department may be the Valuer-General or an employee of that Department
- (b) to extend the cut-off date for the making of claims for compensation to 30 June 1994 and to remove the existing provision that allows the acceptance of late claims in certain circumstances;
- (c) to require any gains which claimants for compensation received by virtue of the 1981 Act (such as though the freeing of their land from leases and other obligations) be offset against that compensation;

- (d) to exclude Renison Limited from receiving compensation in respect of The Nardell Colliery Pty Ltd (as Renison derived its shares in that colliery from Durham Holdings Pty Ltd and Durham's compensation is already provided for separately in the Arrangements);
 - (e) to enable hearings of the Compensation Review Tribunal to be closed to the public whenever this is necessary in order to preserve the confidentiality of evidentiary material before the Tribunal.
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