

LEGISLATIVE ASSEMBLY

Read 1° 23 November, 1978.

(Brought in by Mr. Balfour and Mr. Hamer.)

A BILL

To constitute a Victorian Brown Coal Council, to make Provision for and with respect to the Evaluation of the Brown Coal Resources of Victoria, to undertake and promote Research into and the Development of the potential Uses of Brown Coal and for other purposes.

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. (1) This Act may be cited as the *Victorian Brown Coal Council Act 1978*. Short title.

(2) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*. Commencement.

Interpretation. **2.** In this Act unless inconsistent with the context or subject-matter—

“Council”. “Council” means the Victorian Brown Coal Council constituted under this Act.

Victorian Brown Coal Council. **3.** (1) For the purposes of this Act there shall be established a body corporate to be called the Victorian Brown Coal Council. 5

(2) The Council shall have perpetual succession and common seal and shall be capable in law of suing and being sued and of purchasing, taking, holding, selling, leasing, taking on lease, exchanging and disposing of real and personal property for the purposes of this Act and of doing and suffering all such acts and things as bodies corporate may by law do or suffer. 10

(3) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Council affixed to a document and shall presume that it was duly affixed. 15

Functions of Council. **4.** (1) The Council is established—

(a) to promote and co-ordinate research into and the development of the potential uses of brown coal, primarily for the purpose of meeting future requirements for liquid fuel and including such other areas of coal conversion as the production of materials for use in metallurgical applications, feedstocks for chemical processes, special carbons or hydrocarbons for other uses, and the use of by-products arising therefrom ; and 20 25

(b) to promote and undertake research into and the development of processes that may facilitate or extend the use of brown coal, being primarily liquefaction processes leading to the production of liquid fuels and including coal preparation, solvent refining and pyrolysis or gasification processes relating to the applications referred to in paragraph (a). 30

(2) Without limiting the generality of sub-section (1) the Council may—

(a) promote, co-ordinate and undertake projects that are calculated to determine the suitability of brown coal in Victoria for various purposes and to that end to investigate and test any of the brown coal resources of Victoria ; 35

(b) undertake research into the development of processes for the conversion of coal to products which are of greater value to the public ; 40

(c) make

- (c) make recommendations as to the most suitable brown coals for use in various processes ;
- 5 (d) co-operate and make arrangements with any person or body whether within or outside Victoria for or in connexion with research into and development of the use of brown coal ;
- (e) undertake any research in relation to the use of brown coal which is requested or approved by the Minister.

10 5. (1) The Council shall consist of five members appointed by the Governor in Council of whom— Constitution of Council.

- (a) one shall be appointed as Chairman ;
- (b) one shall be the Chairman, State Electricity Commission of Victoria or his nominee ;
- 15 (c) one shall be Chairman, Gas and Fuel Corporation of Victoria or his nominee ;
- (d) one shall be the Secretary for Minerals and Energy or his nominee ; and
- 20 (e) one shall be a person who is actively engaged in an industry in Victoria which is particularly interested in the objects of the Council.

(2) The Chairman and the person appointed pursuant to section 5 (1) (e) shall hold office for such term not exceeding five years as is specified in the instrument of his appointment and shall be eligible for re-appointment.

25 6. (1) The Chairman of the Council shall be paid such remuneration as is determined by the Governor in Council. Remuneration of members of Council.

(2) Each member of the Council shall be entitled to receive such travelling and other allowances as are fixed by the Governor in Council.

30 (3) The Governor in Council may at any time remove the Chairman from office.

7. (1) The Governor in Council may appoint a person to act in the place of the Chairman if the Chairman is absent from Victoria or is through illness or other incapacity or for any other Deputies. reason incapable of discharging his duties as Chairman.

35

(2) The Chairman or in his absence the person appointed to act in his stead shall preside at all meetings of the Council.

(3) Three members of the Council shall constitute a quorum.

(4) During

(4) During any vacancy in the office of a member continuing members may subject to there being a quorum act as if no vacancy had occurred.

(5) In the case of an equality of votes at any meeting of the Council, the Chairman shall have an additional or casting vote. 5

(6) Subject to this Act the Council may regulate its own proceedings.

(7) Meetings of the Council shall be held at such times and places as the Chairman appoints.

(8) The persons appointed members of the Council shall not in respect of their offices as members be subject to the provisions of the *Public Service Act 1974*. 10

Staff.

8. (1) The Council may employ as many persons as it considers necessary for the purposes of this Act.

(2) Persons employed under sub-section (1) shall be employed 15 upon such terms and subject to such conditions and shall receive such remuneration as the Council with the approval of the Governor in Council determines and shall not in respect of their employment be subject to the provisions of the *Public Service Act 1974*.

(3) Any officer of the Council who— 20

(a) was immediately prior to his engagement or employment an officer of the public service ; or

(b) having formerly been an officer of the public service has been continuously engaged or employed since he ceased to be such an officer in an office or capacity 25 or in offices or capacities in which he was eligible to be re-appointed upon the termination of such engagement or employment to some office in the public service—

shall be eligible to be re-appointed by the Public Service Board at 30 the termination of his engagement or employment to some office in the public service with a classification and emoluments corresponding with or higher than those which he last held in the public service as if his service in that office or capacity or in those offices or capacities had been service in the public service and be 35 classified accordingly and shall for the purposes of section 47 of the *Public Service Act 1974* be deemed to continue to be an officer of the public service for the period of his engagement or employment with the Council.

(4) If an officer of the Council was immediately prior to his 40 engagement or employment with the Council an officer within the meaning of the *Superannuation Act 1958* or any corresponding

previous enactment he shall notwithstanding his engagement or employment with the Council be deemed to continue subject to that Act to be an officer within the meaning of that Act.

9. Subject to the direction and control of the Minister the
5 Council shall administer this Act.

Council
to be subject
to general
direction and
control of
Minister.
Advisory
committees.

10. (1) For the purposes of this Act the Minister by order under his hand may establish such advisory committees as he thinks fit to advise the Council in relation to any matter or matters relevant to the carrying out of its functions under this Act.

10 (2) An advisory committee established under sub-section (1) shall consist of a chairman and such number of other members as is specified in the order.

(3) The Minister may by order under his hand vary or revoke or amend an order made under sub-section (1).

15 (4) The chairman and member of an advisory committee shall be respectively entitled to such remuneration as is prescribed.

11. (1) The Council has power to do in Victoria and elsewhere all things necessary or convenient to be done for or in connexion with or as incidental to achieving the objects set forth in section 4.
20

Powers of the
Council.

(2) Without limiting the generality of sub-section (1) the Council has power for and in connexion with the performance of its functions—

- 25 (a) to purchase land ;
- (b) to take land on lease ;
- (c) to take easements over land ;
- (d) to sell, or otherwise dispose of, land vested in the Council but not required for the purpose of the Council ;
- 30 (e) to lease land vested in the Council the use of which is not for the time being required by the Council ;
- (f) to release any easements over land ;
- (g) to purchase or take on hire plant, machinery, equipment or other goods ;
- 35 (h) to dispose of plant, machinery, equipment or other goods owned by the Council but not required by the Council ;

(i) to

- (i) to enter into an agreement, on such terms and conditions as the Council deems fit, with any person or body for or in relation to the performance of work, the provision of services or the doing of any other thing—
- (i) by the Council for, on behalf of or in association with the person or body ; or 5
- (ii) by the person or body for or on behalf of the Council ;
- (j) to enter into an agreement, on such terms and conditions as the Council deems fit, with any person or body for the use by the Council of a patent, process or performing any work ; 10
- (k) to authorize the use of any patent vested in the Council ; and 11
- (l) to do anything incidental to any of its powers. 15

(3) No contract made by the Council the consideration of which exceeds \$50,000 or the performance of which may extend over a period exceeding three years shall have any force or effect unless approved by the Minister.

Power to enter on lands and take samples of brown coal.

12. (1) Any person authorized in writing by the Minister on the recommendation of the Council may enter on any land for the purpose of taking samples of any brown coal that lies under the land and for carrying out such tests and investigations as it thinks fit in order to evaluate the characteristics of the brown coal deposits. 20 25

(2) In the exercise of its powers under this section the persons authorized by the Council shall do as little damage as possible.

(3) The Council shall if required make full compensation to any person who has sustained damage as a result of the exercise of its powers under this section. 30

(4) Any such compensation may be recovered in any court of competent jurisdiction.

General Fund.

13. (1) The Council shall cause to be established and kept a fund to be called the General Fund. 35

(2) There shall be paid into the General Fund— 35

(a) all moneys appropriated by Parliament for the purposes of this Act ; and

(b) any other moneys received by the Council. 38

(3) The Council may apply any moneys in the General Fund for the purpose of this Act. 40

14. (1) The

14. (1) The Council shall keep full and complete accounts of all moneys received and expended by the Council. Accounts.

(2) The accounts shall be kept in such form and manner as is approved by the Auditor-General.

5 (3) There shall be an annual audit of the accounts of the Council by the Auditor-General.

(4) All moneys received by or on behalf of the Council shall be applied solely for the purposes of this Act.

10 15. The Council may acquire by purchase, gift, grant, bequest or demise any property and agree to carry out any conditions of any such purchase, gift, grant bequest or demise and the Council may create and administer any trust, fund or funds in connexion therewith or for any other purpose whatsoever. Power to acquire property and to accept conditional gifts.

15 16. (1) Not later than the first day of November in each year the Council shall prepare and present to the Minister a report of its activities during the year ended on the preceding 30th June. Annual report.

(2) The Minister shall cause each report under sub-section (1) to be laid before each House of Parliament as soon as practicable after it is received.

20 17. The Governor in Council may make regulations for or with respect to any matter which is authorized or required or convenient to be prescribed for the purposes of this Act. Regulations.

100

100

100

100

100

100