

Clean Coal Technology Special Agreement Bill 2007

Explanatory Notes

Objectives of the Bill

The Bill provides for the formation of the Clean Coal Council (the Council) to advise the Minister with respect to priorities for funding to accelerate the demonstration, development and widespread implementation and use of clean coal technology to achieve deep cuts in greenhouse gas emissions and to authorise the Premier to enter the Queensland Clean Coal Agreement with ACA Low Emissions Technologies Ltd ACN123 147 240 (ACALET).

The objective of forming the Council is for it to consider and make recommendations to prioritise funding in research and development and demonstration activities to achieve accelerated deployment of clean coal technologies to achieve deep cuts in greenhouse gas emissions.

Reasons for the Bill

The reason for the legislation is to establish the Council and approve the Premier to enter the Queensland Clean Coal Agreement and to reinforce the commitment of the Queensland Government and the Coal Industry to accelerate the deployment of clean coal technology

Achievement of the Objectives

The objectives of the Bill are achieved by establishing the Clean Coal Council which will be comprised of Government and Industry representatives with a chairman and other persons with relevant expertise each appointed by the Premier to advise on priorities, assess project opportunities and make recommendations with respect to funding Clean Coal technology projects. The funding will be available from the voluntary COAL21 Fund that will be subscribed to by the Coal Industry. The Queensland Clean Coal Agreement describes the ability of the Premier to make decisions regarding which projects should be funded and the amount of funding which should be provided by ACALET.

Estimated Cost for Government Implementation

The cost of administering the Bill is expected to be minimal. The Council will not have any dedicated staff and will be provided support from a Government Department.

Consistency with Fundamental Legislative Principles

The Bill is consistent with the fundamental legislative principles.

Consultation

The following Departments were consulted:

- Department of Premier and Cabinet
- Department of Mines and Energy
- Treasury Department
- Department of State Development; and
- Department of Infrastructure
- The following organisations were consulted in the preparation of the Queensland Clean Coal Agreement:
 - Australian Coal Association (ACA)
 - ACA Low Emission Technologies Limited; and
 - Queensland Resources Council

Notes on Provisions

Part 1 Preliminary

Clause 1 states the short title of the Act

Clause 2 states the object of the Act is to accelerate the demonstration, development and widespread implementation and use of clean coal

technology by encouraging collaborative investment, by the State and the Coal Industry, in research and development.

Clause 3 provides definitions of terms in the act.

Part 2 Clean Coal Council

Clause 4 establishes the Council

Clause 5 provides for the membership of the Council and that it will consist of at least 11 members made up of:

- (a) 1 person who is to be the chairperson of the council;
- (b) 5 representatives of the Government of Queensland;
- (c) 5 representatives of the Queensland black coal industry who are nominated by ACALET; and
- (d) other persons who the Minister is satisfied have relevant experience in, or knowledge of, any aspect of clean coal technology.

Members of the Council are to be appointed by the Minister by a gazette notice.

Members of the Council hold office on the conditions, including the term of office, decided by the Minister. The Minister may change the conditions on which a member of the Council holds office.

Clause 6 provides the functions of the Council.

Those functions include:

- advising the Minister about priorities for funding in Queensland for the development, implementation and use of clean coal technology;
- assessing and making recommendations to the Minister about which clean coal projects should be funded in accordance with the provisions of the Queensland Clean Coal Agreement and the amount of funding that should be provided;
- considering intellectual property issues associated with those projects;
- reporting to the Minister about requests for funding received by the Council for clean coal technology projects;

- coordinating the State's involvement in international research collaborations relating to clean coal technology including the FutureGen Project; and
- if asked by the Minister in writing, advising the Minister on matters relevant to the development of clean coal technology.

Clause 7 provides that the Council must if requested by the Minister report to the Minister about a request received by the Council for funding or a project relating to clean coal technology. The Council may also report to the Minister on its own initiative about a request received by the council for funding for a project relating to clean coal technology.

Clause 8 provides that the Council may conduct its business in the way it considers appropriate and this includes deciding how it conducts meetings.

The Council must meet at least three times in a year.

Clause 9 provides that the department responsible for administration of the Act may make administrative support services available to the Council to enable the Council to perform its functions.

Clause 10 provides that the Minister responsible for the Bill may delegate the functions described in Part Two to another Minister. The delegation of functions includes delegation of powers included in Part Two.

Part 3 **Queensland Clean Coal Agreement**

Clause 11 provides that the Minister is authorised to make, for the State, an agreement with ACALET, titled Queensland Clean Coal Agreement, in the form set out in the schedule.