

WESTERN AUSTRALIA

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**SPECIAL INVESTIGATION  
(COAL CONTRACT) ACT 1994**

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**No. 18 of 1994**

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**AN ACT to provide for the appointment of a special investigator to make inquiry as to, and report upon, certain matters, and for related purposes.**

*[Assented to 22 April 1994.]*

The Parliament of Western Australia enacts as follows:

**Short title**

**1.** This Act may be cited as the *Special Investigation (Coal Contract) Act 1994*.

**Commencement**

2. This Act comes into operation on the day on which it receives the Royal Assent.

**Definitions**

3. In this Act, unless the contrary intention appears —

“**coal contract**” means the transaction referred to in paragraph 20.7.9 of the report of the Royal Commission;

“**DPP**” means the Director of Public Prosecutions under the *Director of Public Prosecutions Act 1991*;

“**record of the Royal Commission**” has the meaning given to that term by section 4 (1) of the *Royal Commission (Custody of Records) Act 1992*;

“**Royal Commission**” has the meaning given to that term by section 4 (1) of the *Royal Commission (Custody of Records) Act 1992*;

“**special investigator**” means the person for the time being appointed under section 4 (1) as special investigator.

**Inquiry**

4. (1) The Governor may appoint a person as special investigator to make inquiry as to, and report to the Governor upon, any matter relating to the coal contract that is within the scope of the terms of reference of the inquiry as specified by the Governor.

(2) For the purposes of the inquiry and report, the special investigator has the powers of a Royal Commission and the

chairman of a Royal Commission, whether under the *Royal Commissions Act 1968* or otherwise, and the provisions of that Act have effect as if they were enacted in this Act with such modifications as are required and in terms made applicable to the inquiry and report by the special investigator.

### **Access to certain records**

5. (1) Any record of the Royal Commission that is in the custody of the DPP is to be made available to the special investigator notwithstanding anything in the *Royal Commission (Custody of Records) Act 1992*.

(2) When no longer required for the purposes of the inquiry, a record made available under subsection (1) is to be returned to the custody of the DPP.

### **Access to certain other documents and information**

6. Nothing in section 72 of the *State Energy Commission Act 1979* precludes a person from producing any document or divulging any information to the special investigator.

### **Records of inquiry**

7. (1) Unless otherwise provided by section 5 (2), the *Royal Commission (Custody of Records) Act 1992* applies, so far as the subject matter permits, to the manner in which records and materials held by the special investigator are to be dealt with when the inquiry and report have been completed.

(2) For the purpose of the application of the *Royal Commission (Custody of Records) Act 1992* under subsection (1) —

- (a) a reference in that Act to the Royal Commission or to any member of it includes a reference to the special investigator;

- (b) a reference in that Act to the terms of reference of the Royal Commission includes a reference to the terms of reference of the inquiry referred to in this Act;
- (c) a reference in that Act to a prescribed exhibit means an exhibit that the special investigator directs is to be a prescribed exhibit for that purpose.