



New South Wales

Mine Subsidence Compensation Regulation 2007

under the

Mine Subsidence Compensation Act 1961

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Mine Subsidence Compensation Act 1961*.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

Explanatory note

The object of this Regulation is to remake, without any changes in substance, the *Mine Subsidence Compensation Regulation 2002*, which is repealed on 1 September 2007 by section 10 (2) of the *Subordinate Legislation Act 1989*. The new Regulation deals with the following matters:

- (a) the rate of contributions payable to the Mine Subsidence Compensation Fund (***the Fund***) by proprietors of colliery holdings and exceptions from the requirement to contribute to the Fund,
- (b) the period for which compensation for untenable buildings and works is payable in relation to certain kinds of damage arising from mine subsidence,
- (c) the period within which certain claims for compensation from the Fund must be made,
- (d) the form in which claims must be made,
- (e) the qualifications required of a person who makes a valuation for the purposes of the Act,
- (f) fees,
- (g) other minor, consequential and ancillary matters.

This Regulation is made under the *Mine Subsidence Compensation Act 1961*, including section 18 (the general regulation-making power) and the sections referred to in the Regulation.

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1 Name of Regulation

This Regulation is the *Mine Subsidence Compensation Regulation 2007*.

2 Commencement

This Regulation commences on 1 September 2007.

Note. This Regulation replaces the *Mine Subsidence Compensation Regulation 2002* which is repealed on 1 September 2007 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

approved means approved for the time being by the chairperson of the Board.

the Act means the *Mine Subsidence Compensation Act 1961*.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Contributions under section 11 (1A)

For the purposes of section 11 (1A) of the Act, in respect of the year referred to in the heading to Schedule 1:

- (a) the contribution payable to the Mine Subsidence Compensation Fund by the proprietor of a colliery holding specified in Column 1 of that Schedule is, for each dollar of the land value of that colliery holding, to be calculated at the rate (if any) specified in Column 2 of that Schedule opposite that colliery holding, and
- (b) the proprietor of a colliery holding specified in Column 1 of that Schedule is, if no rate is specified in Column 2 of that Schedule opposite that colliery holding, excepted from contributing to the Mine Subsidence Compensation Fund.

5 Prescribed period under section 12 (1) (c)

The prescribed period for the purposes of section 12 (1) (c) of the Act is the period, not exceeding 6 months, during which any buildings or works are (by reason of damage arising from subsidence due to the extraction of coal or shale) untenable, under repair or in course of construction.

6 Notifications under section 12 (2)

A notification under section 12 (2) of the Act must be lodged with the Secretary of the Board:

- (a) within 12 months after the day on which it became known to the owner concerned that the damage was caused by subsidence, or
- (b) if the Board determines that the owner should have known on a particular day that the damage was caused by subsidence, within 12 months after that day, or
- (c) if the Board determines that a longer period is justified in the circumstances of the case, within the longer period so determined.

7 Claims under section 12A

- (1) Any claim under section 12A of the Act must be in or to the effect of the approved form.
- (2) For the purposes of section 12A (2) (a) of the Act, the prescribed time within which a claim referred to in section 12A (1) (a) must be lodged with the Secretary of the Board is 3 months from the date on which the damage occurred.
- (3) However, if the claimant satisfies the Board:
 - (a) that he or she was not aware of the damage on the date on which it occurred or was not aware that the damage was caused by the exercise by the Board of its powers under section 13A of the Act, and
 - (b) that he or she was the owner of the improvements or the household or other effects on the date on which the damage occurred and on the date on which the notification was lodged,then the prescribed time within which the claim must be lodged is 3 months from the date on which he or she became aware of the damage or became aware that the damage was caused by the exercise by the Board of its powers under section 13A of the Act.

8 Prescribed qualifications of valuer under section 13 (1) (a)

For the purposes of section 13 (1) (a) of the Act, a valuer has the prescribed qualifications if the valuer is registered as a practising real estate valuer under the *Valuers Act 2003*.

9 Prescribed fee under section 15B (2)

For the purposes of section 15B (2) of the Act, the prescribed fee to accompany an application for a certificate of compliance is \$40.

10 Prescribed fee under section 15C (2)

For the purposes of section 15C (2) of the Act, the prescribed fee to accompany an application for a certificate to the effect that a compensation claim has been paid is \$20.

11 Savings

Any act, matter or thing that, immediately before the repeal of the *Mine Subsidence Compensation Regulation 2002*, had effect under that Regulation continues to have effect under this Regulation.

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Schedule 1 Rate of contribution to Mine Subsidence Compensation Fund for 2006

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(Clause 4)

Column 1	Column 2
Colliery holding	Rate (in \$)
Aberdare North	Excepted
Airly	0.00108
Angus Place	0.08043
Antiene	Excepted
Appin	0.0282
Ashton	0.02446
Austar	0.00293
Avon	Excepted
Awaba	0.02629
Baal Bone	0.13970
Bargo	Excepted
Bayswater No 2	0.10376
Bengalla	0.06465
Berrima	0.00428
Bloomfield	0.00604
Blue Mountains	0.02000
Boggabri	0.00046
Brimdale	Excepted
Camberwell	0.03563
Canyon	Excepted
Cardiff Borehole	Excepted
Chain Valley	0.02833
Charbon	0.03748
Clarence	0.04865
Cordeaux	0.00871

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Schedule 1

Column 1	Column 2
Colliery holding	Rate (in \$)
Cullen Valley	0.01080
Cumnock No 1	0.03544
Dartbrook	0.12538
Delta	Excepted
Dendrobium	0.01903
Donaldson Coal	0.01223
Drayton	0.05968
Duralie	0.04697
Elouera	0.00551
Enhance Place	0.01852
Glendell	Excepted
Glennies Creek	0.03400
Gunnedah	0.00526
Hebburn No 3	Excepted
Hunter Valley Operations	0.03841
Huntley	Excepted
Invincible	0.00133
Ivanhoe No 2	0.02941
John Darling	Excepted
Kandos No 3	0.00400
Kemira	0.00093
Lambton	Excepted
Liddell	0.01744
Mandalong Mine	0.04076
Mannering	0.02062
Maules Creek	0.00044
Metropolitan	0.04679
Mitchells Flat	0.00043
Mount Owen	0.04861

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Column 1	Column 2
Colliery holding	Rate (in \$)
Mount Thorley	0.06328
Munmorah	0.00028
Muswellbrook	0.04667
Myuna	0.05142
Narama	0.0386
Nardell Underground	0.01406
Nattai	0.00100
New Wallsend No 2	0.00656
Newdell	Excepted
Newstan	0.02092
North Cliff	Excepted
Northern	Excepted
NRE Avondale	0.00057
NRE No 1	0.001
Pinedale	Excepted
Preston and Preston Extended Tunnel	0.00909
Ravensworth East	0.04085
Ravensworth Operations	0.04085
Rixs Creek	0.02134
Sandy Creek	Excepted
Saxonvale/Bulga	0.12238
Springvale	0.09053
Stratford	0.00356
Tahmoor	0.02640
Tarrawonga	Excepted
Tasman	0.00061
Ulan No 2	0.09170
United	0.11287
Vickery	0.00187

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Schedule 1

Column 1	Column 2
Colliery holding	Rate (in \$)
Wallerah (Moonee)	Excepted
Wallerawang	0.00333
Wambo	0.03867
Warkworth	0.08487
Werris Creek No 2	0.02058
West Cliff	0.07283
West Wallsend	0.05154
Western Main	0.00250
Westside	0.00363
Whitehaven	0.05571
Wilpinjong	Excepted
