

1992—No. 434

**MINE SUBSIDENCE COMPENSATION ACT 1961—
REGULATION**

(Mine Subsidence Compensation Regulation 1992)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Mine Subsidence Compensation Act 1961, has been pleased to make the Regulation set forth hereunder.

I. R. CAUSLEY,
Minister for Natural Resources.

Citation

1. This Regulation may be cited as the Mine Subsidence Compensation Regulation 1992.

Commencement

2. This Regulation commences on 1st September, 1992.

Definitions

3. In this Regulation:

“**approved**” means approved for the time being by the Chairman of the Board;

“**Board**” means the Mine Subsidence Board;

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

Contributions under s. 11 (1A)

4. 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 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, 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 Fund.

Prescribed period under s. 12 (1) (c)

5. 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.

Notifications under s. 12 (2)

6. 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 of the improvement that the damage was caused by subsidence; or
- (b) if the Board determines that the owner of the improvement 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.

Claims under s. 12A

7. (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 owner of the improvement 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 improvement 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.

Prescribed qualifications of valuer under s. 13 (1) (a)

8. For the purposes of section 13 (1) (a) of the Act, a valuer has the prescribed qualifications if the valuer's name appears in the Register of Real Estate Valuers (being the register kept by the Real Estate Valuers Registration Board under section 12 of the Valuers Registration Act 1975) as a practising real estate valuer.

Prescribed fee under s. 15A (2)

9. The fee prescribed for the purposes of section 15A (2) of the Act is \$8.

Prescribed fee under s. 15 (2)

10. The fee prescribed for the purposes of section 15B (2) of the Act is \$22.

Prescribed fee under s. 15C (2)

11. The fee prescribed for the purposes of section 15C (2) of the Act is \$10.

Repeal

12. The Mine Subsidence Compensation Regulations are repealed.

**SCHEDULE 1—RATE OF CONTRIBUTION TO MINE
SUBSIDENCE COMPENSATION FUND FOR 1991**

(C1. 4)

Column 1	Column 2
Colliery Holding	Rate (in \$)
Aberdare North	0.00033
Angus Place	0.01631
Appin	0.01829
Ashford Open Cut	0.00769
Avon	0.03041
Avondale	0.00091
Awaba State Coal Mine	0.02046
Baal Bone	0.02703
Bargo	Excepted
Bayswater No. 2	0.01665
Bellbird	0.00233
Benwerrin	0.00606
Berrima	0.02745
Bloomfield	0.01833
Blue Mountains	0.02215
Boggabri	Excepted
Brimdale	0.03453
Bulli	0.00039
Burwood	0.00030
Camberwell	Excepted
Canyon	0.04449
Cardiff Borehole	0.01176
Chain Valley	0.02725
Charbon	0.01904
Clandulla	0.66667
Clarence	0.02487
Coal cliff	0.01245
Cooranbong	0.02474
Cordeaux	0.02556
Drayton	0.01981
Fernbrook	0.01333
Foybrook	0.00400
Glendell	Excepted
Great Greta	0.01731
Gretley	0.03025
Gunnedah	0.01731
Howick Open Cut	0.01790
Hunter Valley Extended	0.00216
Hunter Valley No. 1	0.01819
Huntley	0.00034
Invincible	0.05164
Ironbark	Excepted

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Column 1	Column 2
Colliery Holding	Rate (in \$)
Ivanhoe	0.02051
John Darling	0.00017
Kandos No. 3	0.02294
Kemira	0.02469
Lambton	0.01280
Lemington	0.02221
Liddell	0.03116
Liddell State Coal Mine	0.05727
Lithgow Valley	Excepted
Loch Catherine	0.00250
Maitland Main	0.06667
Maules Creek	Excepted
Metropolitan	0.003314
Millfield North	0.01000
Mt. Arthur South	Excepted
Mount Thorley	0.01825
Munmorah State Coal Mine	0.02055
Muswellbrook	0.01483
Myuna	0.02471
Nardell	Excepted
Nattai	0.03087
Nebo	0.02112
Newdell	Excepted
Newstan	0.02618
Newvale	0.01971
Newvale No. 2	0.03117
Northern	0.00267
Pelton	0.02617
Preston and Preston Extended	0.02728
Ravensworth No. 2	0.01700
Rixs Creek	Excepted
Saxonvale	0.02426
South Bulli	0.01721
south Clifton	0.00166
Stanford Main No. 2	0.00133
Stockrington No. 2	0.00012
Swamp Creek	0.01155
Tahmoor	0.01754
Tongarra	0.00883
Tower	0.02245
Ulan No. 2	0.02343
united	0.01824
Valley No. 1	0.04545
Valley No. 3	0.06897
Vickery	0.00240
Wallarrah	0.02521

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Column 1	Column 2
Colliery Holding	Rate (in \$)
Wallerawang	0.01075
Wallermaine	0.00500
Wallsend Borehole	0.00413
Wambo	0.01663
Waratah	0.02856
Warkworth	0.02858
West Cliff	0.02810
West Wallsend	0.02177
Western Main	0.02138
Westside	0.02117
Wongawilli	0.03019
Wyee State Coal Mine	0.01658
Yellow Rock	0.02174

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**SCHEDULE 1—RATE OF CONTRIBUTION TO MINE SUBSIDENCE
COMPENSATION FUND FOR 1991**

EXPLANATORY NOTE

The object of this regulation is to repeal the Mine Subsidence Compensation Regulations under the Mine Subsidence Compensation Act 1961 and to remake its provisions, with minor changes, in a new Regulation. The new Regulation:

- (a) prescribes rates of contribution to the Mine Subsidence Compensation Fund for the purposes of section 11 of the Act (clause 4); and
- (b) prescribes the period for which compensation for untenable buildings is payable under section 12 of the Act in relation to certain kinds of damage arising from mine subsidence (clause 5); and
- (c) prescribes the period within which certain claims for compensation must be made under section 12 of the Act (clause 6); and

- (d) prescribes certain matters relating to the making of claims for compensation under section 12A of the Act (clause 7); and
- (e) prescribes qualifications in valuation to be recognised for the purposes of section 13 of that Act (clause 8); and
- (f) prescribes various fees for the purposes of sections 15A, 15B and 15C of the Act (clauses 9, 10 and 11); and
- (g) repeals the Mine Subsidence Compensation Regulations (clause 12).

The Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
