

**MINE SUBSIDENCE COMPENSATION
(AMENDMENT) ACT.**

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 69, 1975.

An Act to make further provision with respect to contributions payable to the Mine Subsidence Compensation Fund; to clarify the powers of the Mine Subsidence Board in respect of the erection of improvements and subdivision of land in mine subsidence districts; to validate certain matters; for these and other purposes to amend the Mine Subsidence Compensation Act, 1961; and for purposes connected therewith. [Assented to, 31st October, 1975.]

BE

Mine Subsidence Compensation (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by No. 69, 1975
and with the advice and consent of the Legislative
Council and Legislative Assembly of New South Wales in
Parliament assembled, and by the authority of the same, as
follows :—

1. This Act may be cited as the "Mine Subsidence Short title.
Compensation (Amendment) Act, 1975".

2. The Mine Subsidence Compensation Act, 1961, is Amend-
ment of
Act No. 22,
1961.
amended—

(a) (i) by omitting section 11 (1) and by inserting Sec. 11.
(Contribu-
tions to
be paid by
colliery
proprietors
to Fund.)
instead the following subsections :—

(1) In this section, "unimproved capital value", in relation to a colliery holding, is the unimproved capital value of the colliery holding as determined under the Local Government Act, 1919, or, where no such value is so determined, the unimproved value of the colliery holding as determined under the Valuation of Land Act, 1916.

(1A) Subject to this section, the proprietor of each colliery holding shall in respect of each year contribute to the Fund a sum calculated in such manner as may be prescribed.

(1B) The contribution under subsection (1A) payable by a proprietor of a colliery holding in respect of any year—

(a) shall be based—

(i) on the unimproved capital value of that colliery holding as in force on the thirtieth day of June in that year;

(ii)

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- (ii) if no unimproved capital value has been determined for that colliery holding by the thirtieth day of June in that year—on the first unimproved capital value of that colliery holding that is determined after that day; or
 - (iii) if that colliery holding ceases to be registered in accordance with the Coal Mines Regulation Act, 1912, before the thirtieth day of June in that year—on the unimproved capital value last used for the purposes of this section; or
- (b) where some other basis is prescribed—shall be based on that other basis.
- (ii) by inserting after section 11 (3) the following subsection :—
- (3A) Any contribution payable under this section in respect of any year shall be due and payable—
- (a) on the twenty-eighth day of January in the following year or on the expiration of the period of 28 days after a notice under subsection (2) has been served in accordance with subsection (3) in respect of that contribution, whichever is the later; or
 - (b)

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(b) where any such notice has been served in respect of that contribution in the place of a previous notice that did not specify the correct amount of the contribution—on the expiration of the period of 28 days after any such replacement notice has been served in accordance with subsection (3).

(iii) by omitting section 11 (4) and by inserting instead the following subsection :—

(4) Interest, at such rate, not exceeding 10 per centum per annum, as may be determined by the Board from time to time for the purposes of this subsection, shall be paid by the proprietor of a colliery holding on the amount of his contribution that has not been paid on the date it becomes due and payable in respect of the period from that date until the date of payment of that amount.

(iv) by omitting section 11 (7) and (8) and by inserting instead the following subsections :—

(7) Where there is a change in the proprietorship of a colliery holding during any year the contribution payable by each proprietor of that holding in respect of that year shall be apportioned.

(8) Any contribution or interest payable under this section which is not paid as required by this section shall be deemed to be a debt due to the Crown and may be recovered by the Board on behalf of the Crown in any court of competent jurisdiction.

(5)

(9)

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(9) The Board may exempt the proprietor of a colliery holding from paying in respect of any year such portion of his contribution as relates to that part of the year during which, in the opinion of the Board, the extraction of coal or shale had not commenced.

Sec. 15.
(Mine
Subsidence
Districts.)

(b) (i) by inserting after section 15 (1) the following subsection :—

(1A) The Governor may revoke or alter a proclamation under subsection (1) by a further proclamation published in the Gazette.

(ii) by inserting after section 15 (3A) the following subsection :—

(3B) Without limiting the generality of subsection (3), the Board may refuse to approve an application or grant its approval subject to conditions where the application relates to—

(a) the alteration or erection of improvements over land; or

(b) the subdivision of land,

being land which, in the opinion of the Board, may subside if the coal and shale in the land were extracted by underground methods.

Sec. 15c.

(c) by inserting after section 15B the following section :—

Certificates
of claims.

15c. (1) Any person may apply to the Board for a certificate under this section stating whether or not on a date specified in the certificate any claim for compensation under this Act had been made in respect of any improvement specified in the application.

(2)

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(2) An application for a certificate under No. 69, 1975 this section shall be made in writing, be accompanied by the prescribed fee and state the name and address of the applicant and the particulars of the improvement in respect of which the certificate is required.

3. Any act, matter or thing done or commenced or Validation. omitted to be done before the commencement of this Act which would, if that act, matter or thing were done or commenced or omitted to be done after that commencement, be authorised by this Act, shall be valid and shall have the same force and effect as if that act, matter or thing were done or commenced or omitted to be done under this Act after that commencement.