

**MINE SUBSIDENCE COMPENSATION (AMENDMENT) ACT
1992 No. 64**

NEW SOUTH WALES



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**MINE SUBSIDENCE COMPENSATION (AMENDMENT) ACT
1992 No. 64**

NEW SOUTH WALES



Act No. 64, 1992

An Act to amend the Mine Subsidence Compensation Act 1961 with respect to the definition of subsidence, the damage for which compensation is payable and certificates relating to claims; and for other purposes. [Assented to 3 November 1992]

Mine Subsidence Compensation (Amendment) Act 1992 No. 64

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Mine Subsidence Compensation (Amendment) Act 1992.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Mine Subsidence Compensation Act 1961 No. 22

3. The Mine Subsidence Compensation Act 1961 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Long title:

After “improvements on the surface”, insert “or household effects”.

(2) Section 4 (**Definitions**):

(a) After the definition of “Fund”, insert:

“**Household or other effects**” means any chattels (for example, carpets, curtains, furniture, electrical appliances, musical instruments, computers or power tools) whether or not in or used in a house, but does not include motor vehicles, boats or aircraft or any other prescribed thing.

(b) In the definition of “Subsidence”, after “actual subsidence),”, insert “, but does not include vibrations or other movements of the ground that are due to blasting operations in an open cut mine. and that do not result in actual subsidence”.

(3) Section 12 (**Claims for damage arising out of subsidence**):

(a) Omit section 12 (1) (a), insert instead:

(a) compensation for any damage to improvements that arises from subsidence, except where the subsidence is due to operations carried on by the owner of the improvements;

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SCHEDULE 1—AMENDMENTS—continued

- (b) After section 12 (1) (c), insert:
 - (d) compensation for any damage to household or other effects that arises from subsidence, except where the subsidence is due to operations carried on by the owner of the household or other effects.
- (c) From section 12 (2) (a), omit “improvement which has”, insert instead “improvement or any household or other effects which have”.
- (d) After “improvement damaged;” in section 12 (2) (a), insert “the description of the household or other effects damaged;”
- (4) Sections 12 (1A), (5), 12A (1) (b), 13 (2) (b), 13A, 14 (1), 14A (2):

After “improvements” wherever occurring, insert “or household or other effects”.
- (5) Section 12A (**Claims arising out of actions to prevent or mitigate damage**):
 - (a) From section 12A (1) (b), omit “(other than buildings or works used in connection with the winning of coal or shale)”.
 - (b) After “place” in section 12A (1) (b), insert “, other than a subsidence due to operations carried on by the owner”.
 - (c) In section 12A (2) (c), after “improvements”, insert “, or the description of the household or other effects,”.
- (6) Section 15C (**Certificates of compensation claims paid**):
 - (a) From section 15C (1), omit “made”, insert “paid, or was pending,”.
 - (b) After “improvement” in section 15C (1), insert “or any household or other effects”.
 - (c) After “improvement” in section 15C (2), insert “or the household or other effects”.
- (7) Section 21:

After section 20, insert:

Savings, transitional and other provisions

21. Schedule 1 has effect.

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SCHEDULE 1—AMENDMENTS—continued

(8) Schedule 1:

After section 21, insert:

**SCHEDULE 1—SAVINGS, TRANSITIONAL AND
OTHER PROVISIONS**

**Part 1—Provisions consequent on the enactment of
the Mine Subsidence Compensation (Amendment)
Act 1992**

(Sec. 21)

Operation of amendments

1. (1) The amendments made by the Mine Subsidence Compensation (Amendment) Act 1992 apply only to damage that occurs after the commencement of each such amendment, except as provided by subclause (2).

(2) The amendment made by Schedule 1 (6) (a) to the Mine Subsidence Compensation (Amendment) Act 1992 to section 15C of this Act extends so as to apply in relation to damage that occurred before the commencement of that amendment. The amendment also extends to an application for a certificate that is pending as at the of the amendment.

*[Minister's second reading speech made at—
Legislative Assembly on 15 October 1992
Legislative Council on 28 October 1992]*