

Mine Subsidence Compensation Regulation 1997

under the

Mine Subsidence Compensation Act 1961

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

BOB MARTIN, M.P.,

Minister for Mineral Resources

Explanatory note

The object of this Regulation is to repeal and remake, with no changes in substance, the provisions of the *Mine Subsidence Compensation Regulation* 1992. The new Regulation deals with the following matters:

- (a) rates of contribution to the Mine Subsidence Compensation Fund (clause 5 and Schedule 1),
- (b) the period for which compensation for untenantable buildings and works is payable in relation to certain kinds of damage arising from mine subsidence (clause 6).
- (c) the period within which certain claims for compensation must be made under section 12 of the Act (clause 7),
- (d) certain matters relating to the making of claims for compensation under section 12A of the Act (clause S),
- (e) qualifications in valuation to be recognised for the purposes of section 13 of the Act (clause 9),
- (f) fees for the purposes of sections 15B and 15C of the Act (clauses 10 and 11),

1997 No 452

Mine Subsidence Compensation Regulation 1997

Explanatory note

(g) other minor, consequential and ancillary matters (clauses 1, 2, 3, 4 and 12).

This Regulation is made under the *Mine Subsidence Compensation Act* 1961, including section 18 (the general regulation making power) and sections 11, 12, 12A, 13, 15B and 15C.

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

Contents

		Page
1	Name of Regulation	3
2	Commencement	3
3	Definitions	3
4	Notes	3
5	Contributions under section 11 (1A)	3
6	Prescribed period under section 12 (1) (c)	4
7	Notifications under section 12 (2)	4
8	Claims under section 12A	4
9	Prescribed qualifications of valuer under section 13	
	(1) (a)	5
10	Prescribed fee under section 15B (2)	5
11	Prescribed fee under section 15C (2)	5
12	Repeal	5
Sched	dule 1 Rate of contribution to Mine Subsidence	
	Compensation Fund for 1996	6

Mine Subsidence Compensation Regulation 1997

1 Name of Regulation

This Regulation is the *Mine Subsidence Compensation Regulation 1997*.

2 Commencement

This Regulation commences on 1 September 1997.

3 Definitions

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.

4 Notes

The explanatory note and table of contents do not form part of this Regulation.

5 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, 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.

6 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) untenantable, under repair or in course of construction.

7 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 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.

8 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 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.

9 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 Registration Act* 1975.

10 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:

- (a) \$37, in relation to an application made on or before 31 December 1997, and
- (b) \$40, in relation to an application made on or after 1 January 1998.

11 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:

- (a) \$17, in relation to an application made on or before 31 December 1997, and
- (b) \$20, in relation to an application made on or after 1 January 1998.

12 Repeal

- (1) The Mine Subsidence Compensation Regulation 1992 is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Mine Subsidence Compensation Regulation 1992*, had effect under that Regulation continues to have effect under this Regulation.

Mine Subsidence Compensation Regulation 1997

Schedule 4

Rate of Contribution to Mine Subsidence Compensation Fund for 1996

Schedule 1 Rate of Contribution to Mine Subsidence Compensation Fund for 1996

(Clause 5)

Column 4	Column 2
Colliery Holding	Rate (in \$)
Aberdare North	0.00043
Angus Place	0.05429
Antiene	Excepted
Appin	0.04303
Ashford Open Cut	0.02500
Avon	0.03238
Avondale	0.00069
Awaba	0.01011
Baal Bone	0.10472
Bargo	Excepted
Bayswater No 2	0.05697
Bengalla	Excepted
Berrima	0.01362
Bloomfield	0.01477
Blue Mountains	0.02733
Boggabri	0.00060
Brimdale	Excepted
Brimstone	0.01725
Bulli	0.00040
Bulli Main	Excepted
Burwood	Excepted
Camberwell	0.04775
Canyon	0.01337
Chain Valley	0.05348

Rate of Contribution to Mine Subsidence Compensation Fund for 1996 Schedule 1

Column 1	Column 2 Rate (in \$)	
Colliery Holding		
Charbon	0.02258	
Clarence	0.06892	
Coal Cliff	0.00071	
Cooranbong	0.07909	
Cordeaux	0.04741	
Cumnock No 1	0.05109	
Dartbrook	0.01042	
Drayton	0.06405	
Elouera	0.03716	
Endeavour	0.01846	
Fernbrook	0.00303	
Glendell	Excepted	
Glennies Creek	0.00080	
Great Greta	0.03555	
Gretley	0.07801	
Gunnedah	0.08980	
Howick Open Cut	0.05142	
Hunter Valley	0.05404	
Hunter Valley Extension	0.00149	
Huntley	0.00041	
Invincible	0.03845	
Ivanhoe	0.04095	
John Darling	0.02000	
Kandos No 3	0.00716	
Kemira	0.00039	
Lambton	0.00179	
Lemington	0.84812	
Liddell	0.01960	

1997 No 452

Mine Subsidence Compensation Regulation 1997

Schedule 1 Rate of Contribution to Mine Subsidence Compensation Fund for 1996

Colliery Holding Rate (in \$) Liddell State 0.00200 Lithgow Valley Excepted Maules Creek 0.00057 Metropolitan 0.03885 Mitchells Flat 0.00057 Mt Owen 0.01263 Mt Thorley 0.04509 Mummorah 0.05748 Muswellbrook 0.03907 Myuna 0.06780 Narama 0.04299 Nardell Excepted Newdell 0.00185 Newstan 0.05783 Northcliff 0.00040 Northerm 0.00414 Dakdale 0.02571 Petton 0.05851 Avensworth No 2 0.07947 Atixs Creek 0.01479 Avaconvale 0.07113 Bouth Clifton 0.00493 Apringvale 0.03800 tanford Main No 2 0.00167		
Liddell State 0.00200 Lithgow Valley Excepted Maules Creek 0.00057 Metropolitan 0.03085 Mitchells Flat 0.00057 Mr Owen 0.01263 Mt Thorley 0.04509 Munmorah 0.05748 Muswellbrook 0.03907 Myuna 0.06780 Narama 0.04299 Naradell Excepted Newdell 0.00185 Newstan 0.05783 Northcliff 0.00040 Northerm 0.00414 Oakdale 0.02571 Petton 0.05851 Avensworth No 2 0.07947 Rixs Creek 0.01479 Jaxonvale 0.07113 Jouth Bulli 0.00493 Jouth Clifton 0.003800 Jound Main No 2 0.00167	Column 1	
Lithgow Valley Excepted Maules Creek 0.00057 Metropolitan 0.03085 Mitchells Flat 0.00057 Mt Owen 0.01263 Mt Thorley 0.04509 Munmorah 0.05748 Muswellbrook 0.03907 Myuna 0.06780 Narama 0.04299 Nardell Excepted Newdell 0.00185 Newstan 0.05783 Northcliff 0.00040 Northerm 0.00414 Dakdale 0.02571 Pelton 0.05851 Peston 0.02729 Ravensworth No 2 0.07947 Rixs Creek 0.01479 Gaxonvale 0.07113 Jouth Bulli 0.01476 Jouth Clifton 0.00493 Apringvale 0.03800 tanford Main No 2 0.00167	Colliery Holding	Rate (in \$)
Maules Creek 0.00057 Metropolitan 0.03085 Mitchells Flat 0.00057 Vit Owen 0.01263 Mt Thorley 0.04509 Mummorah 0.05748 Muswellbrook 0.03907 Myuna 0.06780 Narama 0.04299 Nardell Excepted Newdell 0.00185 Newstan 0.05783 Northcliff 0.00040 Northern 0.00414 Dakdale 0.02571 Pelton 0.05851 Preston 0.02729 Eavensworth No 2 0.07947 Eax Creek 0.01479 Eaxonvale 0.07113 Bouth Bulli 0.01476 Bouth Clifton 0.00493 pringvale 0.03800 tanford Main No 2 0.00167	Liddell State	0.00200
Metropolitan 0.03085 Mitchells Flat 0.00057 Mt Owen 0.01263 Mt Thorley 0.04509 Mummorah 0.05748 Muswellbrook 0.03907 Myuna 0.06780 Narama 0.04299 Nardell Excepted Nattai Excepted Newdell 0.00185 Newstan 0.05783 Northeliff 0.00040 Northern 0.00414 Dakdale 0.02571 Petton 0.05851 Preston 0.05729 Eavensworth No 2 0.07947 Eax Creek 0.01479 Eaxonvale 0.07113 Bouth Bulli 0.01476 Bouth Clifton 0.00493 pringvale 0.03800 tanford Main No 2 0.00167	Lithgow Valley	Excepted
Mitchells Flat 0.00057 Mt Owen 0.01263 Mt Thorley 0.04509 Munmorah 0.05748 Muswellbrook 0.03907 Myuna 0.06780 Narama 0.04299 Nardell Excepted Newdell 0.00185 Newstan 0.05783 Northcliff 0.0040 Northern 0.00414 Dakdale 0.02571 Pelton 0.05851 Preston 0.02729 Ravensworth No 2 0.07947 Exixs Creek 0.01479 Jouth Bulli 0.01476 Jouth Clifton 0.00493 Apringvale 0.03800 Jamford Main No 2 0.00167	Maules Creek	0.00057
Mt Owen 0.01263 Mt Thorley 0.04509 Mummorah 0.05748 Muswellbrook 0.03907 Myuna 0.06780 Narama 0.04299 Nardell Excepted Nattai Excepted Newstan 0.05783 Northcliff 0.00040 Northerm 0.00414 Oakdale 0.02571 Pelton 0.05851 Preston 0.02729 Ravensworth No 2 0.07947 Eixs Creek 0.01479 Jouth Bulli 0.01476 Jouth Clifton 0.00493 Apringvale 0.03800 tanford Main No 2 0.00167	Metropolitan	0.03085
Mt Thorley 0.04509 Munmorah 0.05748 Muswellbrook 0.03907 Myuna 0.06780 Narama 0.04299 Nardell Excepted Nattai Excepted Newdell 0.00185 Newstan 0.05783 Northcliff 0.00040 Northern 0.00414 Dakdale 0.02571 Pelton 0.05851 Preston 0.02729 Ravensworth No 2 0.07947 Rixs Creek 0.01479 Jaxonvale 0.00493 Jayond Main No 2 0.00167	Mitchells Flat	0.00057
Munmorah 0.05748 Muswellbrook 0.03907 Myuna 0.06780 Narama 0.04299 Nardell Excepted Nattai Excepted Newsdell 0.00185 Newstan 0.05783 Northcliff 0.00040 Northerm 0.00414 Dakdale 0.02571 Pelton 0.05851 Preston 0.02729 Ravensworth No 2 Excepted 0.01479 Exaconvale 0.07113 Bouth Bulli 0.01476 Bouth Clifton 0.00493 Springvale 0.03800 tanford Main No 2 0.00167	Mt Owen	0.01263
Muswellbrook 0.03907 Myuna 0.06780 Narama 0.04299 Nardell Excepted Nattai Excepted Newdell 0.00185 Newstan 0.05783 Northcliff 0.00040 Northern 0.00414 Dakdale 0.02571 Pelton 0.05851 Preston 0.05785 Ravensworth No 2 0.07947 Rixs Creek 0.01479 Faxonvale 0.07113 Fouth Bulli 0.01476 Fouth Clifton 0.00493 Figuringvale 0.03800 Figuringvale 0.03800 Figuringvale 0.03800 Figuringvale 0.00167	Mt Thorley	0.04509
Myuna 0.06780 Narama 0.04299 Nardell Excepted Nattai Excepted Newsdell 0.00185 Newstan 0.05783 Northcliff 0.00040 Northern 0.00414 Dakdale 0.02571 Pelton 0.05851 Preston 0.02729 Ravensworth No 2 0.07947 Eixs Creek 0.01479 Faxonvale 0.07113 Bouth Bulli 0.01476 Fouth Clifton 0.00493 Ppringvale 0.03800 tanford Main No 2 0.00167	Munmorah	0.05748
Narama 0.04299 Nardell Excepted Newdell 0.00185 Newstan 0.05783 Northcliff 0.00040 Northern 0.00414 Oakdale 0.02571 Pelton 0.05851 Preston 0.02729 Ravensworth No 2 0.07947 Rixs Creek 0.01479 Gaxonvale 0.07113 Jouth Bulli 0.01476 Jouth Clifton 0.00493 Pringvale 0.03800 tanford Main No 2 0.00167	Muswellbrook	0.03907
Nardell Excepted Nattai Excepted Newdell 0.00185 Newstan 0.05783 Northcliff 0.00040 Northern 0.00414 Dakdale 0.02571 Pelton 0.05851 Preston 0.02729 Ravensworth No 2 0.07947 Rixs Creek 0.01479 Exaconvale 0.07113 Fouth Bulli 0.01476 Fouth Clifton 0.00493 Expringvale 0.03800 Excepted 1.00185 Excep	Myuna	0.06780
Nattai Excepted Newdell 0.00185 Newstan 0.05783 Northcliff 0.00040 Northern 0.00414 Dakdale 0.02571 Pelton 0.05851 Preston 0.02729 Ravensworth No 2 0.07947 Rixs Creek 0.01479 Saxonvale 0.07113 South Bulli 0.01476 South Clifton 0.00493 Springvale 0.03800 tanford Main No 2 0.00167	Narama	0.04299
Newstan 0.00185 Newstan 0.05783 Northcliff 0.00040 Northern 0.00414 Dakdale 0.02571 Pelton 0.05851 Preston 0.02729 Ravensworth No 2 0.07947 Exixs Creek 0.01479 Exaconvale 0.07113 Fouth Bulli 0.01476 Fouth Clifton 0.00493 Expringvale 0.03800 Example 0.00167	Nardell	Excepted
Northcliff 0.00040 Northcliff 0.000414 Dakdale 0.02571 Pelton 0.05851 Preston 0.02729 Ravensworth No 2 0.07947 Rixs Creek 0.01479 Faxonvale 0.07113 Fouth Bulli 0.01476 Fouth Clifton 0.00493 Figure 0.03800 Francord Main No 2 0.00167	Nattai	Excepted
Northcliff 0.00040 Northern 0.00414 Dakdale 0.02571 Pelton 0.05851 Preston 0.02729 Ravensworth No 2 0.07947 Rixs Creek 0.01479 Eaxonvale 0.07113 Fouth Bulli 0.01476 Fouth Clifton 0.00493 Figure 0.03800 Figure 1.000407	Newdell	0.00185
Northern 0.00414 Dakdale 0.02571 Pelton 0.05851 Preston 0.02729 Ravensworth No 2 0.07947 Rixs Creek 0.01479 Daxonvale 0.07113 Douth Bulli 0.01476 Douth Clifton 0.00493 Depringvale 0.03800 Depringvale 0.00167	Newstan	0.05783
Dakdale 0.02571 Pelton 0.05851 Preston 0.02729 Ravensworth No 2 0.07947 Rixs Creek 0.01479 Baxonvale 0.07113 Bouth Bulli 0.01476 Bouth Clifton 0.00493 Beringvale 0.03800 Barringvale 0.00167	Northcliff	0.00040
Pelton 0.05851 Preston 0.02729 Ravensworth No 2 0.07947 Rixs Creek 0.01479 Raxonvale 0.07113 Routh Bulli 0.01476 Routh Clifton 0.00493 Raying and the pringvale 0.03800 Rayensworth No 2 0.00167	Northern	0.00414
Preston 0.02729 Ravensworth No 2 0.07947 Rixs Creek 0.01479 Baxonvale 0.07113 Bouth Bulli 0.01476 Bouth Clifton 0.00493 Inpringvale 0.03800 Itanford Main No 2 0.00167	Oakdale	0.02571
Ravensworth No 2 0.07947 Rixs Creek 0.01479 Baxonvale 0.07113 Bouth Bulli 0.01476 Bouth Clifton 0.00493 Burgingvale 0.03800 Burgingvale 0.00167	Pelton	0.05851
Rixs Creek 0.01479 axonvale 0.07113 bouth Bulli 0.01476 bouth Clifton 0.00493 pringvale 0.03800 tanford Main No 2 0.00167	Preston	0.02729
daxonvale 0.07113 douth Bulli 0.01476 douth Clifton 0.00493 pringvale 0.03800 tanford Main No 2 0.00167	Ravensworth No 2	0.07947
bouth Bulli 0.01476 bouth Clifton 0.00493 pringvale 0.03800 tanford Main No 2 0.00167	Rixs Creek	0.01479
outh Clifton 0.00493 pringvale 0.03800 tanford Main No 2 0.00167	Saxonvale	0.07113
pringvale 0.03800 tanford Main No 2 0.00167	South Bulli	0.01476
tanford Main No 2 0.00167	South Clifton	0.00493
	Springvale	0.03800
tratford 0.01883	Stanford Main No 2	0.00167
	Stratford	0.01883

Rate of Contribution to Mine Subsidence Compensation Fund for 1996 Schedule 1

Column 1	Column 2
Colliery Holding	Rate (in \$)
Swamp Creek	0.00040
Tahmoor	0.03337
Teralba	0.07501
Tongarra	0.01802
Tower	0.03364
Ulan No 2	0.10518
United	0.02886
Valley No 1	Excepted
Valley No 3	Excepted
Vickery	0.00074
Wallamaine	0.00500
Wallarah	0.00922
Wallerawang	0.00435
Wambo	0.06348
Warkworth	0.04350
West Cliff	0.03812
West Wallsend	0.06193
Western Main	0.00286
Westside Open Cut	0.00716
Wyee	0.06349