



New South Wales

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 untenable 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 8),
- (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),

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- (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*.

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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) untenable, 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.

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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 Colliery Holding	Column 2 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

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Schedule 1

Column 1	Column 2
Colliery Holding	Rate (in \$)
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

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

Column 1	Column 2
Colliery Holding	Rate (in \$)
Liddell State	0.00200
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
Nattai	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
Saxonvale	0.07113
South Bulli	0.01476
South Clifton	0.00493
Springvale	0.03800
Stanford Main No 2	0.00167
Stratford	0.01883

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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
Wallahah	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