



New South Wales

Mine Subsidence Compensation Regulation 2002

under the

Mine Subsidence Compensation Act 1961

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

The Hon EDWARD OBEID, M.L.C.,

Minister for Mineral Resources

Explanatory note

The object of this Regulation is to remake the provisions of the *Mine Subsidence Compensation Regulation 1997* which is repealed on 1 September 2002 under section 10 (2) of the *Subordinate Legislation Act 1989*. The new Regulation deals with the following matters:

- (a) rates of contribution to the Mine Subsidence Compensation Fund (clause 4 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 5),
- (c) the period within which certain claims for compensation must be made under section 12 of the Act (clause 6),
- (d) certain matters relating to the making of claims for compensation under section 12A of the Act (clause 7),
- (e) qualifications in valuation to be recognised for the purposes of section 13 of the Act (clause 8),
- (f) fees for the purposes of sections 15B and 15C of the Act (clauses 9 and 10),
- (g) other minor, consequential and ancillary matters (clauses 1, 2, 3 and 11).

2002 No 633

Mine Subsidence Compensation Regulation 2002

Explanatory note

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.

Mine Subsidence Compensation Regulation 2002

Contents

Contents

	Page
1 Name of Regulation	4
2 Commencement	4
3 Definitions and notes	4
4 Contributions under section 11 (1A)	4
5 Prescribed period under section 12 (1) (c)	5
6 Notifications under section 12 (2)	5
7 Claims under section 12A	5
8 Prescribed qualifications of valuer under section 13 (1) (a)	6
9 Prescribed fee under section 15B (2)	6
10 Prescribed fee under section 15C (2)	6
11 Savings	6
Schedule 1 Rate of contribution to mine subsidence compensation fund for 2001	7

Mine Subsidence Compensation Regulation 2002

1 Name of Regulation

This Regulation is the *Mine Subsidence Compensation Regulation 2002*.

2 Commencement

This Regulation commences on 1 September 2002.

Note. This Regulation replaces the *Mine Subsidence Compensation Regulation 1997* which is repealed on 1 September 2002 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions and notes

(1) In this Regulation:

approved means approved for the time being by the Chairman of the Board.

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

(2) Notes included in this Regulation do not form part of this Regulation.

4 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, to be calculated 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.

5 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.

6 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 concerned that the damage was caused by subsidence, or
- (b) if the Board determines that the owner 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.

7 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 claimant 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 improvements or the household or other effects on the date on which the damage occurred and on the date on which the notification was lodged,

2002 No 633

Clause 7

Mine Subsidence Compensation Regulation 2002

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.

8 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*.

9 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 \$40.

10 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 \$20.

11 Savings

Any act, matter or thing that, immediately before the repeal of the *Mine Subsidence Compensation Regulation 1997*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Rate of contribution to mine subsidence compensation fund for 2001

(Clause 4)

Column 1	Column 2
Colliery holding	Rate (in \$)
Aberdare North	Excepted
Airly	0.00118
Angus Place	0.03768
Antiene	Excepted
Appin	0.02487
Avon	Excepted
Avondale	0.00064
Baal Bone	0.06377
Bargo	Excepted
Bayswater No 2	0.38356
Bengalla	0.04866
Berrima	0.00488
Bloomfield	0.00847
Blue Mountains	0.00667
Boggabri	0.00053
Brimdale	Excepted
Brimstone	Excepted
Brimstone Extended	Excepted
Bulli Main	Excepted
Camberwell	0.02528
Canyon	0.00132
Cardiff Borehole	Excepted
Chain Valley	0.01572
Charbon	0.00959
Clarence	0.02719

2002 No 633

Mine Subsidence Compensation Regulation 2002

Schedule 1 Rate of contribution to mine subsidence compensation fund for 2001

Column 1	Column 2
Colliery holding	Rate (in \$)
Coal Cliff	0.00083
Cooranbong	0.03686
Cordeaux	0.01001
Cullen Valley	0.10606
Cumnock No 1	0.01253
Dartbrook	0.06278
Donaldson Coal	Excepted
Drayton	0.04393
Duralie	0.00043
Elouera	0.01605
Enhance Place	0.01676
Fernbrook	0.00303
Glendell	Excepted
Glennies Creek	0.00672
Gunnedah	0.00357
Hunter Valley Extended	0.00124
Hunter Valley Operations	0.02399
Huntley	0.00038
Invincible	0.00960
Ivanhoe	0.02524
John Darling	0.01458
Kandos No 3	0.00648
Kemira	0.00053
Lambton	Excepted
Lemington	0.03169
Liddell	0.01669
Lithgow Valley	Excepted
Mandalong Mine	Excepted
Maules Creek	0.00053
Metropolitan	0.02416

Mine Subsidence Compensation Regulation 2002

Rate of contribution to mine subsidence compensation fund for 2001

Schedule 1

Column 1	Column 2
Colliery holding	Rate (in \$)
Mitchells Flat	0.00057
Mt Owen	0.35008
Mt Thorley	0.03869
Munmorah	0.01923
Muswellbrook	0.02019
Myuna	0.03926
Narama	0.14657
Nardell Underground	0.00145
Nattai	0.00189
New Wallsend No 2	0.09249
Newdell	Excepted
Newstan	0.01405
North Cliff	Excepted
Northern	0.02028
Preston & Preston Extended Tunnel	0.00800
Ravensworth East	Excepted
Ravensworth No 2	0.00904
Rixs Creek	0.01815
Saxonvale	0.04403
South Bulli	0.00721
Southland	0.01408
Springvale	0.03003
Stratford	0.03686
Swamp Creek	0.00025
Tahmoor	0.01899
Teralba	0.00879
Tower	0.02175
Ulan No 2	0.08340
United	0.02878
Valley No 1	0.02222

2002 No 633

Mine Subsidence Compensation Regulation 2002

Schedule 1

Rate of contribution to mine subsidence compensation fund for 2001

Column 1	Column 2
Colliery holding	Rate (in \$)
Valley No 3	0.04000
Vickery	0.00078
Wallarah	0.02086
Wallerawang	0.00426
Wambo	0.03704
Warkworth	0.05618
West Cliff	0.02961
West Wallsend	0.07085
Western Main	0.00250
Westside	0.00477
Whitehaven	0.01259
Wyee	0.03037

BY AUTHORITY