

Mine Subsidence Compensation Regulation 2002

[2002-633]



New South Wales

Status Information

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The provisions displayed in this version of the legislation have all commenced.

Authorisation

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Mine Subsidence Compensation Regulation 2002



New South Wales

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This Regulation replaces the *Mine Subsidence Compensation Regulation 1997* which is repealed on 1 September 2002 under section 10 (2) of the *Subordinate Legislation Act 1989*.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

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 2002

(Clause 4)

Column 1	Column 2
Colliery holding	Rate (in \$)
Aberdare North	Excepted
Airly	0.00118
Angus Place	0.04651
Antiene	Excepted
Appin	0.02980
Avon	Excepted
Avondale	0.00049
Baal Bone	0.07016
Bargo	Excepted
Bayswater No 2	0.46205
Bellambi West	0.00435
Bengalla	0.06041
Berrima	0.00364
Bloomfield	0.00613
Blue Mountains	0.02000

Boggabri	0.00056
Brimdale	Excepted
Brimstone	Excepted
Brimstone Extended	Excepted
Bulli Main	Excepted
Camberwell	0.02697
Canyon	1000.00
Cardiff Borehole	Excepted
Chain Valley	0.02295
Charbon	0.01364
Clarence	0.03504
Coal Cliff	0.00074
Cooranbong	0.02528
Cordeaux	0.00205
Cullen Valley	0.09008
Cumnock No 1	0.01613
Dartbrook	0.05158
Dendrobium	Excepted
Donaldson Coal	0.01131
Drayton	0.05920
Duralie	0.00043
Elouera	0.01590
Enhance Place	0.02233
Fernbrook	0.00333
Glendell	Excepted
Glennies Creek	0.00696
Gunnedah	0.00667
Hunter Valley Extended	0.00133
Hunter Valley Operations	0.03783
Huntley	0.00035
Invincible	0.00426

Ivanhoe No 2	0.02827
John Darling	Excepted
Kandos No 3	0.00200
Kemira	0.00051
Lambton	Excepted
Lemington	0.04466
Liddell	0.02459
Lithgow Valley	Excepted
Mandalong Mine	0.00343
Maules Creek	0.00049
Metropolitan	0.02854
Mitchells Flat	0.00057
Mount Thorley	0.04869
Mt Owen	0.06550
Munmorah	0.02061
Muswellbrook	0.02508
Myuna	0.04183
Narama	0.06238
Nardell Underground	0.01081
Nattai	0.00156
New Wallsend No 2	0.07958
Newdell	Excepted
Newstan	0.03045
North Cliff	Excepted
Northern	Excepted
Preston & Preston Extended Tunnel	0.01250
Ravensworth East	Excepted
Ravensworth No 2	0.00360
Rixs Creek	0.02039
Sandy Creek	Excepted
Saxonvale	0.05500

Southland	0.03607
Springvale	0.04120
Stratford	0.04600
Tahmoor	0.02074
Tower	0.03051
Ulan No 2	0.08847
United	0.02352
Valley No 1	0.01667
Valley No 3	0.02941
Vickery	0.00260
Wallarah	0.02172
Wallerawang	0.00426
Wambo	0.07434
Warkworth	0.05958
West Cliff	0.03713
West Wallsend	0.06672
Western Main	0.00250
Westside	0.00407
Whitehaven	0.03975
Wyee	0.03034