

Mine Subsidence Compensation Regulation 2012

[2012-443]



New South Wales

Status Information

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Provisions in force

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

Authorisation

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Mine Subsidence Compensation Regulation 2012



New South Wales

1 Name of Regulation

This Regulation is the *Mine Subsidence Compensation Regulation 2012*.

2 Commencement

This Regulation commences on 1 September 2012.

Note—

This Regulation replaces the *Mine Subsidence Compensation Regulation 2007* which is repealed on 1 September 2012 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

approved means approved for the time being by the chairperson 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, or not exceeding 3 years if the Board is satisfied that there are special circumstances, 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 Act 2003*.

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 \$50.

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 \$25.

11 Savings

Any act, matter or thing that, immediately before the repeal of the *Mine Subsidence Compensation Regulation 2007*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Rate of contribution to Mine Subsidence Compensation Fund for 2012

(Clause 4)

Column 1	Column 2
Colliery holding	Rate (in \$)
Abel	0.03049
Aberdare East	0.01397
Aberdare North	Excepted
Airly	0.0646
Angus Place	0.19872
Appin	0.01986
Ashton	0.03029
Austar Coal Mine	0.03139
Awaba	0.02527
Baal Bone	0.06454
Bargo	Excepted
Bengalla	0.04663
Berrima	0.00701
Bloomfield	0.00694
Bluevale	Excepted

Boggabri	0.03181
Camberwell	0.04241
Chain Valley	0.01901
Charbon	0.04627
Clarence	0.07768
Cordeaux	Excepted
Cullen Valley	0.0416
Cumnock No 1	0.0005
Dartbrook	Excepted
Dendrobium	0.04974
Donaldson Coal	0.01019
Drayton	0.04117
Duralie	0.02407
Glendell	Excepted
Glennies Creek	0.02922
Gunnedah	Excepted
Hebburn No 3	Excepted
Hunter Valley Operations	0.03725
Huntley	Excepted
Invincible	0.03394
Ivanhoe No 2	0.01652
Kemira	Excepted
Liddell	0.03749
Mandalong Mine	0.16513
Mangoola	0.10548
Mannering	0.02586
Maules Creek	Excepted
Metropolitan	0.02336
Mitchells Flat	Excepted
Moolarben	0.07431
Mount Pleasant	Excepted

Mount Thorley	0.04563
Mt Arthur	0.0968
Mt Owen	0.09221
Munmorah	Excepted
Muswellbrook	0.02809
Myuna	0.07353
Narama	Excepted
Narrabri	0.01106
New Wallsend No 2	Excepted
Newdell	Excepted
Newstan	0.02527
North Cliff	Excepted
Northern	Excepted
NRE No 1	0.00208
NRE Wongawilli	0.03262
Pinedale	0.00718
Preston and Preston Extended Tunnel	Excepted
Ravensworth Operations	0.03306
Ravensworth Underground Mine	0.05477
Richmond Main East	Excepted
Rixs Creek	0.02301
Rocglen	0.03706
Sandy Creek	Excepted
Saxonvale	0.08085
Springvale	0.08225
Stratford	0.01045
Sunnyside	0.00843
Tahmoor	0.0169
Tarrawonga	0.03751
Tasman	0.18829
Ulan No 2	0.13662

United	Excepted
Wallarah	Excepted
Wallerawang	Excepted
Wambo	0.0636
Warkworth	0.04766
Werris Creek No 2	0.04451
West Cliff	0.04647
West Wallsend	0.11444
Westside	0.01022
Whitehaven	0.00111
Wilpinjong	0.16254