

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This Regulation replaces the *Mine Subsidence Compensation Regulation 2007* which is repealed on 1 September 2012 under section 10 (2) of the *Subordinate Legislation Act 1989*.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 2013

(Clause 4)

Column 1	Column 2
Colliery holding	Rate (in \$)
Abel	0.0722
Aberdare East	Excepted
Aberdare North	Excepted
Airly	0.06346
Angus Place	0.24352
Appin	0.02448
Ashton	0.02984
Austar Coal Mine	0.03274
Awaba	0.00836
Baal Bone	0.00183
Bargo	Excepted
Bengalla	0.09177
Berrima	0.00777
Bloomfield	0.01037
Bluevale	Excepted

Boggabri	0.06031
Camberwell	0.03872
Chain Valley	0.03758
Charbon	0.06568
Clarence	0.09715
Cordeaux	Excepted
Cullen Valley	0.0187
Cumnock No 1	0.03722
Dartbrook	Excepted
Dendrobium	0.07457
Donaldson Coal	0.02064
Drayton	0.06476
Duralie	0.04809
Glendell	Excepted
Glennies Creek	0.0435
Gunnedah	Excepted
Hebburn No 3	Excepted
Hunter Valley Operations	0.05336
Huntley	Excepted
Invincible	0.04503
Ivanhoe No 2	0.00118
Kemira	Excepted
Liddell	0.04606
Mandalong Mine	0.14429
Mangoola	0.06899
Mannering	0.00817
Maules Creek	Excepted
Metropolitan	0.0257
Mitchells Flat	Excepted
Moolarben	0.10236
Mount Pleasant	Excepted

Mount Thorley	0.06997
Mt Arthur	0.13942
Mt Owen	0.09769
Munmorah	Excepted
Muswellbrook	0.04125
Myuna	0.09956
Narama	Excepted
Narrabri	0.12542
New Wallsend No 2	Excepted
Newdell	Excepted
Newstan	0.00836
North Cliff	Excepted
Northern	Excepted
NRE No 1	0.00475
NRE Wongawilli	0.02433
Pinedale	0.02447
Preston and Preston Extended Tunnel	Excepted
Ravensworth Operations	0.02936
Ravensworth Underground Mine	0.04695
Richmond Main East	Excepted
Rixs Creek	0.02573
Rocglen	0.04646
Sandy Creek	Excepted
Saxonvale	0.18347
Springvale	0.11662
Stratford	Excepted
Sunnyside	0.01279
Tahmoor	0.01783
Tarrawonga	0.03865
Tasman	0.02654
Ulan No 2	0.11532

United	Excepted
Wallerah	Excepted
Wallerawang	Excepted
Wambo	0.08662
Warkworth	0.08245
Werris Creek No 2	0.04259
West Cliff	0.08376
West Wallsend	0.16854
Westside	0.00508
Whitehaven	Excepted
Wilpinjong	0.26931