

# Mine Subsidence Compensation Regulation 2012

[2012-443]



New South Wales

## Status Information

### Currency of version

Historical version for 20 February 2015 to 14 January 2016 (accessed 5 January 2025 at 12:32)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

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

### Notes—

- **Does not include amendments by**  
[Regulatory Reform and Other Legislative Repeals Act 2015 No 48](#) (not commenced — to commence on 1.3.2016)

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 18 December 2015

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New South Wales

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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This Regulation replaces the *Mine Subsidence Compensation Regulation 2007* which is repealed on 1 September 2012 under section 10 (2) of the *Subordinate Legislation Act 1989*.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 2014**

(Clause 4)

<b>Column 1</b>	<b>Column 2</b>
<b>Colliery holding</b>	<b>Rate (in \$)</b>
Abel	0.08535
Aberdare East	Excepted
Aberdare North	Excepted
Airly	0.00404
Angus Place	0.18122
Appin	0.02564
Ashton	0.03094
Austar Coal Mine	0.02352
Awaba	Excepted
Baal Bone	0.00081
Bargo	Excepted
Bengalla	0.06511
Berrima	0.00302
Bloomfield	0.00968
Bluevale	Excepted

Boggabri	0.06196
Camberwell	0.03816
Chain Valley	0.03682
Charbon	0.074
Clarence	0.09479
Cordeaux	Excepted
Cullen Valley	Excepted
Cumnock No 1	0.07293
Dartbrook	Excepted
Dendrobium	0.03189
Donaldson Coal	0.00026
Drayton	0.03277
Duralie	0.02717
Glendell	Excepted
Glennies Creek	0.04299
Gunnedah	Excepted
Hebburn No 3	Excepted
Hunter Valley Operations	0.02974
Huntley	Excepted
Invincible	Excepted
Ivanhoe No 2	Excepted
Kemira	Excepted
Liddell	0.03069
Mandalong Mine	0.09697
Mangoola	0.05047
Mannering	Excepted
Maules Creek	Excepted
Metropolitan	0.02276
Mitchells Flat	Excepted
Moolarben	0.08963
Mount Pleasant	Excepted

Mount Thorley	0.04169
Mt Arthur	0.07316
Mt Owen	0.0567
Munmorah	Excepted
Muswellbrook	0.03285
Myuna	0.0823
Narama	Excepted
Narrabri	0.1418
New Wallsend No 2	Excepted
Newdell	Excepted
Newstan	0.00912
North Cliff	Excepted
Northern	Excepted
NRE No 1	0.00205
NRE Wongawilli	0.00671
Pinedale	0.01171
Preston and Preston Extended Tunnel	Excepted
Ravensworth Operations	0.00829
Ravensworth Underground Mine	0.04268
Richmond Main East	Excepted
Rixs Creek	0.01821
Rocglen	0.04029
Sandy Creek	Excepted
Saxonvale	0.07871
Springvale	0.10791
Stratford	0.00153
Sunnyside	Excepted
Tahmoor	0.02676
Tarrawonga	0.03297
Tasman	0.00316
Ulan No 2	0.12653

United	Excepted
Wallarah	Excepted
Wallerawang	Excepted
Wambo	0.04824
Warkworth	0.04548
Werris Creek No 2	0.05023
West Cliff	0.05985
West Wallsend	0.0859
Westside	Excepted
Whitehaven	0.00295
Wilpinjong	0.18056