

Mine Subsidence Compensation Regulation 2012

[2012-443]



New South Wales

Status Information

Currency of version

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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

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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This Regulation replaces the *Mine Subsidence Compensation Regulation 2007* which is repealed on 1 September 2012 under section 10 (2) of the *Subordinate Legislation Act 1989*.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 2015

(Clause 4)

Column 1	Column 2
Colliery holding	Rate (in \$)
Abel	0.07043
Aberdare East	Excepted
Aberdare North	Excepted
Airly	0.04305
Angus Place	0.13578
Appin	0.04886
Ashton	0.02725
Austar Coal Mine	0.02589
Awaba	Excepted
Baal Bone	Excepted
Bargo	Excepted
Bengalla	0.06318
Berrima	0.00155
Bloomfield	0.00755
Bluevale	Excepted

Boggabri	0.06271
Camberwell	0.00831
Chain Valley	0.03711
Charbon	0.0337
Clarence	0.10032
Cordeaux	Excepted
Cullen Valley	Excepted
Cumnock No 1	0.04754
Dartbrook	Excepted
Dendrobium	0.04876
Donaldson Coal	Excepted
Drayton	0.04805
Duralie	0.02411
Glendell	Excepted
Glennies Creek	0.00469
Gunnedah	Excepted
Hebburn No 3	Excepted
Hunter Valley Operations	0.03318
Huntley	Excepted
Invincible	Excepted
Ivanhoe No 2	Excepted
Kemira	Excepted
Liddell	0.02387
Mandalong Mine	0.12322
Mangoola	0.04367
Mannering	Excepted
Maules Creek	0.01809
Metropolitan	0.05232
Mitchells Flat	Excepted
Moolarben	0.08024
Mount Pleasant	Excepted

Mount Thorley	0.04212
Mt Arthur	0.08352
Mt Owen	0.07757
Munmorah	Excepted
Muswellbrook	0.05326
Myuna	0.09443
Narama	Excepted
Narrabri	0.191
New Wallsend No 2	Excepted
Newdell	Excepted
Newstan	0.00291
North Cliff	Excepted
Northern	Excepted
NRE Wongawilli	0.0004
Pinedale	Excepted
Preston and Preston Extended Tunnel	Excepted
Ravensworth Operations	0.00413
Ravensworth Underground Mine	0.01767
Richmond Main East	Excepted
Rixs Creek	0.01742
Rocglen	0.03672
Russell Vale	0.1119
Sandy Creek	Excepted
Saxonvale	0.07565
Springvale	0.11412
Stratford	Excepted
Sunnyside	Excepted
Tahmoor	0.0563
Tarrawonga	0.03246
Tasman	Excepted
Ulan No 2	0.20166

United	Excepted
Wallarah	Excepted
Wallerawang	Excepted
Wambo	0.05342
Warkworth	0.04802
Werris Creek No 2	0.04923
West Cliff	0.13082
West Wallsend	0.07804
Westside	Excepted
Whitehaven	Excepted
Wilpinjong	0.1719