

Coal Mine Subsidence Compensation Regulation 2017

[2017-686]



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

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](#).

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Contents

1 Name of Regulation	3
2 Commencement	3
3 Definition	3
4 Meaning of “active coal mine”	3
5 Meaning of “infrastructure”	4
6 Extension of time within which certain claims for compensation must be made	4
7 Meaning of “qualified valuer”	4
8 Provision of reports relating to ground movement and subsidence	5
9 Delegation	5
10 Contributions under section 33	5
Schedule 1 Penalty notice offences	5
Schedule 2 Rate of contribution to Coal Mine Subsidence Compensation Fund for 2017	6
Schedule 3 Mine subsidence districts	9

Coal Mine Subsidence Compensation Regulation 2017



New South Wales

1 Name of Regulation

This Regulation is the *Coal Mine Subsidence Compensation Regulation 2017*.

2 Commencement

This Regulation commences on 1 January 2018 and is required to be published on the NSW legislation website.

3 Definition

(1) In this Regulation:

the Act means the *Coal Mine Subsidence Compensation Act 2017*.

Note—

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Meaning of “active coal mine”

(1) **Exclusion of certain coal mines with historically inactive areas** A coal mine that is a colliery holding referred to in paragraph (a) of the definition of **active coal mine** in section 4 (1) of the Act is excluded from that definition if any part of the holding is shown hatched red and labelled “inactive underground coal mining” on the Active Coal Mines Map.

(2) **Inclusion of certain coal mines (other than historically inactive areas)** A coal mine referred to in subclause (1) is prescribed for the purposes of paragraph (b) of the definition of **active coal mine** in section 4 (1) of the Act, but only in relation to land that is not shown hatched red and labelled “inactive underground coal mining” on the Active Coal Mines Map.

(3) In this clause:

Active Coal Mines Map means the *Coal Mine Subsidence Compensation Act 2017—Active Coal Mines Map* published in the Gazette on 8 December 2017.

authorisation means an authorisation under the *Mining Act 1992*.

mining lease means a mining lease under the *Mining Act 1992*.

5 Meaning of “infrastructure”

For the purposes of the definition of **infrastructure** in section 4 (1) of the Act, the following buildings and works are prescribed:

- (a) bridges,
- (b) weirs,
- (c) tunnels,
- (d) culverts.

6 Extension of time within which certain claims for compensation must be made

- (1) For the purposes of section 11 (4) of the Act, a claim for compensation for preventative or mitigative expenses under section 7 (2) (a) of the Act may, if the Chief Executive determines that special circumstances exist, be made within 6 months after the expense to which the claim relates became known to the claimant.
- (2) For the purposes of section 11 (5) of the Act, a claim for compensation for damage under section 7 (2) (b) of the Act incurred as a result of the exercise by the Chief Executive of powers under section 29 of the Act may, if the Chief Executive determines that special circumstances exist, be made within 6 months after the damage to which the claim relates became known to the claimant.

Note—

The following are examples of special circumstances:

- (a) if the claimant was absent on an extended period of travel during the initial 3 month period,
- (b) if the claimant has experienced illness or death in their immediate family during the initial 3 month period,
- (c) if the claimant has suffered from a mental incapacity during the initial 3 month period.

7 Meaning of “qualified valuer”

For the purposes of the meaning of **qualified valuer** in section 26 (7) of the Act, the following classes of persons are prescribed:

- (a) the members of the Australian Valuers Institute (other than associate or student members),

(b) the members of the Australian Property Institute (other than student or provisional members) who acquired membership in connection with their occupations as valuers,

(c) the persons who hold membership of the Royal Institution of Chartered Surveyors as chartered valuers.

8 Provision of reports relating to ground movement and subsidence

The proprietor of an active coal mine must, at such times as are determined by the Chief Executive and notified to the proprietor, provide the Chief Executive with reports in relation to the coal mine, in the manner and form approved by the Chief Executive, on the following matters:

(a) ground movement,

(b) surveying data that indicates whether any subsidence is ongoing or complete.

Maximum penalty: 10 penalty units.

9 Delegation

For the purposes of section 52 (1) (b) of the Act, the Secretary may delegate functions under the Act to a person who is a retired Supreme Court, Land and Environment Court or District Court judge.

10 Contributions under section 33

(1) In respect of the year referred to in the heading to Schedule 2, the contribution payable to the Coal Mine Subsidence Compensation Fund by the proprietor of a coal mine specified in Column 1 of that Schedule is the amount specified in Column 2 of that Schedule opposite that coal mine.

(2) The contribution prescribed in Schedule 2 is due and payable within 28 days of the commencement of this clause.

Schedule 1 Penalty notice offences

For the purposes of section 57 of the Act:

(a) each offence specified in this Schedule is an offence for which a penalty notice may be issued, and

(b) the amount payable under any such penalty notice is the amount specified in this Schedule for the offence.

Column 1

Column 2

Column 3

Provision

Penalty for an individual

Penalty for a corporation

Offences under the Act

Section 15 (6)	\$1,250	\$2,500
Section 21 (1) and (2)	\$750	\$1,500
Section 27 (2)	\$2,500	\$5,000
Section 50 (2)	\$750	\$1,500

Offences under this Regulation

Clause 8	\$500	\$1,000
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Schedule 2 Rate of contribution to Coal Mine Subsidence Compensation Fund for 2017

(Clause 10)

Column 1	Column 2
Coal mine	Contribution
Abel	\$1,000
Airly	\$62,662.05
Angus Place	—
Appin	\$272,536.14
Ashton	\$74,101.85
Austar	\$119,864.63
Avondale	—
Awaba	—
Baal Bone	—
Bargo	—
Bengalla	\$433,992.01
Berrima	\$1,000
Blandford Project	—
Bloomfield	\$36,124.94
Blue Mountains	—
Boggabri	\$355,949.56
Chain Valley	\$103,680.44
Charbon	\$1,000

Clarence	\$190,222.36
Cordeaux	—
Cullen Valley - Shoalhaven Coal Pty Ltd	—
Cumnock No 1	\$370,291.01
Dartbrook - Anglo	—
Dendrobium	\$265,578.12
Donaldson Coal	—
Drayton	\$33,198.21
Duralie	\$36,304.53
Elouera	—
Enhance	—
Glennies Creek (HVCC)	\$1,964.57
Gunnedah (NAMOI)	—
Hill Top No 2	—
Hunter Valley Operations	\$718,903.80
Huntley - Heritage	—
Invincible - Shoalhaven Coal Pty Ltd	—
Ivanhoe	—
Kandos	—
Lambton	—
Liddell	\$178,617.75
Mandalong	\$407,439.42
Mangoola	\$570,876.78
Mannering	—
Maules Creek	\$452,381.06
Metropolitan	\$95,081.23
Mitchells Flat	—
Moolarben	\$572,087.82
Mount Owen	\$414,067.89
Mount Thorley	\$207,355.53
Mt Arthur	\$911,320.86

Mt Pleasant	—
Munmorah	—
Muswellbrook	\$73,443.86
Myuna	\$103,420.02
Narrabri	\$496,620.68
Nattai	—
Neubecks Creek	—
New Wallsend No 2	—
Newstan	—
Northern	—
Preston Extended	—
Ravensworth Operations	—
Ravensworth Underground	—
Ravensworth West Colliery	—
Rix's Creek	\$113,731.38
Rocglen Open Cut	\$45,998.17
Russell Vale	\$9,622.18
Sandy Creek	—
Saxonvale	—
Saxonvale Open Cut / Beltana No 1	\$482,475.75
South Bulga Underground	—
Springvale	\$259,685.15
Stratford	—
Sunnyside	—
Tahmoor	\$136,149.33
Tarrawonga	\$110,944.91
Tasman	—
Tower	—
Ulan	\$948,575.47
United	—
Vickery Colliery	—

Wallerah	—
Wallerawang	—
Wambo	\$384,660.39
Warkworth	\$369,447.82
Werris Creek No 2	\$73,497.61
West Cliff	\$1,000
West Wallsend	\$32,633.16
Westside Open Cut	—
Westside (Teralba)	—
Whitehaven	\$4,687.86
Wilpinjong	\$614,666.08
Wongawilli	\$20,036.17

Schedule 3 Mine subsidence districts

Note—

Areas proclaimed by the [Mine Subsidence Compensation \(Mine Subsidence Districts\) Proclamation 2017](#) to be mine subsidence districts under the [Mine Subsidence Compensation Act 1961](#) immediately before its repeal are taken to be mine subsidence districts under the [Coal Mine Subsidence Compensation Act 2017](#)—see clause 9 of Schedule 1 to the Act.