

# Mine Subsidence Compensation Regulation 2012

[2012-443]



New South Wales

## Status Information

### Currency of version

Repealed version for 3 March 2017 to 31 December 2017 (accessed 28 April 2024 at 10:42)

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—

- **Repeal**

This Regulation was repealed by sec 60 of the [Coal Mine Subsidence Compensation Act 2017 No 37](#) with effect from 1.1.2018.

### 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 1 January 2018

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This Regulation replaces the *Mine Subsidence Compensation Regulation 2007* which is repealed on 1 September 2012 under section 10 (2) of the *Subordinate Legislation Act 1989*.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

### 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 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 (Repealed)**

## **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 2016**

(Clause 4)

<b>Column 1</b>	<b>Column 2</b>
<b>Colliery holding</b>	<b>Rate (in \$)</b>
Abel	0.02846
Aberdare East	Excepted
Aberdare North	Excepted
Airly	0.05057
Angus Place	Excepted
Appin	0.05094
Ashton	0.03411
Austar Coal Mine	0.00874
Awaba	Excepted
Baal Bone	Excepted
Bargo	Excepted
Bengalla	0.06464
Berrima	0.00024
Bloomfield	0.01246
Bluevale	Excepted

Boggabri	0.08243
Camberwell	Excepted
Chain Valley	0.03538
Charbon	0.0176
Clarence	0.10292
Cordeaux	Excepted
Cullen Valley	Excepted
Cumnock No 1	0.05921
Dartbrook	Excepted
Dendrobium	0.05745
Donaldson Coal	Excepted
Drayton	0.02895
Duralie	0.01778
Glendell	Excepted
Glennies Creek	Excepted
Gunnedah	Excepted
Hebburn No 3	Excepted
Hunter Valley Operations	0.0333
Huntley	Excepted
Invincible	Excepted
Ivanhoe No 2	Excepted
Kemira	Excepted
Liddell	0.02177
Mandalong Mine	0.11174
Mangoola	0.05522
Mannering	Excepted
Maules Creek	0.07071
Metropolitan	0.04144
Mitchells Flat	Excepted
Moolarben	0.09168
Mount Pleasant	Excepted

Mount Thorley	0.04481
Mt Arthur	0.07674
Mt Owen	0.07208
Munmorah	Excepted
Muswellbrook	0.06054
Myuna	0.078
Narama	Excepted
Narrabri	0.20964
New Wallsend No 2	Excepted
Newdell	Excepted
Newstan	Excepted
North Cliff	Excepted
Northern	Excepted
NRE Wongawilli	0.00014
Pinedale	Excepted
Preston and Preston Extended Tunnel	Excepted
Ravensworth Operations	Excepted
Ravensworth Underground Mine	Excepted
Richmond Main East	Excepted
Rixs Creek	0.02118
Rocglen	0.04488
Russell Vale	0.00245
Sandy Creek	Excepted
Saxonvale	0.07718
Springvale	0.14429
Stratford	Excepted
Sunnyside	Excepted
Tahmoor	0.05975
Tarrawonga	0.03322
Tasman	Excepted
Ulan No 2	0.21886

United	Excepted
Wallarah	Excepted
Wallerawang	Excepted
Wambo	0.05269
Warkworth	0.0562
Werris Creek No 2	0.0485
West Cliff	0.09795
West Wallsend	0.06728
Westside	Excepted
Whitehaven	0.00304
Wilpinjong	0.18763