



Mine Subsidence Compensation Regulation 2012

under the

Mine Subsidence Compensation Act 1961

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Mine Subsidence Compensation Act 1961*.

CHRIS HARTCHER, MP
Minister for Resources and Energy

Explanatory note

The object of this Regulation is to remake, without any changes in substance, the *Mine Subsidence Compensation Regulation 2007*, which is repealed on 1 September 2012 by section 10 (2) of the *Subordinate Legislation Act 1989*. The new regulation deals with the following matters:

- (a) the rate of contributions payable to the Mine Subsidence Compensation Fund (*the Fund*) by proprietors of colliery holdings and an exception from the requirement to contribute to the Fund,
- (b) the period for which compensation for untenable buildings and works is payable in relation to certain kinds of damage arising from mine subsidence,
- (c) the period within which certain claims for compensation from the Fund must be made,
- (d) the form in which claims must be made,
- (e) the qualifications required of a person who makes a valuation for the purposes of the *Mine Subsidence Compensation Act 1961*,
- (f) fees,
- (g) other minor, consequential and ancillary matters.

This Regulation is made under the *Mine Subsidence Compensation Act 1961*, including sections 11, 12, 12A, 13, 15B, 15C and 18 (the general regulation-making power).

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Mine Subsidence Compensation Act 1961

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 This Regulation replaces the *Mine Subsidence Compensation Regulation 2007* which is repealed on 1 September 2012 under section 10 (2) of the *Subordinate Legislation Act 1989*.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

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Schedule 1 Rate of contribution to Mine Subsidence Compensation Fund for 2011

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(Clause 4)

Column 1	Column 2
Colliery holding	Rate (in \$)
Abel	0.14302
Aberdare East	Excepted
Aberdare North	Excepted
Airly	0.02242
Angus Place	0.21402
Appin	0.01499
Ashton	0.04977
Austar Coal Mine	0.02571
Awaba	0.01718
Baal Bone	0.09737
Bargo	Excepted
Bengalla	0.05148
Berrima	0.00798
Bloomfield	0.00640
Bluevale	Excepted
Boggabri	0.04436
Camberwell	0.03946
Chain Valley	0.01731
Charbon	0.04992
Clarence	0.07139
Cordeaux	Excepted
Cullen Valley	0.03337
Cumnock No 1	0.02936
Dartbrook	Excepted
Dendrobium	0.03916

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Schedule 1

Column 1	Column 2
Colliery holding	Rate (in \$)
Donaldson Coal	0.00656
Drayton	0.04168
Duralie	0.03091
Glendell	Excepted
Glennies Creek	0.05286
Gunnedah	Excepted
Hebburn No 3	Excepted
Hunter Valley Operations	0.03969
Huntley	Excepted
Invincible	0.04356
Ivanhoe No 2	0.02576
Kemira	Excepted
Liddell	0.03510
Mandalong Mine	0.11760
Mangoola	0.02129
Mannering	0.04120
Maules Creek	Excepted
Metropolitan	0.02330
Mitchells Flat	Excepted
Moolarben	0.15073
Mount Pleasant	Excepted
Mount Thorley	0.04770
Mt Arthur	0.08661
Mt Owen	0.08874
Munmorah	Excepted
Muswellbrook	0.02848
Myuna	0.13538
Narrabri	0.00918
New Wallsend No 2	Excepted

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Column 1	Column 2
Colliery holding	Rate (in \$)
Newdell	Excepted
Newstan	Excepted
North Cliff	Excepted
Northern	Excepted
NRE No 1	0.00257
NRE Wongawilli	0.03873
Pinedale	0.00991
Preston and Preston Extended Tunnel	Excepted
Ravensworth Underground Mine	0.05529
Ravensworth West/Narama	0.04963
Richmond Main East	Excepted
Rixs Creek	0.02238
Rocglen	0.02914
Sandy Creek	Excepted
Saxonvale	0.11978
Springvale	0.11848
Stratford	0.00448
Sunnyside	0.01325
Tahmoor	0.01578
Tarrawonga	0.06033
Tasman	0.19677
Ulan No 2	0.11057
United	Excepted
Wallarrah	Excepted
Wallerawang	Excepted
Wambo	0.08302
Warkworth	0.04943
Werris Creek No 2	0.05479
West Cliff	0.06728

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Schedule 1

Column 1	Column 2
Colliery holding	Rate (in \$)
West Wallsend	0.39006
Westside	0.01003
Whitehaven	0.00132
Wilpinjong	0.19234
