

c2017-061A  
GRNS--The Greens

LEGISLATIVE COUNCIL

Coal Mine Subsidence Compensation Bill 2017

First print

Proposed amendments

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No. 1 **Compensation for environmental damage**

Page 4, clause 7 (1). Insert after line 22:

- (e) compensation for any environmental damage to land that arises from subsidence, unless the subsidence is due to operations carried on by the owner of the land or an affiliate of the owner.

No. 2 **Compensation for environmental damage**

Page 4, clause 7 (4). Insert after line 40:

*environmental damage to land* includes:

- (a) damage to rivers, creeks and other waterways, that run through the land, and
- (b) damage to trees or other vegetation on the land.

No. 3 **Compensation for environmental damage**

Page 4, clause 7. Insert after line 40:

- (5) For the avoidance of doubt, nothing in this Act prevents proceedings being brought for a prosecution of a proprietor of a coal mine under any other law in relation to environmental damage to land that arises from subsidence.

No. 4 **Liability for compensation where change of proprietor**

Page 5, clause 8 (2) and (3), lines 3 to 10. Omit all words on those lines. Insert instead:

- (2) If a person ceases to be a proprietor of an active coal mine (whether by reason of sale, transfer, the coal mine ceasing to be active or any other reason), the person remains liable to pay compensation under this Act in relation to subsidence arising from the coal mine that occurred before the person ceased to be proprietor.
- (3) If a person becomes a proprietor of an active coal mine (whether by reason of purchase, transfer or any other reason), the person is liable to pay compensation under this Act in relation to subsidence arising from the coal mine that occurs after the person becomes proprietor.

No. 5 **Limitation on claims arising out of actions to prevent or mitigate damage**

Page 5, clause 10 (1) (b), lines 28 and 29. Omit all words on those lines.

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No. 6      **Public consultation before approving procedures etc**

Page 7, clause 14 (4) and (5), lines 30 to 36. Omit all words on those lines. Insert instead:

- (4) Before the Chief Executive approves, amends or replaces the approved procedures, the Chief Executive is to make the following publicly available for a period of at least 4 weeks, as the case requires:
  - (a) the proposed approved procedures,
  - (b) the proposed amendment,
  - (c) the proposed replacement approved procedures.
- (5) The Chief Executive may extend the period of public consultation.
- (6) During the period of public consultation, any person may make a written submission to the Chief Executive on the proposed procedures, amendment or replacement procedures. The Chief Executive may (but need not) make publicly available submissions made under this section (or a summary of or report on any such submissions).
- (7) The Chief Executive is, before approving, amending or replacing the approved procedures, to consider any submissions duly made under this section.
- (8) Subsections (4)–(7) do not apply to an amendment of the approved procedures that, in the opinion of the Chief Executive, is minor or trivial in nature.

No. 7      **Disallowance of approved procedures**

Page 7, clause 14. Insert after line 43:

- (7) Sections 40 and 41 of the *Interpretation Act 1987* apply to approved procedures in the same way as those sections apply to a statutory rule.