*This* PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

I. P. K. VIDLER,
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,*
*Sydney,* 16 *March,* 1967.

# New South Wales


ANNO SEXTO DECIMO

# ELIZABETHÆ II REGINÆ

* * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * *

## Act No. , 1967.

An Act to make further provision for and in respect of a scheme for the payment of compensation where improvements on the surface are damaged by subsidence following the extraction of coal or shale; to extend that scheme to damage caused by certain prospecting for coal or shale; to amend the Mine Subsidence Compensation Act, 1961, as amended by subsequent Acts; and for purposes connected therewith.

BE

88301 203—

*Mine Subsidence Compensation (Amendment).*

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**1.** (1) This Act may be cited as the "Mine Subsidence Compensation (Amendment) Act, 1967". Short title and citation.

(2) The Mine Subsidence Compensation Act, 1961, as amended by subsequent Acts and by this Act, may be cited as the Mine Subsidence Compensation Act, 1961–1967.

**2.** (1) The Mine Subsidence Compensation Act, 1961, as amended by subsequent Acts, is amended— Amendment of Act No. 22, 1961.

(a) by inserting in section four next after the definition of "Subdivide" and "subdivision" the following new definition:— Sec. 4. (Compensation.)

"Subsidence" means subsidence due to—

(a) the extraction of coal or shale; or

(b) the prospecting for coal or shale carried out within a colliery holding by the proprietor thereof.

(b) by omitting from paragraph (a) of subsection three of section ten the words "due to the extraction of coal or shale"; Sec. 10. (Mine Subsidence Compensation Fund.)

(c) by omitting from section twelve the words "due to the extraction of coal or shale" wherever occurring; Sec. 12. (Claims for damage arising out of subsidence.)

(d) by omitting from section thirteen the words "due to the extraction of coal or shale" wherever occurring; Sec. 13. (Purchase of damaged improvements and effecting of remedial works by Board.)

(e)

(e) by omitting from section fourteen the words "due to the extraction of coal or shale"; Sec. 14. (Liability of proprietors of colliery holdings.)

(f) by omitting from paragraph (b) of subsection five of section fifteen the words "due to the extraction of coal or shale"; Sec. 15. (Mine Subsidence Districts.)

(g) by omitting from subsection one of section sixteen the words "due to the extraction of coal or shale". Sec. 16. (Powers of members and officers.)

(2) The amendments made by subsection one of this section shall be deemed to have commenced upon the first day of April, one thousand nine hundred and sixty-six.

**3.** The Mine Subsidence Compensation Act, 1961, as amended by subsequent Acts, is further amended— Further amendment of Act No. 22, 1961.

(a) (i) by omitting from section 7A the words "in writing of the person in respect of whose claim or application the decision was given" and by inserting in lieu thereof the words "in writing— Sec. 7A. (Board may reconsider matters.)

(a) where the decision was that a payment be made under section twelve of this Act, of the person in respect of whose claim the decision was made; or

(b) where the decision was that—

(i) the Board's approval be granted (whether with or without conditions) under section fifteen of this Act;

(ii) the Board issue a certificate under subsection (1A) of section 15A of this Act stating that the Board approves of the

the erection or alteration of an improvement or of the subdivision of any land (whether with or without conditions); or

(iii) the Board issue a certificate under section 15B of this Act,

of the person in respect of whose application the decision was made or of a person having an estate or interest in the land to which the approval or the certificate, as the case may require, relates";

(ii) by inserting at the end of the same section the following new subsection :—

(2) Where a decision has been made under section fifteen, 15A or 15B of this Act in respect of an application in relation to any land, nothing in this section affects the subsequent making of a decision in respect of another application under any of those sections in relation to the same land.

(b) by omitting from subsection eight of section ten the words "works or amenities upon lands which" and by inserting in lieu thereof the words "such works or amenities, upon such lands, as the Minister may approve, whether or not such lands"; Sec. 10. (Mine Subsidence Compensation Fund.)

(c) by inserting in subsection one of section twelve after the words "complied with" the words ", or, where such conditions have not been or are not being so complied with, unless the Board is satisfied that any departure from or contravention of such conditions is such that it need not be rectified"; Sec. 12. (Claims for damage arising out of subsidence.)

(d) by omitting from paragraph (a) of subsection one of section thirteen the words "the valuation determined, as at a date not more than one month before the date of the agreement, under the Valuation of Land Act, 1916, as amended by subsequent Acts, or Sec. 13. (Purchase of damaged improvements and effecting of remedial works by Board.)

or the Local Government Act, 1919, as amended by subsequent Acts," and by inserting in lieu thereof the words "an amount determined, as at a date not more than one month before the date of the agreement, as being the value of the improvements and the land, by a valuer with the prescribed qualifications who shall be appointed by the Board to make the valuation (which appointment the Board is hereby authorised to make),";

(e) (i) by inserting next after subsection (2A) of section fifteen the following new subsection :— Sec. 15. (Mine Subsidence Districts.)

(2B) The Board may require any applicant for approval under this section to furnish such particulars as it may specify in a notice sent to the applicant.

(ii) by inserting next after subsection three of the same section the following new subsection :—

(3A) Any approval given under the foregoing provisions of this section shall be void if the erection, alteration or subdivision to which it refers is not substantially commenced within twelve months after the date of the approval :

Provided that the Board may if good cause be shown grant an extension or renewal of such approval.

(iii) by inserting next after subsection eight of the same section the following new subsection :—

(9) Proceedings for an offence under this section shall not be commenced except with the consent of the Board.

A certificate purporting to be signed by the chairman of the Board and certifying that the Board has given its consent to the commencement of any such proceedings referred to in the certificate shall be evidence that the Board has so consented.

(f)

(f) (i) by omitting subsection one of section 15A and by inserting in lieu thereof the following subsections :— Sec. 15A. (Certificates of approval.)

(1) Any person may apply to the Board for a certificate under this subsection stating whether or not on a date to be specified in the certificate any land specified in the application is wholly or partly in a mine subsidence district, and where any land is partly but not wholly in such a district, stating what portion of the land is in such a district.

(1A) Such person may, when applying for a certificate under subsection one of this section or subsequently, apply to the Board for a certificate under this subsection stating, in respect of any land specified in the certificate that is in such a district, whether or not the Board approves of the erection or alteration of any improvement referred to in the application under this subsection, or of the subdivision of the land, and, if it so approves, whether it so approves either unconditionally or subject to conditions to be specified in the certificate.

(ii) by omitting from subsection two of the same section the words "the particulars" and by inserting in lieu thereof the words ", where application is made for a certificate under subsection (1A) of this section, particulars";

(iii) by omitting from subsection four of the same section the words "under this section" and by inserting in lieu thereof the words "under subsection (1A) of this section";

(iv) by omitting from the same subsection the words "land, the certificate shall be in force for such period as may be specified therein and

and the erection" and by inserting in lieu thereof the words "land—

(a) the certificate shall be in force for such period as may be specified therein;

5 (b) the production of the certificate shall for all purposes be deemed conclusive evidence in favour of a person having an estate or interest in the land that the Board, during that period, so approves;

10 (c) the erection";

(g) by omitting from subsection four of section 15B the words "bona fide purchaser for value" and by inserting in lieu thereof the words "a person having an estate or interest in the land". Sec. 15B. (Certificates of compliance.)

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1967
[10c]

No. , 1967.

# A BILL

To make further provision for and in respect of a scheme for the payment of compensation where improvements on the surface are damaged by subsidence following the extraction of coal or shale; to extend that scheme to damage caused by certain prospecting for coal or shale; to amend the Mine Subsidence Compensation Act, 1961, as amended by subsequent Acts; and for purposes connected therewith.

[Mr Lewis—15 *March*, 1967.]

BE

88301 203—

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**1.** (1) This Act may be cited as the "Mine Subsidence Compensation (Amendment) Act, 1967". Short title and citation.

(2) The Mine Subsidence Compensation Act, 1961, as amended by subsequent Acts and by this Act, may be cited as the Mine Subsidence Compensation Act, 1961–1967.

**2.** (1) The Mine Subsidence Compensation Act, 1961, as amended by subsequent Acts, is amended— Amendment of Act No. 22, 1961.

(a) by inserting in section four next after the definition of "Subdivide" and "subdivision" the following new definition:— Sec. 4. (Compensation.)

"Subsidence" means subsidence due to—

(a) the extraction of coal or shale; or

(b) the prospecting for coal or shale carried out within a colliery holding by the proprietor thereof.

(b) by omitting from paragraph (a) of subsection three of section ten the words "due to the extraction of coal or shale"; Sec. 10. (Mine Subsidence Compensation Fund.)

(c) by omitting from section twelve the words "due to the extraction of coal or shale" wherever occurring; Sec. 12. (Claims for damage arising out of subsidence.)

(d) by omitting from section thirteen the words "due to the extraction of coal or shale" wherever occurring; Sec. 13. (Purchase of damaged improvements and effecting of remedial works by Board.)

(e)

(e) by omitting from section fourteen the words "due to the extraction of coal or shale"; Sec. 14. (Liability of proprietors of colliery holdings.)

(f) by omitting from paragraph (b) of subsection five of section fifteen the words "due to the extraction of coal or shale"; Sec. 15. (Mine Subsidence Districts.)

(g) by omitting from subsection one of section sixteen the words "due to the extraction of coal or shale". Sec. 16. (Powers of members and officers.)

(2) The amendments made by subsection one of this section shall be deemed to have commenced upon the first day of April, one thousand nine hundred and sixty-six.

**3.** The Mine Subsidence Compensation Act, 1961, as amended by subsequent Acts, is further amended— Further amendment of Act No. 22, 1961.

(a) (i) by omitting from section 7A the words "in writing of the person in respect of whose claim or application the decision was given" and by inserting in lieu thereof the words "in writing— Sec. 7A. (Board may reconsider matters.)

(a) where the decision was that a payment be made under section twelve of this Act, of the person in respect of whose claim the decision was made; or

(b) where the decision was that—

(i) the Board's approval be granted (whether with or without conditions) under section fifteen of this Act;

(ii) the Board issue a certificate under subsection (1A) of section 15A of this Act stating that the Board approves of the

the erection or alteration of an improvement or of the subdivision of any land (whether with or without conditions); or

(iii) the Board issue a certificate under section 15B of this Act,

of the person in respect of whose application the decision was made or of a person having an estate or interest in the land to which the approval or the certificate, as the case may require, relates";

(ii) by inserting at the end of the same section the following new subsection :—

(2) Where a decision has been made under section fifteen, 15A or 15B of this Act in respect of an application in relation to any land, nothing in this section affects the subsequent making of a decision in respect of another application under any of those sections in relation to the same land.

(b) by omitting from subsection eight of section ten the words "works or amenities upon lands which" and by inserting in lieu thereof the words "such works or amenities, upon such lands, as the Minister may approve, whether or not such lands";

Sec. 10. (Mine Subsidence Compensation Fund.)

(c) by inserting in subsection one of section twelve after the words "complied with" the words ", or, where such conditions have not been or are not being so complied with, unless the Board is satisfied that any departure from or contravention of such conditions is such that it need not be rectified";

Sec. 12. (Claims for damage arising out of subsidence.)

(d) by omitting from paragraph (a) of subsection one of section thirteen the words "the valuation determined, as at a date not more than one month before the date of the agreement, under the Valuation of Land Act, 1916, as amended by subsequent Acts, or

Sec. 13. (Purchase of damaged improvements and effecting of remedial works by Board.)

or the Local Government Act, 1919, as amended by subsequent Acts," and by inserting in lieu thereof the words "an amount determined, as at a date not more than one month before the date of the agreement, as being the value of the improvements and the land, by a valuer with the prescribed qualifications who shall be appointed by the Board to make the valuation (which appointment the Board is hereby authorised to make),";

(e) (i) by inserting next after subsection (2A) of section fifteen the following new subsection :— Sec. 15. (Mine Subsidence Districts.)

(2B) The Board may require any applicant for approval under this section to furnish such particulars as it may specify in a notice sent to the applicant.

(ii) by inserting next after subsection three of the same section the following new subsection :—

(3A) Any approval given under the foregoing provisions of this section shall be void if the erection, alteration or subdivision to which it refers is not substantially commenced within twelve months after the date of the approval :

Provided that the Board may if good cause be shown grant an extension or renewal of such approval.

(iii) by inserting next after subsection eight of the same section the following new subsection :—

(9) Proceedings for an offence under this section shall not be commenced except with the consent of the Board.

A certificate purporting to be signed by the chairman of the Board and certifying that the Board has given its consent to the commencement of any such proceedings referred to in the certificate shall be evidence that the Board has so consented.

(f)

(f) (i) by omitting subsection one of section 15A and by inserting in lieu thereof the following subsections :— Sec. 15A. (Certificates of approval.)

(1) Any person may apply to the Board for a certificate under this subsection stating whether or not on a date to be specified in the certificate any land specified in the application is wholly or partly in a mine subsidence district, and where any land is partly but not wholly in such a district, stating what portion of the land is in such a district.

(1A) Such person may, when applying for a certificate under subsection one of this section or subsequently, apply to the Board for a certificate under this subsection stating, in respect of any land specified in the certificate that is in such a district, whether or not the Board approves of the erection or alteration of any improvement referred to in the application under this subsection, or of the subdivision of the land, and, if it so approves, whether it so approves either unconditionally or subject to conditions to be specified in the certificate.

(ii) by omitting from subsection two of the same section the words "the particulars" and by inserting in lieu thereof the words ", where application is made for a certificate under subsection (1A) of this section, particulars";

(iii) by omitting from subsection four of the same section the words "under this section" and by inserting in lieu thereof the words "under subsection (1A) of this section";

(iv) by omitting from the same subsection the words "land, the certificate shall be in force for such period as may be specified therein and

and the erection" and by inserting in lieu thereof the words "land—

(a) the certificate shall be in force for such period as may be specified therein;

5 (b) the production of the certificate shall for all purposes be deemed conclusive evidence in favour of a person having an estate or interest in the land that the Board, during that period, so approves;

10 (c) the erection";

(g) by omitting from subsection four of section 15B the words "bona fide purchaser for value" and by inserting in lieu thereof the words "a person having an estate or interest in the land". Sec. 15B. (Certificates of compliance.)

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1967
[10c]

# MINE SUBSIDENCE COMPENSATION (AMENDMENT) BILL, 1967

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## EXPLANATORY NOTE

THE objects of this Bill are—

(a) to extend the provisions of the Mine Subsidence Compensation Act, 1961, as amended, to damage caused to improvements by subsidence due to the prospecting for coal or oil shale carried out within a colliery holding by the proprietor;

(b) to amplify the power of the Mine Subsidence Board to reconsider any matter dealt with by it;

(c) to authorise the expenditure of money standing to the credit of the Mine Subsidence Fund as at 30th June, 1961, on such works and amenities, and upon such lands, as the Minister approves, whether or not those lands were within mine subsidence insurance districts as established under the Mine Subsidence Act, 1928–1957;

(d) to permit claims for compensation for damage to an improvement which is the subject of a conditional right to insure under the Mine Subsidence Act, 1928–1957, notwithstanding that there have been minor breaches of any conditions;

(e) to amend the provisions of the Mine Subsidence Compensation Act, 1961, as amended, relating to approvals and certificates under sections 15, 15A and 15B in respect of land within a Mine Subsidence District; and

(f) to make other amendments of a minor or ancillary character.

88301 203—

*PROOF*

No. , 1967.

# A BILL

To make further provision for and in respect of a scheme for the payment of compensation where improvements on the surface are damaged by subsidence following the extraction of coal or shale; to extend that scheme to damage caused by certain prospecting for coal or shale; to amend the Mine Subsidence Compensation Act, 1961, as amended by subsequent Acts; and for purposes connected therewith.

[MR LEWIS—15 *March*, 1967.]

BE

88301 203—

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**1.** (1) This Act may be cited as the "Mine Subsidence Compensation (Amendment) Act, 1967". Short title and citation.

(2) The Mine Subsidence Compensation Act, 1961, as amended by subsequent Acts and by this Act, may be cited as the Mine Subsidence Compensation Act, 1961–1967.

**2.** (1) The Mine Subsidence Compensation Act, 1961, as amended by subsequent Acts, is amended— Amendment of Act No. 22, 1961.

(a) by inserting in section four next after the definition of "Subdivide" and "subdivision" the following new definition:— Sec. 4. (Compensation.)

"Subsidence" means subsidence due to—

(a) the extraction of coal or shale; or

(b) the prospecting for coal or shale carried out within a colliery holding by the proprietor thereof.

(b) by omitting from paragraph (a) of subsection three of section ten the words "due to the extraction of coal or shale"; Sec. 10. (Mine Subsidence Compensation Fund.)

(c) by omitting from section twelve the words "due to the extraction of coal or shale" wherever occurring; Sec. 12. (Claims for damage arising out of subsidence.)

(d) by omitting from section thirteen the words "due to the extraction of coal or shale" wherever occurring; Sec. 13. (Purchase of damaged improvements and effecting of remedial works by Board.)

(e)

(e) by omitting from section fourteen the words "due to the extraction of coal or shale"; Sec. 14. (Liability of proprietors of colliery holdings.)

(f) by omitting from paragraph (b) of subsection five of section fifteen the words "due to the extraction of coal or shale"; Sec. 15. (Mine Subsidence Districts.)

(g) by omitting from subsection one of section sixteen the words "due to the extraction of coal or shale". Sec. 16. (Powers of members and officers.)

(2) The amendments made by subsection one of this section shall be deemed to have commenced upon the first day of April, one thousand nine hundred and sixty-six.

**3.** The Mine Subsidence Compensation Act, 1961, as amended by subsequent Acts, is further amended— Further amendment of Act No. 22, 1961.

(a) (i) by omitting from section 7A the words "in writing of the person in respect of whose claim or application the decision was given" and by inserting in lieu thereof the words "in writing— Sec. 7A. (Board may reconsider matters.)

(a) where the decision was that a payment be made under section twelve of this Act, of the person in respect of whose claim the decision was made; or

(b) where the decision was that—

(i) the Board's approval be granted (whether with or without conditions) under section fifteen of this Act;

(ii) the Board issue a certificate under subsection (1A) of section 15A of this Act stating that the Board approves of the

the erection or alteration of an improvement or of the subdivision of any land (whether with or without conditions); or

(iii) the Board issue a certificate under section 15B of this Act,

of the person in respect of whose application the decision was made or of a person having an estate or interest in the land to which the approval or the certificate, as the case may require, relates";

(ii) by inserting at the end of the same section the following new subsection :—

(2) Where a decision has been made under section fifteen, 15A or 15B of this Act in respect of an application in relation to any land, nothing in this section affects the subsequent making of a decision in respect of another application under any of those sections in relation to the same land.

(b) by omitting from subsection eight of section ten the words "works or amenities upon lands which" and by inserting in lieu thereof the words "such works or amenities, upon such lands, as the Minister may approve, whether or not such lands"; Sec. 10. (Mine Subsidence Compensation Fund.)

(c) by inserting in subsection one of section twelve after the words "complied with" the words ", or, where such conditions have not been or are not being so complied with, unless the Board is satisfied that any departure from or contravention of such conditions is such that it need not be rectified"; Sec. 12. (Claims for damage arising out of subsidence.)

(d) by omitting from paragraph (a) of subsection one of section thirteen the words "the valuation determined, as at a date not more than one month before the date of the agreement, under the Valuation of Land Act, 1916, as amended by subsequent Acts, Sec. 13. (Purchase of damaged improvements and effecting of remedial works by Board.)

or

or the Local Government Act, 1919, as amended by subsequent Acts," and by inserting in lieu thereof the words "an amount determined, as at a date not more than one month before the date of the agreement, as being the value of the improvements and the land, by a valuer with the prescribed qualifications who shall be appointed by the Board to make the valuation (which appointment the Board is hereby authorised to make),";

(e) (i) by inserting next after subsection (2A) of section fifteen the following new subsection :— Sec. 15. (Mine Subsidence Districts.)

(2B) The Board may require any applicant for approval under this section to furnish such particulars as it may specify in a notice sent to the applicant.

(ii) by inserting next after subsection three of the same section the following new subsection :—

(3A) Any approval given under the foregoing provisions of this section shall be void if the erection, alteration or subdivision to which it refers is not substantially commenced within twelve months after the date of the approval :

Provided that the Board may if good cause be shown grant an extension or renewal of such approval.

(iii) by inserting next after subsection eight of the same section the following new subsection :—

(9) Proceedings for an offence under this section shall not be commenced except with the consent of the Board.

A certificate purporting to be signed by the chairman of the Board and certifying that the Board has given its consent to the commencement of any such proceedings referred to in the certificate shall be evidence that the Board has so consented.

(f)

(f) (i) by omitting subsection one of section 15A and by inserting in lieu thereof the following subsections :— Sec. 15A. (Certificates of approval.)

(1) Any person may apply to the Board for a certificate under this subsection stating whether or not on a date to be specified in the certificate any land specified in the application is wholly or partly in a mine subsidence district, and where any land is partly but not wholly in such a district, stating what portion of the land is in such a district.

(1A) Such person may, when applying for a certificate under subsection one of this section or subsequently, apply to the Board for a certificate under this subsection stating, in respect of any land specified in the certificate that is in such a district, whether or not the Board approves of the erection or alteration of any improvement referred to in the application under this subsection, or of the subdivision of the land, and, if it so approves, whether it so approves either unconditionally or subject to conditions to be specified in the certificate.

(ii) by omitting from subsection two of the same section the words "the particulars" and by inserting in lieu thereof the words ", where application is made for a certificate under subsection (1A) of this section, particulars";

(iii) by omitting from subsection four of the same section the words "under this section" and by inserting in lieu thereof the words "under subsection (1A) of this section";

(iv) by omitting from the same subsection the words "land, the certificate shall be in force for such period as may be specified therein and

and the erection" and by inserting in lieu thereof the words "land—

(a) the certificate shall be in force for such period as may be specified therein;

5 (b) the production of the certificate shall for all purposes be deemed conclusive evidence in favour of a person having an estate or interest in the land that the Board, during that period, so approves;

10 (c) the erection";

(g) by omitting from subsection four of section 15B the words "bona fide purchaser for value" and by inserting in lieu thereof the words "a person having an estate or interest in the land". Sec. 15B. (Certificates of compliance.)

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1967

# New South Wales

ANNO SEXTO DECIMO

# ELIZABETHÆ II REGINÆ

* * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * *

## Act No. 31, 1967.

An Act to make further provision for and in respect of a scheme for the payment of compensation where improvements on the surface are damaged by subsidence following the extraction of coal or shale; to extend that scheme to damage caused by certain prospecting for coal or shale; to amend the Mine Subsidence Compensation Act, 1961, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 30th March, 1967.]

BE

P 92139 [10c]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title and citation.

**1.** (1) This Act may be cited as the "Mine Subsidence Compensation (Amendment) Act, 1967".

(2) The Mine Subsidence Compensation Act, 1961, as amended by subsequent Acts and by this Act, may be cited as the Mine Subsidence Compensation Act, 1961–1967.

Amendment of Act No. 22, 1961.

**2.** (1) The Mine Subsidence Compensation Act, 1961, as amended by subsequent Acts, is amended—

Sec. 4. (Compensation.)

(a) by inserting in section four next after the definition of "Subdivide" and "subdivision" the following new definition:—

"Subsidence" means subsidence due to—

(a) the extraction of coal or shale; or

(b) the prospecting for coal or shale carried out within a colliery holding by the proprietor thereof.

Sec. 10. (Mine Subsidence Compensation Fund.)

(b) by omitting from paragraph (a) of subsection three of section ten the words "due to the extraction of coal or shale";

Sec. 12. (Claims for damage arising out of subsidence.)

(c) by omitting from section twelve the words "due to the extraction of coal or shale" wherever occurring;

Sec. 13. (Purchase of damaged improvements and effecting of remedial works by Board.)

(d) by omitting from section thirteen the words "due to the extraction of coal or shale" wherever occurring;

(e)

(e) by omitting from section fourteen the words "due to the extraction of coal or shale"; Sec. 14. (Liability of proprietors of colliery holdings.)

(f) by omitting from paragraph (b) of subsection five of section fifteen the words "due to the extraction of coal or shale"; Sec. 15. (Mine Subsidence Districts.)

(g) by omitting from subsection one of section sixteen the words "due to the extraction of coal or shale". Sec. 16. (Powers of members and officers.)

(2) The amendments made by subsection one of this section shall be deemed to have commenced upon the first day of April, one thousand nine hundred and sixty-six.

**3.** The Mine Subsidence Compensation Act, 1961, as amended by subsequent Acts, is further amended— Further amendment of Act No. 22, 1961.

(a) (i) by omitting from section 7A the words "in writing of the person in respect of whose claim or application the decision was given" and by inserting in lieu thereof the words "in writing— Sec. 7A. (Board may reconsider matters.)

(a) where the decision was that a payment be made under section twelve of this Act, of the person in respect of whose claim the decision was made; or

(b) where the decision was that—

(i) the Board's approval be granted (whether with or without conditions) under section fifteen of this Act;

(ii) the Board issue a certificate under subsection (1A) of section 15A of this Act stating that the Board approves of the

the erection or alteration of an improvement or of the subdivision of any land (whether with or without conditions); or

(iii) the Board issue a certificate under section 15B of this Act,

of the person in respect of whose application the decision was made or of a person having an estate or interest in the land to which the approval or the certificate, as the case may require, relates";

(ii) by inserting at the end of the same section the following new subsection :—

(2) Where a decision has been made under section fifteen, 15A or 15B of this Act in respect of an application in relation to any land, nothing in this section affects the subsequent making of a decision in respect of another application under any of those sections in relation to the same land.

Sec. 10. (Mine Subsidence Compensation Fund.)

(b) by omitting from subsection eight of section ten the words "works or amenities upon lands which" and by inserting in lieu thereof the words "such works or amenities, upon such lands, as the Minister may approve, whether or not such lands";

Sec. 12. (Claims for damage arising out of subsidence.)

(c) by inserting in subsection one of section twelve after the words "complied with" the words ", or, where such conditions have not been or are not being so complied with, unless the Board is satisfied that any departure from or contravention of such conditions is such that it need not be rectified";

Sec. 13. (Purchase of damaged improvements and effecting of remedial works by Board.)

(d) by omitting from paragraph (a) of subsection one of section thirteen the words "the valuation determined, as at a date not more than one month before the date of the agreement, under the Valuation of Land Act, 1916, as amended by subsequent Acts,

or

or the Local Government Act, 1919, as amended by subsequent Acts," and by inserting in lieu thereof the words "an amount determined, as at a date not more than one month before the date of the agreement, as being the value of the improvements and the land, by a valuer with the prescribed qualifications who shall be appointed by the Board to make the valuation (which appointment the Board is hereby authorised to make),";

(e) (i) by inserting next after subsection (2A) of section fifteen the following new subsection :— Sec. 15. (Mine Subsidence Districts.)

(2B) The Board may require any applicant for approval under this section to furnish such particulars as it may specify in a notice sent to the applicant.

(ii) by inserting next after subsection three of the same section the following new subsection :—

(3A) Any approval given under the foregoing provisions of this section shall be void if the erection, alteration or subdivision to which it refers is not substantially commenced within twelve months after the date of the approval :

Provided that the Board may if good cause be shown grant an extension or renewal of such approval.

(iii) by inserting next after subsection eight of the same section the following new subsection :—

(9) Proceedings for an offence under this section shall not be commenced except with the consent of the Board.

A certificate purporting to be signed by the chairman of the Board and certifying that the Board has given its consent to the commencement of any such proceedings referred to in the certificate shall be evidence that the Board has so consented.

(f)

Sec. 15A. (Certificates of approval.)

(f) (i) by omitting subsection one of section 15A and by inserting in lieu thereof the following subsections :—

(1) Any person may apply to the Board for a certificate under this subsection stating whether or not on a date to be specified in the certificate any land specified in the application is wholly or partly in a mine subsidence district, and where any land is partly but not wholly in such a district, stating what portion of the land is in such a district.

(1A) Such person may, when applying for a certificate under subsection one of this section or subsequently, apply to the Board for a certificate under this subsection stating, in respect of any land specified in the certificate that is in such a district, whether or not the Board approves of the erection or alteration of any improvement referred to in the application under this subsection, or of the subdivision of the land, and, if it so approves, whether it so approves either unconditionally or subject to conditions to be specified in the certificate.

(ii) by omitting from subsection two of the same section the words "the particulars" and by inserting in lieu thereof the words ", where application is made for a certificate under subsection (1A) of this section, particulars";

(iii) by omitting from subsection four of the same section the words "under this section" and by inserting in lieu thereof the words "under subsection (1A) of this section";

(iv) by omitting from the same subsection the words "land, the certificate shall be in force for such period as may be specified therein and

and the erection" and by inserting in lieu thereof the words "land—

(a) the certificate shall be in force for such period as may be specified therein;

(b) the production of the certificate shall for all purposes be deemed conclusive evidence in favour of a person having an estate or interest in the land that the Board, during that period, so approves;

(c) the erection";

(g) by omitting from subsection four of section 15B the words "bona fide purchaser for value" and by inserting in lieu thereof the words "a person having an estate or interest in the land". Sec. 15B. (Certificates of compliance.)

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1967

*I certify that this* PUBLIC BILL, *which originated in the* LEGISLATIVE ASSEMBLY, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

I. P. K. VIDLER,
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,*
*Sydney,* 21 *March,* 1967.

# New South Wales


ANNO SEXTO DECIMO

# ELIZABETHÆ II REGINÆ

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## Act No. 31, 1967.

An Act to make further provision for and in respect of a scheme for the payment of compensation where improvements on the surface are damaged by subsidence following the extraction of coal or shale; to extend that scheme to damage caused by certain prospecting for coal or shale; to amend the Mine Subsidence Compensation Act, 1961, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 30th March, 1967.]

BE

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

G. R. CRAWFORD,
*Chairman of Committees of the Legislative Assembly.*

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title and citation.

**1.** (1) This Act may be cited as the "Mine Subsidence Compensation (Amendment) Act, 1967".

(2) The Mine Subsidence Compensation Act, 1961, as amended by subsequent Acts and by this Act, may be cited as the Mine Subsidence Compensation Act, 1961–1967.

Amendment of Act No. 22, 1961.

**2.** (1) The Mine Subsidence Compensation Act, 1961, as amended by subsequent Acts, is amended—

Sec. 4. (Compensation.)

(a) by inserting in section four next after the definition of "Subdivide" and "subdivision" the following new definition:—

"Subsidence" means subsidence due to—

(a) the extraction of coal or shale; or

(b) the prospecting for coal or shale carried out within a colliery holding by the proprietor thereof.

Sec. 10. (Mine Subsidence Compensation Fund.)

(b) by omitting from paragraph (a) of subsection three of section ten the words "due to the extraction of coal or shale";

Sec. 12. (Claims for damage arising out of subsidence.)

(c) by omitting from section twelve the words "due to the extraction of coal or shale" wherever occurring;

Sec. 13. (Purchase of damaged improvements and effecting of remedial works by Board.)

(d) by omitting from section thirteen the words "due to the extraction of coal or shale" wherever occurring;

(e)

(e) by omitting from section fourteen the words "due to the extraction of coal or shale"; Sec. 14. (Liability of proprietors of colliery holdings.)

(f) by omitting from paragraph (b) of subsection five of section fifteen the words "due to the extraction of coal or shale"; Sec. 15. (Mine Subsidence Districts.)

(g) by omitting from subsection one of section sixteen the words "due to the extraction of coal or shale". Sec. 16. (Powers of members and officers.)

(2) The amendments made by subsection one of this section shall be deemed to have commenced upon the first day of April, one thousand nine hundred and sixty-six.

**3.** The Mine Subsidence Compensation Act, 1961, as amended by subsequent Acts, is further amended— Further amendment of Act No. 22, 1961.

(a) (i) by omitting from section 7A the words "in writing of the person in respect of whose claim or application the decision was given" and by inserting in lieu thereof the words "in writing— Sec. 7A. (Board may reconsider matters.)

(a) where the decision was that a payment be made under section twelve of this Act, of the person in respect of whose claim the decision was made; or

(b) where the decision was that—

(i) the Board's approval be granted (whether with or without conditions) under section fifteen of this Act;

(ii) the Board issue a certificate under subsection (1A) of section 15A of this Act stating that the Board approves of the

the erection or alteration of an improvement or of the subdivision of any land (whether with or without conditions); or

(iii) the Board issue a certificate under section 15B of this Act,

of the person in respect of whose application the decision was made or of a person having an estate or interest in the land to which the approval or the certificate, as the case may require, relates";

(ii) by inserting at the end of the same section the following new subsection :—

(2) Where a decision has been made under section fifteen, 15A or 15B of this Act in respect of an application in relation to any land, nothing in this section affects the subsequent making of a decision in respect of another application under any of those sections in relation to the same land.

Sec. 10. (Mine Subsidence Compensation Fund.)

(b) by omitting from subsection eight of section ten the words "works or amenities upon lands which" and by inserting in lieu thereof the words "such works or amenities, upon such lands, as the Minister may approve, whether or not such lands";

Sec. 12. (Claims for damage arising out of subsidence.)

(c) by inserting in subsection one of section twelve after the words "complied with" the words ", or, where such conditions have not been or are not being so complied with, unless the Board is satisfied that any departure from or contravention of such conditions is such that it need not be rectified";

Sec. 13. (Purchase of damaged improvements and effecting of remedial works by Board.)

(d) by omitting from paragraph (a) of subsection one of section thirteen the words "the valuation determined, as at a date not more than one month before the date of the agreement, under the Valuation of Land Act, 1916, as amended by subsequent Acts,

or

or the Local Government Act, 1919, as amended by subsequent Acts," and by inserting in lieu thereof the words "an amount determined, as at a date not more than one month before the date of the agreement, as being the value of the improvements and the land, by a valuer with the prescribed qualifications who shall be appointed by the Board to make the valuation (which appointment the Board is hereby authorised to make),";

(e) (i) by inserting next after subsection (2A) of section fifteen the following new subsection :— Sec. 15. (Mine Subsidence Districts.)

(2B) The Board may require any applicant for approval under this section to furnish such particulars as it may specify in a notice sent to the applicant.

(ii) by inserting next after subsection three of the same section the following new subsection :—

(3A) Any approval given under the foregoing provisions of this section shall be void if the erection, alteration or subdivision to which it refers is not substantially commenced within twelve months after the date of the approval :

Provided that the Board may if good cause be shown grant an extension or renewal of such approval.

(iii) by inserting next after subsection eight of the same section the following new subsection :—

(9) Proceedings for an offence under this section shall not be commenced except with the consent of the Board.

A certificate purporting to be signed by the chairman of the Board and certifying that the Board has given its consent to the commencement of any such proceedings referred to in the certificate shall be evidence that the Board has so consented.

(f)

Sec. 15A. (Certificates of approval.)

(f) (i) by omitting subsection one of section 15A and by inserting in lieu thereof the following subsections :—

(1) Any person may apply to the Board for a certificate under this subsection stating whether or not on a date to be specified in the certificate any land specified in the application is wholly or partly in a mine subsidence district, and where any land is partly but not wholly in such a district, stating what portion of the land is in such a district.

(1A) Such person may, when applying for a certificate under subsection one of this section or subsequently, apply to the Board for a certificate under this subsection stating, in respect of any land specified in the certificate that is in such a district, whether or not the Board approves of the erection or alteration of any improvement referred to in the application under this subsection, or of the subdivision of the land, and, if it so approves, whether it so approves either unconditionally or subject to conditions to be specified in the certificate.

(ii) by omitting from subsection two of the same section the words "the particulars" and by inserting in lieu thereof the words ", where application is made for a certificate under subsection (1A) of this section, particulars";

(iii) by omitting from subsection four of the same section the words "under this section" and by inserting in lieu thereof the words "under subsection (1A) of this section";

(iv) by omitting from the same subsection the words "land, the certificate shall be in force for such period as may be specified therein

and

and the erection" and by inserting in lieu thereof the words "land—

(a) the certificate shall be in force for such period as may be specified therein;

(b) the production of the certificate shall for all purposes be deemed conclusive evidence in favour of a person having an estate or interest in the land that the Board, during that period, so approves;

(c) the erection";

(g) by omitting from subsection four of section 15B the words "bona fide purchaser for value" and by inserting in lieu thereof the words "a person having an estate or interest in the land". Sec. 15B. (Certificates of compliance.)

*In the name and on behalf of Her Majesty I assent to this Act.*

A. R. CUTLER,
*Governor.*

*Government House,*
*Sydney, 30th March,* 1967.