

CONCURRENCE COPY

MINE SUBSIDENCE COMPENSATION (AMENDMENT) BILL, 1983

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Mine Subsidence Compensation Act, 1961, so as—

- (a) to enable the power of the Governor to prescribe the manner and basis of calculating the sum payable by proprietors of colliery holdings as contributions to the Mine Subsidence Compensation Fund to be exercised differently in respect of different cases or classes of cases (Schedule 1 (1));
- (b) to provide that an approval by the Mine Subsidence Board to the alteration or erection of improvements on, or the subdivision of, land within a mine subsidence district will lapse if building, engineering or construction work relating to the alteration, erection or subdivision is not physically commenced within 2 years of the approval (at present such an approval lapses if the alteration, erection or subdivision is not substantially commenced within 12 months) (Schedule 1 (2));
- (c) to make provision by way of statute law revision (Schedule 2); and
- (d) to make other provisions of a consequential or ancillary nature.

The Bill also makes provisions of a saving and transitional nature.

**MINE SUBSIDENCE COMPENSATION (AMENDMENT) BILL,
1983**

No. , 1983.

A BILL FOR

An Act to amend the Mine Subsidence Compensation Act, 1961, with respect to the contributions payable to the Mine Subsidence Compensation Fund and approvals of certain development within mine subsidence districts, and for other purposes.

[MR K. J. STEWART—8 *November*, 1983.]

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:—

5 **Short title.**

1. This Act may be cited as the "Mine Subsidence Compensation (Amendment) Act, 1983".

Principal Act.

2. The Mine Subsidence Compensation Act, 1961, is referred to in this
10 Act as the Principal Act.

Schedules.

3. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

15 SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION.

Amendment of Act No. 22, 1961.

4. The Principal Act is amended in the manner set forth in Schedules
1 and 2.

Transitional provision.

20 5. On and after the date of assent to this Act, the provisions of section
15 of the Principal Act, as amended by this Act, apply to and in respect
of an approval granted or renewed under that section less than 12 months
before that date (being an approval relating to the erection or alteration
of improvements, or the subdivision of land, not substantially commenced

Mine Subsidence Compensation (Amendment).

before that date) in the same way as those provisions apply to and in respect of an approval granted or renewed under that section, as so amended, on or after that date.

Saving.

- 5 **6.** A regulation made for the purposes of section 11 (1A) of the Principal Act, as in force before the date of assent to this Act, shall, on and from that date, be deemed to have been made for the purposes of section 11 (1A) of the Principal Act as substituted by this Act.

SCHEDULE 1.

10

(Sec. 4.)

AMENDMENTS TO THE PRINCIPAL ACT.

- (1) (a) Section 11 (1A)—

Omit the subsection, insert instead:—

15

(1A) Where, in respect of any year, a manner of calculating a sum to be contributed to the Fund by the proprietor of a colliery holding is prescribed for the purposes of this subsection, the proprietor of that colliery holding shall, subject to this section, contribute to the Fund in respect of that year the sum calculated in that manner.

20

- (b) Section 11 (1C)—

After section 11 (1B), insert:—

(1C) Without affecting the generality of subsection (1A), the power—

25

- (a) under subsection (1A) to prescribe the manner of calculating the sum to be contributed to the Fund by the proprietor of a colliery holding in respect of any year; or

Mine Subsidence Compensation (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) under subsection (1B) to prescribe the basis of that contribution,

5 may be exercised—

(c) either in relation to all cases to which the power extends, or in relation to all of those cases subject to specified exceptions, or in relation to any specified cases or class of cases; and

10 (d) so as to make, as respects the cases in relation to which it is exercised, the same provision for all of those cases or different provision for different cases or classes of cases.

(c) Section 11 (2)—

15 Omit “each year”, insert instead “a year for which the proprietor of a colliery holding is required pursuant to subsection (1A) to contribute to the Fund”.

(d) Section 11 (2)—

20 Omit “each proprietor of a colliery holding”, insert instead “that proprietor”.

(2) (a) Section 15 (3A)—

Omit “substantially commenced within twelve months”, insert instead “commenced within 2 years”.

(b) Section 15 (3AA)—

25 After section 15 (3A), insert:—

(3AA) For the purposes of subsection (3A), the alteration or erection of improvements on land or the subdivision (involving physical work) of land is commenced when building, engineering or construction work relating to that alteration, erection or subdivision is physically commenced on the land.

30

Mine Subsidence Compensation (Amendment).

SCHEDULE 2.

(Sec. 4.)

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

(1) Section 10 (5)—

- 5 Omit “Consolidated Revenue Fund”, insert instead “Consolidated Fund”.

(2) (a) Section 11 (1B)—

Omit “the thirtieth day of” wherever occurring, insert instead “30th”.

10 (b) Section 11 (3) (b)—

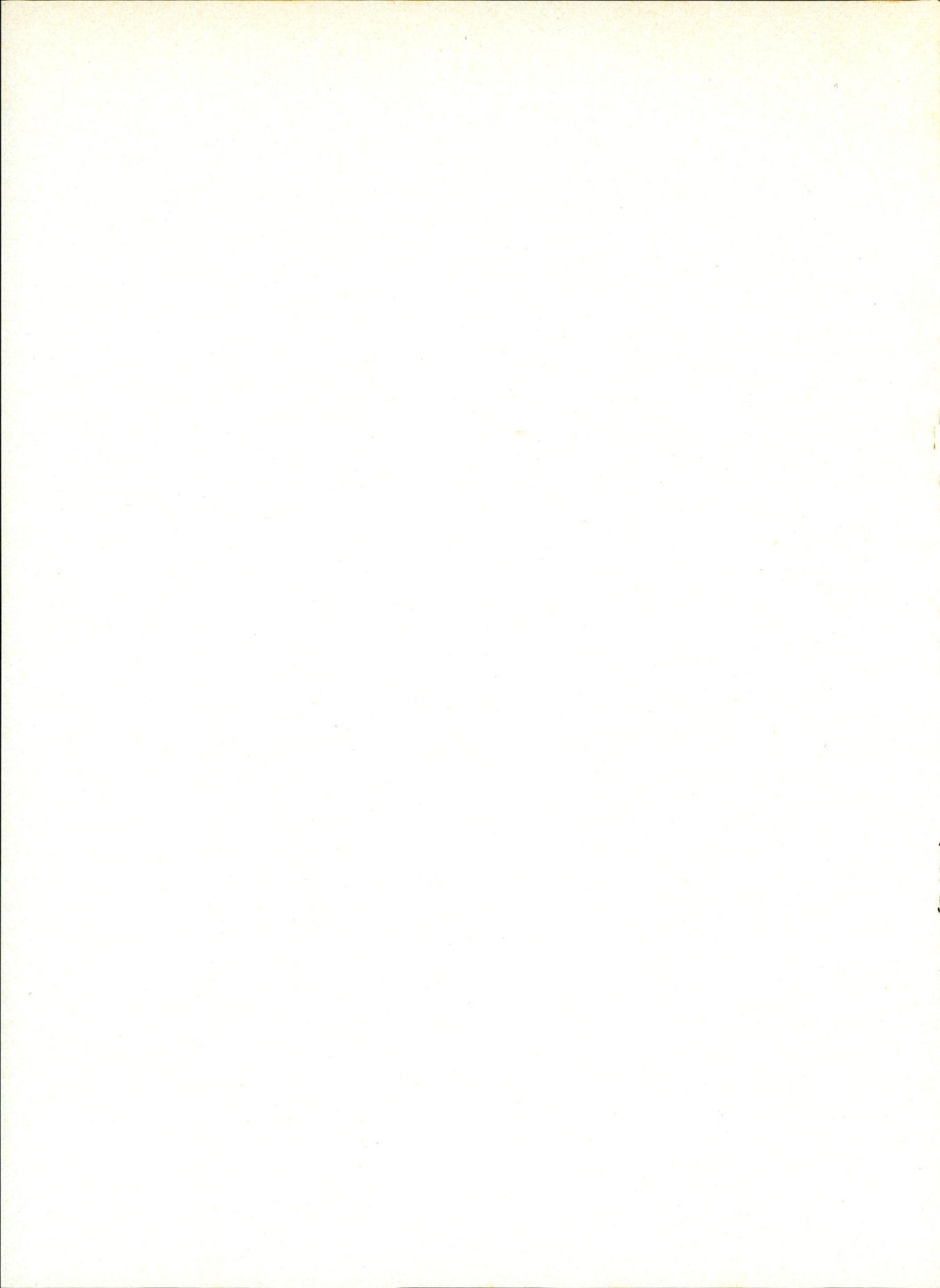
Omit “Companies Act, 1961,”, insert instead “Companies (New South Wales) Code”.

(c) Section 11 (3A) (a)—

Omit “the twenty-eighth day of”, insert instead “28th”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1983



**MINE SUBSIDENCE COMPENSATION (AMENDMENT) ACT,
1983, No. 125**

New South Wales



ANNO TRICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 125, 1983.

An Act to amend the Mine Subsidence Compensation Act, 1961, with respect to the contributions payable to the Mine Subsidence Compensation Fund and approvals of certain development within mine subsidence districts, and for other purposes. [Assented to, 15th December, 1983.]

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:—

Short title.

1. This Act may be cited as the "Mine Subsidence Compensation (Amendment) Act, 1983".

Principal Act.

2. The Mine Subsidence Compensation Act, 1961, is referred to in this Act as the Principal Act.

Schedules.

3. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

Amendment of Act No. 22, 1961.

4. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

Transitional provision.

5. On and after the date of assent to this Act, the provisions of section 15 of the Principal Act, as amended by this Act, apply to and in respect of an approval granted or renewed under that section less than 12 months before that date (being an approval relating to the erection or alteration of improvements, or the subdivision of land, not substantially commenced

Mine Subsidence Compensation (Amendment).

before that date) in the same way as those provisions apply to and in respect of an approval granted or renewed under that section, as so amended, on or after that date.

Saving.

6. A regulation made for the purposes of section 11 (1A) of the Principal Act, as in force before the date of assent to this Act, shall, on and from that date, be deemed to have been made for the purposes of section 11 (1A) of the Principal Act as substituted by this Act.

SCHEDULE 1.

(Sec. 4.)

AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 11 (1A)—

Omit the subsection, insert instead:—

(1A) Where, in respect of any year, a manner of calculating a sum to be contributed to the Fund by the proprietor of a colliery holding is prescribed for the purposes of this subsection, the proprietor of that colliery holding shall, subject to this section, contribute to the Fund in respect of that year the sum calculated in that manner.

(b) Section 11 (1C)—

After section 11 (1B), insert:—

(1C) Without affecting the generality of subsection (1A), the power—

- (a) under subsection (1A) to prescribe the manner of calculating the sum to be contributed to the Fund by the proprietor of a colliery holding in respect of any year; or

Mine Subsidence Compensation (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (b) under subsection (1B) to prescribe the basis of that contribution,
may be exercised—
 - (c) either in relation to all cases to which the power extends, or in relation to all of those cases subject to specified exceptions, or in relation to any specified cases or class of cases; and
 - (d) so as to make, as respects the cases in relation to which it is exercised, the same provision for all of those cases or different provision for different cases or classes of cases.
 - (c) Section 11 (2)—
Omit “each year”, insert instead “a year for which the proprietor of a colliery holding is required pursuant to subsection (1A) to contribute to the Fund”.
 - (d) Section 11 (2)—
Omit “each proprietor of a colliery holding”, insert instead “that proprietor”.
 - (2) (a) Section 15 (3A)—
Omit “substantially commenced within twelve months”, insert instead “commenced within 2 years”.
 - (b) Section 15 (3AA)—
After section 15 (3A), insert:—
 - (3AA) For the purposes of subsection (3A), the alteration or erection of improvements on land or the subdivision (involving physical work) of land is commenced when building, engineering or construction work relating to that alteration, erection or subdivision is physically commenced on the land.
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Mine Subsidence Compensation (Amendment).

SCHEDULE 2.

(Sec. 4.)

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

(1) Section 10 (5)—

Omit "Consolidated Revenue Fund", insert instead "Consolidated Fund".

(2) (a) Section 11 (1B)—

Omit "the thirtieth day of" wherever occurring, insert instead "30th".

(b) Section 11 (3) (b)—

Omit "Companies Act, 1961,", insert instead "Companies (New South Wales) Code".

(c) Section 11 (3A) (a)—

Omit "the twenty-eighth day of", insert instead "28th".

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

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 15th December, 1983.*

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1984





