

**MINE SUBSIDENCE COMPENSATION (AMENDMENT) ACT
1994 No. 4**

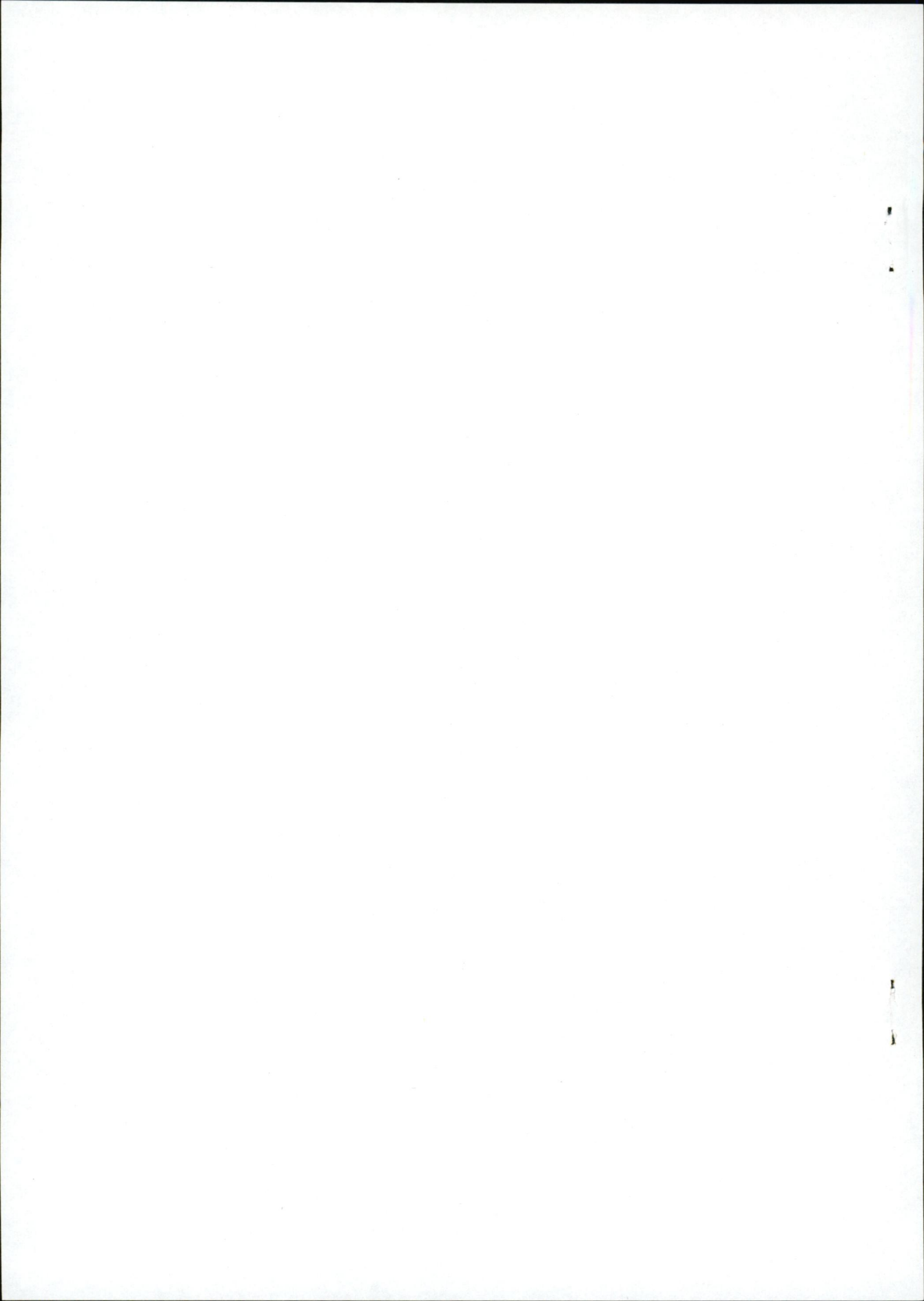
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Mine Subsidence Compensation Act 1961 No. 22

SCHEDULE 1—AMENDMENTS



**MINE SUBSIDENCE COMPENSATION (AMENDMENT) ACT
1994 No. 4**

NEW SOUTH WALES



Act No. 4, 1994

An Act to repeal section 15A of the Mine Subsidence Compensation Act 1961 and to make consequential amendments. [Assented to 2 May 1994]

Mine Subsidence Compensation (Amendment) Act 1994 No. 4

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Mine Subsidence Compensation (Amendment) Act 1994.

Commencement

2. This Act commences on the date of assent.

Amendment of Mine Subsidence Compensation Act 1961 No. 22

3. The Mine Subsidence Compensation Act 1961 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 7A (**Board may reconsider matters**):

- (a) At the end of section 7A (1) (b) (i), insert “or”.
- (b) Omit section 7A (1) (b) (ii).
- (c) From section 7A (2), omit “, 15A,”.

(2) Section 15A (**Certificates of approval**):

Omit the section.

[*Minister's second reading speech made in—
Legislative Assembly on 17 March 1994
Legislative Council on 13 April 1994*]

FIRST PRINT

**MINE SUBSIDENCE COMPENSATION (AMENDMENT)
BILL 1994**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to repeal a redundant provision of the Mine Subsidence Compensation Act 1961.

Section 15A of the Act currently enables applications to be made to the Mine Subsidence Board for certificates specifying:

- (a) whether or not certain land is within a mine subsidence district; and
- (b) whether or not the Board approves of a proposal for the erection or alteration of any improvement on, or the subdivision of, that land.

The information referred to in paragraph (a) may be obtained from a council when a person applies for a certificate under section 149 of the Environmental Planning and Assessment Act 1979 (which is required to be attached by the vendor to a contract for the sale of land before it is signed by or on behalf of the purchaser). The Board has advised that it has received no applications for the information referred to in paragraph (b).

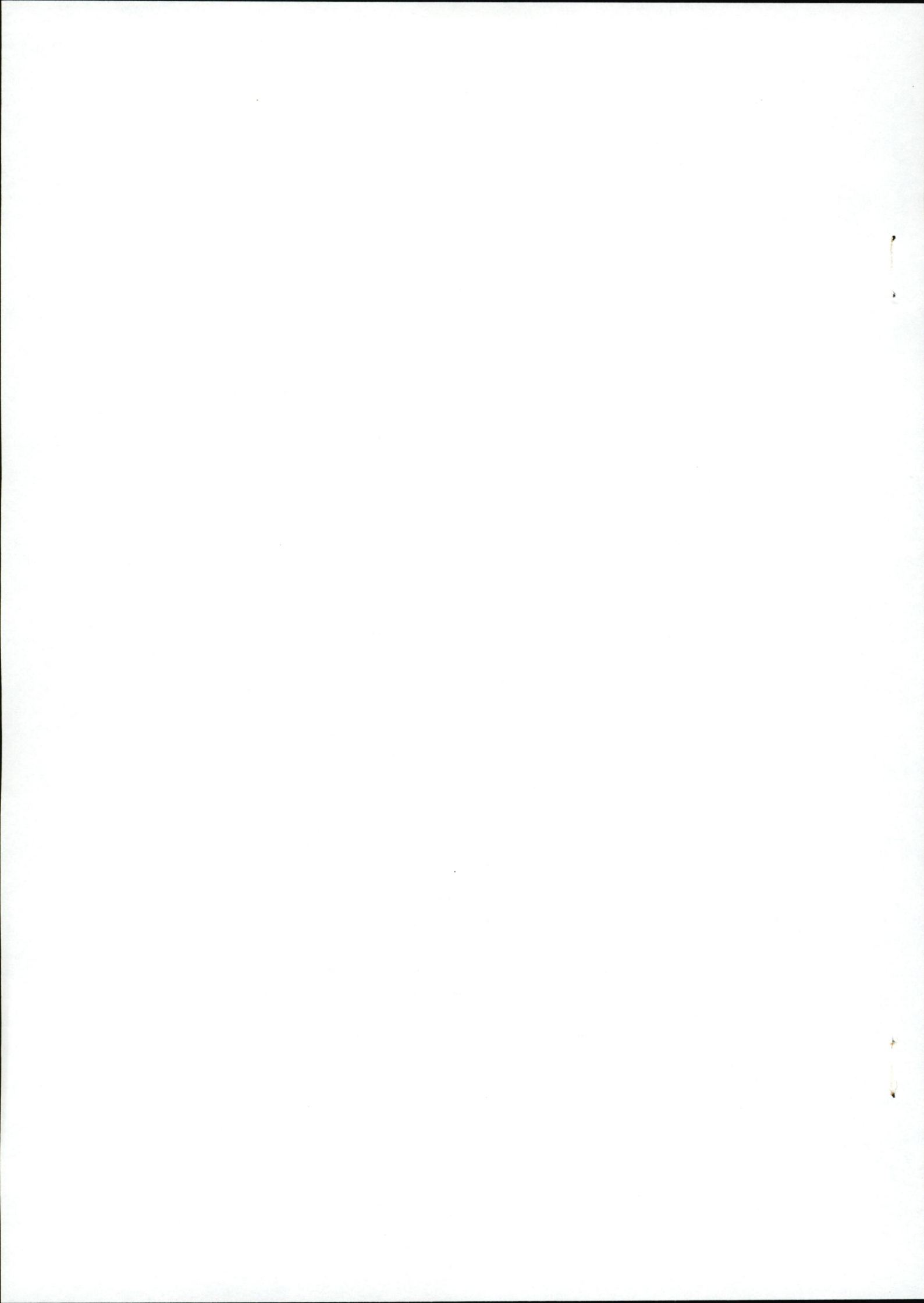
The Bill also makes amendments consequential on the repeal of section 15A.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on the date of assent.

Clause 3 gives effect to the Schedule of amendments to the Mine Subsidence Compensation Act 1961.

Schedule 1 makes the amendments described above.



FIRST PRINT

**MINE SUBSIDENCE COMPENSATION (AMENDMENT)
BILL 1994**

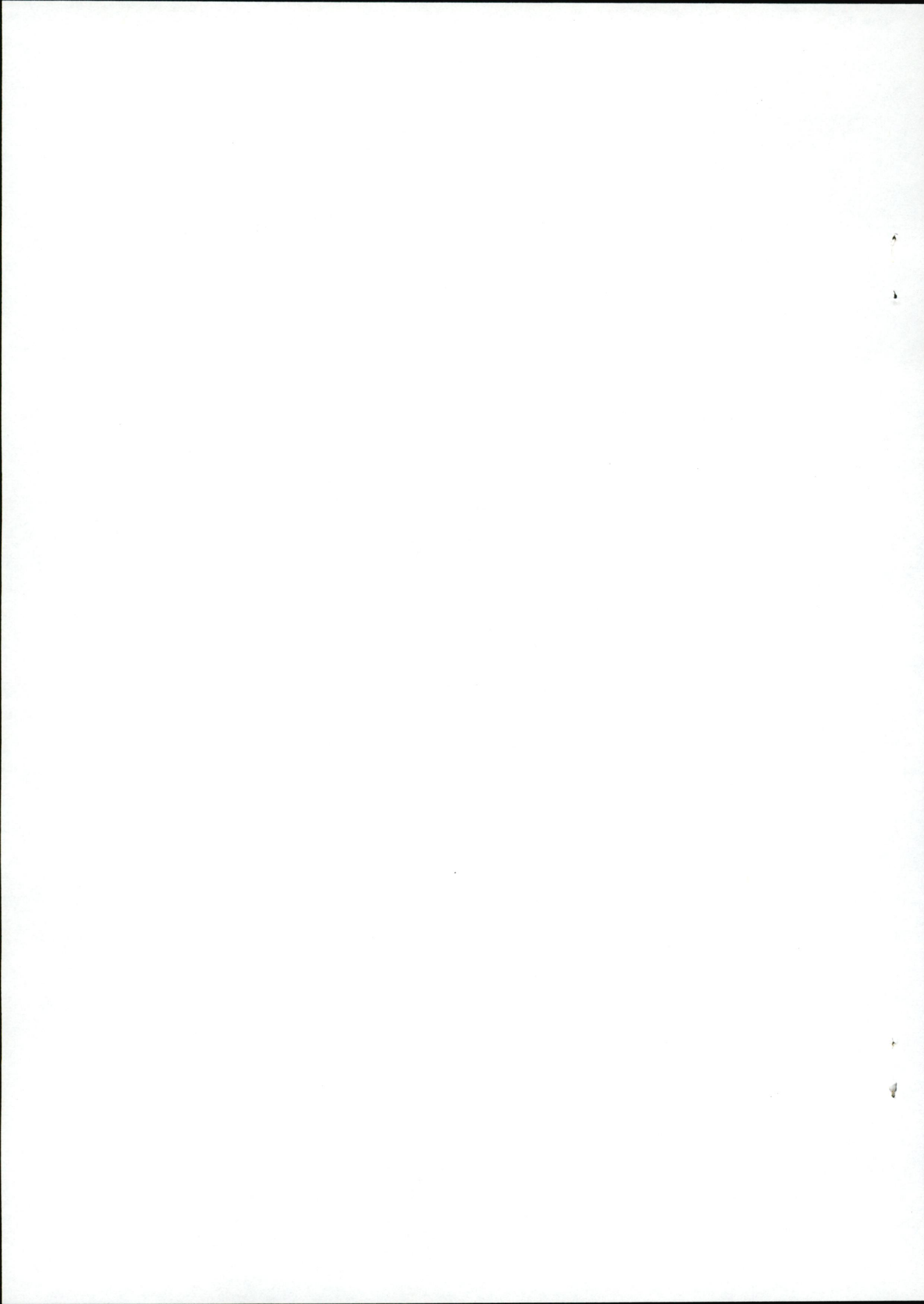
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Mine Subsidence Compensation Act 1961 No. 22

SCHEDULE 1—AMENDMENTS



**MINE SUBSIDENCE COMPENSATION (AMENDMENT)
BILL 1994**

NEW SOUTH WALES



No. , 1994

A BILL FOR

An Act to repeal section 15A of the Mine Subsidence Compensation Act 1961 and to make consequential amendments.

Mine Subsidence Compensation (Amendment) 1994

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Mine Subsidence Compensation (Amendment) Act 1994.

5 Commencement

2. This Act commences on the date of assent.

Amendment of Mine Subsidence Compensation Act 1961 No. 22

3. The Mine Subsidence Compensation Act 1961 is amended as set out in Schedule 1.

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SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 7A (**Board may reconsider matters**):

(a) At the end of section 7A (1) (b) (i), insert "or".

(b) Omit section 7A (1) (b) (ii).

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(c) From section 7A (2), omit ", 15A,".

(2) Section 15A (**Certificates of approval**):

Omit the section.

MINE SUBSIDENCE COMPENSATION (AMENDMENT) BILL
SECOND READING

Mr Webster - Minister for Housing and Minister for
Planning:

I Move:

That this Bill be now read a second time.

I seek leave to have my Second Reading Speech
incorporated into Hansard.

The purpose of this Bill is to repeal section 15A of the Mine
Subsidence Compensation Act 1961 which is considered to be
redundant.

Pursuant to the provisions of the Conveyancing Act, 1919 it is
necessary to attach a certificate issued under section 149 of the
Environmental Planning and Assessment Act 1979 to a contract of
sale.

Such a certificate states whether or not the land to which the
certificate refers has been proclaimed to be a mine subsidence
district within the meaning of section 15 of the Mine Subsidence
Compensation Act 1961.

Section 15A of the Mine Subsidence Compensation Act enables an
application be made to the Mine Subsidence Compensation Board for
certificate specifying:

- (a) whether or not certain land is within a mine subsidence
district; and
- (b) whether or not the Board approves of a proposal for the
erection or alteration of an improvement on or the
subdivision, of that land.

As already stated the information referred to in paragraph (a)
may be obtained from a council when a person applies for a
certificate under section 149 of the Environmental Planning and
Assessment Act. The Board has not received any applications for
the information referred to in paragraph (b).

The Mine Subsidence Compensation Board has recommended that section 15A be repealed having regard to the duplication of information.

The current cost of obtaining a section 15A certificate for the Mine Subsidence Compensation Board is \$13.00 and it is considered that this is an unnecessary cost which must be borne by a purchaser of a property.

The repeal of section 15A will result in a cost-saving to the public and will expedite the conveyancing process by eliminating the need to obtain an unnecessary certificate.

I commend the Bill to the House.

