

New South Wales

# **Coal Mine Subsidence Compensation Amendment Bill 2024**

### **Explanatory note**

This explanatory note relates to this Bill as introduced into Parliament.

#### Overview of Bill

The object of this Bill is to amend the *Coal Mine Subsidence Compensation Act 2017* (*the Act*) to update the Act as a result of the 2023 statutory review.

### Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

## Schedule 1 Amendment of Coal Mine Subsidence Compensation Act 2017 No 37

Schedule 1[1], [3], [6], [13], [31], [46] and [47] provide for consistent terminology when referring to damage arising from subsidence.

Schedule 1[2] inserts definitions for assessment report, mining operations, pre-mining inspection and subsidence damage and omits the definition of preventative or mitigative expense. Schedule 1[7]-[9] make consequential amendments.

Schedule 1[4] and [5] clarify the following—

(a) reasonable compensation for accommodation expenses is payable to the lessee of a building while it is uninhabitable due to damage arising from subsidence,

(b) compensation for expenses incurred, or proposed to be incurred, by an owner of existing improvements or goods to prevent or mitigate damage arising from subsidence to the improvements or goods, is only payable if the improvements or goods already exist.

**Schedule 1[11]** inserts proposed sections 10A and 10B. Proposed section 10A provides that a person is not entitled to compensation for damage to improvements or goods arising from subsidence if the person refused to allow a pre-mining inspection to be carried out. Proposed section 10B provides that compensation is not payable to a person for damage caused by works carried out under, or in compliance with a direction given under, the Act, section 27 or 29, if the works were carried out by the person using money paid from the Coal Mine Subsidence Compensation Fund (the *Fund*).

**Schedule 1[12]** removes the requirement that a claim be lodged through the Subsidence Advisory NSW website and instead requires that a claim be lodged in the way approved by the Chief Executive of Subsidence Advisory NSW (the *Chief Executive*).

**Schedule 1[14]** inserts proposed section 11A to clarify that Subsidence Advisory NSW has the function of assessing claims for compensation made under the Act, in accordance with approved procedures made under section 14, and producing an assessment report.

**Schedule 1[15]** replaces section 12 to clarify that the Chief Executive is required to determine claims for compensation made under the Act and give written reasons for a determination made that is inconsistent with the assessment report relating to the claim.

**Schedule 1[16]** removes the requirement for claims for compensation to be determined in accordance with approved procedures.

**Schedule 1[17]** clarifies the matters that approved procedures may deal with.

**Schedule 1[18]** amends section 14 to require the Chief Executive to consult with members of the public before approving, amending or replacing an approved procedure.

**Schedule 1[19]** removes references to the proprietor of an active coal mine from section 15(1).

Schedule 1[20], [21], [25]–[28], [38], [39], [48] and [50]–[52] increase the maximum monetary penalty for certain offences.

Schedule 1[10], [22] and [23] make consequential changes.

Schedule 1[24], [32], [40], [44] and [49] modernise the language used by the Act.

**Schedule 1[29]** clarifies that when a person seeks approval to alter or erect improvements or to subdivide land within a mine subsidence district, the Chief Executive may refuse approval if the Chief Executive is satisfied that the land to which the application relates may subside as a result of the historical or future extraction of coal undertaken in the mine subsidence district.

**Schedule 1[30]** expands the scope of section 26 so that it applies to active and non-active coal mines.

**Schedule 1[33]** clarifies that the Chief Executive is not required to restore damaged improvements or goods on land under section 26(1)(a).

**Schedule 1[34]** provides that the Chief Executive may demolish improvements or goods that have been purchased or acquired, or are on land that has been purchased or acquired, under section 26(1) or (2).

**Schedule 1[35]** provides that the Chief Executive may recover the costs of certain actions taken under section 26(1) and (2) from a proprietor of an active coal mine.

**Schedule 1[36]** inserts proposed section 26A, which provides that the Chief Executive may direct the proprietor of an active coal mine to purchase land or improvements damaged by subsidence, or carry out works to restore the land or improvements to the condition they were in before the damage occurred.

#### Schedule 1[37], [41] and [42] provide that the Chief Executive may—

- (a) evacuate people from land if the Chief Executive reasonably believes that damage to the surface of any land arising from subsidence may cause danger to a member of the public, and to arrange temporary accommodation for people who have been evacuated, and
- (b) make a payment from the Fund to reimburse a person for expenses incurred by the person as a result of certain actions taken by the Chief Executive to prevent danger to the public, and
- (c) recover a payment made from the Fund from the proprietor of an active coal mine if the payment was made to reimburse a person for expenses incurred as a result of actions taken by the Chief Executive to prevent danger to the public, if the Chief Executive has formed the opinion that the actions taken were necessary to eliminate or minimise danger caused by, or in connection with, subsidence arising from the active coal mine, and
- (d) make a payment from the Fund to reimburse a public authority for expenses incurred by the authority when carrying out works to repair damage to land, improvements or goods, if the damage to the land, improvements or goods arose from subsidence.

**Schedule 1[43]** provides that the Chief Executive may carry out works to prevent or mitigate damage to existing improvements or goods that the Chief Executive anticipates would, in the absence of the works, occur because of subsidence. The Chief Executive may also authorise amounts to be paid from the Fund to—

- (a) fund works to prevent or mitigate damage to existing improvements or goods, and
- (b) compensate a person for expenses incurred as a result of works to prevent or mitigate damage to existing improvements or goods.

**Schedule 1[45]** inserts proposed sections 31A and 31B. Proposed section 31A provides that before a person commences mining operations for a coal mine, the Chief Executive may direct that a pre-mining inspection be carried out in relation to land that the Chief Executive is satisfied may be at risk of damage arising from subsidence caused by the mining operations. The proposed section also provides that—

- (a) the pre-mining inspection must be carried out in accordance with the approved procedures under the Act, section 14, and
- (b) the Chief Executive may install survey equipment on land on which a pre-mining inspection is undertaken to monitor whether damage from subsidence is likely to occur to the land or to any improvements or works on the land, and
- (c) the Chief Executive may recover costs associated with a pre-mining inspection from the proprietor of the proposed coal mine to which the mining operations relate.

Proposed section 31B provides that the Chief Executive may, by written notice, require the production of certain documents or information, and makes the failure to comply with the requirement an offence.

**Schedule 1[53]** provides that the Secretary of the Department of Customer Service must not delegate certain functions of the Secretary under the Act to the Chief Executive or a person employed by Subsidence Advisory NSW.



### New South Wales

# **Coal Mine Subsidence Compensation Amendment Bill 2024**

### **Contents**

			Page
	1	Name of Act	2
	2	Commencement	2
Schedule 1		Amendment of Coal Mine Subsidence Compensation Act 2017 No 37	3

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.

Clerk of the Legislative Assembly

Legislative Assembly



New South Wales

# **Coal Mine Subsidence Compensation Amendment Bill 2024**

No , 2024

#### A Bill for

An Act to amend the *Coal Mine Subsidence Compensation Act 2017* to implement various recommendations arising from the statutory review of the Act; and for other purposes.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Clerk of the Parliaments

Legislative Council

The Legislature of New South Wales enacts—						
1	Name of Act	2				
	This Act is the Coal Mine Subsidence Compensation Amendment Act 2024.	3				
2	Commencement	4				
	This Act commences on a day or days to be appointed by proclamation.	5				

Scl				ent of Coal Mine Subsidence ation Act 2017 No 37	1
[1]	Section 3 Object	ts of A	ct		3
	Omit "damage ca	aused b	y subsi	idence" from section 3(2)(a).	4
	Insert instead "su	ıbsiden	ice dam	age".	5
[2]	Section 4 Defini	tions			6
	Omit section 4(1	), defin	nition o	f preventative or mitigative expense.	7
	Insert in alphabe	tical or	der—		8
	asse	ssmen	t repor	t—see section 11A(1)(b).	9
				s has the same meaning as in the Mining Act 1992.	10
	•	•	_	ction—see section 31A(1).	11
	subs	sidence	e dama <sub>z</sub>	ge means damage arising from subsidence.	12
[3]	Section 7 Types	of co	mpens	ation	13
	Omit "damage a	rising	out of	<b>subsidence</b> " from section 7(1).	14
	Insert instead "su	ıbsideı	nce dar	nage".	15
[4]	Section 7(1)(c) a	and (d)	)		16
	Omit the paragra	phs. In	sert ins	tead—	17
	(c)	for a	ı buildi nder co	ng, or part of a building, that is uninhabitable, under repair nstruction for a period because of subsidence damage—	18 19
		(i)	anotl	e building or part is owned by the person and is leased to her person—reasonable compensation for the rent under the that would have been payable for the period, or	20 21 22
		(ii)		e building or part is occupied by the person—reasonable pensation for—	23 24
			(A)	alternative accommodation for the person for the period, and	25 26
			(B)	the person's relocation expenses.	27
[5]	Section 7(2)(a)				28
	Omit the paragra	ph. Ins	ert inst	ead—	29
	(a)	on b	ehalf o	on for expenses incurred, or proposed to be incurred, by or f the owner of existing improvements or goods to prevent or besidence damage to the improvements or goods,	30 31 32
[6]	Section 8 Liabil	ity for	compe	ensation	33
	Insert "damage"	after "s	subside	nce" in section 8(1)(a).	34
[7]	Section 9 Limita	ition o	n clain	ns for damage arising out of subsidence	35
	Omit section 9(1	). Inser	t instea	ud—	36
				compensation for subsidence damage may be reduced in the approved procedures if—	37 38
	(a)	the c	damage	is to an improvement, and	39

			(b)	the improvement is constructed or maintained in a negligent or improper way, and	1 2
			(c)	the damage is greater than it would have been if the improvement had been properly constructed or maintained.	3 4
[8]	Secti	ion 9(2	2)(b)		5
	Omit	the pa	ıragrap	ph. Insert instead—	6
			(b)	an expense incurred, or proposed to be incurred, to prevent or mitigate subsidence damage to the improvements or goods referred to in paragraph (a),	7 8 9
[9]	Secti	ion 10	Limit	ation on claims arising out of actions to prevent or mitigate damage	10
	Omit	"for a	ny pre	eventative or mitigative expense" from section 10(1).	11
	Inser	t instea	ad "un	der section 7(2)(a)"	12
[10]	Secti	ion 10	(2)		13
	Omit	"for a	ny pre	eventative or mitigative expenses if the total preventative or mitigative".	14
	Inser	t instea	ad "un	der section 7(2)(a) if the total".	15
[11]	Secti	ions 1	0A an	d 10B	16
	Inser	t after	section	n 10—	17
	10A	Limit	tation	on claims if pre-mining inspection was required	18
		(1)		person is not entitled to compensation for subsidence damage to rovements or goods if—	19 20
			(a)	before the subsidence occurred, the Chief Executive required a pre-mining inspection to be carried out on the land on which the improvements or goods are located, and	21 22 23
			(b)	the person refused to allow the pre-mining inspection to be carried out.	24
		(2)	perso	section (1) does not apply if, on application to the Chief Executive by the on, the Chief Executive is satisfied in all the circumstances that the person ald be entitled to compensation.	25 26 27
	10B	Limit	tation	on claims for compensation	28
			out u	pensation is not payable to a person for damage caused by works carried under, or in compliance with a direction given under, section 27 or 29 if works were carried out by the person using money paid out from the Fund.	29 30 31
[12]	Secti	ion 11	Makir	ng of claims of compensation	32
	Omit	sectio	n 11(1	1). Insert instead—	33
		(1)		erson may make a claim for compensation under this Act by lodging the in the way approved by the Chief Executive.	34 35
[13]	Secti	ion 11	(3)(a)	and (b)	36
	Omit	"was	caused	d by subsidence" wherever occurring.	37
	Inser	t instea	ad "wa	as subsidence damage".	38
[14]	Secti	ion 11	Α		39
	Inser	t after	section	n 11—	40

	11A	Assessment of claims by Subsidence Advisory NSW								
		(1)		oon as reasonably practicable after receiving a claim for compensation, sidence Advisory NSW must—	2					
			(a)	assess the claim in accordance with the approved procedures, and	4					
			(b)	prepare a report (an assessment report) about the assessment, and	5					
			(c)	provide the assessment to the Chief Executive.	6					
		(2)	prepa	sidence Advisory NSW may arrange for the assessment report to be ared by an independent assessor in accordance with the approved edures.	7 8 9					
		(3)	In th	is section—	10					
			inde	pendent assessor means a person who is independent of the following—	11					
			(a)	Subsidence Advisory NSW,	12					
			(b)	for a claim arising from an active coal mine—the proprietor of the coal mine to which the claim relates.	13 14					
[15]	Sect	ion 12			15					
	Omit	the se	ction.	Insert instead—	16					
	12	Dete	rmina	tion of claims	17					
		(1)		Chief Executive must determine each claim for compensation in rdance with this Act, including the approved procedures.	18 19					
		(2)	asses	e Chief Executive determines a claim in a way that is inconsistent with the ssment report relating to the claim, the Chief Executive must give written ons for the determination to the person who made the claim.	20 21 22					
[16]	Sect	ion 13	Deter	rmination of claims in accordance with approved procedures	23					
	Omit	sectio	n 13(1	1).	24					
[17]	Sect	ion 14	Appr	oved procedures	25					
•				2). Insert instead—	26					
		(2)		nout limiting subsection (1), the approved procedures may deal with the wing—	27 28					
			(a)	the determination of whether subsidence damage was caused by an active or non-active coal mine,	29 30					
			(b)	the making, assessment and determination of claims for compensation,	31					
			(c)	the review of determinations of claims for compensation,	32					
			(d)	the procedures relating to the assessment of risk of subsidence damage before mining commences on the land,	33 34					
			(e)	the assessment of claims for compensation, including processes for the assessment of claims,	35 36					
			(f)	the payment of costs, fees and charges, or the prohibition of costs, fees and charges, in connection with the determination of claims for compensation under this Act,	37 38 39					
			(g)	another matter prescribed by the regulations.	40					
[18]	Sect	ion 14	(4)(a)		41					
	Inser	t "men	nbers	of the public and" before "the proprietors".	42					

[19]	Section 15 Review of claim determinations by Secretary	1
	Omit "(whether by the Chief Executive or by the proprietor of a coal mine)" from section 15(1).	3
[20]	Section 15(6), penalty	4
	Omit "500 penalty units". Insert instead "590 penalty units".	5
[21]	Section 15(6), penalty	6
	Omit "1,000 penalty units". Insert instead "1,180 penalty units".	7
[22]	Section 18 Failure of proprietor of coal mine to comply with Act	8
	Omit section 18(2).	9
[23]	Section 18(3)	10
	Omit "or (2)".	11
[24]	Section 21 Certain development within mine subsidence districts requires approval	12
	Omit ", or cause work to be done," from section 21(1).	13
[25]	Section 21(1), penalty	14
	Omit "100 penalty units". Insert instead "120 penalty units".	15
[26]	Section 21(1), penalty	16
	Omit "500 penalty units". Insert instead "590 penalty units".	17
[27]	Section 21(2), penalty	18
	Omit "100 penalty units". Insert instead "120 penalty units".	19
[28]	Section 21(2), penalty	20
	Omit "500 penalty units". Insert instead "590 penalty units".	21
[29]	Section 22 Approvals for development within mine subsidence districts	22
	Insert after section 22(3)—	23
	(3A) Without limiting subsection (3), the Chief Executive may refuse to grant the approval if the Chief Executive is satisfied the land to which the application relates may subside as a result of the historical or future extraction of coal undertaken in the mine subsidence district.	24 25 26 27
[30]	Section 26 Purchase of damaged improvements and effecting of remedial works by the Chief Executive	28 29
	Omit "in relation to a non-active coal mine" from section 26(1).	30
[31]	Section 26(1)(a) and (2)	31
	Omit "damage caused by subsidence or by works to prevent or mitigate any such damage" wherever occurring.	32 33
	Insert instead "subsidence damage or damage caused by works to prevent or mitigate subsidence damage".	34 35
[32]	Section 26(1)(b)	36
	Omit "or cause to be carried out".	37

[33]	Secti	ion 26	(1)(a)(	iii)	1
	Omit	"and"	. Inser	t instead "or".	2
[34]	Secti	ion 26	(5A)		3
	Inser	t after	section	n 26(5)—	4
	(	(5A)	The	Chief Executive may demolish or remove improvements or goods—	5
			(a)	purchased or acquired by the Chief Executive under subsection (1) or (2), or	6 7
			(b)	on land purchased or acquired by the Chief Executive under subsection (1) or (2).	8 9
[35]	Secti	ion 26	(6A)		10
	Inser	t after	section	n 26(6)—	11
	(	(6A)		Chief Executive may recover the following amounts from the proprietor active coal mine as a debt due to the Crown—	12 13
			(a)	an amount paid to a person under subsection (1) or (2), if the Chief Executive reasonably believes that—	14 15
				(i) the land, improvements or goods experienced subsidence damage, and	16 17
				(ii) the subsidence damage was caused by the active coal mine.	18
			(b)	the costs associated with the repair, maintenance or sale of land or improvements acquired under subsections (1)(a) or (2), if the Chief Executive reasonably believes that—	19 20 21
				<ul><li>(i) the land and improvements experienced subsidence damage, and</li><li>(ii) the subsidence damage was caused by the active coal mine.</li></ul>	22 23
[36]	Secti	ion 26	Α		24
	Inser	t after	section	n 26—	25
	26A			of damaged improvements or effecting of remedial works by of coal mine	26 27
		(1)	This	section applies if—	28
			(a)	a person has, under section 11, made a claim for compensation for land, improvements or goods, and	29 30
			(b)	the Chief Executive reasonably believes that the land, improvements or goods has experienced subsidence damage caused by an active coal mine.	31 32 33
		(2)	relati	Chief Executive may, instead of making a payment of compensation in ion to a claim under section 7(1), direct the proprietor of the active coal eto—	34 35 36
			(a)	after consulting a qualified valuer, purchase the following without regard to subsidence damage or damage caused by works to prevent or mitigate the subsidence damage—	37 38 39
				(i) the land,	40
				(ii) the improvements,	41
				(iii) any estate or interest in the land or the improvements concerned, or	42 43

		(0)	nearl	y as practicable to the condition in which they were before the dence damage arose—	2
			(i)	the land,	4
			(ii)	the improvements.	5
	(3)			(2)(a) does not apply unless the owner of the land or improvements vitten consent to the purchase.	6 7
	(4)			the regulations, a reference in this section to a <i>qualified valuer</i> is a person who is of a class prescribed by the regulations.	8
[37]	Section 27	Emer	gency	, urgent and temporary actions	10
	Omit sectio	n 27(1	l)(a)–(d	c). Insert instead—	11
		(a)	of th	dence damage to the surface of land may cause danger to a member e public, the Chief Executive may take the following actions to nate or minimise the danger—	12 13 14
			(i)	for subsidence damage caused by an active coal mine—direct the proprietor of the coal mine to fill in or fence off the land or take other necessary action,	15 16 17
			(ii)	fill in or fence off the land or take other necessary action,	18
			(iii)	direct persons to evacuate the land,	19
			(iv)	arrange temporary accommodation for persons evacuated from the land, and	20 21
		(b)	urgei	ovements or goods have experienced subsidence damage and not repairs are required to ensure the continued use of the ovement, the Chief Executive may—	22 23 24
			(i)	for subsidence damage caused by an active coal mine—direct the proprietor of the coal mine to carry out urgent repairs, or	25 26
			(ii)	for subsidence damage caused by a non-active coal mine—carry out urgent repairs, and	27 28
		(c)		ovements or goods have experienced subsidence damage and er subsidence is likely to occur, the Chief Executive may—	29 30
			(i)	for subsidence damage caused by an active coal mine—direct the proprietor of the coal mine to carry out temporary repairs, or	31 32
			(ii)	for subsidence damage caused by a non-active coal mine—carry out temporary repairs and defer payments for claims for subsidence damage to the improvements or goods until the Chief	33 34 35
				Executive is satisfied that the subsidence has settled or is unlikely to recur within a reasonable period.	36 37
[38]	Section 27	(2), pe	enalty		38
	Omit "2,00	0 pena	ılty uni	ts". Insert instead "2,365 penalty units".	39
[39]	Section 27	(2), pe	enalty		40
	Omit "10,0	00 per	nalty ur	nits". Insert instead "11,820" penalty units.	41
[40]	Section 27	(3)			42
	Omit "caus	e the r	necessa	ry action or urgent or temporary repairs to be carried out".	43
	Insert instea	ad "ca	rry out	the necessary action or urgent or temporary repairs".	44

[41]	Section 27(4A)–(4C)							
	Inser	t after	sectio	on 27(4)—	2			
		(4A)	person, other than the proprietor of an active coal mine, incurs expenses as sult of actions taken under subsection (1)(a)–(c), the Chief Executive may be a payment from the Fund to reimburse the person for the expenses arred.	3 4 5 6				
		(4B)	(4A) in th were	The Chief Executive may recover an amount paid to a person under subsection (4A) from the proprietor of an active coal mine as a debt due to the Crown if, in the Chief Executive's opinion, the actions referred to in subsection (4A) were necessary to eliminate or minimise danger caused by, or in connection with, subsidence damage caused by the active coal mine.				
		(4C)	auth	Chief Executive may make a payment from the Fund to reimburse a public nority for expenses incurred by the public authority if the Chief Executive attisfied—	12 13 14			
			(a)	the expenses were incurred by the public authority when carrying out works to repair subsidence damage to land, improvements or goods, and	15 16			
			(b)	the repairs were necessary to ensure the continued use of the land, improvements or goods.	17 18			
[42]	Section 27(7)							
	Insert after section 27(6)—							
	(7)		In this section—					
			publ	<i>lic authority</i> means—	22			
			(a)	a public authority or local authority constituted by or under an Act, or	23			
			(b)	a Public Service agency, or	24			
			(c)	a statutory body representing the Crown, or	25			
			(d)	a statutory State owned corporation or its subsidiaries within the meaning of the <i>State Owned Corporations Act 1989</i> , or	26 27			
			(e)	a chief executive officer of a corporation or subsidiary referred to in paragraph (d), or	28 29			
			(f)	a council within the meaning of the Local Government Act 1993.	30			
[43]	Sect	ion 29			31			
	Omi	t the se	ction.	. Insert instead—	32			
	29	Worl	ks for prevention or mitigation of damage from subsidence					
		(1)	dam	Chief Executive may carry out works to prevent or mitigate subsidence mage to existing improvements or goods that the Chief Executive cipates would, in the absence of the works, occur.	34 35 36			
		(2)	The	Chief Executive may authorise amounts to be paid from the Fund—	37			
			(a)	to fund works to prevent or mitigate damage to existing improvements or goods if the Chief Executive is satisfied—	38 39			
				(i) subsidence damage is reasonably likely to occur if the works are not carried out, and	40 41			
				(ii) carrying out the works will reduce the total potential liability of the Fund, or	42 43			

			(b)	to compensate a person for expenses incurred as a result of works to prevent or mitigate damage to existing improvements or goods.	1			
[44]	Sect	ion 30	Vacan	nt land whose development affected by subsidence	3			
	Omi	t ", or o	cause to	be carried out," from section 30(b).	4			
[45]	Sect	ions 3	1A and	131B	5			
	Inser	t after	section	131—	6			
	31A	Pre-	mining	inspections	7			
		(1)	Exection out in Chief	re a person commences mining operations for a coal mine, the Chief utive may require an inspection (a <i>pre-mining inspection</i> ) to be carried a relation to land, and any improvements or works on the land, that the Executive is satisfied may be at risk of subsidence damage caused by the ag operations (the <i>estimated zone of influence</i> ).	8 9 10 11 12			
		(2)		e-mining inspection must be carried out in accordance with the approved edures.	13 14			
		(3)	zone wheth	Chief Executive may install survey equipment on land in the estimated of influence that has been subject to a pre-mining inspection to monitor her subsidence damage is likely to occur to the land or to any ovements or works on the land.	15 16 17 18			
		(4)	inspe	Chief Executive may recover costs associated with a pre-mining ction from the proprietor of the proposed coal mine to which the mining tions relate.	19 20 21			
	31B	Requ	uests for information					
		(1)	perso are r	Chief Executive may, by written notice given to a person, require the on to produce documents or information if the documents or information reasonably required to inform future assessments and development rements.	23 24 25 26			
		(2)	The n	notice must specify—	27			
			(a) (b)	the way in which the documents or information must be produced, and a reasonable time by or at which the documents or information must be produced.	28 29 30			
		(3)	The 1 Austr	notice may relate to a document that is located outside the State or ralia.	31 32			
		(4)	•	rson must not, without reasonable excuse, fail to comply with the notice. mum penalty—	33 34			
			(a)	for an individual—590 penalty units, or	35			
			(b)	otherwise—1,180 penalty units.	36			
[46]	Sect	ion 32	Coal I	Mine Subsidence Compensation Fund	37			
	Omi	t section		)(a). Insert instead—	38			
			(a)	all amounts payable under this Act for subsidence damage or otherwise payable under this Act,	39 40			
[47]	Sect	ion 34	Recov	very by Chief Executive in the case of unlawful mining operations	41			
	Omi	t "are o	lamage	ed by subsidence" from section 34(2).	42			

	Insert inste	ad "experience subsidence damage".	1
[48]	Section 39	Identity cards to be shown	2
	Omit "15 p	enalty units" from section 39, penalty. Insert instead "18 penalty units".	3
[49]	Section 41	Inspections	4
	Omit "caus	e inspections of premises to be carried out" from section 41(1).	5
	Insert inste	ad "carry out inspections of premises".	6
[50]	Section 49	Offences relating to inspections	7
	Omit "500	penalty units" from section 49, penalty. Insert instead "590 penalty units".	8
[51]	Section 49	, penalty	9
	Omit "1,00	0 penalty units". Insert instead "1,180 penalty units".	10
[52]	Section 50	Prevention of unauthorised work	11
	Omit "20 p	enalty units" from section 50(2), penalty. Insert instead "24 penalty units".	12
[53]	Section 52	Delegation	13
	Insert after	section 52(2)—	14
	(3)	Despite subsection (1), the Secretary must not delegate the Secretary's functions under section 15(1)–(3) to—	15 16
		(a) the Chief Executive, or	17
		(b) a person employed in Subsidence Advisory NSW.	18