Proposed Changes to the Coal Mines Subsidence Compensation Act and Regulations

- The current act was born as I understand from the Independent Commission Against Corruption (ICAC) finding issues with the old Subsidence Board.
- The structure of the act is flawed. The current structure where the mining company knowingly causes the subsidence, measures the subsidence, and is the determining body for any damage claim is ridiculous. It is almost complete self-regulation. The ICAC should be consulted for input on the structure of the act to add anti-corruption safeguards.
- Pre mining inspections should recognise the value of the time of the resident, the imposition and breach of privacy of the home. The time taken to prepare the home for inspection and the time required to complete the inspection. A rate of $100.00 per hour. An allowance of 4 hours for preparation and 4 hours for inspection. $800 per inspection should be paid to the resident.
- Given that it is known that subsidence damage will definitely occur the onus should be on the mining company to disprove damage not the resident to prove damage. A bond will be lodged prior to the commencement of mining to the value of 125% of the replacement value of all built features that recognises the associated cost of reconstructions such as alternate accommodation and storage, address change etc. the bond will be released 5 years after the completion of mining if approved by a board of residents and no contested claims exist on a property-by-property basis.
- Claims will be determined by a 11-member board composed of 8 residents elected by the community, 1 Local Council representative, 1 subsidence advisory representative one mining company representative. The weighting recognises the fact that the mining company has made a conscious decision to engage in a mining method that will cause damage.
- The cost of legal representation of the residents will be borne by the mining company as they have actively undertaken an activity that will cause damage.
- South32, Appin mine were participants in the Geoscience Australia study, Subsidence Monitoring in the Sydney Basin
- The minister shall offer all past claimants under the act an opportunity to overturn or review any South32 claims that have not had the results of the Subsidence Monitoring in the Sydney Basin result included in their assessment. This study gives direct measurement of subsidence as measured by satellite. The measurements from the study were not used for my assessment and to date are uncontested.
- Currently available technology as identified in the Geoscience Australia report Subsidence Monitoring in the Sydney Basin shall be used by the NSW Government to monitor active mine sites for subsidence. The resulting measurement shall be made available on a public forum such as currently available on www.Nationalmap.gov.au The European Sentinel-1 satellite constellation now captures radar images consistently every 12 days over the whole Australian continent, and raw data is openly available. The availability of historic data shall be investigated and if possible be used to update currently available web sites such as the Federal Governments Nationalmap and the NSW Governments equivalent alongside current InSAR data.
- Sensitive seismic monitoring networks as detailed in the NSW Government 'Seismic Monitoring of NSW CSG area shall be used to monitor seismic activity around Appin mine. Any earthquake with in 6km of any part of the workings of the mine shall be deemed an event of interest. Any earthquake with in 3km of any part of the workings of the mine shall

be deemed a contributing factor in damage assessment. Each will be assigned a weighted value about the intensity of the earthquake and its effects. The effects of multiple earthquakes will be considered cumulative.

- All historic earthquakes that fit within these criterial shall be included in the record of events and all past claims reassessed against the new requirements and adjusted accordingly if requested by the claimer.
- Where Subsidence Advisory is found to have failed to properly exercise the powers available to it to bring all relevant information to claim investigations then it shall bear the cost of the subsidence claim as determined by the proposed residents board.
- Any previous claims settled under the current act shall be offered a review based on the revised act.
- In properties where a claim has been settled and the property title has been marked as subsidence affected then the claimant shall be compensated to 150% of the estimated loss in property value as determined by the proposed board of residents.
- The time limits associated with making a claim are extremely tight as subsidence can be very gradual and may not be readily apparent and can continue to occur for several years following mining. Relax the time constraints for the claimers.
- Where it is found that evidence relating to subsidence has been with held or concealed from the residents then the residents claim shall be deemed to be the fully correct version of damage. Compensation will be paid as assessed by the resident.
- The wealth extracted form beneath our communities should be used to liberally compensate our communities before it is distributed to shareholders and governments.
- The appeal process under the act should not extinguish with a failure to appeal to the L&E court within a set time frame. It does not recognise the emergence of concealed or with held information. It does not recognise the contribution of rapidly improving information technology.
- I repeat, mining companies make active conscious decisions to undertake mining activities that they know will cause damage. This is done legally with the blessing of the government. The residents are the innocent victims and are divided and conquered by the Act. The mine and the government have the full picture of all claims and all relevant technical expertise. The Act should empower residents and communities to have equivalent and opposing powers to those of the miners and the government.