

## **Mining Rehabilitation Fund Amendment Regulations 2021**

**SL 2021/63**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Mining Rehabilitation Fund Amendment Regulations 2021*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 July 2021.

**3. Regulations amended**

These regulations amend the *Mining Rehabilitation Fund Regulations 2013*.

**4. Regulation 3 amended**

In regulation 3 insert in alphabetical order:

***earthworks*** —

- (a) means any operations to move or shape land;  
and
- (b) includes the following —
  - (i) excavating or filling;
  - (ii) forming embankments or slopes;
  - (iii) operations to control wind or water erosion of land;
  - (iv) battering, contouring, reshaping, ripping, capping or rock armouring land;

***minerals-in-brine*** means potash, halite or magnesium salt that is dissolved in brine;

**5. Schedule 1 clause 1 amended**

(1) In Schedule 1 clause 1(4):

(a) in paragraph (c) delete “clause 5.” and insert:

clause 5; and

(b) after paragraph (c) insert:

(d) whether an evaporation pond or halite/salt stockpile is on-playa or off-playa is determined under clause 7.

(2) After Schedule 1 clause 1(4) insert:

(5) For the purposes of subclause (1), the land on which an evaporation pond or minerals-in-brine abstraction trench is considered to be situated is determined under clause 6.

(3) In Schedule 1 clause 1 in the Table:

(a) in item 1 delete “Evaporation pond” and insert:

Evaporation pond not associated with minerals-in-brine extraction

(b) after item 5 insert:

6.	Minerals-in-brine abstraction trench Evaporation pond (off-playa) associated with minerals-in-brine extraction Evaporation pond (on-playa) associated with minerals-in-brine extraction Halite/salt stockpile (off-playa) associated with minerals-in-brine extraction	F	\$20 000
7.	Halite/salt stockpile (on-playa) associated with minerals-in-brine extraction	G	\$10 000

**6. Schedule 1 clause 4 amended**

In Schedule 1 clause 4 delete “dump, or overburden stockpile,” and insert:

dump or overburden stockpile (other than a halite/salt stockpile associated with minerals-in-brine extraction)

**7. Schedule 1 clauses 6 and 7 inserted**

At the end of Schedule 1 insert:

**6. Land on which minerals-in-brine abstraction trench or evaporation pond considered to be situated**

- (1) In determining the land on which a minerals-in-brine abstraction trench is situated, the following land is to be taken into account —
  - (a) the land on which the trench is situated;
  - (b) the land on which any embankments are situated, except to the extent that the embankments —
    - (i) are constructed solely from material excavated from the trench; and
    - (ii) will be used for back-filling the trench on completion.
- (2) In determining the land on which an evaporation pond not associated with minerals-in-brine extraction is situated, the land on which the pond floor and any embankments are situated is to be taken into account.
- (3) In determining the land on which an evaporation pond (off-playa) associated with minerals-in-brine extraction is situated, the land on which the pond floor and any embankments are situated is to be taken into account.
- (4) In determining the land on which an evaporation pond (on-playa) associated with minerals-in-brine extraction is situated, the following land is to be taken into account —
  - (a) the land on which the pond floor is situated, but only to the extent that it is modified by earthworks;
  - (b) the land on which any embankments are situated, except to the extent that the embankments consist of natural landforms.

**7. On-playa and off-playa evaporation ponds and halite/salt stockpiles**

An evaporation pond or halite/salt stockpile is —

- (a) on-playa to the extent that is situated within the boundary of a playa system (including a salt lake or coastal salt pan playa system); and
- (b) off-playa to the extent that is not situated within the boundary of a playa system (including a salt lake or coastal salt pan playa system).

H. HAGLEY, Clerk of the Executive Council.

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