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                  | F     | $20 000 |
       |    | 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 |       |        |

       | 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.