

South Australia

# **Environment Protection (SACAT) Variation Regulations 2018**

under the *Environment Protection Act 1993*

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## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Environment Protection (SACAT) Variation Regulations 2018*.

### **2—Commencement**

These regulations will come into operation on the day on which Part 14 of the *Statutes Amendment (SACAT No 2) Act 2017* comes into operation.

### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## Part 2—Variation of *Environment Protection Regulations 2009*

### 4—Substitution of regulation 63

Regulation 63—delete the regulation and substitute:

#### 63—Reviews (section 103V(2)(i))

- (1) A person may seek a review by the South Australian Civil and Administrative Tribunal under section 34 of *South Australian Civil and Administrative Tribunal Act 2013* of a decision of the Authority—
  - (a) refusing to grant an application by the person for accreditation or renewal of accreditation; or
  - (b) determining the term of the person's accreditation; or
  - (c) imposing or varying a condition of the person's accreditation or determining a matter in relation to such a condition; or
  - (d) suspending or cancelling the person's accreditation or imposing a disqualification on the person.
- (2) Subject to this regulation, an application for review must be made within 1 month after the making of the decision.
- (3) The Authority must, if so required by the person, state in writing the reasons for the Authority's decision.
- (4) If the reasons of the Authority are not given in writing at the time of making the decision and the person to whom the decision relates (within 1 month of the making of the decision) requires the Authority to state the reasons in writing, the time for making an application for review runs from the time at which the person receives the written statement of those reasons.

## Schedule 1—Transitional provision

### 1—Transitional provision

- (1) A right of appeal to the Administrative and Disciplinary Division of the District Court under regulation 63 of the principal regulations in existence before the relevant day (but not exercised before that day) will be exercised as if regulation 4 had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the Administrative and Disciplinary Division of the District Court.
- (2) Nothing in this clause affects any proceedings before the Administrative and Disciplinary Division of the District Court commenced under the principal regulations before the relevant day.
- (3) In this clause—

*principal regulations* means the *Environment Protection Regulations 2009*;  
*relevant day* means the day on which these regulations come into operation;

***Tribunal*** means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 30 January 2018

No 13 of 2018

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