

South Australia

Mines and Works Inspection (SACAT) Variation Regulations 2018

under the *Mines and Works Inspection Act 1920*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Mines and Works Inspection (SACAT) Variation Regulations 2018*.

2—Commencement

These regulations will come into operation on the day on which Part 30 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 *Mines and Works Inspection Regulations 2013*

4—Variation of Schedule 1—Certificates and permits

- (1) Schedule 1, Part 2, clause 13(1)—delete "for a review of the matter under this clause" and substitute:

to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the decision.

- (2) Schedule 1, Part 2, clause 13(2) and (3)—delete subclauses (2) and (3)
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- (3) Schedule 1, Part 2, clause 13(4)—delete subclause (4) and substitute:
- (4) Unless otherwise specifically directed by the Chief Inspector or the Tribunal, the operation of the decision to which the review relates is suspended pending the outcome of the review (and in the event of any conflict or inconsistency between a direction of the Chief Inspector and a direction of the Tribunal, the direction of the Tribunal will prevail).
- (4) Schedule 1, Part 2, clause 13(5) to (7)—delete subclauses (5) to (7) (inclusive) and substitute:
- (5) In this clause—
- Tribunal* means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

Schedule 1—Transitional and other provisions

1—Transitional and other provisions

- (1) A right to apply to the Minister for review of a decision of the Chief Inspector under clause 13 of Schedule 1 of the principal regulations in existence before the relevant day (but not exercised before that day) will be exercised as if clause 13, as varied by regulation 4 of these regulations, had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the Minister (and the person appointed to conduct the review).
- (2) Nothing in this clause affects any proceedings commenced under clause 13 of Schedule 1 of the principal regulations before the relevant day.
- (3) In this clause—
- principal regulations* means the *Mines and Works Inspection Regulations 2013*;
- 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 28 June 2018

No 182 of 2018

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