

South Australia

## **Dangerous Substances (Dangerous Goods Transport) (SACAT) Variation Regulations 2020**

under the *Dangerous Substances Act 1979*

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### **Contents**

#### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### Part 2—Variation of *Dangerous Substances (Dangerous Goods Transport) Regulations 2008*

- 4 Variation of regulation 167—Application for reconsideration of decision

#### Part 3—Transitional provisions

- 5 Transitional provisions
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Dangerous Substances (Dangerous Goods Transport) (SACAT) Variation Regulations 2020*.

#### **2—Commencement**

These regulations come into operation on the day on which Part 8 of the *Statutes Amendment (SACAT) Act 2019* 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 *Dangerous Substances (Dangerous Goods Transport) Regulations 2008***

### **4—Variation of regulation 167—Application for reconsideration of decision**

Regulation 167(7) and (8)—delete subregulations (7) and (8) and substitute:

- (7) A person may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review in circumstances where an application for reconsideration of a decision may be made under this regulation, subject to an application for reconsideration of the decision having been made and the period allowed for reconsideration having expired before the application for a review is made.
- (8) An application for review must be made within 28 days of the applicant receiving notice of the result of the reconsideration or, if the Competent Authority has not reconsidered the decision within the period allowed by this regulation, within 28 days after the expiry of that period.
- (9) If the reasons of the Competent Authority are not given in writing at the time of the reconsideration and the person affected by the reconsideration (within 28 days of the reconsideration) requires the Competent 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.

## **Part 3—Transitional provisions**

### **5—Transitional provisions**

- (1) A right to appeal to the Administrative and Disciplinary Division of the District Court under regulation 167 of the principal regulations in relation to a matter in existence (but not yet exercised) before the relevant day, will be exercised as if the principal regulations, as varied by these regulations, had been in operation before the right arose, so that the relevant proceedings may be commenced instead before the Tribunal.
- (2) A decision or order of the Administrative and Disciplinary Division of the District Court under the principal regulations as in force immediately before the relevant day will, on and from the relevant day, be taken to be a decision or order of the Tribunal.
- (3) Nothing in this regulation affects any proceedings before the Administrative and Disciplinary Division of the District Court commenced under the principal regulations before the relevant day.
- (4) In this regulation—  
*principal regulations* means the *Dangerous Substances (Dangerous Goods Transport) Regulations 2008*;  
*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 27 February 2020

No 17 of 2020