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**JUSTICE**

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JU301\*

State Administrative Tribunal Act 2004

**State Administrative Tribunal Amendment  
Rules (No. 2) 2016**

Made under section 170 of the Act by the Rules Committee.

**1. Citation**

These rules are the *State Administrative Tribunal Amendment Rules (No. 2) 2016*.

**2. Commencement**

These rules come into operation as follows —

- (a) rules 1 and 2 — on the day on which these rules are published in the *Gazette*;
- (b) the rest of the rules — on the day after that day.

**3. Rules amended**

These rules amend the *State Administrative Tribunal Rules 2004*.

**4. Part 2 Division 4A inserted**

After rule 39 insert:

**Division 4A — Expert evidence****39A. Experts' duties**

An expert at a hearing, or at a conference referred to in rule 39B(1), has these paramount duties as to matters within their expertise —

- (a) to be impartial and independent;
- (b) to assist the Tribunal;
- (c) not to be an advocate for the party that has engaged them.

**39B. Conference of experts pre-hearing**

- (1) This rule applies if in a proceeding the Tribunal orders experts with a common or overlapping expertise to confer and to file a joint statement about matters such as the points on which they agree and disagree.
- (2) Unless the Tribunal orders otherwise, the experts must confer in the absence of the parties and the parties' representatives.
- (3) An expert who is required to confer must not, before the joint statement is filed, discuss any matter raised in the conference with, or disclose any such matter to, any person who is not part of the conference.
- (4) Evidence of anything said or done in the course of the conference of experts, other than the joint statement, is not admissible at any later stage of the proceeding without the Tribunal's leave.
- (5) Unless the Tribunal orders otherwise, it will admit the joint statement filed by the experts into evidence at the hearing of the proceeding.
- (6) If the joint statement is admitted into evidence, no party can adduce any evidence inconsistent with any matters on which the statement says the experts agree, without the Tribunal's leave.

**39C. Experts to give evidence concurrently**

- (1) If at the hearing of a proceeding one or more of the parties propose to adduce evidence of 2 or more

experts with a common or overlapping expertise then the experts must all be present (including by means of a video link or an audio link) together in the witness box at the same time, unless the Tribunal orders otherwise.

- (2) Subject to the Tribunal's directions, when experts are together in the witness box —
  - (a) they may be questioned together or separately by the Tribunal, the parties or the parties' representatives; and
  - (b) they may respond immediately to each other's evidence; and
  - (c) they may ask each other questions.

**5. Rule 45 inserted**

At the beginning of Part 2 Division 7 insert:

**45. Barring people from being agents representing parties**

- (1) If a judicial member is satisfied a person, other than a legal practitioner —
  - (a) has, under the Act section 39(1), represented a party to a proceeding before the Tribunal; and
  - (b) in doing so has acted inappropriately or improperly,the judicial member may, by order, prohibit the person from again representing a party.
- (2) The practice and procedure for making an order under subrule (1) is to be determined by the President.

**6. Rule 63 amended**

Delete rule 63(2) and insert:

- (2) Under the Act section 39(1)(f) a party to the review is authorised to be represented by an agent, unless the review is one referred to in the *Planning and Development Act 2005* section 244 and is applied for by a party.

Mr MARK STREET, Executive Officer,  
State Administrative Tribunal.

Date: 4 May 2016.

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