

State Administrative Tribunal Regulations 2004

Compare between:

[07 Dec 2012, 02-h0-03] and [07 Aug 2013, 02-i0-01]

Western Australia

State Administrative Tribunal Act 2004 State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004

State Administrative Tribunal Regulations 2004

Part 1 — Preliminary

1. Citation

These regulations are the *State Administrative Tribunal Regulations* 2004 ¹.

2. Commencement

These regulations come into operation on the day on which the *State Administrative Tribunal Act 2004* comes into operation ¹.

3. Terms used

In these regulations, unless the contrary intention appears — *Act* means the *State Administrative Tribunal Act 2004*; *approved form* means a form approved by the President; *former adjudicator* has the meaning given to that term in the Act section 167(1)(a);

notifiable person has the meaning given to that term in the Act section 45(2);

referring person means a person referred to in the exception to the definition of **applicant** in the Act section 3(1).

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For the purpose of the definition of *vocational regulatory body* in the Act section 3(1), the enabling Acts listed in Schedule 1 are prescribed.

5. **Register of proceedings**

For the purpose of the Act section 155(1) the following details are specified -

- the number allocated to the proceedings; (a)
- the date on which the proceedings are commenced; (b)
- the names of (c)
 - (i) the referring person;
 - (ii) the applicant;
 - (iii) any other party;
 - (iv) any notifiable person not referred to in subparagraphs (i), (ii) or (iii);
- the enabling Act and the provision of that Act under (d) which the proceedings are commenced;
- if the proceedings are withdrawn, the date on which they (e) are withdrawn:
- the final decision; (f)
- if a matter is transferred to the Tribunal under the Act (g) section 167(4)(a) or (b) or (5)
 - the date of the transfer to the Tribunal;
 - the name of the former adjudicator; and (ii)
 - the enabling Act and the provision of that Act (iii) under which the jurisdiction is conferred on the Tribunal.

6. Prescribed places: section 116(3)(a) of the Act

For the purposes of the Act section 116(3)(a), the places listed in Schedule 2 are prescribed.

7. Class prescribed: section 117(5)(a) of the Act

A person who is a public sector employee may be appointed to be a non-judicial member in respect of matters in the Tribunal's original jurisdiction under the following enabling Acts —

- Guardianship and Administration Act 1990; (a)
- Health Practitioner Regulation National Law (Western (b) Australia);
- Mental Health Act- 1996;
- (c) Nurses Act 1992²;
- Osteopaths Act 2005; (d)
- (e) Occupational Therapists Teacher Registration $Act - 1980^{-3}; 2012.$
 - (f) Physiotherapists Act 2005;
- $\frac{\langle (e) \cdot (g) \rangle}{\langle (e) \cdot (g) \rangle} = \frac{Psychologists Act 2005.deleted}{\langle (e) \cdot (g) \rangle}$

[Regulation 7 amended in Gazette 31 Jul 2007 p. 3805; 6 Aug 2013 p. 3649.]

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Part 3 — Fees

8. General

- (1) The following persons are not required to pay a fee otherwise required to be paid under this Part
 - (a) a Minister of the Crown in right of a State;
 - (b) the Commissioner designated under the *Fair Trading Act 2010* section 55;
 - (c) the Commissioner CEO as defined in the Health

 Legislation Administration Act 1911 1984 section-3(1);
 - (d) the Commissioner of Police;
 - (e) the Commissioner of State Revenue.
- (2) If an application is made to the Tribunal by a referring person, any application fee that can be charged or is required to be paid under this Part in relation to that application must be paid by the person who, in relation to the application, is the applicant.
- (3) A proceeding before the Tribunal is stayed until the fee for the commencement of the proceeding required to be paid under this Part is paid or payment is waived or postponed under subregulation (4).
- (4) The executive officer may on an application in an approved form, in a particular case, on the ground of financial hardship or if it is in the interests of justice to do so, order
 - (a) that payment of a fee be waived;
 - (b) that a fee be reduced or that the whole or a part of the fee be refunded; or
 - (c) that the payment of the whole or a part of a fee be postponed until such time, and upon such conditions, if any, as the executive officer thinks fit.

[Regulation 8 amended in Gazette 26 Jun 2007 p. 2982; 22 Jul 2011 p. 3018; 6 Aug 2013 p. 3650.]

Fees

Part 3

- 9. Fees <u>relating</u> to <u>be charged application under provision in Sch. 3, 4 or 6</u>
 - (1) Subject to regulation 8, the fees specified in the Table to this subregulation are to be charged in respect of an application made and proceedings under or in relation to a provision listed in Schedule 3.

Table

	= ***** = *	
	Matter	Fee \$
App	lication	1 049.00
alloc	ring fee (for each day or part of a day cated, other than the first day) for an ication by a person	1 049.00
Asse	essment Application for assessment of s—	
(a)	fee for application by —	
	(i) an individual	195.50
	(ii) a person other than an individual	292.00
(b)	in addition to the application fee, an assessment fee atequal to 2.5% of the rate of costs claimed in the application	2.5%

(2) Subject to regulation 8, the fees specified in the Table to this subregulation are to be charged in respect of an application made and proceedings under or in relation to a provision listed in Schedule 4.

Table

Matter	Fee \$
Application by an individual	383.00

	Matter	Fee \$
	lication by a person other than an ridual	699.00
alloc	ring fee (for each day or part of a day rated, other than the first day) for an ication by an individual	350.00
alloc appl	ring fee (for each day or part of a day cated, other than the first day) for an ication by a person other than an vidual	454.00
Asse	essment Application for assessment of	
(a)	fee for application by —	
	(i) an individual	138.00
	(ii) a person other than an individual	209.00
(b)	in addition to the application fee, an assessment fee atequal to 2.5% of the rate of costs claimed in the application	2.5%

(3) Subject to regulation 8, the fees specified in the Table to this subregulation are to be charged in respect of an application made and proceedings under or in relation to a provision listed in Schedule 5.

Table

Matter	Fee \$
Application	315.00
Hearing fee (for each day or part of a day allocated, other than the first day) for an	
application by a person	315.00

Matter	Fee \$
Assessment of costs	
(a) fee for application by	
(i) an individual	109.50
(ii) a person other than an individual	165.50
(b) in addition to the application fee, an	
assessment fee at the rate of	2.5%

[(3) deleted]

(4) Subject to regulation 8, the fees specified in the Table to this subregulation are to be charged in respect of an application made and proceedings under or in relation to a provision listed in Schedule 6.

Table

	Matter	Fee \$
App	lication	70.00
alloc	ring fee (for each day or part of a day cated, other than the first day) for an ication by a person	139.50
Asse	essment Application for assessment of s—	
(a)	fee for application by —	
	(i) an individual	68.00
	(ii) a person other than an individual	101.00
(b)	in addition to the application fee, an assessment fee atequal to 2.5% of the rate of costs claimed in the application	2.5%

Fees

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[Regulation 9 inserted in Gazette 26 Jun 2007 p. 2982-4; amended in Gazette 27 Jun 2008 p. 3065-6; 4 Sep 2009 p. 3480-1; 8 Mar 2011 p. 793-4; 20 Dec 2011 p. 5384-5; 30 Nov 2012 p. 5796; 6 Aug 2013 p. 3650.]

- 10. Fees relating to be charged in relation application to certain applications under the *Planning and Development*Act 2005 do with development on land
 - (1) In this regulation —

Class 1 application means an application under the *Planning* and *Development Act* 2005 section 249(1), 250(1), 251(1), (2), (3) or (4), 252(1) or (2), 253(3) or 254a review application made in relation to —

- (a) a development with a value of less than \$250 000.00; or
- (b) a development that is a <u>singesingle</u> house with a value less than \$500-000.00 on a single lot; or
- (c) a subdivision of a lot into not more than 3-lots;

Class 2 application means an application under the *Planning* and *Development Act* 2005 section 249(1), 250(1), 251(1), (2), (3) or (4), 252(1) or (2), 253(3) or 254a review application that is not a Class-1 application-:

review application means an application made under any of these provisions —

- (a) the *Hope Valley-Wattleup Redevelopment Act 2000* section 29(1);
- (b) the *Metropolitan Redevelopment Authority Act 2011* section 69(1);
- (c) the Metropolitan Redevelopment Authority Regulations 2011 regulation 23;
- (d) the Perry Lakes Redevelopment Act 2005 section 35;
- (e) the *Planning and Development Act 2005* section 249(1), 250(1), 251(1), (2), (3) or (4), 252(1) or (2), 253(3) or 254;

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- (f) the *Planning and Development (Development Assessment Panels) Regulations 2011* regulation 18(2).
- (2) Subject to regulation 8, the fees specified in the Table to this subregulation are to be charged in respect of a Class 1 application and proceedings in relation to such an application.

Table

	Matter	Fee \$
App	lication	383.00
alloc appl	Hearing fee (for each day or part of a day allocated, other than the first day) for an application by a person Assessment Application for assessment of a section.	
(a)	fee for application by a person	138.00
(b)	in addition to the application fee, an assessment fee atequal to 2.5% of the rate of costs claimed in the application	2.5%

(3) Subject to regulation 8, the fees specified in the Table to this subregulation are to be charged in respect of a Class 2 application and proceedings in relation to such an application.

Table

Matter	Fee \$
Application	699.00
Hearing fee (for each day or part of a day allocated, other than the first day) for an	
application by a person	454.00

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	Matter	Fee \$
Assessment Application for assessment of costs —		
(a)	fee for application by a person	209.00
(b)	in addition to the application fee, an assessment fee atequal to 2.5% of the rate of costs claimed in the application	2.5%

[Regulation 10 inserted in Gazette 26 Jun 2007 p. 2985-6; amended in Gazette 27 Jun 2008 p. 3066; 4 Sep 2009 p. 3481-2; 8 Mar 2011 p. 794-5; 20 Dec 2011 p. 5386; 30 Nov 2012 p. 5796; 6 Aug 2013 p. 3651-2.]

11A. No fee relating to application under provision in Sch. 7

A fee is not to be charged in respect of an application made under an enactment listed in Schedule 7 or proceedings in relation to such an application.

[Regulation 11A inserted in Gazette 6 Aug 2013 p. 3652.]

11B. Fees relating to application not covered by r. 9, 10 or 11A

Subject to regulation 8, the fees specified in the Table to this regulation are to be charged in respect of the following —

- (a) an application made and proceedings under or in relation to an enactment not listed in Schedule 3, 4, 6 or 7;
- (b) an application, or proceedings relating to an application, to which regulation 10 does not apply.

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Matter	<u>Fee (\$)</u>
Application	315.00

Matter	<u>Fee (\$)</u>
Hearing fee (for each day or part of a day allocated, other than the first day) for an application by a person	<u>315.00</u>
Application for assessment of costs —	
(a) fee for application by —	
(i) an individual	109.50
(ii) a person other than an individual	165.50
(b) in addition to the application fee, an assessment fee equal to 2.5% of the costs claimed in the application	

[Regulation 11B inserted in Gazette 6 Aug 2013 p. 3652-3.]

11. Fees for the provision of transcripts to third parties

- (1) This regulation applies if
 - (a) a person who is not a party to a proceeding requests the Tribunal to provide a copy of the transcript of the proceeding or part of the proceeding; and
 - (b) at the time that the person makes the request, a transcript of the proceeding, or the relevant part of the proceeding, has not been prepared by the Tribunal.
- (2) Instead of the fee that would otherwise be charged under regulation 27 and Schedule 20 item 5, 6 or 7 (as the case requires), the fee to be charged for providing a copy of the transcript is the fee determined by the executive officer in accordance with subregulation (3).

- (3) The fee is to be the amount that, in the opinion of the executive officer, represents the costs of the Tribunal directly attributable to
 - (a) the preparation of the transcript; and
 - (b) the doing of any other thing reasonably necessary to be done in connection with providing a copy of the transcript to the person.

[Regulation 11 inserted in Gazette 4 Sep 2009 p. 3482.]

[12-24. Deleted in Gazette 26 Jun 2007 p. 2982.]

[25. No fees payable

A fee is not required to be paid in relation to a proceeding under or in relation to a written law or a provision of a written law listed in Schedule 7.

[Regulation 25 amended, 26. Deleted in Gazette 26 Jun 2007 6 Aug 2013 p. 2986.]

26. Proceedings commenced under other provisions

- (1) If an application is made to the Tribunal under or in relation to a provision other than
 - (a) one referred to in regulation 10; or
 - (b) one listed in Schedule 3, 4, 5, 6 or 7,

the fees specified in the Table to regulation 9(3) are to be charged in respect of an application made and proceedings under or in relation to the provision.

(2) Fees are not to be charged under subregulation (1) in respect of an application and proceedings in relation to a disciplinary matter.

[Regulation 26 inserted in Gazette 26 Jun 2007 p. 29873653.]

Other fees **27.**

The fees set out in Schedule 20 are to be charged in respect of the matters shown in that Schedule.

Part 4 — Transitional provisions: State Administrative Tribunal Act 2004

28. **Transitional provisions**

- (1) In this regulation, unless the contrary intention appears commencement day, in relation to a matter, means the day on which an enabling Act is amended by the State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 so as to confer jurisdiction on the Tribunal to deal with the matter.
- (2) If a matter is transferred to the Tribunal under the Act section 167 —
 - (a) the matter is to be taken to have been commenced in the Tribunal:
 - (b) the Tribunal may have regard to any record of the proceedings of the former adjudicator, including a record of any evidence taken in proceedings before the former adjudicator;
 - anything done or omitted to be done in relation to the matter by a party or other person before the matter is transferred to the Tribunal under or in accordance with the procedure that applied before that day is to be taken, as far as possible, to have been done or omitted under or in accordance with the procedure applying on and after that day.
- (3) If a matter is a devolved matter as defined in the Act section 167(1) and, immediately before the commencement day, the enabling Act under which jurisdiction in relation to the matter is conferred on the Tribunal fixed a time or a time was fixed under the enabling Act for commencing proceedings in relation to the matter (the *time for making an application*)
 - the time for making an application continues to apply on or after the commencement day in relation to any application that could have been made before that day;

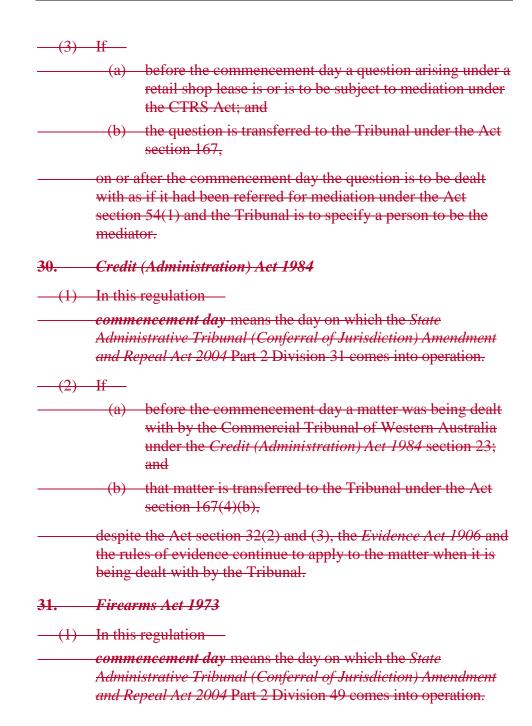
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- (b) unless the contrary intention appears, nothing in the Act or the enabling Act, has the effect of extending or abridging the time for making an application; and
- (c) the time for making an application may be extended or abridged on or after the commencement day by the former adjudicator or the Tribunal, as the case may be, in accordance with any provision made by or under an enabling Act that applied to that application immediately before the commencement day as if that provision had not been amended or repealed on the commencement day by the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004.*



- (1) In this regulation
 - commencement day means the day on which the State
 Administrative Tribunal (Conferral of Jurisdiction) Amendment
 and Repeal Act 2004 Part 2 Division 21 comes into operation;
 - the CTRS Act means the Commercial Tenancy (Retail Shops)
 Agreements Act 1985.
- (2) If before the commencement day a matter was being dealt with by the Commercial Registrar under the CTRS Act section 11(5), 12(1)(b), 12A(4), 12B(4), 13(3)(a), 13(7), 13(7b), 13A(3) or 27(3) of that Act and that matter is transferred to the Tribunal under the Act section 167(4)(a) or (b)
- (a) the practice and procedure, and any hearing or other fees, applicable to the matter when it was being dealt with by the Commercial Registrar continue to apply to the matter when it is being dealt with by the Tribunal; and
- (b) the Tribunal has the powers that the Commercial Registrar had in dealing with the matter.

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If a matter partly or fully heard before the commencement day by a firearms appeals tribunal, as defined in the *Firearms* Act 1973 section 22(1) immediately before the commencement day, is transferred to the Tribunal under the Act section 167(4)(b), despite the Act section 39, a person who is a legal practitioner is not to appear as an advocate for, or represent, a party in proceedings before the Tribunal relating to the matter.

Fish Resources Management Act 1994

(1) In this regulation

commencement day means the day on which the State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 Part 2 Division 51 comes into operation.

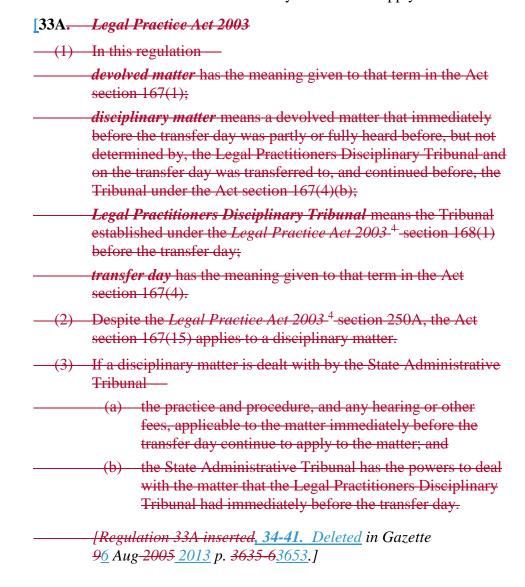
(2) If before the commencement day a tribunal established under the Fish Resources Management Act 1994 section 152 has made a decision but has not given a notice under section 152(4) or (5) of that Act, the tribunal continues to exist for the purpose of complying with section 152(4) or (5), as if those subsections had not been replaced by the State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 section 388.

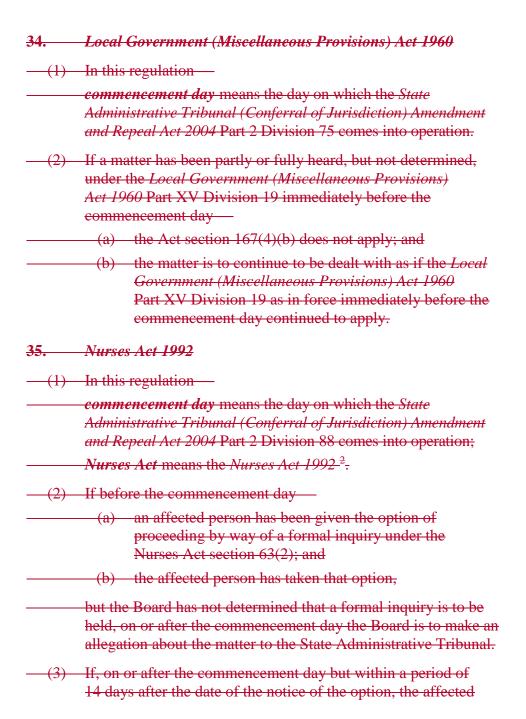
[**29-32.** Deleted in Gazette 6 Aug 2013 p. 3653.]

33. Land Administration Act 1997

- (1) In this regulation
 - commencement day means the day on which the State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 Part 2 Division 67 comes into operation.
- If a matter has been partly or fully heard, but not determined, by (2) a Compensation Court under the Land Administration Act 1997 immediately before the commencement day
 - the Act section 167(4)(b) does not apply; and

(b) the matter is to continue to be dealt with as if the written law applicable to the matter in force immediately before the commencement day continued to apply.





person purports to take the option to proceed by way of a formal inquiry, that purported taking of the option is to be taken to be the taking of an option to have an allegation about the matter made to the State Administrative Tribunal.



- (a) before the commencement day a matter was being dealt with by the professional standards committee under the Nurses Act section 65; and
- (b) that matter is transferred to the Tribunal under the Act section 167(5),

despite the Act section 32(2) and (3), the *Evidence Act 1906* and the rules of evidence continue to apply to the matter when it is being dealt with by the Tribunal.

36. Psychologists Registration Act 1976

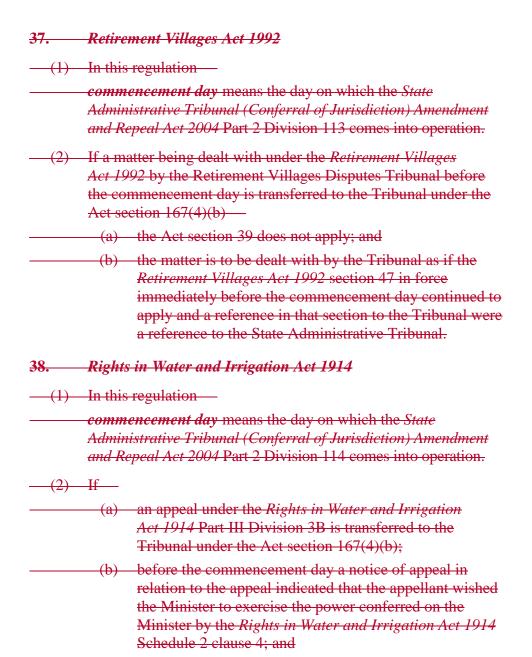
— (1) In this regulation —

commencement day means the day on which the State
Administrative Tribunal (Conferral of Jurisdiction) Amendment
and Repeal Act 2004 Part 2 Division 108 comes into operation.

$\frac{(2)}{\text{If}}$

- (a) a matter being heard by The Psychologists Registration
 Board of Western Australia under the Psychologists
 Registration Act 1976⁵ section 42 is transferred to the
 Tribunal under the Act section 167(5); and
- (b) the matter was being heard in camera in accordance with a decision made by a Judge under the *Psychologists**Registration Act 1976⁻⁵ section 42(6),

the Tribunal has the powers that the Board had under the *Psychologists Registration Act 1976*⁵ section 42(5) immediately before the commencement day.







the Tribunal may exercise the power referred to in the Rights in Water and Irrigation Act 1914 Schedule 2 clause 4 in force immediately before the commencement day as if a reference in that clause to the Minister were a reference to the Tribunal and a reference to an appeal were a reference to a review by the Tribunal.

Strata Titles Act 1985

(1) In this regulation

commencement day means the day on which the State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 Part 2 Division 121 comes into operation.

- (2) Subregulations (3) and (4) apply if
- (a) before the commencement day a person was given a notice under the Strata Titles Act 1985 section 79(1)(a); and
- (b) the person had not before the commencement day made a written submission under section 79(1)(b) of that Act.
- If this subregulation applies, on or after the commencement day, the person given the notice may, within the time specified in the notice, or any longer time allowed under the Strata Titles Act 1985 section 79(1)(c), make a written submission to the Tribunal and the Tribunal is to take account of the submission as if the submission were a document provided in proceedings to be conducted in whole or part on the basis of documents under the Act section 60(2).
- If this subregulation applies, the Tribunal is not to make an order under the Strata Titles Act 1985 Part VI Division 3, other than under section 82, until after the expiration of the time specified for the making of written submissions in the notice given under section 79(1)(a) of that Act, or where a further

notice has been given under section 79(1)(c) of that Act, the expiration of the longer time specified in that notice.

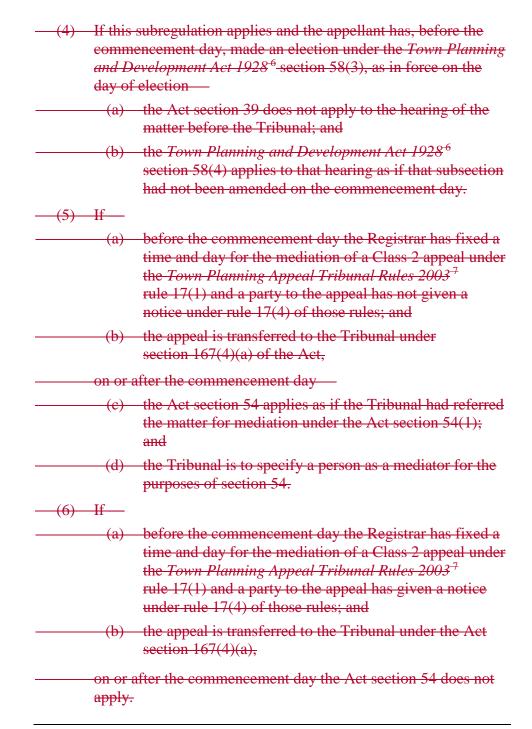


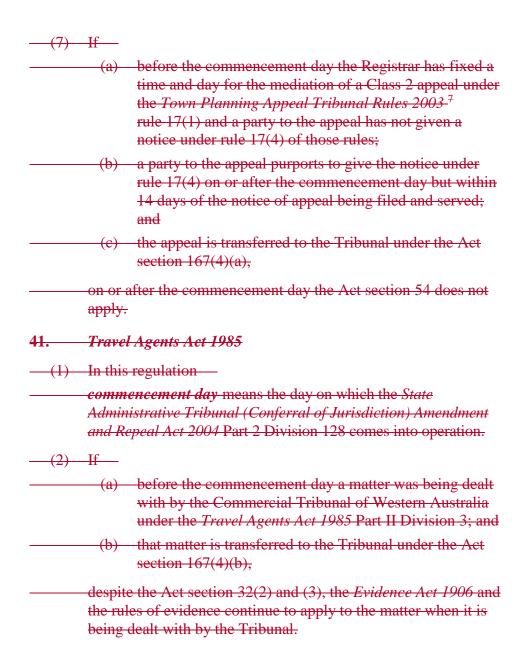
- (a) before the commencement day a matter was being dealt with by the Strata Titles Referee under the Strata Titles Act 1985 and the Referee had made a requirement under section 80C(a) or (b) of that Act but that requirement had not been complied with before that day; and
- (b) the matter is transferred to the Tribunal under the Act section 167(4)(a) or (b),

the Tribunal has, in relation to that matter, the power that the Strata Titles Referee had under the Strata Titles Act 1985 section 80C(c) immediately before the commencement day.

40. Town Planning and Development Act 1928

- (1) In this regulation, unless the contrary intention appears
 commencement day means the day on which the State
 Administrative Tribunal (Conferral of Jurisdiction) Amendment
 and Repeal Act 2004 Part 2 Division 126 comes into operation.
- (2) Subregulations (3) and (4) apply if
 - (a) before the commencement day, under the *Town*Planning and Development Act 1928⁶ section 40(3)(b),
 the appellant had elected at the time of commencing the appeal to have the appeal determined by a single ordinary member, and the other parties to the appeal had agreed with that election; and
- (b) the appeal is transferred to the Tribunal under section 167(4)(a) or (b) of the Act.
- (3) If this subregulation applies, despite the Act section 11 and the *Town Planning and Development Act 1928*⁻⁶ section 38 the Tribunal is to be constituted by an ordinary member sitting alone.





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Part 5 — Transitional provisions: State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004

42. **Transitional provision**

If a function that was performed by a particular functionary before the day on which the State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 amendment of an Act has effect (the transfer day) ceases to be performed by that functionary and instead a different functionary (other than the State Administrative Tribunal) performs a function that is substantially similar, anything done or omitted to be done by a party or other person before the transfer day under or in accordance with the procedure that applied before that day is to be taken, as far as possible, to have been done or omitted under or in accordance with the procedure applying on or after the transfer day.

Country Areas Water Supply Act 1947

(1) In this regulation—

commencement day means the day on which the State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 Part 2 Division 28 comes into operation;

Corporation has the meaning given to that term-54. Deleted in the CWS Act section 5(1);

the CWS Act means the Country Areas Water Supply Act 1947.

If the Corporation receives, before the commencement day, a notice in accordance with the CWS Act section 59(1) (as in force when the notice was received by the Corporation) but does not before the commencement day refer the objection referred to in the notice to a Land Valuation Tribunal as an appeal, on and after the commencement day the Corporation must refer the relevant entry in the records to the State Administrative

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Tribunal for a review as if the notice were a notice served on the Corporation under the CWS Act section 59(1).

- (3) If the Corporation receives, before the commencement day, a notice in accordance with the CWS Act section 60(1) (as in force when the notice was received by the Corporation) but does not before the commencement day refer a decision referred to in the notice to a Land Valuation Tribunal as an appeal, on and after the commencement day the Corporation must refer the decision to the State Administrative Tribunal for a review as if the notice were a notice served on the Corporation under the CWS Act section 60(1).
- If a notice has been given under the CWS Act section 58(7) before the commencement day, on or after the commencement day the notice is to be taken to refer to the time within which and the manner in which a review of the decision may be sought.

Country Towns Sewerage Act 1948

- (1) In this regulation
- commencement day means the day on which the State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 Part 2 Division 29 comes into operation;
- Corporation has the meaning given to that term in the CTS Act section 3(1);
- the CTS Act means the Country Towns Sewerage Act 1948.
- (2) If the Corporation receives, before the commencement day, a notice in accordance with the CTS Act section 62(1) (as in force when the notice was received by the Corporation) but does not before the commencement day refer the objection referred to in the notice to a Land Valuation Tribunal as an appeal, on and after the commencement day the Corporation must refer the relevant entry to the State Administrative Tribunal for a review as if the notice were a notice served on the Corporation under the CTS Act section 62(1).

Transitional provisions: State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004

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- (3) If the Corporation receives, before the commencement day, a notice in accordance with the CTS Act section 63(1) (as in force when the notice was received by the Corporation) but does not before the commencement day refer a decision referred to in the notice to a Land Valuation Tribunal as an appeal, on and after the commencement day the Corporation must refer the decision to the State Administrative Tribunal under the CTS Act section 63(1).
- If a notice has been given under the CTS Act section 61(6) before the commencement day, on or after the commencement day the notice is to be taken to refer to the time within which and the manner in which a review of the decision may be sought.

Credit (Administration) Act 1984

- (1) In this regulation
 - commencement day means the day on which the State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 Part 2 Division 31 comes into operation.
- (2) If before the commencement day an objection has been lodged with the Commercial Tribunal of Western Australia in accordance with the Credit (Administration) Act 1984 section 11 and the matter in respect of which the objection was lodged has not been dealt with by that Tribunal, on or after the commencement day the objection is to be taken to be an objection lodged with the Commissioner for Fair Trading under that section.
- If before the commencement day an objection has been lodged with the Commercial Tribunal of Western Australia in accordance with the Credit (Administration) Act 1984 section 23(1) and the matter in respect of which the objection was lodged has not been dealt with by that Tribunal, on or after the commencement day the objection is to be taken to be a written complaint under that subsection to the Commissioner for



Fair Trading about the holding of a licence by a specified licensee.

(4) If immediately before the commencement day the Commercial Tribunal of Western Australia is conducting an inquiry under the Credit (Administration) Act 1984 Part IV, on or after the commencement day that inquiry is to be conducted by a person appointed by the Minister under section 32(1) of that Act to conduct that inquiry as if that person, and not the Tribunal, had been appointed to conduct the inquiry.

Debt Collectors Licensing Act 1964

- (1) In this regulation
 - commencement day means the day on which the State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 Part 2 Division 35 comes into operation;
- Commissioner has the meaning given to that term in the Consumer Affairs Act 1971 section 4(1);
- DCL Act means the Debt Collectors Licensing Act 1964.
- (2) If immediately before the commencement day, a Clerk of a Local Court possesses
- (a) a register kept under the DCL Act section 12;
- (b) a notice given to the Clerk under the DCL Act section 15(4); or
- (c) a fidelity bond or approved security lodged under the DCL Act section 20(1),
- as soon as possible after the commencement day, the Clerk is to send those records or documents to the Commissioner.

47. Dog Act 1976

(1) If a notice has been given under the Dog Act 1976 section 33F(1) before the commencement day, on or after the Transitional provisions: State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004

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commencement day the notice is to be taken to refer to the right to apply to the State Administrative Tribunal for a review.

(2) If a notice has been given under the *Dog Act 1976*section 33G(2) before the commencement day, on or after the commencement day the notice is to be taken to refer to the right to apply to the State Administrative Tribunal for a review.

48. Equal Opportunity Act 1984

Unless the context otherwise requires, where in an arrangement made under the *Equal Opportunity Act 1984* section 7 there is a reference to the Equal Opportunity Tribunal that reference is to be read and construed as a reference to the State Administrative Tribunal.

49. Fire and Emergency Services Authority of Western Australia Act 1998

(1) In this regulation

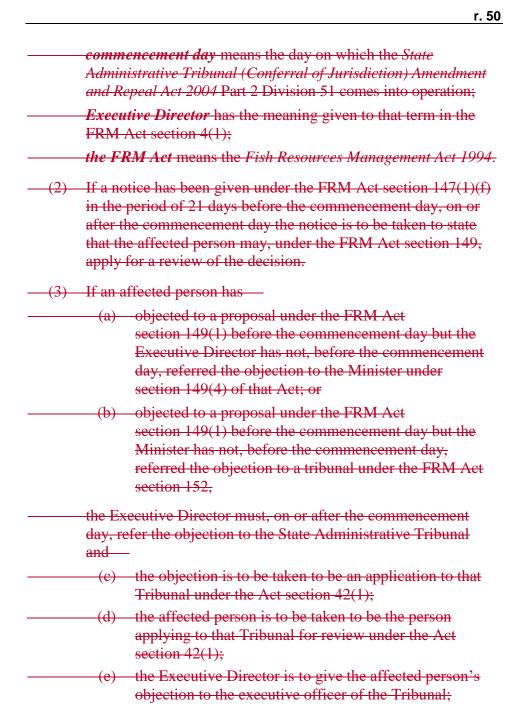
commencement day means the day on which the State
Administrative Tribunal (Conferral of Jurisdiction) Amendment
and Repeal Act 2004 Part 2 Division 47 comes into operation.

(2) If the Minister receives, before the commencement day, a written notice in accordance with the *Fire and Emergency Services Authority of Western Australia Act 1998* section 36ZF (as in force when the notice was received by the Minister) but does not before the commencement day refer the objection referred to in the notice to a Land Valuation Tribunal as an appeal, on and after the commencement day the Minister must refer the notice to the State Administrative Tribunal and the notice is to be taken to be an application to the Tribunal for a review of the determination under the *Fire and Emergency Services Authority of Western Australia Act 1998* section 36G(5) of the purpose for which the land is used.

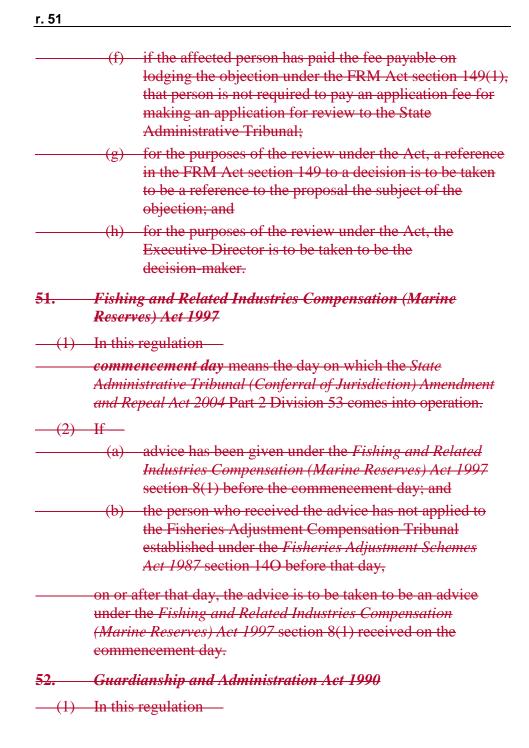
50. Fish Resources Management Act 1994

(1) In this regulation

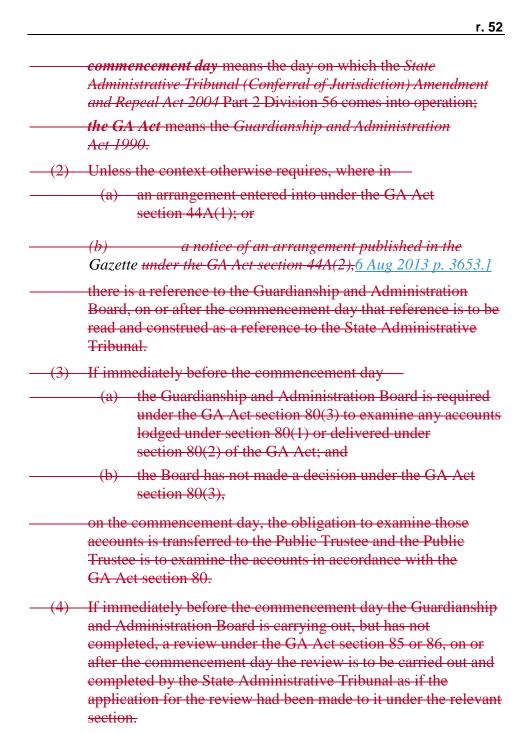
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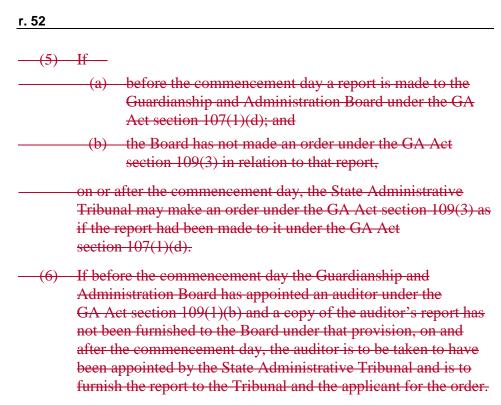
Transitional provisions: State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004



Compare 07 Dec 2012 [02-h0-03] / 07 Aug 2013 [02-i0-01] Published on www.legislation.wa.gov.au



Transitional provisions: State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004

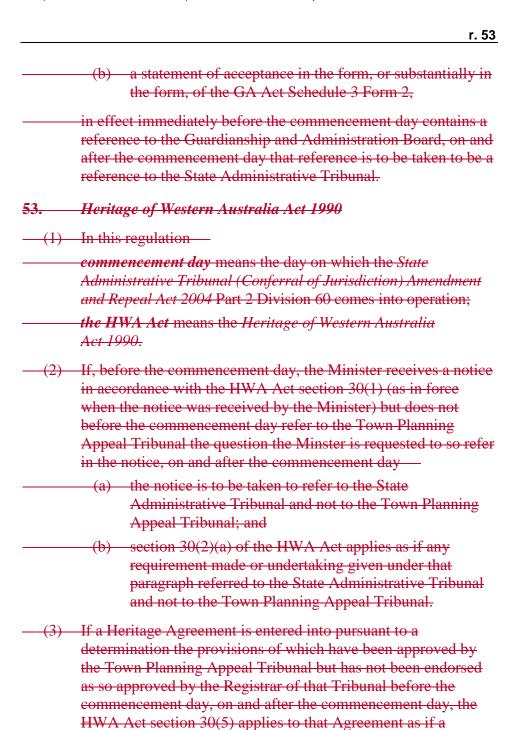


- (7) If immediately before the commencement day a notice is required to be given under the GA Act section 111(4) but that notice has not been given before the commencement day, on or after the commencement day that notice is to be given by the executive officer of the State Administrative Tribunal.
- (8) If immediately before the commencement day the Guardianship and Administration Board is dealing with, but has not completed the consideration of, an application under the GA Act section 111(5) or 112(4), on or after the commencement day the application is to be transferred to the State Administrative Tribunal and the Tribunal is to deal with the application as if the application had been made to it under the relevant subsection.

(9) If

(a) an enduring power of attorney created by instrument in the form or substantially in the form of the GA Act Schedule 3 Form 1: or

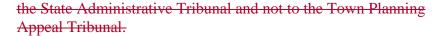
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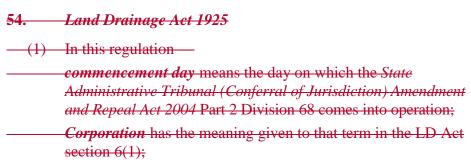


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- reference in that subsection to the Registrar were a reference to the executive officer of the State Administrative Tribunal.
- (4) If, before the commencement day, the Minister is required in accordance with the HWA Act section 37(3) (as in force when the requirement was received by the Minister) to refer a question to the Town Planning Appeal Tribunal but does not do so before the commencement day, on and after the commencement day the Minister must refer the question to the State Administrative Tribunal as if the requirement had referred to the State Administrative Tribunal and not to the Town Planning Appeal Tribunal.
- (5) On and after the commencement day, a reference in the HWA Act section 37(4) to a finding made by the State Administrative Tribunal on a reference in relation to the same or a related matter under the HWA Act section 37(3) is to be taken to include a reference to such a finding lawfully made by the Town Planning Appeal Tribunal before the commencement day.
- (6) If, before the commencement day, the Minister is required in accordance with the HWA Act section 73(4) (as in force when the requirement was received by the Minister) to refer a question to the Town Planning Appeal Tribunal but does not do so before the commencement day, on and after the commencement day the Minister must refer the question to the State Administrative Tribunal as if the requirement had referred to the State Administrative Tribunal and not to the Town Planning Appeal Tribunal.
- (7) If, before the commencement day, the Minister is requested in accordance with the HWA Act section 76(1) (as in force when the requirement was received by the Minister) to refer a question to the Town Planning Appeal Tribunal but does not do so before the commencement day, on and after the commencement day the Minister must refer the question to the State Administrative Tribunal as if the request had referred to

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- the LD Act means the Land Drainage Act 1925.
- (2) If the Corporation receives, before the commencement day, a notice in accordance with the LD Act section 99(1) (as in force when the notice was received by the Corporation) but does not before the commencement day refer the objection referred to in the notice to a Land Valuation Tribunal as an appeal, on and after the commencement day the Corporation must refer the relevant entry in the records to the State Administrative Tribunal for a review as if the notice were a notice served on the Corporation under the LD Act section 99(1).
- (3) If the Corporation receives, before the commencement day, a notice in accordance with the LD Act section 99A(1) (as in force when the notice was received by the Corporation) but does not before the commencement day refer a decision referred to in the notice to a Land Valuation Tribunal as an appeal, on and after the commencement day the Corporation must refer the decision to refuse to extend time to the State Administrative Tribunal for a review as if the notice were a notice served on the Corporation under the LD Act section 99A(1).
- (4) If a notice has been given under the LD Act section 98(6) before the commencement day, on or after the commencement day the notice is to be taken to refer to the time within which and the manner in which a review of the decision may be made be sought.

Transitional provisions: State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004

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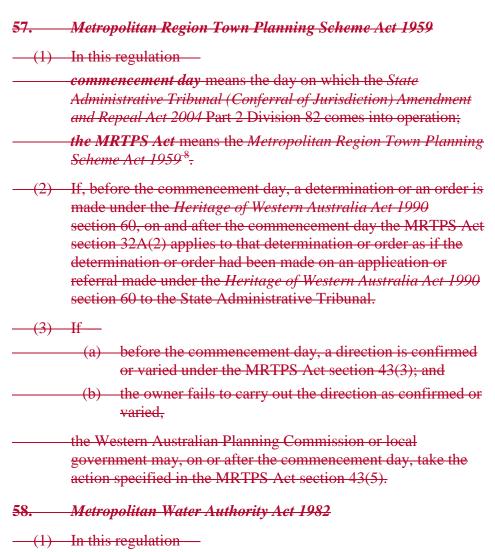
55. Local Government (Miscellaneous Provisions) Act 1960

- In this regulation (1)
 - commencement day means the day on which the State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 section 683 comes into operation.
- If a local law made under the Local Government (Miscellaneous (2) Provisions) Act 1960 section 433 and the Local Government Act 1995 is expressed as conferring on a person a right to appeal under the Local Government (Miscellaneous Provisions) Act 1960 Part XV Division 19 against a decision, that local law is to be taken to give a right on or after the commencement day to apply to the State Administrative Tribunal for a review of that decision.

Local Government Act 1995

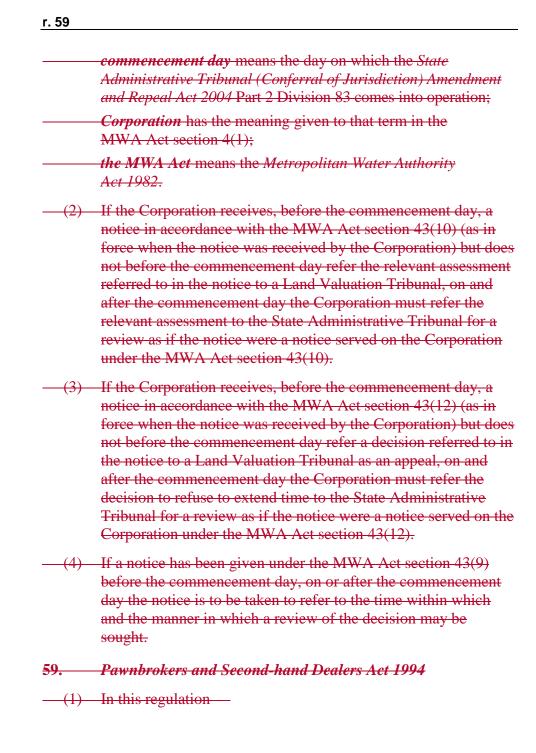
- (1) In this regulation
 - commencement day means the day on which the State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 Part 2 Division 76 comes into operation;
 - the LG Act means the Local Government Act 1995.
- If a local government receives, before the commencement day, a notice-60. Deleted in accordance with the LG Act section 6.77 (as in force when the notice was received by the local government) but does not before the commencement day refer the decision referred to in the notice to a Land Valuation Tribunal as an appeal, on and after the commencement day the local government must refer the notice to the State Administrative Tribunal and the notice is to be taken to be an application to the Tribunal for a review of the decision under the LG Act section 6.77.
- If a local government receives, before the commencement day, a notice in accordance with the LG Act section 6.78 (as in force when the notice was received by the local government) but does

not before the commencement day refer the decision referred to in the notice to a Land Valuation Tribunal as an appeal, on and after the commencement day the local government must refer the notice to the State Administrative Tribunal and the notice is to be taken to be an application to the Tribunal for a review of the decision under the LG Act section 6.78.

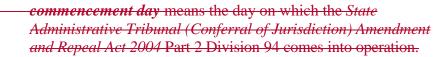


Part 5

Transitional provisions: State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004



Compare 07 Dec 2012 [02-h0-03] / 07 Aug 2013 [02-i0-01] Published on www.legislation.wa.gov.au



(2) On or after the commencement day a clerk of a court of petty sessions is to cause to be sent to the executive officer of the State Administrative Tribunal all records under the control of the clerk relating to proceedings under the *Pawnbrokers and Second-hand Dealers Act 1994* Part 2 Division 3.

60. *Pearling Act 1990*

- (1) In this regulation
 - commencement day means the day on which the State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 Part 2 Division 95 comes into operation.
- (2) If a notice has been published in the Gazette under the Pearling Act 1990 section 23(8) in the period of 14 days before the commencement day, on or after the commencement day the notice is to be taken to refer to a right of review set out in section 33 of the Pearling Act 1990.6 Aug 2013 p. 3653.1
- (3) If a notice has been served under the *Pearling Act 1990* section 33(2) in the period of 14 days before the commencement day, on or after the commencement day the notice is to be taken to refer to a right of review set out in section 33 of the *Pearling Act 1990*.

61. Rights in Water and Irrigation Act 1914

(1) In this regulation —

commencement day means the day on which the State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 Part 2 Division 114 comes into operation;

Corporation has the meaning given to that term in the RWI Act section 2(1);

Transitional provisions: State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004

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the RWI Act means the Rights in Water and Irrigation Act 1914.

- (2) If a local by-law made under the RWI Act section 26M(g) makes provision for an appeal against decisions relating to applications made and licences granted under the local by-law, that local by-law is to be taken to give a right on or after the commencement day to apply to the State Administrative Tribunal for a review of that decision.
- (3) If the Corporation receives, before the commencement day, a notice in accordance with the RWI Act section 39F(1) (as in force when the notice was received by the Corporation) but does not before the commencement day refer the objection referred to in the notice to a Land Valuation Tribunal as an appeal, on and after the commencement day the Corporation must refer the relevant entry to the State Administrative Tribunal for a review as if the notice were a notice served on the Corporation under the RWI Act section 39F(1).
- (4) If the Corporation receives, before the commencement day, a notice in accordance with the RWI Act section 39G(1) (as in force when the notice was received by the Corporation) but does not before the commencement day refer a decision referred to in the notice to a Land Valuation Tribunal as an appeal, on and after the commencement day the Corporation must refer the decision to refuse to extend time to the State Administrative Tribunal for a review as if the notice were a notice served on the Corporation under the RWI Act section 39G(1).
- (5) If a notice has been given under the RWI Act section 39E(7) before the commencement day, on or after the commencement day the notice is to be taken to refer to the time within which and the manner in which a review of the decision may be sought.
- 62. Security and Related Activities (Control) Act 1996
- (1) In this regulation

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r. 63

commencement day means the day on which the State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 Part 2 Division 117 comes into operation.

If in the period of 21 days before the commencement day a notice has been given under the Security and Related Activities (Control) Act 1996 section 68(2) (applying section 67(2), (3) and (4) to the cancellation of an endorsement under section 68(1)), on or after the commencement day that notice is to be taken to be a notice given on the commencement day under that Act section 68(2)(a).

[(3)-(5)] deleted

[Regulation 61 amended in Gazette 6 Aug 2013 p. 3653.]

Deleted in Gazette 6 Aug 2013 p. 3653.] *[62.*

63. Strata Titles Act 1985

In this regulation — (1)

> commencement day means the day on which the State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004 Part 2 Division 121 comes into operation;

referee means a Strata Titles Referee appointed and holding office before the commencement day under the ST Act section 71:

the ST Act means the Strata Titles Act 1985.

((2)) If—deleted]

- (a) a special resolution authorising an application to a Land Valuation Tribunal under the ST Act section 16(1) for an order that the Schedule of unit entitlement be amended was passed before the commencement day; or
- a certificate under seal of a strata company certifying that the strata company has by special resolution authorised such an application,

Transitional provisions: State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004

r. 63

and an application has not been made to a Land Valuation
Tribunal before the commencement day or an application to the
Land Valuation Tribunal is transferred to the State
Administrative Tribunal under the Act section 167, on and after
the commencement day, the reference to a Land Valuation
Tribunal in the special resolution and the certificate is to be read
and construed as a reference to the State Administrative
Tribunal.

- (3) On and after the commencement day, a copy of an order certified under the ST Act by a referee as being a true copy is to be taken to have been certified by the executive officer of the State Administrative Tribunal.
- (4) A certificate of a local government made before the commencement day which complies with the ST Act section 23(1)(a) or (3), as in force at the time the certificate was made, is to be taken, on and after the commencement day, to comply with the ST Act section 23(1)(a) or (3).
- (5) A certificate issued before the commencement day by the Town Planning Appeal Tribunal under the ST Act section 27(9) or 25B(3)(a) certifying that an appeal has been upheld, is to be taken, on and after the commencement day, to be a certificate of the executive officer of the State Administrative Tribunal to the effect that a successful application has been made to the State Administrative Tribunal for a review of the Commission's refusal or failure to give an approval referred to in the ST Act section 25B(2).
- (6) If a notice of refusal has been given under the ST Act section 26 before the commencement day, on or after the commencement day the notice is to be taken to inform the applicant of the right conferred by that section to apply for a review of the refusal.

[(6) deleted]

(7) If, before the commencement day, the Minister or the Town Planning Appeal Tribunal has upheld an appeal under the ST

Act section 26 but has not under section 26(11) of the ST Act issued to the applicant a certificate certifying that the appeal has been upheld, on or after the commencement day, the President of the State Administrative Tribunal may issue to the applicant a certificate certifying that the appeal has been upheld and that certificate has the same effect as a certificate issued under section 26(11) would have had if the certificate had been issued by the Minister or the Town Planning Appeal Tribunal before the commencement day.

- (8) If a referee has determined under the ST Act section 39A(4)(c)(ii) (as in force at the time of the determination) that an agreement is unfair to the proprietors of 25% or more of the aggregate unit entitlement of the lots, on or after the commencement day that determination is to be taken to be a determination of the State Administrative Tribunal under the ST Act section 39A(4)(c)(ii).
- (9) If before the commencement day
 - (a) an application for an order was made to a referee in relation to a matter of a type referred to in the ST Act section 77A(1) (as in force at the time of the application); and
- (b) the referee did not refer the application to the Retirement Villages Disputes Tribunal,
- on the commencement day the application is to be taken to be an application by an applicant for review to the State

 Administrative Tribunal under the State Administrative Tribunal

 Act 2004 and the applicant for the order of the referee is to be taken to be an applicant under that Act.
- —(10) If an appeal is commenced before the commencement day under the ST Act section 105 and a strata company is the respondent to a successful appeal under that section, section 111(1) is to be taken to apply to that strata company as if that subsection had not been amended by the State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004.

Transitional provisions: State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004

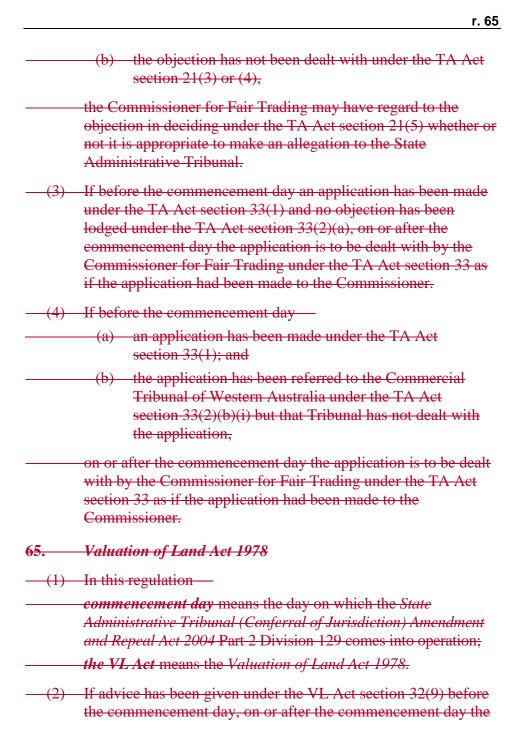
r. 64

- (11) If an order is made by the District Court under the ST Act section 113(1) (as in force immediately before the commencement day), on or after the commencement day the District Court must not cause the order and the records of the District Court relating to the appeal, including records forwarded to it by the referee when referring that appeal to the District Court, to be sent to the referee but must cause the order and those records to be sent to the executive officer of the State Administrative Tribunal.
- —(12) If an order is sent to the executive officer under subregulation (11), the executive officer must serve a copy of the order, certified by him or her to be a true copy, on
- (a) the strata company for the Scheme to which the order relates;
- (b) the appellant;
- (c) any person who was given notice under the ST Act section 105(6) (as in force immediately before the commencement day) of the time and place for the determination of the appeal; and
- (d) any person who, by the order, is required to do or to refrain from doing a specified act.

64. Travel Agents Act 1985

- (1) In this regulation
 - commencement day means the day on which the State
 Administrative Tribunal (Conferral of Jurisdiction) Amendment
 and Repeal Act 2004 Part 2 Division 128 comes into operation;
- the TA Act means the Travel Agents Act 1985.
- (2) If before the commencement day
- (a) an objection has been lodged with the Commercial Tribunal of Western Australia under the TA Act section 21(1); and

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r. 66

advice is to be taken to refer to the time within which and the manner in which a review of the valuation may be sought.

- (3) If the Valuer-General receives, before the commencement day, a notice in accordance with the VL Act section 33(1) (as in force when the notice was received by the Valuer General) but does not before the commencement day refer the objection referred to in the notice to a Land Valuation Tribunal as an appeal, on and after the commencement day the Valuer-General must refer the valuation to the State Administrative Tribunal for a review as if the notice were a notice served on the Valuer-General under the VL Act section 33(1).
- (4) If the Valuer General receives, before the commencement day, a notice in accordance with the VL Act section 35(1) (as in force when the notice was received by the Valuer General) but does not before the commencement day refer a decision referred to in the notice to a Land Valuation Tribunal as an appeal, on and after the commencement day the Valuer General must refer the decision to the State Administrative Tribunal for a review as if the notice were a notice served on the Valuer General under the VL Act section 35(1).

66. Water Boards Act 1904

- (1) In this regulation
 - commencement day means the day on which the State
 Administrative Tribunal (Conferral of Jurisdiction) Amendment
 and Repeal Act 2004 Part 2 Division 132 comes into operation;
- the WB Act means the Water Boards Act 1904:
- Water Board means a Water Board constituted under the WB Act.
- (2) If advice has been given under the WB Act section 87(7) before the commencement day, on or after the commencement day the advice is to be taken to refer to the time within which and the manner in which a review of the decision may be sought.

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- (3) If a Water Board receives, before the commencement day, a notice in accordance with the WB Act section 88(1) (as in force when the notice was received by the Water Board) but does not before the commencement day refer the objection referred to in the notice to a Land Valuation Tribunal as an appeal, on and after the commencement day the Water Board must refer the relevant entry in the rating records to the State Administrative Tribunal for a review as if the notice were a notice served on the Water Board under the WB Act section 88(1).
- (4) If a Water Board receives, before the commencement day, a notice in accordance with the WB Act section 89(1) (as in force when the notice was received by the Water Board) but does not before the commencement day refer a decision referred to in the notice to a Land Valuation Tribunal as an appeal, on and after the commencement day the Water Board must refer the decision to refuse to extend time to the State Administrative Tribunal for a review as if the notice were a notice served on the Water Board under the WB Act section 89(1).

67. Western Australian Planning Commission Act 1985

- (1) In this regulation
 - Commencement day means the day on which the State
 Administrative Tribunal (Conferral of Jurisdiction) Amendment
 and Repeal Act 2004 Part 2 Division 137 comes into operation;
 - the WAPC Act means the Western Australian Planning
 Commission Act 19859.
- (2) If, before the commencement day, an order is made under the Heritage of Western Australia Act 1990 section 60, on and after the commencement day the Metropolitan Region Town Planning Scheme Act 1959⁸ section 32A(2) (as substituted by the WAPC Act section 18(1b)) applies to that order as if the order had been made on an application or referral made under section 60 of the Heritage of Western Australia Act 1990 to the State Administrative Tribunal.

State Administrative Tribunal Regulations 2004

Part 5

Transitional provisions: State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004

r. 67

(3) If, before the commencement day, an appeal made by a claimant under the WAPC Act section 25 has not been disallowed wholly or in part, the WAPC Act section 29(1)(b) applies as if the appeal were an application for review to the State Administrative Tribunal that had not been wholly or in part unsuccessful. [(9)-(12) deleted]

[Regulation 63 amended in Gazette 6 Aug 2013 p. 3653.]

[64-67. Deleted in Gazette 6 Aug 2013 p. 3653.]

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Schedule 1 — Enabling Acts prescribed for the purposes of the definition of *vocational regulatory body*

[r. 4]

Architects Act 2004

Boxing Control Act 1987⁻¹⁰

Builders' Building Services (Registration) Act 1939 2011

Chiropractors Act 1964⁻¹¹

Credit (Administration) Act 1984

Debt Collectors Licensing Act 1964

Dental Act 1939

Dental Prosthetists Act 1985

Electricity (Licensing) Regulations 1991

Employment Agents Act 1976

Finance Brokers Control Act 1975

Gas Standards (Gasfitting and Consumer Gas Installations) Regulations 1999

Hairdressers Registration Act 1946

<u>Health Practitioner Regulation National Law (Western Australia)</u>

Human Reproductive Technology Act 1991

Licensed Surveyors Act 1909

Land Valuers Licensing Act 1978

Legal Practice Profession Act 2003⁻⁴ 2008

Medical Licensed Surveyors Act 1894¹² 1909

Motor Vehicle Dealers Act 1973

Motor Vehicle Drivers Instructors Act 1963

Nurses Act 1992⁻²

State Administrative Tribunal Regulations 2004

Schedule 1 Enabling Acts prescribed for the purposes of the definition of vocational regulatory body

Occupational Therapists Registration Act 1980³

Optometrists Act 2005

Osteopaths Act 2005

Painters' Registration Act 1961

Pawnbrokers and Second-hand Dealers Act 1994

Pharmacy Act-1964_2010

Physiotherapists Act 2005

Podiatrists Act 2005

Psychologists Act 2005

Radiation Safety Act 1975

Real Estate and Business Agents Act 1978

Settlement Agents Act 1981

Teacher Registration Act 2012

Travel Agents Act 1985

Veterinary Surgeons Act 1960

Water Services Licensing Act 1995

[Schedule 1 amended in Gazette 31 Jul 2007 p. 3805; 7 Dec 2012 p. 5994; 6 Aug 2013 p. 3653-4.]

Schedule 2 — Places at which a magistrate may be authorised to perform functions as a member of the Tribunal

[r. 6]

Albany	Geraldton	Moora
Armadale	Joondalup	Mount Magnet
Broome	Kalgoorlie	Narrogin
Bunbury	Karratha	Norseman
Busselton	Katanning	Northam
Carnarvon	Kununurra	Perth
Collie	Mandurah	Rockingham
Coolgardie	Manjimup	Roebourne
Derby	Meekatharra	South Hedland
Esperance	Merredin	
Fremantle	Midland	

Schedule 3 — Provision under which proceedings commenced

[r. 9(1)]

[Heading inserted in Gazette 26 Jun 2007 p. 2987.]

Aboriginal Heritage Act 1972 s. 18(5)

Energy Coordination Act 1994 s. 11ZH(2) or (2a), 11ZPD(1) or (2), 11ZPE, 11ZPF(1) or (2) or 24AC

Heritage of Western Australia Act 1990 s. 42(1)

Home Building Contracts Act 1991 s. 15(4)

Maritime Archaeology Act 1973 s. 18(6)

Petroleum and Geothermal Energy Resources Act 1967 ¹³² s. 82(1) or 85(2)

Petroleum Pipelines Act 1969 s. 54(1)

Petroleum (Submerged Lands) Act 1982 s. 88(1) or 92(1)

Radiation Safety Act 1975 s. 12(1) or 54(3)

[Schedule 3 inserted in Gazette 26 Jun 2007 p. 2987-8; amended in Gazette 6 Aug 2013 p. 3654.]

Schedule_4 — Provision under which proceedings-commenced

[r. 9(2)]

[Heading inserted in Gazette 26 Jun 2007 Aug 2013 p. 2988 3655.]

Armadale Redevelopment Act 2001 s. 50(1) or 52(2)

East Perth Redevelopment Act 1991 s. 45 or 47(2)

Heritage of Western Australia Act 1990 s. 60(1)(a)

Hope Valley-Wattleup Redevelopment Act 2000 s. 29(1) or 31(2)

Midland Redevelopment Act 1999 s. 52(1) or 54(2)

Strata Titles Act-1985 s.-26(4), 26(4) or (5) or 27(3)

Subiaco Redevelopment Act 1994 s. 52(1) or 54(2)

[Schedule-4 inserted in Gazette 26 Jun 2007 Aug 2013] p. 2988 3655.]

[Schedule_5—Provision under which proceedings commenced

[r. 9(3)]

— [Heading inserted deleted in Gazette 26 Jun 20076 Aug 2013]
p. 2988.]

Aboriginal Heritage Act 1972 s. 43(3), 46(3) or 47(2)

Adoption Regulations 1995 r. 17(1), 23M(b) or (c) or 77

Aerial Spraying Control Act 1966 s. 8(1) or 13A(8)

Agricultural Produce (Chemical Residues) Act 1983 s. 20(1)

Agricultural Produce Commission Act 1988 s. 16(2)

Agriculture and Related Resources Protection Act 1976 s. 54(5)

Animal Welfare Act 2002 s. 74(1) or (2)

Architects Act 2004 s. 40(2), 41(2), 51(4), 57(1), 58(1) or 63(1) or (2)

Betting Control Act 1954 s. 27F

Biological Control Act 1986 s. 54(1)

Births, Deaths and Marriages Registration Act 1998 s. 67(1)

Builders' Registration Act 1939 s. 12D, 13(1ba)(b) or (2), 14(1), 41(1) or 42(1)

Business Names Act 1962 s. 19(3)

Caravan Parks and Camping Grounds Act 1995 s. 27 or 34(4)

Cemeteries Act 1986 s. 19(2)

Chattel Securities Act 1987 s. 26(1)

Chicken Meat Industry Act 1977 s. 18(2) or 19A(11)

Child Care Services Act 2007 s. 30

Chiropractors Act 2005 s. 36(3), 56(1), 59(1), 69(1) or 101

Construction Contracts Act 2004 s. 29(3), 46(1) or 49

Control of Vehicles (Off-road Areas) Act 1978 s. 33 Co-operative and Provident Societies Act 1903 s. 6(1) or 8(4) Country Areas Water Supply Act 1947 s. 12D(1), 59(2) or 60(2) Credit (Administration) Act 1984 s. 24(1) Cremation Act 1929 s. 8(6) Dangerous Goods Safety Act 2004 s. 67 Debt Collectors Licensing Act 1964 s. 11(1) Dental Act 1939 s. 30(2), 30A, 31(1aa) or 33 Dental Prosthetists Act 1985 s. 20(1) or (4) or 22(1) East Perth Redevelopment Regulations 1992 r. 8 Electricity (Licensing) Regulations 1991 r. 31(1) or 47(1) Emergency Management Act 2005 s. 83 Employment Agents Act 1976 s. 22(4) Finance Brokers Control Act 1975 s. 23(1), 35(5), 72(1), 73(1), (2) or (4)(b), 77 or 78(1) or (3) Firearms Act 1973 s. 22(2) Fire Brigades Act 1942 s. 25A(4) or 33(3) Fisheries Adjustment Schemes Act 1987 s. 14J(1) or 14L(1) Fishing and Related Industries Compensation (Marine Reserves) Act 1997 s. 8(1a) or (2) or 10(1) Fish Resources Management Act 1994 s. 149(1) or 255(5) Gas (Standards) Act 1947¹⁴ s. 13A(11) or (15) or 13B(1)

Compare 07 Dec 2012 [02-h0-03] / 07 Aug 2013 [02-i0-01]

Hairdressers Registration Act 1946 s. 16(1a) or 16A(1)

246ZG(1)

Health Act 1911 s. 36(1), 62, 137 proviso (ii), 192(2), 244(1), 246Y(6) or

Heritage of Western Australia Act 1990 s. 30(1), 37(3), 59(10), 73(4) or 76(1)

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Hire-Purchase Act 1959 s. 3(4g), 12A(2) or 36A(6)
Hospitals and Health Services Act 1927 s. 26H(1)
Housing Societies Act 1976 s. 87(2)
Human Reproductive Technology Act 1991 s. 36A, 42(2) or (3) or 43(1)
Jetties Act 1926 s. 7A(1)
Land Administration Act 1997 s. 126, 210(1), 214(2), 221(1)(b), 220(c), 222(1)
\frac{\text{or } 224(4)}{\text{or } 224(4)}
Land Drainage Act 1925 s. 85(6), 99(2) or 99A(2)
Land Valuers Licensing Act 1978 s. 16(1) or 27
Legal Contribution Trust Act 1967<sup>-15</sup> s. 28(2)
Legal Practice Act 2003<sup>4</sup> s. 20(9), 26(2), 28(5), 34(4), 39(2) or (3), 44, 60(3),
69(1), 70(1) or (2), 87(2) or (3), 94(4), 113, 132(2) or (3), 135, 149(1) or (3),
150(1), 153(b), 155, 156(1) or (4), 180(1), 182(1), 202 or 204(6)
Licensed Surveyors Act 1909 s. 20B, 21(6) or 22A(1)
Litter Act 1979 s. 25(6)
Local Government Act 1995 s. 2.27(6) or (7), 3.25(5), 5.112(2), 5.116(2),
5.117(4), 5.118, 5.125, 6.77, 6.78, 6.82(1) or 9.7(1) or (2)
Local Government (Miscellaneous Provisions) Act 1960 s. 374(2)(a), 374A(3),
377(5), 378(3), 380(3), 389, 392(1), 395(1), 399(5), 401(3), 401A(6), 403(6),
408(3), 409(3), 409Λ(3), 411(3), 413(2) or 417(3)
Marketing of Potatoes Act 1946 s. 19A, 28(3) or 31
Medical Act 1894<sup>+2</sup> s. 12BA(5), 12BB(1)(a), 13(1), (2), (8), (9ba) or (9bb),
21CA(8) or 21CD(1)
Medical Radiation Technologists Act 2006 s. 36(3), 56(1), 59(1), 69(1) or 99
Metropolitan Water Authority Act 1982 s. 57D(1), 57G(7) or 43(11) or (13)
Metropolitan Water Supply, Sewerage, and Drainage Act 1909 s. 57D(1)
Motor Vehicle Dealers Act 1973 s. 20(1), (2) or (3), 22(1) or (3), 32K(1),
32L(1) or (3), 32M(1), 32N(1) or (3) or 37B(2)
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Occupational Therapists Act 2005 s. 36(3), 56(1), 59(1), 69(1) or 101

Optometrists Act 2005 s. 35(3), 55(1), 58(1), 68(1) or 101

Osteopaths Act 2005 s. 35(3), 55(1), 58(1), 68(1) or 100

Painters' Registration Act 1961 s. 16(1), 16B(1) or 18(1)

Pawnbrokers and Second hand Dealers Act 1994 s. 30(1)

Pearling Act 1990 s. 33(1) or (3)

Perth Parking Management Act 1999 s. 17(1) or (2)

Petroleum Retailers Rights and Liabilities Act 1982 s. 5(10)

Pharmacy Act 1964 s. 22(3), 23(4), 26(3) or (5), 32(2) or 32B

Physiotherapists Act 2005 s. 36(3), 56(1), 59(1), 69(1) or 101

Planning and Development Act 2005 s. 170(5), 174(4), 176(1), 188(2)(b) or

Planning and Development Act 2005 s. 170(5), 174(4), 176(1), 188(2)(b) of (3)(b), 210(4), 244(3) or 255(1)

Plant Diseases Act 1914 s. 18(4) or 22(5)

Plant Pests and Diseases (Eradication Funds) Act 1974 s. 13(6)

Podiatrists Act 2005 s. 36(3), 56(1), 59(1), 69(1) or 101

Motor Vehicle Drivers Instructors Act 1963 s. 10(2)

Nurses and Midwives Act 2006 s. 37(3), 58(1), 61(1), 71(1) or 106

Poisons Act 1964 s. 29(1)

Professional Combat Sports Act 1987 s. 34(1)

Psychologists Act 2005 s. 35(3), 55(1), 58(1), 68(1) or 100

Public Order in Streets Act 1984 s. 8(1)

Rail Safety Act 1998 s. 20(1)(e) or (3)

Real Estate and Business Agents Act 1978 s. 23(1), 92(1), 93(1), (2) or (4)(b), 97, 98(1) or (3) or 102(1)

Rights in Water and Irrigation Act 1914 s. 26GG(1), 26GH(1) or (2) or 26GI

Royal Agricultural Society Act 1926 s. 3(3)

State Administrative Tribunal Regulations 2004

Provision under which proceedings commenced

Settlement Agents Act 1981 s. 23(1), 73(1), 74(1) or (2), 74(4)(b), 78, 79(1) or (3) or 83 Soil and Land Conservation Act 1945 s. 34(1) or 39(1) State Superannuation Act 2000 s. 13(3)(a) Swan and Canning Rivers Management Act 2006 s. 31(2), 32(7), 100(1) $\frac{\text{or } 116(2)}{\text{or } 116(2)}$ Taxation Administration Act 2003 s. 40(1) Taxi Act 1994 s. 20(4), 22(2), 23(4), 30(3) or 37(2) Tobacco Products Control Act 2006 s. 46(1) Trade Measurement Act 2006 s. 81 Transport Co-ordination Act 1966 s. 57(3) Transport (Country Taxi-car) Regulations 1982 r. 46 Travel Agents Act 1985 s. 21(5), 23(1), 39(1) or (2), or 40 Valuation of Land Act 1978 s. 36(1) Veterinary Chemical Control and Animal Feeding Stuffs Act 1976 s. 40(3) Veterinary Surgeons Act 1960 s. 22(1), 23(2a) or (12), 24(1) or (4a), 24A(10), 24B(1), 26E(5) or 26F(2) Water Agencies (Powers) Act 1984 s. 62(2) Water Services Licensing Act 1995 s. 44(1) or 54(1) Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000 r. 19(2a), 29(1) or 100(2) Waterways Conservation Act 1976 s. 46(11) Western Australian Meat Industry Authority Act 1976 s. 22(1) - [Schedule 5 inserted in Gazette 26 Jun 2007 p. 2988-93; amended in Gazette 27 Jun 2008 p. 3066-7; amended by Act No. 46 of 2009 s. 10; No. 19 of 2010 s. 513655.]

Schedule 6 — Provision under which proceedings commenced

[r. 9(4)]

[Heading inserted in Gazette 26 Jun 2007 p. 2993.]

Associations Incorporation Act 1987 s. 4(6), 7(2), 8(2), 9(3), 18(4) or 19(3)

Cat Act 2011 s. 71 or 72

Commercial Tenancy (Retail Shops) Agreements Act 1985 s. 6(1)(b), 6A(1)(b) or (3), 9(3), 11(5), 12(1)(b), 12A(4), 12B(4), 12C(2), 12D(3), 13(3)(a), (7) or (7b), 13A(2) or (3), 14, 14A(3), 15F(1), 16(1) or 27(3)(b)

Consumer Credit (Western Australia) Code as defined in section 3(1) of the Consumer Credit (Western Australia) Act 1996 s. 34(5), 35, 36(6) or (7), 44(4), 47(3), 68(1), 69(1) or (2), 70(1), 72(1), 77(1), 79(1), 80(4)(e), 82(b), 83(1), 85(2)(e), 88(1), 89(1), 91(1)(a), 92, 93(1) or (2), 94(2), 98(1), 99(3), 101, 101 and 102(1), 101 and 107(1), 101 and 109(1), 112(4), 114(2), 128, 152(2), 155, 156(2)(e), 157(1) and 162(2)

Credit Act 1984 s. 21(2), 24(1) or (11), 28, 32(1) or (2), 37(8), 47(1), 62(3), 74(5), 76(3), 81(1)(d), 85(1), 85A(1), 85B(3), 86(1), 86A(1), 93(3), 95(1), 97, 102(4), 104(3), 106(2)(b) or (3), 107(8), 110(1), 111(1), 112(1)(a), 114(2)(b) or (7), 115(1) or (6), 116(7), 118, 139(4) or (6), 146(1) or 152

Dog Act 1976 s. 16A(3), 17(1), 26(5), 27(7), 33F(6)(a) or (b) or (8), 33G(4)(a) or (b), 33H(5)(a) or (b), 33I(1)(a), (b), (c) or (d), 36(3) or 40(4)

Fair Trading (Retirement Villages Interim Code) Regulations 2012 Sch. 1 cl. 5.8(2)

First Home Owner Grant Act 2000 s. 31(1)

Pawnbrokers and Second-hand Dealers Act 1994 s. 68, 73(2) or 93(1)

Residential Parks (Long-stay Tenants) Act 2006 s. 7(1)(b), 62(2), 63(1), 64(1), 65(1), 66(2), 67(2), 68(2), 69(2), 70(2), 71(1), 72(1), 73(1), 74, 75(1), 76(1), 77(1) or 82(1)

Retirement Villages Act 1992 s. 9(3)(e) or (6), 44(1), 56(1), 57(1), 58(1), 59(1), 62(1), 63(1), 64(1), 67(2), 68(1), 69(3), 70(1)(a) or 75(4)

Retirement Villages Regulations 1992 r. 7(9)

Road Traffic Act 1974 s. 25(1) or the Road Traffic (Authorisation to Drive) Regulations 2008 r. 42(4)

Security and Related Activities (Control) Act- 1996 s.- 67(1), 67A(4) or (3b)(a) or-72(1)

Strata Titles Act 1985 s. 16(1), 39A(4)(c)(ii) or (5), 47(2)(a), 64(1), 83(1), 85, 86, 87, 88, 89, 90, 91, 92, 93(1), 94(1), 95(1), 97(1), 98, 99(1), 99A(1), 100(1), 101, 102(1)(e), (f) or (g), 102(3), 103(1) or (2), 103A(1), 103B(1), 103C(1), 103D(1), 103E(1), 103F(1) or (4), 103G(1), 103H(1), 103I(1), 103J(1), 103K(1), 103L(1), 103M(1), 103N(1), 103O(1), 103P(1), 103Q(1), 103R(1), 114(4)(b), Sch. 3 cl. 12(10)(a) or 13A(5) or Sch. 4 cl. 2(7)(a)

Working with Children (Criminal Record Checking) Act 2004 s. 26(2)

[Schedule 6 inserted in Gazette 26 Jun 2007 p. 2993-4; amended in Gazette 13 Jun 2008 p. 2523; 27 Jun 2008 p. 3067; 6 Aug 2013 *p.* 3655.]

Schedule_7 — Written law or provision Enactments under which no fee payable proceedings commenced

[r. 2511A]

[Heading inserted in Gazette 26 Jun 20076 Aug 2013 p. 29943655.]

Adoption Regulations-1995 r. 23M(1)(a)

<u>Building Services (Complaint Resolution and Administration) Act 2011 s.</u> 11(1)(d), 11(4)(b) or 55(1)

Children and Community Services Act 2004 s. 94 or 163(1)

Consumer Credit (Western Australia) Code as defined in section 3(1) of the Consumer Credit (Western Australia) Act 1996 s. 111

Country Towns Sewerage Act 1948 s. 62(2) or 63(2)

Credit Act 1984 s. 74(3) or 116(4)

Credit (Administration) Act-1984 s.-23(5), 30(1) or (2) or 31)

Debt Collectors Licensing Act 1964 s. 10(1c) or 11(2)

Employment Agents Act 1976 s. 25(1)

Equal Opportunity Act 1984 s. 85, 90(2), 93(1), 107(1), 126 or 135(1), (2) or (6)(b)

Fair Trading Act_2010 s. $\frac{47(1)}{2}$ and $\frac{42}{2}$, $\frac{47(1)}{2}$, $\frac{53(1)}{2}$ or $\frac{4883}{2}$

Finance Brokers Control Act 1975 s. 82

Fire and Emergency Services Authority of Western Australia Act-1998 s.-36ZF

Gender Reassignment Act 2000 s. 21(1)

Guardianship and Administration Act 1990

Heritage of Western Australia Act 1990 s. 60(1)(b)

Human Reproductive Technology Act 1991 s. 38(1)

Industrial Relations Act 1979 s. 97XI(1)

Land Administration Act 1997 s. 230(1)

State Administrative Tribunal Regulations 2004

Schedule 7 Written law or provisionEnactments under which no fee payableproceedings commenced

Mental Health Act 1996 s. 148A(1) or (2), 148E or 151

Pawnbrokers and Second-hand Dealers Act 1994 s. 27(2)

Planning and Development Act 2005 s. 211(2)

Retirement Villages Act 1992 s. 9(3)(c)

Rights in Water and Irrigation Act 1914 s. 39F(2) or 39G(2)

State Administrative Tribunal Act 2004 s. 44(3)(b) or (4) or 83(2)(a)

Strata Titles Act 1985 s. 82

Taxation Administration Act 2003 s. 38(5)

Valuation of Land Act 1978 s. 33(2) or 35(2)

Water Boards Act 1904 s. 88(2) or 89(2)

[Schedule 7 inserted in Gazette 26 Jun 2007 p. 2994-5; amended in Gazette 22 Jul 2011 p. 3018; 6 Aug 2013 p. 3655-6.]

[Schedules 8-19 deleted in Gazette 26 Jun 2007 p. 2987.]

Schedule 20 — Other fees

[r. 27]

Item	Type of fee	Fee \$	
1.	Application under the Act section 22(1) by —		
	(a) an individual	64.00	
	(b) a person other than an individual	128.00	
1A.	Application (per folio: a folio comprises 72 words)	7.25	
2.	For a copy of a document, for each page or part of a page	1.20	
3.	For a copy of reasons for decision —		
	(a) for one copy on the request of a party to the application	Nil	
	(b) for each additional copy on the request of a party to the application, for each page or part of a page	1.25	
	(c) for each copy on the request of a person who is not a party to the application, for each page or part of a page	1.25	
4.	For certifying under seal that a document is a true copy, an additional fee of	12.45	
5.	For a copy of a transcript (whether or not in electronic format), for each page or part of a page (minimum fee: \$16.60) 5.45		
6.	For a copy of a running transcript (whether or not in electronic format), for each page or part of a page (minimum fee: \$16.60)	5.45 plus 53.50 per day	

Item	Type of fee	Fee \$
7.	For a copy of a transcript on a disk, for each page or part of a page (minimum fee: \$16.60)	5.45 plus 6.10 per disk
8.	For searching the register of proceedings other than a search made by or on behalf of a party to the application of that part of the register applicable to the application	14.05
9.	For searching any proceeding or record other than a search made by or on behalf of a party to the application	31.25
10.	For sealing a summons to a witness	25.40

[Schedule 20 amended in Gazette 26 Jun 2007 p. 2995-6; 27 Jun 2008 p. 3067; 4 Sep 2009 p. 3482-3; 8 Mar 2011 p. 795; 20 Dec 2011 p. 5386-7; 30 Nov 2012 p. 5796-7.]

Compare 07 Dec 2012 [02-h0-03] / 07 Aug 2013 [02-i0-01] Published on www.legislation.wa.gov.au

Notes

This is a compilation of the State Administrative Tribunal Regulations 2004 and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
State Administrative Tribunal Regulations 2004	30 Dec 2004 p. 6747-848	1 Jan 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7129)
State Administrative Tribunal Amendment Regulations 2005	9 Aug 2005 p. 3635-6	9 Aug 2005
State Administrative Tribunal Amendment Regulations (No. 2) 2007	26 Jun 2007 p. 2979-96	r. 1 and 2: 26 Jun 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2007 (see r. 2(b))
State Administrative Tribunal Amendment Regulations 2007	31 Jul 2007 p. 3804-5	r. 1 and 2: 31 Jul 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Aug 2007 (see r. 2(b))

Reprint 1: The State Administrative Tribunal Regulations 2004 as at 16 Nov 2007 (includes amendments listed above)

State Administrative Tribunal Amendment (Road Traffic) Regulations 2008	13 Jun 2008 p. 2522-3	r. 1 and 2: 13 Jun 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 30 Jun 2008 (see r. 2(b) and Gazette 10 Jun 2008 p. 2471)
State Administrative Tribunal Amendment Regulations 2008	27 Jun 2008 p. 3064-7	r. 1 and 2: 27 Jun 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2008 (see r. 2(b))
State Administrative Tribunal Amendment Regulations 2009	4 Sep 2009 p. 3479-83	r. 1 and 2: 4 Sep 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 5 Sep 2009 (see r. 2(b))
Statutes (Repeals and Minor Amendals. 10 assented to 3 Dec 2009	nents) Act 2009	4 Dec 2009 (see s. 2(b))

Reprint 2: The State Administrative Tribunal Regulations 2004 as at 19 Feb 2010 (includes amendments listed above)

Standardisation of Formatting Act 2010 s. 51 assented	11 Sep 2010 (see s. 2(b) and
28 Jun 2010	Gazette 10 Sep 2010 p. 4341)

Compare 07 Dec 2012 [02-h0-03] / 07 Aug 2013 [02-i0-01]

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Citation	Gazettal	Commencement
State Administrative Tribunal Amendment Regulations 2011	8 Mar 2011 p. 792-5	r. 1 and 2: 8 Mar 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 9 Mar 2011 (see r. 2(b))
State Administrative Tribunal Amendment Regulations (No. 4) 2011	22 Jul 2011 p. 3017-18	r. 1 and 2: 22 Jul 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 23 Jul 2011 (see r. 2(b))
State Administrative Tribunal Amendment Regulations (No. 5) 2011	20 Dec 2011 p. 5383-7	r. 1 and 2: 20 Dec 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Dec 2011 (see r. 2(b))
State Administrative Tribunal Amendment Regulations (No. 3) 2012	30 Nov 2012 p. 5795-7	r. 1 and 2: 30 Nov 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Dec 2012 (see r. 2(b))
State Administrative Tribunal Amendment Regulations (No. 4) 2012	7 Dec 2012 p. 5994	r. 1 and 2: 7 Dec 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 7 Dec 2012 (see r. 2(b) and Gazette 16 Nov 2012 p. 5637)

² The Nurses Act 1992 was repealed by the Nurses and Midwives Act 2006.

The Occupational Therapists Registration Act 1980 was repealed by the Occupational Therapists Act 2005.

⁴ The Legal Practice Act 2003 was repealed by the Legal Profession Act 2008.

The Psychologists Registration Act 1976 was repealed by the Psychologists Act 2005.

⁶ The Town Planning and Development Act 1928 was repealed by the Planning and Development (Consequential and Transitional Provisions) Act 2005.

⁷ The *Town Planning Appeal Tribunal Rules 2003* were repealed in *Gazette 30* Dec 2004 p. 7023.

⁸ The Metropolitan Region Town Planning Scheme Act 1959 was repealed by the Planning and Development (Consequential and Transitional Provisions) Act 2005.

The Western Australian Planning Commission Act 1985 was repealed by the Planning and Development (Consequential and Transitional Provisions) Act 2005.

Now known as the *Professional Combat Sports Act 1987*.

⁴⁴ The *Chiropractors Act 1964* was repealed by the *Chiropractors Act 2005*.

⁴² The *Medical Act 1894* was repealed by the *Medical Practitioners Act 2008*.

State Administrative Tribunal Regulations 2004

13 State Administrative Tribunal Amendment Regulations 2013 p. 3649-56 r. 1 and 2: 6 Aug 2013 (see r. 2(a));
Regulations other than r. 1 and 2: 7 Aug 2013 (see r. 2(b))

- Formerly referred to the *Petroleum Act 1967*, the short title of which was changed to the *Petroleum and Geothermal Energy Resources Act 1967* by the *Petroleum Amendment Act 2007* s. 5. The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).
- ¹⁴ The Gas (Standards) Act 1947 was repealed by the Gas Standards Act 1972.
- ⁴⁵ The *Legal Contribution Trust Act 1967* was repealed by the *Legal Profession Act 2008*.

