



Western Australia

State Administrative Tribunal Regulations 2004

Compare between:

[21 Nov 2014, 04-a0-00] and [10 Feb 2015, 04-b0-01]



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at 21 November 2014

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 operation¹.

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).

Part 2 — General

4. Acts prescribed for purpose of definition of *vocational regulatory body*

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 —

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- (e) if the proceedings are withdrawn, the date on which they are withdrawn;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

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

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

7. Class prescribed: s. 117(5)(a) of 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 —

- (a) *Guardianship and Administration Act 1990*;
- (b) *Health Practitioner Regulation National Law (Western Australia)*;
- (c) *Mental Health Act 1996*;
- (d) *Teacher Registration Act 2012*.

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

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 CEO as defined in the *Health Legislation Administration Act 1984* section 3;
 - (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; or
 - (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.]

9. Fees relating to application under provision in Sch. 3, 4 or 6

- (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 (\$) |
|---|-----------------|
| Application | 1 223.00 |
| Hearing fee (for each day or part of a day allocated, other than the first day) for an application by a person | 1 223.00 |
| Application for assessment of costs — | |
| (a) fee for application by — | |
| (i) an individual | 228.00 |
| (ii) a person other than an individual | 341.00 |
| (b) in addition to the application fee, an assessment fee equal to 2.5% of the costs claimed in the application | |

- (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 | 446.00 |
| Application by a person other than an individual | 815.00 |
| Hearing fee (for each day or part of a day allocated, other than the first day) for an application by an individual | 408.00 |

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| Matter | Fee (\$) |
|---|-----------------|
| Hearing fee (for each day or part of a day allocated, other than the first day) for an application by a person other than an individual | 529.00 |
| Application for assessment of costs — | |
| (a) fee for application by — | |
| (i) an individual | 161.00 |
| (ii) a person other than an individual | 243.00 |
| (b) in addition to the application fee, an assessment fee equal to 2.5% of the costs claimed in the application | |

[(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 (\$) |
|--|-----------------|
| Application | 81.50 |
| Hearing fee (for each day or part of a day allocated, other than the first day) for an application by a person | 162.50 |
| Application for assessment of costs — | |
| (a) fee for application by — | |
| (i) an individual | 79.00 |
| (ii) a person other than an individual | 118.00 |

| Matter | Fee (\$) |
|---|----------|
| (b) in addition to the application fee, an assessment fee equal to 2.5% of the costs claimed in the application | |

[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; 15 Nov 2013 p. 5246; 27 Jun 2014 p. 2345-6.]

10. Fees relating to application to do with development on land

(1) In this regulation —

Class 1 application means a review application made in relation to —

- (a) a development with a value of less than \$250 000; or
- (b) a development that is a single house with a value less than \$500 000 on a single lot; or
- (c) a subdivision of a lot into not more than 3 lots;

Class 2 application means a 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 (\$) |
|---|-----------------|
| Application | 446.00 |
| Hearing fee (for each day or part of a day allocated, other than the first day) for an application by a person | 408.00 |
| Application for assessment of costs — | |
| (a) fee for application by a person | 161.00 |
| (b) in addition to the application fee, an assessment fee equal to 2.5% of the costs claimed in the application | |

- (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 | 815.00 |
| Hearing fee (for each day or part of a day allocated, other than the first day) for an application by a person | 529.00 |
| Application for assessment of costs — | |
| (a) fee for application by a person | 243.00 |

| Matter | Fee (\$) |
|---|----------|
| (b) in addition to the application fee, an assessment fee equal to 2.5% of the costs claimed in the application | |

[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; 15 Nov 2013 p. 5246-7; 27 Jun 2014 p. 2346.]

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.

Table

| Matter | Fee (\$) |
|--|----------|
| Application | 367.00 |
| Hearing fee (for each day or part of a day allocated, other than the first day) for an application by a person | 367.00 |

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| Matter | Fee (\$) |
|---|-----------------|
| Application for assessment of costs — | |
| (a) fee for application by — | |
| (i) an individual | 127.00 |
| (ii) a person other than an individual | 193.00 |
| (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; amended in Gazette 14 Jan 2014 p. 44; 27 Jun 2014 p. 2346.]

11. Fees for 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, 26. Deleted in Gazette 6 Aug 2013 p. 3653.]

27. Other fees

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;
 - (c) 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*) —
 - (a) 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;
and

- (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*.

[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 operation².
- (2) If a matter has been partly or fully heard, but not determined, by a Compensation Court under the *Land Administration Act 1997* immediately before the commencement day —
 - (a) 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.

[33A, 34-41. Deleted in Gazette 6 Aug 2013 p. 3653.]

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.

[43-54. Deleted in Gazette 6 Aug 2013 p. 3653.]

55. *Local Government (Miscellaneous Provisions) Act 1960*

- (1) In this regulation —

commencement day means the day on which the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* section 683 comes into operation².

- (2) If a local law made under the *Local Government (Miscellaneous Provisions) Act 1960* section 433³ 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 19⁴ 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.

[56-60. Deleted in Gazette 6 Aug 2013 p. 3653.]

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 operation²;

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.

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

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

63. *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 operation²;

referee means a Strata Titles Referee appointed and holding office before the commencement day under the ST Act section 71⁵;

ST Act means the *Strata Titles Act 1985*.

[(2) deleted]

- (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

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section 23(1)(a) or (3) ⁶, 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) ⁶.

- (5) A certificate issued before the commencement day by the Town Planning Appeal Tribunal under the ST Act section 27(9) ⁷ or 25B(3)(a) ⁸ 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) 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) ⁹ 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) ⁹ 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).

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

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

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

[r. 4]

Architects Act 2004

Building Services (Registration) Act 2011

Credit (Administration) Act 1984

Employment Agents Act 1976

Finance Brokers Control Act 1975

Health Practitioner Regulation National Law (Western Australia)

Human Reproductive Technology Act 1991

Land Valuers Licensing Act 1978

Legal Profession Act 2008

Licensed Surveyors Act 1909

Pharmacy Act 2010

Real Estate and Business Agents Act 1978

Settlement Agents Act 1981

Teacher Registration Act 2012

Travel Agents Act 1985

Veterinary Surgeons Act 1960

*[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 1967¹⁰ 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 6 Aug 2013 p. 3655.]

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

[Schedule 4 inserted in Gazette 6 Aug 2013 p. 3655.]

[Schedule 5 deleted in Gazette 6 Aug 2013 p. 3655.]

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)

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), 33G(4)(a) or (b), 33H(5)(a) or (b), 33I(1)(a), (b), (c) or (d) or 40(4)

Dog Regulations 2013 r. 13

*Fair Trading (Retirement Villages Interim Code) Regulations 2012*¹¹ 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 72(1)

State Administrative Tribunal Regulations 2004

Schedule 6 Provision under which proceedings commenced

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; 8 Apr 2014 p. 921.]

**Schedule 7 — Enactments under which
proceedings commenced**

[r. 11A]

[Heading inserted in Gazette 6 Aug 2013 p. 3655.]

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

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

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

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

Credit (Administration) Act 1984 s. 23(5)

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. 42(2), 47(1), 53(1)(c) or 83(1)

Finance Brokers Control Act 1975 s. 82

Fire and Emergency Services 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)

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)

State Administrative Tribunal Regulations 2004

Schedule 7 Enactments under which proceedings commenced

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

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)

[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; 14 Nov 2013 p. 5069.]

[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 | 74.50 |
| | (b) a person other than an individual | 149.50 |
| 1A. | Application (per folio: a folio comprises 72 words) | 8.45 |
| 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 | 14.50 |
| 5. | For a copy of a transcript (whether or not in electronic format), for each page or part of a page (minimum fee: \$19.35) | 6.35 |
| 6. | For a copy of a running transcript (whether or not in electronic format), for each page or part of a page (minimum fee: \$19.35) | 6.35 plus 62.50 per day |
| 7. | For a copy of a transcript on a disk, for each page or part of a page (minimum fee: \$19.35) | 6.35 plus 7.15 per disk |

State Administrative Tribunal Regulations 2004
Schedule 20 Other fees

| Item | Type of fee | Fee (\$) |
|-------------|---|---------------------|
| 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 | 16.35 |
| 9. | For searching any proceeding or record other than a search made by or on behalf of a party to the application | 36.40 |
| 10. | For sealing a summons to a witness | 30.00 |

*[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; 15 Nov 2013
p. 5247; 27 Jun 2014 p. 2346.]*



Notes

- ¹ This ~~reprint~~ is a compilation ~~as at 21 November 2014~~ of the *State Administrative Tribunal Regulations 2004* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

| Citation | Gazettal | Commencement |
|--|----------------------------|--|
| <i>State Administrative Tribunal Regulations 2004</i> | 30 Dec 2004 p. 6747-848 | 1 Jan 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7129) |
| <i>State Administrative Tribunal Amendment Regulations 2005</i> | 9 Aug 2005 p. 3635-6 | 9 Aug 2005 |
| <i>State Administrative Tribunal Amendment Regulations (No. 2) 2007</i> | 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)) |
| <i>State Administrative Tribunal Amendment Regulations 2007</i> | 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) | | |
| <i>State Administrative Tribunal Amendment (Road Traffic) Regulations 2008</i> | 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 <i>Gazette</i> 10 Jun 2008 p. 2471) |
| <i>State Administrative Tribunal Amendment Regulations 2008</i> | 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)) |
| <i>State Administrative Tribunal Amendment Regulations 2009</i> | 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)) |
| <i>Statutes (Repeals and Minor Amendments) Act 2009</i> s. 10 assented to 3 Dec 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) | | |
| <i>Standardisation of Formatting Act 2010</i> s. 51 assented to 28 Jun 2010 | | 11 Sep 2010 (see s. 2(b) and <i>Gazette</i> 10 Sep 2010 p. 4341) |

State Administrative Tribunal Regulations 2004

| Citation | Gazettal | Commencement |
|--|---------------------------|--|
| <i>State Administrative Tribunal Amendment Regulations 2011</i> | 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)) |
| <i>State Administrative Tribunal Amendment Regulations (No. 4) 2011</i> | 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)) |
| <i>State Administrative Tribunal Amendment Regulations (No. 5) 2011</i> | 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)) |
| <i>State Administrative Tribunal Amendment Regulations (No. 3) 2012</i> | 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)) |
| <i>State Administrative Tribunal Amendment Regulations (No. 4) 2012</i> | 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 <i>Gazette</i> 16 Nov 2012 p. 5637) |
| <i>State Administrative Tribunal Amendment Regulations 2013</i> | 6 Aug 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)) |
| Reprint 3: The State Administrative Tribunal Regulations 2004 as at 18 Oct 2013 (includes amendments listed above) | | |
| <i>State Administrative Tribunal Amendment Regulations (No. 3) 2013</i> | 14 Nov 2013 p. 5069 | r. 1 and 2: 14 Nov 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 18 Nov 2013 (see r. 2(b) and <i>Gazette</i> 14 Nov 2013 p. 5027) |
| <i>State Administrative Tribunal Amendment Regulations (No. 4) 2013</i> ¹² | 15 Nov 2013 p. 5245-7 | r. 1 and 2: 15 Nov 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 16 Nov 2013 (see r. 2(b)(ii)) |
| <i>State Administrative Tribunal Amendment Regulations (No. 2) 2013</i> | 14 Jan 2014 p. 43-4 | r. 1 and 2: 14 Jan 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 15 Jan 2014 (see r. 2(b)) |

| Citation | Gazettal | Commencement |
|---|--------------------------|--|
| <i>State Administrative Tribunal Amendment Regulations (No. 5) 2013</i> | 8 Apr 2014 p. 920-1 | r. 1 and 2: 8 Apr 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 9 Apr 2014 (see r. 2(b)) |
| <i>State Administrative Tribunal Amendment Regulations (No. 4) 2014</i> | 27 Jun 2014 p. 2345-6 | r. 1 and 2: 27 Jun 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2014 (see r. 2(b)(i)) |

Reprint 4: The State Administrative Tribunal Regulations 2004 as at 21 Nov 2014
(includes amendments listed above)

^{1a} [On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.](#)

Provisions that have not come into operation

| <u>Citation</u> | <u>Gazettal</u> | <u>Commencement</u> |
|---|------------------------------------|--|
| State Administrative Tribunal Amendment Regulations 2015 r. 3 and 4 ¹³ | 10 Feb 2015 p. 623 | Operative on the day fixed under the Road Traffic (Administration) Act 2008 section 2(b) (see r. 2(b)) |

- ² 1 Jan 2005.
- ³ Deleted by the *Local Government Act 1995* s. 9.70.
- ⁴ Deleted by the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* s. 683.
- ⁵ Deleted by the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* s. 1125.
- ⁶ Deleted by the *Building Act 2011* s. 174(6).
- ⁷ Deleted by the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* s. 1118(4).
- ⁸ Deleted by the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* s. 1116(1).
- ⁹ Deleted by the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* s. 1117(7).
- ¹⁰ 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).

- ¹¹ Repealed by the *Fair Trading (Retirement Villages Interim Code) Regulations 2013*. Now see the *Fair Trading (Retirement Villages Interim Code) Regulations (No. 2) 2014* Sch. 1 cl. 5.8(2).
- ¹² The amendment to r. 9(3) in the *State Administrative Tribunal Amendment Regulations (No. 4) 2013* r. 4 is not included because the subregulation it sought to amend had been deleted by the *State Administrative Tribunal Amendment Regulations 2013* r. 6(3) before the amendment purported to come into operation.

¹³ On the date as at which this compilation was prepared, the *State Administrative Tribunal Amendment Regulations 2015* r. 3 and 4 had not come into operation. They read as follows:

3. Regulations amended

These regulations amend the *State Administrative Tribunal Regulations 2004*.

4. Schedule 6 amended

In Schedule 6 delete the item commencing with “*Road Traffic Act 1974*” and insert:

Road Traffic (Administration) Regulations 2014 r. 32(1) or 33(2)