



Western Australia

## **State Administrative Tribunal Regulations 2004**

Compare between:

[04 Jul 2016, 04-g0-01] and [31 Dec 2016, 04-h0-00]



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*<sup>1</sup>.

**2. Commencement**

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

**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;  
*eligible entity* means an entity referred to in regulation 9A(3);  
*eligible entity fee*, in relation to a matter specified in an a fee item, means the fee shown in column A of that item;  
*eligible individual* means an individual referred to in regulation 9A(2);  
*eligible individual fee*, in relation to a matter specified in a fee item, means the fee shown in column C of that item;  
*entity* does not include an individual;

**fee item** means an item in —

- (a) a Table to a provision in Part 3; or
- (b) Schedule 20;

**former adjudicator** has the meaning given to that term in the Act section 167(1)(a);

**individual** does not include a public officer of the Commonwealth, of this State or any other State, or of any Territory acting in the course of his or her duties as such an officer;

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

**person** means an individual or an entity;

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

*[Regulation 3 amended in Gazette 14 Jun 2016 p. 1935.]*

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## 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 2014*;
- (d) *Teacher Registration Act 2012*.

*[Regulation 7 amended in Gazette 31 Jul 2007 p. 3805; 6 Aug 2013 p. 3649; 29 Dec 2015 p. 5180.]*

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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 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.
- (4) In relation to a matter specified a fee item —
  - (a) the fee payable by an individual who is not an eligible individual is the fee shown in column A of that item; or
  - (b) the fee payable by an eligible individual is the eligible individual fee for that item; or
  - (c) the fee payable by an entity that is not an eligible entity is the fee shown in column B of that item; or
  - (d) the fee payable by an eligible entity is the eligible entity fee for that item.
- (5) A person is not required to pay a fee in respect of a matter if —
  - (a) a written law provides that the person is not required to pay a fee in respect of a matter of that type; or

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- (b) the person has not reached 18 years of age on the day the fee would otherwise be payable.

*[Regulation 8 amended in Gazette 26 Jun 2007 p. 2982; 22 Jul 2011 p. 3018; 6 Aug 2013 p. 3650; 14 Jun 2016 p. 1936.]*

**9A. Who is an eligible individual or eligible entity**

- (1) In this regulation —

**Centrelink** means the Commonwealth agency known as Centrelink.

- (2) An eligible individual is —

- (a) an individual who holds one or more of the following cards issued by Centrelink —

- (i) a health care card;
- (ii) a health benefit card;
- (iii) a pensioner concession card;
- (iv) a Commonwealth seniors health card;

or

- (b) an individual who holds any other card issued by Centrelink or the Department of Veterans' Affairs of the Commonwealth that certifies entitlement to Commonwealth health concessions; or
- (c) an individual who is in receipt of a youth training allowance, or an AUSTUDY allowance, as defined in the *Social Security Act 1991* (Commonwealth) section 23(1); or
- (d) an individual who is in receipt of benefits under the Commonwealth student assistance scheme known as the ABSTUDY Scheme; or
- (e) an individual who has been granted legal aid under the *Legal Aid Commission Act 1976* or a legal aid scheme or service established under a Commonwealth, State or Territory law in respect of the proceedings in relation to which a fee would otherwise be payable; or



- (f) an individual who the executive officer has directed is an eligible individual under regulation 9C(1)(b).
- (3) An eligible entity is —
  - (a) an entity that has been granted legal aid under the *Legal Aid Commission Act 1976* or a legal aid scheme or service established under a Commonwealth, State or Territory law in respect of the proceedings in relation to which a fee would otherwise be payable; or
  - (b) an entity that the executive officer has directed is an eligible entity under regulation 9C(2)(b).

*[Regulation 9A inserted in Gazette 14 Jun 2016 p. 1937-8.]*

**9B. Application to be recognised as eligible individual or eligible entity**

- (1) A person may apply for —
  - (a) a direction under regulation 9C(1) that the person is an eligible individual in respect of a matter specified in a fee item; or
  - (b) a direction under regulation 9C(2) that the person is an eligible entity in respect of a matter specified in fee item.
- (2) An application is to be in the approved form and is to specify —
  - (a) for an individual — the item in respect of which the individual is seeking to pay the eligible individual fee; or
  - (b) for an entity — the item in respect of which the entity is seeking to pay the eligible entity fee.
- (3) Despite anything else in these regulations, a fee is not to be charged in respect of an application under subregulation (1).

*[Regulation 9B inserted in Gazette 14 Jun 2016 p. 1938-9.]*

**9C. Recognition as eligible individual or eligible entity**

- (1) The executive officer may, on an application under regulation 9B(1)(a) —
  - (a) direct that a person is an eligible individual described in regulation 9A(2)(a) to (e) in respect of the matter if satisfied that the person meets one or more of the requirements set out in those paragraphs; or
  - (b) direct that a person is an eligible individual described in regulation 9A(2)(f) if satisfied that the person should be required to pay only an eligible individual fee in respect of the matter for either, or both, of the following reasons —
    - (i) financial hardship;
    - (ii) the interests of justice.
- (2) The executive officer may, on an application under regulation 9B(1)(b) —
  - (a) direct that a person is an eligible entity described in regulation 9A(3)(a) in respect of the matter if satisfied that the person satisfies the requirements set out in that paragraph; or
  - (b) direct that a person is an eligible entity described in regulation 9A(3)(b) if satisfied that the person should be required to pay only the eligible entity fee in respect of the matter for either, or both, of the following reasons —
    - (i) financial hardship;
    - (ii) the interests of justice.
- (3) The executive officer may, before an application is determined, direct the applicant to provide to the executive officer further information relating to the application.
- (4) A direction to provide further information —
  - (a) may be made in writing or orally; and

- (b) may require that the information is provided either in writing or orally.

*[Regulation 9C inserted in Gazette 14 Jun 2016 p. 1939-40.]*

**9D. False or misleading statements**

- (1) A person who makes a statement or representation in an application made under regulation 9B(1), or provides further information in relation to an application, that the person knows or has reason to believe is false or misleading in a material particular commits an offence.

Penalty for this subregulation: a fine of \$1 000.

- (2) The executive officer may revoke a direction made under regulation 9C(1) or (2) if satisfied, having given the person an opportunity to make a written submission, that the person has contravened subregulation (1).
- (3) If a direction is revoked under subregulation (2), the executive officer may direct that the person in respect of whom the direction was made pay the difference between the fee the person paid and the fee that would otherwise have been payable by the person.

*[Regulation 9D inserted in Gazette 14 Jun 2016 p. 1940.]*

**9E. Refunds**

- (1) The executive officer may refund to a person the difference between the amount of a fee paid by a person in respect of the proceeding and the amount of the fee that the person was entitled to be charged under these regulations in respect of the proceedings.
- (2) The executive officer may refund to a person the amount of a fee, or part of a fee, paid by the person if the amount was paid in error.

*[Regulation 9E inserted in Gazette 14 Jun 2016 p. 1940-1.]*

**9F. Waiving fee for copy of document or transcript**

The executive officer may waive a fee referred to in Schedule 20 item 2 or 5 if the executive officer is satisfied that the waiving of the fee would assist in the efficient operation of the Tribunal.

*[Regulation 9F inserted in Gazette 14 Jun 2016 p. 1941.]*

**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**

<b>Item</b>	<b>Matter</b>	<b>Column A Fee for individual or eligible entity \$</b>	<b>Column B Fee for entity \$</b>	<b>Column C Fee for eligible individual \$</b>
1.	Application	1 522.00	1 522.00	100.00
2.	Hearing fee (for each day or part of a day allocated, other than the first day)	1 522.00	1 522.00	100.00
3.	Application for assessment of costs	284.00 plus assessment fee of 2.5% of the costs claimed in the application	424.00 plus assessment fee of 2.5% of the costs claimed in the application	85.50

- (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**

<b>Item</b>	<b>Matter</b>	<b>Column A Fee for individual or eligible entity \$</b>	<b>Column B Fee for entity \$</b>	<b>Column C Fee for eligible individual \$</b>
1.	Application	556.00	1 014.00	100.00
2.	Hearing fee (for each day or part of a day allocated, other than the first day)	508.00	658.00	100.00
3.	Application for assessment of costs	201.00 plus assessment fee of 2.5% of the costs claimed in the application	302.00 plus assessment fee of 2.5% of the costs claimed in the application	60.00

*[(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

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
1.	Application	101.50	101.50	30.40
2.	Hearing fee (for each day or part of a day allocated, other than the first day)	202.00	202.00	60.50
3.	Application for assessment of costs	98.50 plus assessment fee of 2.5% of the costs claimed in the application	146.50 plus assessment fee of 2.5% of the costs claimed in the application	29.50

*[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; 19 Jun 2015 p. 2128-9; 14 Jun 2016 p. 1941-4.]*

#### 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;
  - (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**

<b>Item</b>	<b>Matter</b>	<b>Column A Fee for individual or eligible entity \$</b>	<b>Column B Fee for entity \$</b>	<b>Column C Fee for eligible individual \$</b>
1.	Application	556.00	556.00	100.00
2.	Hearing fee (for each	508.00	508.00	100.00

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<b>Item</b>	<b>Matter</b>	<b>Column A Fee for individual or eligible entity \$</b>	<b>Column B Fee for entity \$</b>	<b>Column C Fee for eligible individual \$</b>
	day or part of a day allocated, other than the first day)			
3.	Application for assessment of costs	201.00 plus assessment fee of 2.5% of the costs claimed in the application	201.00 plus assessment fee of 2.5% of the costs claimed in the application	60.00

- (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**

<b>Item</b>	<b>Matter</b>	<b>Column A Fee for individual or eligible entity \$</b>	<b>Column B Fee for entity \$</b>	<b>Column C Fee for eligible individual \$</b>
1.	Application	1 014.00	1 014.00	100.00
2.	Hearing fee (for each day or part of a day allocated, other than the first day)	658.00	658.00	100.00



Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
3.	Application for assessment of costs	302.00 plus assessment fee of 2.5% of the costs claimed in the application	302.00 plus assessment fee of 2.5% of the costs claimed in the application	90.50

*[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; 19 Jun 2015 p. 2129; 14 Jun 2016 p. 1944-6.]*

**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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Table

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
1.	Application	457.00	457.00	100.00
2.	Hearing fee (for each day or part of a day allocated, other than the first day)	457.00	457.00	100.00
3.	Application for assessment of costs	158.00 plus assessment fee of 2.5% of the costs claimed in the application	240.00 plus assessment fee of 2.5% of the costs claimed in the application	47.50

*[Regulation 11B inserted in Gazette 6 Aug 2013 p. 3652-3; amended in Gazette 14 Jan 2014 p. 44; 27 Jun 2014 p. 2346; 19 Jun 2015 p. 2129; 14 Jun 2016 p. 1946-7.]*

#### 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, 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; amended in Gazette 14 Jun 2016 p. 1947.]*

*[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 operation<sup>2</sup>.
- (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 operation<sup>2</sup>.

- (2) If a local law made under the *Local Government (Miscellaneous Provisions) Act 1960* section 433<sup>3</sup> 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<sup>4</sup> 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 operation<sup>2</sup>;
- 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 operation<sup>2</sup>;
- referee*** means a Strata Titles Referee appointed and holding office before the commencement day under the ST Act section 71<sup>5</sup>;
- 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) <sup>6</sup>, 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) <sup>6</sup>.

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

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*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**

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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<sup>10</sup> 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)~~[2015 s. 170](#)

*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*<sup>11</sup> 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 (Administration) Regulations 2014* r. 32(1) or 33(2)

*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

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*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; 10 Feb 2015 p. 623; [30 Dec 2016 p. 5966.](#)]

**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 2014* s. 494, 495 or 505

*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

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*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; 29 Dec 2015 p. 5180.]*

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



**Schedule 20 — Other fees**

[r. 27]

[Heading inserted in Gazette 14 Jun 2016 p. 1948.]

<b>Item</b>	<b>Matter</b>	<b>Column A Fee for individual or eligible entity \$</b>	<b>Column B Fee for entity \$</b>	<b>Column C Fee for eligible individual \$</b>
1.	Application under section 22(1) of the Act ....	93.00	186.00	27.80
2.	For a copy of a document, for each page or part of a page .....	1.35	1.35	0.40
3.	For a copy of reasons for decision, for each page or part of a page —			
	(a) for one copy on the request of a party to the application .....	0.00	0.00	0.00
	(b) for each additional copy on the request of a party to the application .....	1.40	1.40	0.40
	(c) for each copy on the request of a person who is not a party to the application .....	1.40	1.40	0.40

**State Administrative Tribunal Regulations 2004**  
**Schedule 20** Other fees

<b>Item</b>	<b>Matter</b>	<b>Column A Fee for individual or eligible entity \$</b>	<b>Column B Fee for entity \$</b>	<b>Column C Fee for eligible individual \$</b>
4.	For certifying under a seal that a document is a true copy, an additional fee of .....	18.05	18.05	5.40
5.	(a) For a copy of a transcript, or part of a transcript —  (i) provided to a party within one day after the day on which the fee is paid .....	18.75 plus 7.70 per page	18.75 plus 15.45 per page	5.60 plus 2.30 per page
	(ii) provided to a party within 4 days after the day on which the fee is paid ...	18.75 plus 6.70 per page	18.75 plus 13.45 per page	5.60 plus 2.00 per page

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
	<p>(iii) provided to a party within 7 days after the day on which the fee is paid ...</p> <p>(b) For an additional copy of the transcript, or part of the transcript, provided to a party under paragraph (a) —</p> <p>(i) in electronic format .....</p> <p>(ii) paper copy .....</p>	<p>18.75 plus 6.45 per page</p> <p>19.60 per copy</p> <p>1.90 per page</p>	<p>18.75 plus 12.85 per page</p> <p>19.60 per copy</p> <p>1.90 per page</p>	<p>5.60 plus 1.95 per page</p> <p>5.90 per copy</p> <p>0.55 per page</p>
6.	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 .....	20.30	20.30	6.10

<b>Item</b>	<b>Matter</b>	<b>Column A</b> <b>Fee for</b> <b>individual</b> <b>or eligible</b> <b>entity</b> <b>\$</b>	<b>Column B</b> <b>Fee for</b> <b>entity</b> <b>\$</b>	<b>Column</b> <b>C</b> <b>Fee for</b> <b>eligible</b> <b>individual</b> <b>\$</b>
7.	For searching any proceeding or record other than a search made by or on behalf of a party to the application .....	45.30	45.30	13.55
8.	For sealing a summons to a witness .....	37.30	37.30	11.20

*[Schedule 20 inserted in Gazette 14 Jun 2016 p. 1948-51.]*



### Notes

- <sup>1</sup> 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
<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))
<b>Reprint 1: The State Administrative Tribunal Regulations 2004 as at 16 Nov 2007</b> (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))
<b>Reprint 2: The State Administrative Tribunal Regulations 2004 as at 19 Feb 2010</b> (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)
<i>State Administrative Tribunal</i>	8 Mar 2011	r. 1 and 2: 8 Mar 2011

## State Administrative Tribunal Regulations 2004

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Citation	Gazettal	Commencement
<i>Amendment Regulations 2011</i>	p. 792-5	(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))
<b>Reprint 3: The State Administrative Tribunal Regulations 2004 as at 18 Oct 2013</b> (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> <sup>12</sup>	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))
<b>Reprint 4: The State Administrative Tribunal Regulations 2004 as at 21 Nov 2014</b> (includes amendments listed above)		
<i>State Administrative Tribunal Amendment Regulations 2015</i>	10 Feb 2015 p. 623	r. 1 and 2: 10 Feb 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 27 Apr 2015 (see r. 2(b) and <i>Gazette</i> 17 Apr 2015 p. 1371)
<i>State Administrative Tribunal Amendment Regulations (No. 2) 2015</i>	19 Jun 2015 p. 2128-30	r. 1 and 2: 19 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b)(i))
<i>State Administrative Tribunal Amendment Regulations (No. 4) 2015</i>	29 Dec 2015 p. 5179-80	r. 1 and 2: 29 Dec 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 30 Dec 2015 (see r. 2(b))
<i>Attorney General Regulations Amendment (Fees) Regulations 2016 Pt. 9</i>	14 Jun 2016 p. 1849-986	4 Jul 2016 (see r. 2(b))
<a href="#"><u>Attorney General Regulations Amendment (Associations Incorporation) Regulations 2016 Pt. 5</u></a>	<a href="#"><u>30 Dec 2016 p. 5965-6</u></a>	<a href="#"><u>31 Dec 2016 (see r. 2(b))</u></a>

<sup>2</sup> 1 Jan 2005.

<sup>3</sup> Deleted by the *Local Government Act 1995* s. 9.70.

<sup>4</sup> Deleted by the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* s. 683.

<sup>5</sup> Deleted by the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* s. 1125.

<sup>6</sup> Deleted by the *Building Act 2011* s. 174(6).

<sup>7</sup> Deleted by the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* s. 1118(4).

- <sup>8</sup> Deleted by the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* s. 1116(1).
- <sup>9</sup> Deleted by the *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* s. 1117(7).
- <sup>10</sup> 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).
- <sup>11</sup> 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).
- <sup>12</sup> 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.