



Western Australia

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

State Administrative Tribunal Regulations 2004

As at 28 Jun 2010

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State Administrative Tribunal Regulations 2004

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Defined Terms

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 the purpose of the 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- (e) if the proceedings are withdrawn, the date on which they are withdrawn;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;
 - (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: 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 —

- (a) *Guardianship and Administration Act 1990*;
- (b) *Mental Health Act 1996*;
- (c) *Nurses Act 1992*²;
- (d) *Osteopaths Act 2005*;
- (e) *Occupational Therapists Registration Act 1980*³;
- (f) *Physiotherapists Act 2005*;
- (g) *Psychologists Act 2005*.

[Regulation 7 amended in Gazette 31 Jul 2007 p. 3805.]

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 as defined in the *Consumer Affairs Act 1971* section 4(1);
 - (c) the Commissioner as defined in the *Health Act 1911* 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.]

9. Fees to be charged

- (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	970.00
Hearing fee (for each day or part of a day allocated, other than the first day) for an application by a person	970.00
Assessment of costs —	
(a) fee for application by —	
(i) an individual	180.50
(ii) a person other than an individual	270.00
(b) in addition to the application fee, an assessment fee at the rate of	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	355.00
Application by a person other than an individual	646.00

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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 an individual	323.00
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	420.00
Assessment of costs —	
(a) fee for application by —	
(i) an individual	128.00
(ii) a person other than an individual	193.00
(b) in addition to the application fee, an assessment fee at the rate of	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	291.00
Hearing fee (for each day or part of a day allocated, other than the first day) for an application by a person	291.00
Assessment of costs —	
(a) fee for application by —	
(i) an individual	101.50

Matter	Fee \$
(ii) a person other than an individual	153.50
(b) in addition to the application fee, an assessment fee at the rate of	2.5%

- (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	64.50
Hearing fee (for each day or part of a day allocated, other than the first day) for an application by a person	129.00
Assessment of costs —	
(a) fee for application by —	
(i) an individual	62.50
(ii) a person other than an individual	93.50
(b) in addition to the application fee, an assessment fee at the rate of	2.5%

[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.]

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10. Fees to be charged in relation to certain applications under the *Planning and Development Act 2005*

(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 254 in relation to —

- (a) a development with a value of less than \$250 000.00; or
- (b) a development that is a single 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 254 that is not a Class 1 application.

(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	355.00
Hearing fee (for each day or part of a day allocated, other than the first day) for an application by a person	323.00
Assessment of costs —	
(a) fee for application by a person	128.00
(b) in addition to the application fee, an assessment fee at the rate of	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	646.00
Hearing fee (for each day or part of a day allocated, other than the first day) for an application by a person	420.00
Assessment of costs —	
(a) fee for application by a person	193.00
(b) in addition to the application fee, an assessment fee at the rate of	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.]

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).

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- (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 in Gazette 26 Jun 2007 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. 2987.]

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;

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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*.

29. Commercial Tenancy (Retail Shops) Agreements 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 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.

- (3) If —
- (a) before the commencement day a question arising under a retail shop lease is or is to be subject to mediation under the CTRS Act; and
 - (b) the question is transferred to the Tribunal under the Act section 167,

on or after the commencement day the question is to be dealt with as if it had been referred for mediation under the Act section 54(1) and the Tribunal is to specify a person to be the mediator.

30. *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 —
- (a) before the commencement day a matter was being dealt with by the Commercial Tribunal of Western Australia under the *Credit (Administration) Act 1984* section 23; and
 - (b) that matter is transferred to the Tribunal under the Act section 167(4)(b),

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.

31. *Firearms Act 1973*

- (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 49 comes into operation.

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- (2) 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.

32. *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.

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.
- (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. Legal Practice Act 2003

- (1) In this regulation —

devolved matter has the meaning given to that term in the Act section 167(1);

disciplinary matter means a devolved matter that immediately before the transfer day was partly or fully heard before, but not determined by, the Legal Practitioners Disciplinary Tribunal and on the transfer day was transferred to, and continued before, the Tribunal under the Act section 167(4)(b);

Legal Practitioners Disciplinary Tribunal means the Tribunal established under the *Legal Practice Act 2003*⁴ section 168(1) before the transfer day;

transfer day has the meaning given to that term in the Act section 167(4).

- (2) Despite the *Legal Practice Act 2003*⁴ section 250A, the Act section 167(15) applies to a disciplinary matter.
- (3) If a disciplinary matter is dealt with by the State Administrative Tribunal —
 - (a) the practice and procedure, and any hearing or other fees, applicable to the matter immediately before the transfer day continue to apply to the matter; and
 - (b) the State Administrative Tribunal has the powers to deal with the matter that the Legal Practitioners Disciplinary Tribunal had immediately before the transfer day.

[Regulation 33A inserted in Gazette 9 Aug 2005 p. 3635-6.]

34. *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* Part 2 Division 75 comes into operation.

(2) If a matter has been partly or fully heard, but not determined, under the *Local Government (Miscellaneous Provisions) Act 1960* Part XV Division 19 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 *Local Government (Miscellaneous Provisions) Act 1960* Part XV Division 19 as in force immediately before the commencement day continued to apply.

35. *Nurses Act 1992*

(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 88 comes into operation; ***Nurses Act*** means the *Nurses Act 1992* ².

(2) If before the commencement day —

- (a) an affected person has been given the option of proceeding by way of a formal inquiry under the Nurses Act section 63(2); and
- (b) the affected person has taken that option,

but the Board has not determined that a formal inquiry is to be held, on or after the commencement day the Board is to make an allegation about the matter to the State Administrative Tribunal.

(3) If, on or after the commencement day but within a period of 14 days after the date of the notice of the option, the affected 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.

- (4) If —
- (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.
- (2) If —
- (a) a matter being heard by The Psychologists Registration Board of Western Australia under the *Psychologists Registration Act 1976*⁵ 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.

37. Retirement Villages Act 1992

(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 113 comes into operation.

(2) If a matter being dealt with under the *Retirement Villages Act 1992* by the Retirement Villages Disputes Tribunal before the commencement day is transferred to the Tribunal under the Act section 167(4)(b) —

(a) the Act section 39 does not apply; and

(b) the matter is to be dealt with by the Tribunal as if the *Retirement Villages Act 1992* section 47 in force immediately before the commencement day continued to apply and a reference in that section to the Tribunal were a reference to the State Administrative Tribunal.

38. 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.

(2) If —

(a) an appeal under the *Rights in Water and Irrigation Act 1914* Part III Division 3B is transferred to the Tribunal under the Act section 167(4)(b);

(b) before the commencement day a notice of appeal in relation to the appeal indicated that the appellant wished the Minister to exercise the power conferred on the Minister by the *Rights in Water and Irrigation Act 1914* Schedule 2 clause 4; and

- (c) the Minister had not exercised the power referred to in that clause,

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.

39. *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.
- (3) 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).
- (4) 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

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

- (5) If —
- (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 1928*⁶ 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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- (4) If this subregulation applies and the appellant has, before the commencement day, made an election under the *Town Planning and Development Act 1928*⁶ section 58(3), as in force on the day of election —
- (a) the Act section 39 does not apply to the hearing of the matter before the Tribunal; and
 - (b) the *Town Planning and Development Act 1928*⁶ section 58(4) applies to that hearing as if that subsection had not been amended on the commencement day.
- (5) If —
- (a) before the commencement day the Registrar has fixed a time and day for the mediation of a Class 2 appeal under the *Town Planning Appeal Tribunal Rules 2003*⁷ rule 17(1) and a party to the appeal has not given a notice under rule 17(4) of those rules; and
 - (b) the appeal is transferred to the Tribunal under section 167(4)(a) of the Act,
- on or after the commencement day —
- (c) the Act section 54 applies as if the Tribunal had referred the matter for mediation under the Act section 54(1); and
 - (d) the Tribunal is to specify a person as a mediator for the purposes of section 54.
- (6) If —
- (a) before the commencement day the Registrar has fixed a time and day for the mediation of a Class 2 appeal under the *Town Planning Appeal Tribunal Rules 2003*⁷ rule 17(1) and a party to the appeal has given a notice under rule 17(4) of those rules; and
 - (b) the appeal is transferred to the Tribunal under the Act section 167(4)(a),
- on or after the commencement day the Act section 54 does not apply.

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- (7) If —
- (a) before the commencement day the Registrar has fixed a time and day for the mediation of a Class 2 appeal under the *Town Planning Appeal Tribunal Rules 2003*⁷ rule 17(1) and a party to the appeal has not given a notice under rule 17(4) of those rules;
 - (b) a party to the appeal purports to give the notice under rule 17(4) on or after the commencement day but within 14 days of the notice of appeal being filed and served; and
 - (c) the appeal is transferred to the Tribunal under the Act section 167(4)(a),

on or after the commencement day the Act section 54 does not apply.

41. *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.
- (2) If —
- (a) before the commencement day a matter was being dealt with by the Commercial Tribunal of Western Australia under the *Travel Agents Act 1985* Part II Division 3; and
 - (b) that matter is transferred to the Tribunal under the Act section 167(4)(b),

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.

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. *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 in the CWS Act section 5(1);
the CWS Act means the *Country Areas Water Supply Act 1947*.

(2) 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).
- (4) 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.

44. 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).

- (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).
- (4) 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.

45. *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.
- (3) 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

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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.

46. *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 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 —
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;

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Executive Director has the meaning given to that term in the FRM Act section 4(1);

the FRM Act means the *Fish Resources Management Act 1994*.

- (2) If a notice has been given under the FRM Act section 147(1)(f) in the period of 21 days before the commencement day, on or after the commencement day the notice is to be taken to state that the affected person may, under the FRM Act section 149, apply for a review of the decision.
- (3) If an affected person has —
 - (a) objected to a proposal under the FRM Act section 149(1) before the commencement day but the Executive Director has not, before the commencement day, referred the objection to the Minister under section 149(4) of that Act; or
 - (b) objected to a proposal under the FRM Act section 149(1) before the commencement day but the Minister has not, before the commencement day, referred the objection to a tribunal under the FRM Act section 152,

the Executive Director must, on or after the commencement day, refer the objection to the State Administrative Tribunal and —

- (c) the objection is to be taken to be an application to that Tribunal under the Act section 42(1);
- (d) the affected person is to be taken to be the person applying to that Tribunal for review under the Act section 42(1);
- (e) the Executive Director is to give the affected person's objection to the executive officer of the Tribunal;
- (f) if the affected person has paid the fee payable on lodging the objection under the FRM Act section 149(1), that person is not required to pay an application fee for

making an application for review to the State Administrative Tribunal;

- (g) for the purposes of the review under the Act, a reference in the FRM Act section 149 to a decision is to be taken to be a reference to the proposal the subject of the objection; and
- (h) for the purposes of the review under the Act, the Executive Director is to be taken to be the decision-maker.

51. *Fishing and Related Industries Compensation (Marine Reserves) 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 53 comes into operation.
- (2) If —
 - (a) advice has been given under the *Fishing and Related Industries Compensation (Marine Reserves) Act 1997* section 8(1) before the commencement day; and
 - (b) the person who received the advice has not applied to the Fisheries Adjustment Compensation Tribunal established under the *Fisheries Adjustment Schemes Act 1987* section 14O before that day,

on or after that day, the advice is to be taken to be an advice under the *Fishing and Related Industries Compensation (Marine Reserves) Act 1997* section 8(1) received on the commencement day.

52. *Guardianship and Administration 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 56 comes into operation;

the GA Act means the *Guardianship and Administration Act 1990*.

- (2) Unless the context otherwise requires, where in —
- (a) an arrangement entered into under the GA Act section 44A(1); or
 - (b) a notice of an arrangement published in the *Gazette* under the GA Act section 44A(2),

there is a reference to the Guardianship and Administration Board, on or after the commencement day that reference is to be read and construed as a reference to the State Administrative Tribunal.

- (3) If immediately before the commencement day —
- (a) the Guardianship and Administration Board is required under the GA Act section 80(3) to examine any accounts lodged under section 80(1) or delivered under section 80(2) of the GA Act; and
 - (b) the Board has not made a decision under the GA Act section 80(3),

on the commencement day, the obligation to examine those accounts is transferred to the Public Trustee and the Public Trustee is to examine the accounts in accordance with the GA Act section 80.

- (4) If immediately before the commencement day the Guardianship and Administration Board is carrying out, but has not completed, a review under the GA Act section 85 or 86, on or after the commencement day the review is to be carried out and completed by the State Administrative Tribunal as if the application for the review had been made to it under the relevant section.
- (5) If —
- (a) before the commencement day a report is made to the Guardianship and Administration Board under the GA Act section 107(1)(d); and

- (b) the Board has not made an order under the GA Act section 109(3) in relation to that report,

on or after the commencement day, the State Administrative Tribunal may make an order under the GA Act section 109(3) as if the report had been made to it under the GA Act section 107(1)(d).

- (6) If before the commencement day the Guardianship and Administration Board has appointed an auditor under the GA Act section 109(1)(b) and a copy of the auditor's report has not been furnished to the Board under that provision, on and after the commencement day, the auditor is to be taken to have been appointed by the State Administrative Tribunal and is to furnish the report to the Tribunal and the applicant for the order.
- (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
 - (b) a statement of acceptance in the form, or substantially in the form, of the GA Act Schedule 3 Form 2,

in effect immediately before the commencement day contains a reference to the Guardianship and Administration Board, on and

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after the commencement day that reference is to be taken to be a reference to the State Administrative Tribunal.

53. *Heritage of Western Australia 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 60 comes into operation;

the HWA Act means the *Heritage of Western Australia Act 1990*.

(2) If, before the commencement day, the Minister receives a notice in accordance with the HWA Act section 30(1) (as in force when the notice was received by the Minister) but does not before the commencement day refer to the Town Planning Appeal Tribunal the question the Minister is requested to so refer in the notice, on and after the commencement day —

(a) the notice is to be taken to refer to the State Administrative Tribunal and not to the Town Planning Appeal Tribunal; and

(b) section 30(2)(a) of the HWA Act applies as if any requirement made or undertaking given under that paragraph referred to the State Administrative Tribunal and not to the Town Planning Appeal Tribunal.

(3) If a Heritage Agreement is entered into pursuant to a determination the provisions of which have been approved by the Town Planning Appeal Tribunal but has not been endorsed as so approved by the Registrar of that Tribunal before the commencement day, on and after the commencement day, the HWA Act section 30(5) applies to that Agreement as if a 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 the State Administrative Tribunal and not to the Town Planning Appeal Tribunal.

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54. Land Drainage Act 1925

(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 68 comes into operation;

Corporation has the meaning given to that term in the LD Act section 6(1);

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.

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.
- (2) If a local law made under the *Local Government (Miscellaneous 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.

56. *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*.
- (2) If a local government receives, before the commencement day, a notice 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.
- (3) 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

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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.

57. Metropolitan Region Town Planning Scheme Act 1959

(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 82 comes into operation;
the MRTPS Act means the *Metropolitan Region Town Planning Scheme Act 1959*⁸.

(2) If, before the commencement day, a determination or an order is made under the *Heritage of Western Australia Act 1990* section 60, on and after the commencement day the MRTPS Act section 32A(2) applies to that determination or order as if the determination or order had been made on an application or referral made under the *Heritage of Western Australia Act 1990* section 60 to the State Administrative Tribunal.

(3) If —

- (a) before the commencement day, a direction is confirmed or varied under the MRTPS Act section 43(3); and
- (b) the owner fails to carry out the direction as confirmed or varied,

the Western Australian Planning Commission or local government may, on or after the commencement day, take the action specified in the MRTPS Act section 43(5).

58. Metropolitan Water Authority Act 1982

(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 83 comes into operation;

Corporation has the meaning given to that term in the MWA Act section 4(1);

the MWA Act means the *Metropolitan Water Authority Act 1982*.

- (2) If the Corporation receives, before the commencement day, a notice in accordance with the MWA Act section 43(10) (as in force when the notice was received by the Corporation) but does not before the commencement day refer the relevant assessment referred to in the notice to a Land Valuation Tribunal, on and after the commencement day the Corporation must refer the relevant assessment to the State Administrative Tribunal for a review as if the notice were a notice served on the Corporation under the MWA Act section 43(10).
- (3) If the Corporation receives, before the commencement day, a notice in accordance with the MWA Act section 43(12) (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 MWA Act section 43(12).
- (4) If a notice has been given under the MWA Act section 43(9) 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.

59. Pawnbrokers and Second-hand Dealers 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 94 comes into operation.

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- (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*.
- (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);
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 —
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.

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- (2) 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).

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;

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 —

- (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
- (b) a certificate under seal of a strata company certifying that the strata company has by special resolution authorised such an application,

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.
- (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.

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- (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*.
- (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
 - (b) the objection has not been dealt with under the TA Act section 21(3) or (4),

the Commissioner for Fair Trading may have regard to the objection in deciding under the TA Act section 21(5) whether or not it is appropriate to make an allegation to the State Administrative Tribunal.

- (3) If before the commencement day an application has been made under the TA Act section 33(1) and no objection has been lodged under the TA Act section 33(2)(a), on or after the commencement day the application is to be dealt with by the

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Commissioner for Fair Trading under the TA Act section 33 as if the application had been made to the Commissioner.

- (4) If before the commencement day —
- (a) an application has been made under the TA Act section 33(1); and
 - (b) the application has been referred to the Commercial Tribunal of Western Australia under the TA Act section 33(2)(b)(i) but that Tribunal has not dealt with the application,

on or after the commencement day the application is to be dealt with by the Commissioner for Fair Trading under the TA Act section 33 as if the application had been made to the Commissioner.

65. Valuation of Land Act 1978

- (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 129 comes into operation; *the VL Act* means the *Valuation of Land Act 1978*.
- (2) If advice has been given under the VL Act section 32(9) 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 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.
- (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

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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 1985*⁹.

- (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 1959*⁸ 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.
- (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.

**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' Registration Act 1939

*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

Human Reproductive Technology Act 1991

Licensed Surveyors Act 1909

Land Valuers Licensing Act 1978

*Legal Practice Act 2003*⁴

*Medical Act 1894*¹²

Motor Vehicle Dealers Act 1973

Motor Vehicle Drivers Instructors Act 1963

*Nurses Act 1992*²

*Occupational Therapists Registration Act 1980*³

State Administrative Tribunal Regulations 2004

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

Optometrists Act 2005

Osteopaths Act 2005

Painters' Registration Act 1961

Pawnbrokers and Second-hand Dealers Act 1994

Pharmacy Act 1964

Physiotherapists Act 2005

Podiatrists Act 2005

Psychologists Act 2005

Radiation Safety Act 1975

Real Estate and Business Agents Act 1978

Settlement Agents Act 1981

Travel Agents Act 1985

Veterinary Surgeons Act 1960

Water Services Licensing Act 1995

[Schedule 1 amended in Gazette 31 Jul 2007 p. 3805.]

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)

Maritime Archaeology Act 1973 s. 18(6)

Petroleum and Geothermal Energy Resources Act 1967¹³ 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.]

**Schedule 4 — Provision under which
proceedings commenced**

[r. 9(2)]

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

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) or (5) or 27(3)

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

[Schedule 4 inserted in Gazette 26 Jun 2007 p. 2988.]

**Schedule 5 — Provision under which
proceedings commenced**

[r. 9(3)]

[Heading inserted in Gazette 26 Jun 2007 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 1947*¹⁴ s. 13A(11) or (15) or 13B(1)
Hairdressers Registration Act 1946 s. 16(1a) or 16A(1)
Health Act 1911 s. 36(1), 62, 137 proviso (ii), 192(2), 244(1), 246Y(6) or 246ZG(1)
Heritage of Western Australia Act 1990 s. 30(1), 37(3), 59(10), 73(4) or 76(1)
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) 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*¹⁵ s. 28(2)

*Legal Practice Act 2003*⁴ 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), 409A(3), 411(3), 413(2) or 417(3)

Marketing of Potatoes Act 1946 s. 19A, 28(3) or 31

*Medical Act 1894*¹² 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)

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

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

Schedule 5 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) 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.]

**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)

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, 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)(c), 82(b), 83(1), 85(2)(c), 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)

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) or (3b)(a) 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.]

**Schedule 7 — Written law or provision under which no
fee payable**

[r. 25]

[Heading inserted in Gazette 26 Jun 2007 p. 2994.]

Adoption Regulations 1995 r. 23M(a)

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 1987 s. 44(b) and 46(2), 46(3) or (8) or 47(1)

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)

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

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

State Administrative Tribunal Regulations 2004

Schedule 7 Written law or provision under which no fee payable

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.]

[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	59.50
	(b) a person other than an individual	118.50
1A.	Application (per folio: a folio comprises 72 words)	6.70
2.	For a copy of a document, for each page or part of a page	1.15
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	1.15
	(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	1.15
4.	For certifying under seal that a document is a true copy, an additional fee of	11.50
5.	For a copy of a transcript (whether or not in electronic format), for each page or part of a page (minimum fee: \$15.70)	5.05
6.	For a copy of a running transcript (whether or not in electronic format), for each page or part of a page (minimum fee: \$15.70)	5.05 plus 49.50 per day

State Administrative Tribunal Regulations 2004
Schedule 20 Other fees

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: \$15.70)	5.05 plus 5.65 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	13.00
9.	For searching any proceeding or record other than a search made by or on behalf of a party to the application	29.00
10.	For sealing a summons to a witness	23.50

*[Schedule 20 amended in Gazette 26 Jun 2007 p. 2995-6;
27 Jun 2008 p. 3067; 4 Sep 2009 p. 3482-3.]*

Notes

¹ 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.^{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 <i>State Administrative Tribunal Regulations 2004</i> 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 <i>State Administrative Tribunal Regulations 2004</i> as at 19 Feb 2010 (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

Short title	Number and year	Assent	Commencement
<i>Standardisation of Formatting Act 2010</i> s. 51 ¹⁶	19 of 2010	28 Jun 2010	To be proclaimed (see s. 2(b))

- ² The *Nurses Act 1992* was repealed by the *Nurses and Midwives Act 2006*.
- ³ 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*.
- ⁵ 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*.
- ⁹ The *Western Australian Planning Commission Act 1985* was repealed by the *Planning and Development (Consequential and Transitional Provisions) Act 2005*.
- ¹⁰ Now known as the *Professional Combat Sports Act 1987*.
- ¹¹ The *Chiropractors Act 1964* was repealed by the *Chiropractors Act 2005*.
- ¹² The *Medical Act 1894* was repealed by the *Medical Practitioners Act 2008*.
- ¹³ 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*.
- ¹⁵ The *Legal Contribution Trust Act 1967* was repealed by the *Legal Profession Act 2008*.
- ¹⁶ On the date as at which this compilation was prepared, the *Standardisation of Formatting Act 2010* s. 51 had not come into operation. It reads as follows:

51. Various written laws amended

- (1) This section amends the written laws listed in the Table.
- (2) Amend the provisions listed in the Table as set out in the Table.

49. State Administrative Tribunal Regulations 2004 (consequential amendments)		
Sch. 5 it. for <i>Motor Vehicle Drivers Instructors Act 1963</i>	s. 10(2)(a)	s. 10(2)

Defined Terms

Defined Terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined Term	Provision(s)
Act.....	3
approved form.....	3
Class 1 application.....	10(1)
Class 2 application.....	10(1)
commencement day	28(1), 29(1), 30(1), 31(1), 32(1), 33(1), 34(1), 35(1), 36(1), 37(1), 38(1), 39(1), 40(1), 41(1), 43(1), 44(1), 45(1), 46(1), 49(1), 50(1), 51(1), 52(1), 53(1), 54(1), 55(1), 56(1), 57(1), 58(1), 59(1), 60(1), 61(1), 62(1), 63(1), 64(1), 65(1), 66(1), 67(1)
Commissioner.....	46(1)
Corporation.....	43(1), 44(1), 54(1), 58(1), 61(1)
DCL Act.....	46(1)
devolved matter.....	33A(1)
disciplinary matter.....	33A(1)
Executive Director.....	50(1)
former adjudicator.....	3
Legal Practitioners Disciplinary Tribunal.....	33A(1)
notifiable person.....	3
Nurses Act.....	35(1)
referee.....	63(1)
referring person.....	3
the CTRS Act.....	29(1)
the CTS Act.....	44(1)
the CWS Act.....	43(1)
the FRM Act.....	50(1)
the GA Act.....	52(1)
the HWA Act.....	53(1)
the LD Act.....	54(1)
the LG Act.....	56(1)
the MRTPS Act.....	57(1)
the MWA Act.....	58(1)
the RWI Act.....	61(1)
the ST Act.....	63(1)
the TA Act.....	64(1)
the VL Act.....	65(1)
the WAPC Act.....	67(1)
the WB Act.....	66(1)
time for making an application.....	28(3)
transfer day.....	33A(1), 42

Defined Terms

Water Board.....66(1)