



20070013166

WESTERN
AUSTRALIAN
GOVERNMENT
Gazette

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041

2979



PERTH, TUESDAY, 26 JUNE 2007 No. 131

SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.00 PM

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STATE ADMINISTRATIVE TRIBUNAL ACT 2004

**STATE ADMINISTRATIVE
TRIBUNAL AMENDMENT
REGULATIONS (No. 2) 2007**

State Administrative Tribunal Act 2004

State Administrative Tribunal Amendment Regulations (No. 2) 2007

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

1. Citation

These regulations are the *State Administrative Tribunal Amendment Regulations (No. 2) 2007*.

2. Commencement

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 July 2007.

3. The regulations amended

The amendments in these regulations are to the *State Administrative Tribunal Regulations 2004**.

[* *Published in Gazette 30 December 2004, p. 6747-848.*
For amendments to 31 May 2007 see Western Australian Legislation Information Tables for 2006, Table 4.]

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r. 4

4. Regulation 8 amended

Regulation 8(4) is amended as follows:

- (a) by inserting after “financial hardship” —
“ or if it is in the interests of justice to do so ”;
- (b) in paragraph (b) by inserting after “be reduced” —
“ or that the whole or a part of the fee be refunded ”.

5. Regulations 9 to 24 repealed and replaced by regulations 9 and 10

Regulations 9 to 24 are repealed and the following regulations are inserted instead —

“

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	900.00
Hearing fee (for each day or part of a day allocated, other than the first day) for an application by a person	900.00
Assessment of costs —	
(a) fee for application by —	
(i) an individual	167.50
(ii) a person other than an individual	250.00
(b) in addition to the application fee, an assessment fee at the rate of	2.5%

State Administrative Tribunal Amendment Regulations (No. 2) 2007**r. 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	330.00
Application by a person other than an individual	600.00
Hearing fee (for each day or part of a day allocated, other than the first day) for an application by an individual	300.00
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	390.00
Assessment of costs —	
(a) fee for application by —	
(i) an individual	119.00
(ii) a person other than an individual	179.00
(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.

State Administrative Tribunal Amendment Regulations (No. 2) 2007**r. 5****Table**

Matter	Fee \$
Application	270.00
Hearing fee (for each day or part of a day allocated, other than the first day) for an application by a person	270.00
Assessment of costs —	
(a) fee for application by —	
(i) an individual	94.50
(ii) a person other than an individual	142.50
(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	60.00
Hearing fee (for each day or part of a day allocated, other than the first day) for an application by a person	120.00
Assessment of costs —	
(a) fee for application by —	
(i) an individual	58.00
(ii) a person other than an individual	86.50
(b) in addition to the application fee, an assessment fee at the rate of	2.5%

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r. 5

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	330.00
Hearing fee (for each day or part of a day allocated, other than the first day) for an application by a person	300.00
Assessment of costs —	
(a) fee for application by a person	119.00

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Matter	Fee \$
(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	600.00
Hearing fee (for each day or part of a day allocated, other than the first day) for an application by a person	390.00
Assessment of costs —	
(a) fee for application by a person	179.00
(b) in addition to the application fee, an assessment fee at the rate of	2.5%

”

6. Regulation 25 amended

Regulation 25 is amended by deleting “Schedule 3 column 1 if the word “Nil” appears in column 2 opposite that written law or provision.” and inserting instead —

“ Schedule 7. ”.

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r. 7**7. Regulation 26 replaced**

Regulation 26 is repealed and the following regulation is inserted instead —

“

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.

”

8. Schedules 3 to 19 repealed and replaced by Schedules 3, 4, 5, 6 and 7

Schedules 3 to 19 are repealed and the following Schedules are inserted instead —

“

Schedule 3 — Provision under which proceedings commenced

[r. 9(1)]

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)

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Maritime Archaeology Act 1973 s. 18(6)

Petroleum Act 1967 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 4 — Provision under which proceedings commenced

[r. 9(2)]

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 5 — Provision under which proceedings commenced

[r. 9(3)]

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)

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

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)

Children and Community Services Act 2004 s. 224(2) or 225(1)

Chiropractors Act 1964 s. 20A(1)

Chiropractors Registration Board Rules 1966 r. 12(1)

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 (Transport) Act 1998 s. 27 or 31

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)

State Administrative Tribunal Amendment Regulations (No. 2) 2007**r. 8**

Employment Agents Act 1976 s. 22(4)

Explosives and Dangerous Goods Act 1961 s. 52(1)

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(e)(ii)

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 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 s. 28(2)

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Legal Practice Act 2003 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), 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 s. 12BA(5), 12BB(1)(a), 13(1), (2), (8), (9ba) or (9bb), 21CA(8) or 21CD(1)

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 Act 1992 s. 43(2a), 44(3), 59B(4), 59C(1), 63(1)(b), 64(2)(g) or 78

Occupational Therapists Registration Act 1980 s. 15(1aa), 21(1aa), 23(4), 28(1), 29(1) or 33

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)

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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)

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 River Trust Act 1988 s. 68(2)

Taxation Administration Act 2003 s. 40(1)

Taxi Act 1994 s. 20(4), 22(2), 23(4), 30(3) or 37(2)

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

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Valuation of Land Act 1978 s. 36(1)

Veterinary Chemical Control and Animal Feeding Stuff 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 6 — Provision under which proceedings commenced

[r. 9(4)]

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)

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Pawnbrokers and Second-hand Dealers Act 1994 s. 68, 73(2) or 93(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 48(4)

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

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

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

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

[r. 25]

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)

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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)

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)

”.

9. Schedule 20 amended

- (1) Schedule 20 is amended in each item listed in column 1 of the Table to this subregulation by deleting the figure set out in column 2, and inserting instead the figure set out in column 3 opposite that item.

State Administrative Tribunal Amendment Regulations (No. 2) 2007**r. 9****Table**

Column 1 Item	Column 2 Delete	Column 3 Insert instead
1(a)	52.50	55.00
1(b)	105.00	110.00
2	1.00	1.05
3(b)	1.00	1.05
3(c)	1.00	1.05
4	10.00	10.50
5	\$15.00	\$15.70
5	4.50	4.70
6	\$15.00	\$15.70
6	4.50	4.70
6	44.00	46.00
7	\$15.00	\$15.70
7	4.50	4.70
7	5.00	5.20
8	11.50	12.00
9	26.00	27.00
10	21.00	22.00

(2) After Schedule 20 item 1 the following item is inserted —

“

1A. Application (per folio: a folio comprises
72 words) 6.25

”.

By Command of the Lieutenant-Governor and deputy of the Governor,

G. M. PIKE, Clerk of the Executive Council.