
STATE ADMINISTRATIVE TRIBUNAL

SD301*

State Administrative Tribunal Act 2004

**State Administrative Tribunal Amendment
Rules 2007**

Made by the Rules Committee under the *State Administrative Tribunal Act 2004* section 170.

1. Citation

These rules are the *State Administrative Tribunal Amendment Rules 2007*.

2. The rules amended

The amendments in these rules are to the *State Administrative Tribunal Rules 2004**.

[* *Published in Gazette 30 December 2004, p. 6849-89.*
For amendments to 15 March 2007 see Western Australian Legislation Information Tables for 2005, Table 4, and Gazette 13 April 2006.]

3. Rule 3 amended

Rule 3 is amended as follows:

- (a) in paragraph (a) of the definition of “address for service in the proceedings” by deleting “or response” and inserting instead —
“ or a notice of representation ”;
- (b) in paragraph (b) of the definition of “address for service in the proceedings” by deleting “it has not given an address in a response but”;
- (c) by deleting the definition of “response”;
- (d) by inserting in the appropriate alphabetical position —

“

“**notice of representation**” means a notice of representation filed under rule 34(6) or (8);

”.

4. Rule 13 amended

Rule 13(1) and (2) are repealed and the following subrules are inserted instead —

“

- (1) If a party considers that any document comprises or contains protected matter and would, in accordance with an order of the Tribunal, be required to be included in that party's bundle of documents to be filed with the Tribunal and given to another party, the party must file with the Tribunal and give to the other party, within the period specified in the order for the filing of and giving the party's bundle of documents, a list of documents which —
 - (a) indicates which document or documents comprise or contain protected matter; and
 - (b) sufficiently identifies any document that comprises or contains protected matter without disclosing the protected matter; and
 - (c) indicates that any protected matter has been included within Part B of the party's bundle of documents.
- (2) If subrule (1) applies, a party's bundle of documents must be divided into 2 parts, Part A and Part B.
- (2a) If a document contains protected matter and non-protected matter, the protected matter must be excised from the document before it is included in Part A.
- (2b) Subject to subrule (2a), Part A must —
 - (a) include all documents in the party's bundle excluding protected matter; and
 - (b) be filed with the Tribunal and given to the other party within the period specified in the order for the filing of and giving the party's bundle of documents.
- (2c) Part B must —
 - (a) include all documents in the party's bundle which the party considers comprise or contain protected matter; and
 - (b) be clearly marked as containing protected matter and must be placed into a sealed envelope clearly marked as containing protected matter; and
 - (c) be filed with the Tribunal within the period specified in the order for the filing of the party's bundle of documents but must not be given to any other party.

”.

5. Rule 34 amended

After rule 34(5) the following subrules are inserted —

“

- (6) If a party to a proceeding is represented by a legal practitioner or an agent and the name and address of the legal practitioner or agent is not provided in the application, the legal practitioner or agent must within 7 days of receiving instructions to represent the party —
- (a) file with the executive officer a notice of representation in an approved form duly completed; and
 - (b) give a copy of the notice to each other party to the proceeding or, if a party is represented by a legal practitioner or agent, that legal practitioner or agent.
- (7) If —
- (a) a party to a proceeding is represented by a legal practitioner or an agent; and
 - (b) the name and address of the legal practitioner or agent is not provided in the application; and
 - (c) the legal practitioner or agent has not complied with subrule (6),
- the legal practitioner or agent may not appear in or file any document with the Tribunal or executive officer in relation to the proceeding.
- (8) If a legal practitioner or agent ceases to represent a party in proceedings, the legal practitioner or agent must within 7 days of ceasing to represent the party —
- (a) file with the executive officer a notice of representation in an approved form duly completed stating —
 - (i) the legal practitioner or agent has ceased to represent the party; and
 - (ii) the party’s address for service in the proceedings;and
 - (b) give a copy of the notice to each other party in the proceeding or, if a party is represented by a legal practitioner or agent, that legal practitioner or agent.

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6. Rule 57 amended

Rule 57(1) and (2) are amended by deleting “(WA)”.

7. Rule 58 amended

- (1) Rule 58(5) is repealed.
- (2) Rule 58(6) is amended by deleting “Commissioner or Police” and inserting instead —
“ Commissioner of Police ”.

Dated: 22 March 2007.

Hon Justice ML BARKER,
President’s signature.

Judge JA CHANEY SC,
Deputy President.

Judge JE ECKERT,
Deputy President.

MJ ALLEN,
Senior Member.

DR PARRY,
Senior Member.

TJ CAREY,
Member.

J MANSVELD,
Member.

MJ HARDY.

M SCOTT.