

Western Australia

**Local Government (Appeals to Building  
Referees) Regulations 1961**

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Western Australia

## **Local Government (Appeals to Building Referees) Regulations 1961**

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Western Australia

Local Government (Miscellaneous Provisions) Act 1960

## **Local Government (Appeals to Building Referees) Regulations 1961**

Local Government Department,  
Perth, 22nd June, 1961.

L.G. 818/60.

HIS Excellency the Lieutenant-Governor and Administrator, acting pursuant to the powers conferred by the *Local Government Act 1960*, and the *Interpretation Act 1918*, has been pleased to make the regulations set out in the schedule hereunder, to have effect from and after the 1st July, 1961.

GEO. S. LINDSAY,  
Secretary for Local Government.

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### **1. Regulations**

These regulations may be cited as the *Local Government (Appeals to Building Referees) Regulations 1961*.

### **2. Appeal to Building Referees**

Any person dissatisfied with any order, refusal to permit, or other decision under Part XV of the *Local Government (Miscellaneous Provisions) Act 1960* in respect of which provision is made by that Act for an appeal to referees under

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Division 19 of that Part, may institute an appeal by leaving with, or forwarding by post, to the CEO of the local government and the Minister for Local Government a Notice of Appeal in the following form: —

*Local Government (Miscellaneous Provisions) Act 1960*

**NOTICE OF APPEAL TO REFEREES**

To the Hon. Minister for Local Government, and

To the CEO, City/Town/Shire of.....I, (name) of  
being dissatisfied with a decision of the.....(local  
government), or its Building Surveyor namely that —

(Here state the decision to which objection is taken.)

hereby appeal to Referees to be appointed under the *Local Government (Miscellaneous Provisions) Act 1960*, to determine the question.

I enclose \$200 as the fees payable to the Referees.

Dated this.....day of.....19.....

.....  
Appellant

*[Regulation 2 amended by Gazettes 8 February 1965 p.467; 18 March 1994 p.1051; 23 June 1995 p.2442; 24 June 1996 pp.2847-8; 25 October 1996 p.5647; 11 September 1998 p.4925; 22 October 1999 p.5157; 14 July 2000 p.3845.]*

*[3. Revoked by Gazette 5 February 1971 p.373.]*

**4. Appointment of Referees**

Within one month of receipt of a notice of appeal as provided by these regulations, the Minister shall appoint one Referee and the local government shall, within a like period, appoint one Referee.

*[Regulation 4 amended by Gazette 30 October 1987 p.4046;  
24 June 1996 p.2848.]*

**5. Allowance for Referee**

Each Referee shall be paid a fee of \$100 for his services.

*[Regulation 5 amended by Gazettes 8 February 1965 p.467;  
18 March 1994 p.1051; 23 June 1995 p.2442; 25 October 1996  
p.5647; 11 September 1998 p.4925; 22 October 1999 p.5157;  
14 July 2000 p.3845.]*

**6. Notification of appointment**

The Minister and the local government shall notify the respective Referees of their appointment.

*[Regulation 6 amended by Gazette 24 June 1996 p.2848.]*

**7. Hearing of appeal**

The Referees shall commence hearing the appeal within thirty days of being notified of their appointment, and shall notify the CEO of the local government and the appellant of the date, time, and place of the hearing of the appeal.

*[Regulation 7 amended by Gazette 5 February 1971 p.373;  
24 June 1996 p.2848.]*

**8. Procedure at hearing**

At the hearing of the appeal the appellant shall state his case, and place all relevant facts before the Referees; and the CEO, or the Building Surveyor, as the case may require, shall thereupon state the local government's case or the Building Surveyor's case, and shall lay all relevant facts before the Referees.

*[Regulation 8 amended by Gazette 24 June 1996 p.2848.]*

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**9. Referees to determine appeal**

The Referees shall determine the question before them on appeal as expeditiously as possible and shall make their award in writing under their hand.

**10. Referral to Umpire**

Where the Referees are unable to agree they may refer the case to an Umpire, and may include the Umpire's fee in any award of costs.



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**Notes**

- <sup>1.</sup> This is a compilation of the *Local Government (Appeals to Building Referees) Regulations 1961* and includes the amendments referred to in the following Table.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Local Government (Appeals to Building Referees) Regulations 1961</i>	29 Jun 1961 p. 2064 8 Feb 1965 p. 467 5 Feb 1971 p. 373 30 Oct 1987 p. 4046	
<i>Local Government (Appeals to Building Referees) Amendment Regulations 1994</i>	18 Mar 1994 p. 1050-1	18 Mar 1994
<i>Local Government (Appeals to Building Referees) Amendment Regulations 1995</i>	23 Jun 1995 p. 2441-2	23 Jun 1995
<i>Local Government (Amendment and Repeal) Regulations 1996 r. 3</i>	24 Jun 1996 p. 2847-8	1 Jul 1996 (see r. 2)
<i>Local Government (Appeals to Building Referees) Amendment Regulations 1996</i>	25 Oct 1996 p. 5646-7	25 Oct 1996
<i>Local Government (Appeals to Building Referees) Amendment Regulations 1998</i>	11 Sep 1998 p. 4925	11 Sep 1998
<i>Local Government (Appeals to Building Referees) Amendment Regulations 1999</i>	22 Oct 1999 p. 5157	22 Oct 1999
<i>Local Government (Appeals to Building Referees) Amendment Regulations 2000</i>	14 Jul 2000 p. 3844-5	14 Jul 2000