



Western Australia

State Administrative Tribunal Act 2004

State Administrative Tribunal Amendment Rules 2026

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State Administrative Tribunal Amendment Rules 2026

Made by the Rules Committee.

1. Citation

These rules are the *State Administrative Tribunal Amendment Rules 2026*.

2. Commencement

These rules come into operation as follows —

- (a) rules 1 and 2 — on the day on which these rules are published on the WA legislation website;
- (b) the rest of the rules — on the day after that day.

3. Rules amended

These rules amend the *State Administrative Tribunal Rules 2004*.

4. Rule 13A inserted

At the end of Part 2 Division 1 insert:

13A. When material held by Tribunal may be accessed by third party

- (1) In this rule —
material held by the Tribunal, in relation to a proceeding, means —

- (a) any evidence given before the Tribunal in the proceeding; and
 - (b) any document produced to the Tribunal in the proceeding; and
 - (c) any information that might enable a person who has appeared before the Tribunal in the proceeding to be identified.
- (2) A person who is not a party to a proceeding may apply to the Tribunal to inspect or obtain a copy of material held by the Tribunal in relation to the proceeding.

Note for this subrule:

Under section 5 of the Act, these Rules have no effect to the extent that they are inconsistent with an enabling Act. See, for example, the *Guardianship and Administration Act 1990* section 112(4) and (5).

- (3) The application must —
 - (a) be in writing; and
 - (b) specify the material held by the Tribunal that the applicant is seeking to inspect or copy; and
 - (c) state the reason for the application.
- (4) The Tribunal may require the applicant to provide additional information if the Tribunal considers it necessary to do so.
- (5) The Tribunal may —
 - (a) grant the application, with or without conditions; or
 - (b) refuse the application.
- (6) In considering the application, the Tribunal —
 - (a) may have regard to the views of the parties to the proceeding; and

- (b) must have regard to the following —
 - (i) the applicant’s reason for making the application;
 - (ii) the nature of the material held by the Tribunal that is the subject of the application;
 - (iii) whether the material held by the Tribunal has been admitted into evidence;
 - (iv) whether granting the request would put an undue burden on the Tribunal;
 - (v) the interests of justice;
 - (vi) any other matter the Tribunal considers relevant.
- (7) The Tribunal’s power to make an order under subrule (5) is exercisable by a legally qualified member.

Note for this rule:

Section 160 of the Act prohibits disclosure of protected matter except in specified circumstances.

5. Rule 24 amended

- (1) At the end of rule 24(1) insert:

Note for this subrule:

See also section 35(1) of the Act.

- (2) Delete rule 24(3) and (4) and insert:
- (3) An application to set aside a summons, or to limit access to a document or other material produced in answer to a summons, may be made —
- (a) if the summons requires a person to attend a hearing — prior to, or at, the hearing; or
 - (b) if the summons requires the production of a document or other material by a specified date — prior to that date.
- (4) An application to discharge an order made under section 35(1) of the Act (in whole or in part), or to limit access to a document or other material produced in compliance with such an order, may be made —
- (a) if the order requires the production of a document or other material at a hearing — prior to, or at, the hearing; or
 - (b) if the order requires the production of a document or other material by a specified date — prior to that date.

LISA BRIGGS
Principal Registrar
State Administrative Tribunal
Date: 29 September 2026