

**STATE ADMINISTRATIVE TRIBUNAL (CONFERRAL OF JURISDICTION) AMENDMENT AND  
REPEAL BILL 2003**

*Returned*

Bill returned from the Council with amendments.

*Consideration in Detail - Motion*

On motion by Mr J.A. McGinty (Attorney General) resolved -

That the Council's amendments be considered in detail forthwith.

*Council's Amendments - Consideration in Detail*

The amendments made by the Council were as follows -

**No. 1**

Clause 15, page 6, line 12 - To delete "section" and insert instead -  
" subsection (7) ".

**No. 2**

Clause 72, page 30, lines 2 to 4 - To delete the Clause.

**No. 3**

Clause 73, page 30, lines 5 to 12 - To delete the Clause.

**No. 4**

Clause 111, page 44, lines 10 to 18 - To delete the lines.

**No. 5**

Clause 116, page 51, after line 11 - To insert -  
"

**21G. Incriminating information, questions, or documents**

Without prejudice to the provisions of section 11 of the *Evidence Act 1906*, where under section 21C a person is required to —

- (a) give any information;
- (b) answer any question; or
- (c) produce any document,

he shall not refuse to comply with that requirement on the ground that the information, answer, or document may tend to incriminate the person or render the person liable to any penalty, but the information or answer given, or document produced, by the person shall not be admissible in evidence in any proceedings against the person other than proceedings in respect of an offence against section 21H(1)(b).

**21H. Failure to comply with investigation**

- (1) Where under section 21C a person is required to give any information, answer any question, or produce any document and that person, without reasonable excuse (proof of which shall lie on him) —

- (a) fails to give that information or answer that question at or within the time specified in the requirement;
- (b) gives any information or answer that is false in any particular; or
- (c) fails to produce that document at or within the time specified in the requirement,

the person commits an offence.

Penalty: \$2 000.

- (2) It is a defence in any proceeding for an offence under subsection (1)(a) or (c) for the defendant to show —

- (a) that, in the case of an alleged offence arising out of a requirement made orally under section 21C, the investigator did not, when making the requirement, inform the defendant that he was required under this Act to give the information or answer the question, as the case may be;
- (b) that, in the case of an alleged offence arising out of a requirement made by notice in writing under section 21C, the notice did not state that he was required under this Act to give the information, answer the question, or produce the document or thing, as the case may be;
- (c) that the time specified in the requirement did not afford the defendant sufficient notice to enable him to comply with the requirement; or
- (d) that, in any case, the investigator did not, before making the requirement, have reasonable grounds to believe that compliance with the requirement would materially assist in the investigation being carried out.

**21I. Obstruction of investigator**

A person shall not prevent or attempt to prevent an investigator from entering premises or otherwise obstruct or impede an investigator in the exercise of his powers under section 21C.

Penalty: \$2 000

”.

**No. 6**

Clause 144, page 60, lines 13 to 16 - To delete the Clause.

**No. 7**

Clause 193, page 80, after line 26 - To insert -

“

- (3) The making of an application under subsection (1) for a review of a decision to impose or vary a condition subject to which a licence is to be held operates to stay the decision in so far as it would have the effect of preventing the collection of payments by a credit provider, unless the State Administrative Tribunal orders otherwise.

”.

**No. 8**

Clause 215, page 89, line 18 - To delete “2003” and insert instead -

“ 2004 ”.

**No. 9**

Clause 223, page 92, line 20 - To delete “the form prescribed” and insert instead -

“ writing ”.

**No. 10**

Clause 234, page 99, line 8 - To delete the line.

**No. 11**

Clause 237, page 104, after line 25 - To insert -

“

**29G. Incriminating information, questions, or documents**

Without prejudice to the provisions of section 11 of the *Evidence Act 1906*, where under section 29C a person is required to —

- (a) give any information;
- (b) answer any question; or
- (c) produce any document,

he shall not refuse to comply with that requirement on the ground that the information, answer, or document may tend to incriminate the person or render the person liable to any

penalty, but the information or answer given, or document produced, by the person shall not be admissible in evidence in any proceedings against the person other than proceedings in respect of an offence against section 29H(1)(b).

**29H. Failure to comply with investigation**

- (1) Where under section 29C a person is required to give any information, answer any question, or produce any document and that person, without reasonable excuse (proof of which shall lie on him) —

- (a) fails to give that information or answer that question at or within the time specified in the requirement;
- (b) gives any information or answer that is false in any particular; or
- (c) fails to produce that document at or within the time specified in the requirement,

the person commits an offence.

Penalty: \$2 000

- (2) It is a defence in any proceeding for an offence under subsection (1)(a) or (c) for the defendant to show —

- (a) that, in the case of an alleged offence arising out of a requirement made orally under section 29C, the investigator did not, when making the requirement, inform the defendant that he was required under this Act to give the information or answer the question, as the case may be;
- (b) that, in the case of an alleged offence arising out of a requirement made by notice in writing under section 29C, the notice did not state that he was required under this Act to give the information, answer the question, or produce the document or thing, as the case may be;
- (c) that the time specified in the requirement did not afford the defendant sufficient notice to enable him to comply with the requirement; or
- (d) that, in any case, the investigator did not, before making the requirement, have reasonable grounds to believe that compliance with the requirement would materially assist in the investigation being carried out.

**29I. Obstruction of investigator**

A person shall not prevent or attempt to prevent an investigator from entering premises or otherwise obstruct or impede an investigator in the exercise of his powers under section 29C.

Penalty: \$2 000

**No. 12**

Clause 237, page 104, line 26 - To delete “Role of State Administrative Tribunal” and insert -  
“ **Proceedings** ”.

**No. 13**

Clause 238, page 105, lines 3 to 8 - To delete the lines and insert instead -

“  
“ (a) by deleting all of the subsection before paragraph (a) and inserting instead —

- (1) There is proper cause for disciplinary action in respect of a registered person if —

- (b) in paragraph (b) —

- (i) by deleting “named”; and
- (ii) by deleting “, in the opinion of the Board,”;

- (c) in paragraph (c) —

- (i) by deleting “other”;
- (ii) by deleting “Board” before “by this Act” and inserting instead —

- “ State Administrative Tribunal ”; and  
(iii) by deleting “in the opinion of the Board”.

”

**No. 14**

Clause 238, page 105, after line 8 - To insert -

- “
- (2) After section 30(1) the following subsections are inserted —
- “
- (1aa) The Board may allege to the State Administrative Tribunal that there is proper cause for disciplinary action, as mentioned in subsection (1), in respect of a person who is or was a registered person.
- (1ab) If in a proceeding commenced by an allegation under this section in respect of a registered person, the State Administrative Tribunal is of the opinion that proper cause exists for disciplinary action the Tribunal may order that the name of the person be struck off the Register.

”

”

”

**No. 15**

Clause 238, page 105, after line 12 - To insert -

- “
- (b) by deleting “(1)” and inserting instead—
- “ (1ab) ”;

”

**No. 16**

Clause 238, page 105, after line 26 - To insert -

- “
- (5) After section 30(2) the following subsections are inserted —
- “
- (2a) Instead of making an allegation to the Tribunal under subsection (1aa) or referring an allegation to the Tribunal under subsection (2), if the Board —
- (a) is of the opinion that a proceeding before the Tribunal is not warranted by the nature of the allegations;
- (b) has afforded to the person concerned the opportunity of giving an explanation to the Board either in person or in writing and is not satisfied by any explanation offered; and
- (c) has afforded to the person concerned the option of the matter proceeding before the Tribunal and that option has not been taken up,
- the Board may deal with the matter as described in subsection (3)(a), (b), (c), or (d) except that it cannot order that a person be fined more than \$2 500 and it cannot make an order under subsection (3)(a) or (c) in respect of a person who is no longer a registered person.
- (2b) The Board may, in addition to or instead of imposing 1 or more penalties under provisions referred to in subsection (2a), order the person concerned to pay all or any of the costs and expenses of or incidental to the proceedings.
- (2c) The amount of any penalty, costs, or expenses that the Board orders under subsection (2a) or (2b) that a person pay is recoverable by the Board in any court of competent jurisdiction as a debt due to the Board.

”

”

”

**No. 17**

Clause 238, page 106, line 8 - To insert before “Board” -  
“ the ”.

**No. 18**

Clause 238, page 106, line 10 - To delete “Tribunal specifies” and insert instead -  
“ is specified ”.

**No. 19**

Clause 238, page 106, line 11 - To insert before “Board” -  
“ the ”.

**No. 20**

Clause 238, page 106, line 13 - To delete “Tribunal specifies” and insert instead -  
“ may be specified ”.

**No. 21**

Clause 238, page 106, line 14 - To insert before “Board” -  
“ the ”.

**No. 22**

Clause 238, page 106, line 14 - To insert after “Board” -  
“ thinks fit ”.

**No. 23**

Clause 238, page 106, line 16 - To delete “Tribunal” and insert instead -  
“ is specified in the order ”.

**No. 24**

Clause 242, page 108, after line 10 - To insert the following proposed paragraph -  
“

- (c) imposing any penalty or making any order as to costs or expenses under section 30(2a) or (2b),

”.

**No. 25**

Clause 248, page 114, after line 11 - To insert -  
“

**19G. Incriminating information, questions, or documents**

Without prejudice to the provisions of section 11 of the *Evidence Act 1906*, where under section 19C a person is required to —

- (a) give any information;  
(b) answer any question; or  
(c) produce any document,

he shall not refuse to comply with that requirement on the ground that the information, answer, or document may tend to incriminate the person or render the person liable to any penalty, but the information or answer given, or document produced, by the person shall not be admissible in evidence in any proceedings against the person other than proceedings in respect of an offence against section 19H(1)(b).

**19H. Failure to comply with investigation**

- (1) Where under section 19C a person is required to give any information, answer any question, or produce any document and that person, without reasonable excuse (proof of which shall lie on him) —
- (a) fails to give that information or answer that question at or within the time specified in the requirement;  
(b) gives any information or answer that is false in any particular; or

(c) fails to produce that document at or within the time specified in the requirement, the person commits an offence.

Penalty: \$2 000.

(2) It is a defence in any proceeding for an offence under subsection (1)(a) or (c) for the defendant to show —

- (a) that, in the case of an alleged offence arising out of a requirement made orally under section 19C, the investigator did not, when making the requirement, inform the defendant that he was required under this Act to give the information or answer the question, as the case may be;
- (b) that, in the case of an alleged offence arising out of a requirement made by notice in writing under section 19C, the notice did not state that he was required under this Act to give the information, answer the question, or produce the document or thing, as the case may be;
- (c) that the time specified in the requirement did not afford the defendant sufficient notice to enable him to comply with the requirement; or
- (d) that, in any case, the investigator did not, before making the requirement, have reasonable grounds to believe that compliance with the requirement would materially assist in the investigation being carried out.

**19I. Obstruction of investigator**

A person shall not prevent or attempt to prevent an investigator from entering premises or otherwise obstruct or impede an investigator in the exercise of his powers under section 19C.

Penalty: \$2 000.

”.

**No. 26**

Clause 298, page 141, after line 6 - To insert -

“

- (3) Section 11ZH(2a) is amended by deleting “Board” and inserting instead —  
“ State Administrative Tribunal ”.

”.

**No. 27**

Clause 298, page 141, line 12 - To insert after “(2)” -

“ or (2a) ”.

**No. 28**

Clause 298, page 141, line 29 - To insert after “(2)” -

“ or (2a) ”.

**No. 29**

Clause 298, page 142, line 3 - To insert after “(2)” -

“ or (2a) ”.

**No. 30**

Clause 298, page 142, line 16 - To insert after “(2)” -

“ or (2a) ”.

**No. 31**

Clause 299, page 142, line 22 to page 143, line 3 - To delete the Clause.

**No. 32**

Clause 309, page 145, line 8 - To insert after “repealed” -

“

and the following section is inserted instead —

“

**108. Commissioner's reference under section 93(1)**

For the purposes of a proceeding before the Tribunal that is commenced by a reference under section 93(1) the Commissioner is excluded from the definition of “applicant” in the *State Administrative Tribunal Act 2003* section 3(1) and the complainant is the applicant instead.

”

”.

**No. 33**

Clause 314, page 145, line 26 - To delete “, 133 and 134” and insert instead -

“ and 133 ”.

**No. 34**

Clause 351, page 156, line 17 - To delete “procedure” and insert instead -

“ proceeding ”.

**No. 35**

Clause 378, page 164, lines 11 and 12 - To delete the lines and insert instead -

“

The heading to Part 14 is deleted and the following heading is inserted instead —

”.

**No. 36**

Clause 378, page 164, lines 15 and 16 - To delete the lines.

**No. 37**

Clause 388, page 169, lines 17 to 19 - To delete the Clause.

**No. 38**

Clause 415, page 181, lines 23 and 24 - To delete the lines.

**No. 39**

Clause 426, page 186, line 6 - To delete “17A(2)” and insert instead -

“ 17B(2) ”.

**No. 40**

Clause 461, page 197, in the third row in the Table - To delete “s. 86(1)”.

**No. 41**

Clause 461, page 198, in the Table - To insert after “s. 97(1)(a)” -

“ (in the second place) ”.

**No. 42**

Clause 470, page 205, lines 12 to 20 - To delete the Clause.

**No. 43**

Clause 474, page 206, lines 21 and 22 - To delete the Clause.

**No. 44**

Clause 476, page 207, line 2 - To insert before “is empowered” -

“ in any case in which the local government ”.

**No. 45**

Clause 490, page 210, line 23 - To delete “or”.

**No. 46**

Clause 490, page 210, line 25 - To insert before “the State” -

“ or ”.

**No. 47**

Clause 522, page 223, line 14 - To insert after “as” -  
“ and after “provided” ”.

**No. 48**

Clause 527, page 226, line 7 - To insert before “a” -  
“ referred to ”.

**No. 49**

Clause 527, page 226, line 9 - To insert before “the” -  
“ brought before ”.

**No. 50**

Clause 530, page 230, line 11 - To insert before “or” -  
“ (1)(j) ”.

**No. 51**

Clause 530, page 230, line 12 - To insert before “, (2)” -  
“ (1a)(i) ”.

**No. 52**

Clause 581, page 251, lines 6 to 9 - To delete the Clause.

**No. 53**

Clause 585, page 252, line 2 - To delete the line and insert instead -  
“ Sections 15 and 16 are repealed and the following sections are ”.

**No. 54**

Clause 585, page 252, line 5 - To delete the line.

**No. 55**

Clause 586, page 257, lines 10 and 11 - To delete the Clause.

**No. 56**

Clause 587, page 257, lines 12 and 13 - To delete the Clause.

**No. 57**

Clause 591, page 258, lines 22 and 23 - To delete “certificate of registration” and insert instead -  
“ licence ”.

**No. 58**

Clause 591, page 258, line 26 - To delete “certificate” and insert instead -  
“ licence ”.

**No. 59**

Clause 593, page 259, after line 22 - To insert -

“

(c) in paragraph (c) by deleting “Board, or until the further order of the Board” and  
inserting instead —

“ Tribunal ”.

(2) Section 28(2)(d) is amended by deleting “, in the opinion of the Board,”.

”.

**No. 60**

Clause 595, page 260, line 15 - To insert after “deleted” -

“

and the following paragraph is inserted instead —



“

- (b) provide for the enforcement of an order of the Board under section 14 for the payment of costs;

”

”

**No. 61**

Clause 609, page 264, after line 8 - To insert -

“

- (2) Section 156(4) is amended by deleting “A Judge” and inserting instead —  
“ The State Administrative Tribunal ”.

”

**No. 62**

Clause 634, page 271, line 10, in the Table - To delete “s. 44”.

**No. 63**

Clause 637, page 272, line 10, in the Table - To delete “s. 69(2)” in the second place where it occurs.

**No. 64**

Clause 637, page 272, line 10, in the Table - To delete “s. 132(2) and (3)”.

**No. 65**

Clause 638, page 273, line 3 - To delete “section” and insert instead -  
“ subsection ”.

**No. 66**

Clause 638, page 273, line 5, in the Table - To delete “and (2)”.

**No. 67**

Clause 638, page 273, line 5, in the Table - To delete “and (4)”.

**No. 68**

Clause 638, page 273, line 7 - To delete “section” and insert instead -  
“ subsection ”.

**No. 69**

Clause 638, page 273, line 9, in the Table - To insert after “s. 149(1)” -  
“ and (2) ”.

**No. 70**

Clause 640, page 274, lines 2 to 8 - To delete the Clause.

**No. 71**

Clause 641, page 274, lines 9 to 11 - To delete the Clause.

**No. 72**

Clause 642, page 274, lines 12 to 25 - To delete the Clause.

**No. 73**

Clause 643, page 275, lines 1 to 23 - To delete the Clause.

**No. 74**

Clause 644, page 275, line 24 to page 276, line 5 - To delete the Clause.

**No. 75**

Clause 645, page 276, lines 6 to 16 - To delete the Clause.

**No. 76**

Clause 646, page 276, lines 17 to 24 - To delete the Clause.

**No. 77**

Clause 647, page 276, line 25 to page 277, line 3 - To delete the Clause.

**No. 78**

Clause 648, page 277, lines 4 to 12 - To delete the Clause.

**No. 79**

Clause 649, page 277, lines 13 and 14 - To delete the Clause.

**No. 80**

Clause 650, page 277, lines 15 to 24 - To delete the Clause.

**No. 81**

Clause 651, page 277, lines 25 and 26 - To delete the Clause.

**No. 82**

Clause 652, page 278, lines 1 to 3 - To delete the Clause.

**No. 83**

Clause 653, page 278, lines 4 and 5 - To delete the Clause.

**No. 84**

Clause 654, page 278, lines 6 to 10 - To delete the Clause.

**No. 85**

Clause 655, page 278, lines 11 to 23 - To delete the Clause.

**No. 86**

Clause 656, page 278, line 24, page 279, line 5 - To delete the Clause.

**No. 87**

Clause 657, page 279, lines 6 to 15 - To delete the Clause.

**No. 88**

Clause 658, page 279, line 16 to page 280, line 7 - To delete the Clause.

**No. 89**

Clause 659, page 280, lines 8 to 15 - To delete the Clause.

**No. 90**

Clause 660, page 280, lines 16 to 25 - To delete the Clause.

**No. 91**

Clause 661, page 280, lines 26 to 29 - To delete the Clause.

**No. 92**

Clause 662, page 281, lines 1 to 7 - To delete the Clause.

**No. 93**

Clause 663, page 281, lines 8 to 16 - To delete the Clause.

**No. 94**

Clause 664, page 281, lines 17 to 19 - To delete the Clause.

**No. 95**

Clause 665, page 281, line 20 to page 282, line 5 - To delete the Clause.

**No. 96**

Clause 666, page 281, line 6 to page 283, line 14 - To delete the Clause.

**No. 97**

Clause 667, page 283, line 15 to page 284, line 29 - To delete the Clause.

**No. 98**

Clause 668, page 285, line 1 to the end of the Table after line 6 - To delete the Clause.

**No. 99**

Clause 669, page 285, line 7 to the end of the Table after line 11 - To delete the Clause.

**No. 100**

Clause 670, page 286, line 1 to the end of the Table after line 5 - To delete the Clause.

**No. 101**

Clause 672, page 286, lines 12 and 13 - To delete the lines and insert instead -

“ After section 8 the following sections are inserted — ”.

**No. 102**

Clause 688, page 301, line 25 to page 302, line 7 - To delete the lines and insert instead -

“

- (1) Section 401(1) is amended by deleting all of the subsection after “unless” and inserting instead —

“

he applies to the State Administrative Tribunal under subsection (3) for a review of the decision to make the requisition and the State Administrative Tribunal sets aside the decision.

”.

- (2) Section 401(2) is repealed.

”.

**No. 103**

Clause 688, page 302, after line 8 - To insert -

“

- (a) by deleting “(b) or (c)”;

”.

**No. 104**

Clause 688, page 302, line 17 - To insert after “of” -

“ the decision to make ”.

**No. 105**

Clause 688, page 302, line 20 - To insert before “under” -

“ an appeal ”.

**No. 106**

Clause 688, page 302, line 22 - To delete “or”.

**No. 107**

Clause 688, page 302, line 23 — To insert before “under” -

“ an appeal ”.

**No. 108**

Clause 688, page 302, line 25 - To delete “or”.

**No. 109**

Clause 688, page 302, line 29 — To delete “an appeal or”.

**No. 110**

Clause 691, page 304, line 1 - To delete “413(2)” and insert instead -

“ 413(3) ”.

**No. 111**

Clause 701, page 306, line 16 - To delete “Appeals” and insert instead -

“ appeals ”.

**No. 112**

Clause 701, page 306, line 17 - To delete “Review” and insert instead -

“ review ”.

**No. 113**

Clause 714, page 311, line 24 - To delete “authorized” and insert instead -  
“ authorised ”.

**No. 114**

Clause 736, page 326, after line 15 - To insert  
“

**12I. Incriminating information, questions, or documents**

Without prejudice to the provisions of section 11 of the *Evidence Act 1906*, where under section 12E a person is required to —

- (a) give any information;
- (b) answer any question; or
- (c) produce any document,

he or she shall not refuse to comply with that requirement on the ground that the information, answer, or document may tend to incriminate the person or render the person liable to any penalty, but the information or answer given, or document produced, by the person shall not be admissible in evidence in any proceedings against the person other than proceedings in respect of an offence against section 12J(1)(b).

**12J. Failure to comply with investigation**

- (1) Where under section 12E a person is required to give any information, answer any question, or produce any document and that person, without reasonable excuse (proof of which shall lie on him or her) —

- (a) fails to give that information or answer that question at or within the time specified in the requirement;
- (b) gives any information or answer that is false in any particular; or
- (c) fails to produce that document at or within the time specified in the requirement,

the person commits an offence.

Penalty: \$2 000.

- (2) It is a defence in any proceeding for an offence under subsection (1)(a) or (c) for the defendant to show —

- (a) that, in the case of an alleged offence arising out of a requirement made orally under section 12E, the investigator did not, when making the requirement, inform the defendant that he or she was required under this Act to give the information or answer the question, as the case may be;
- (b) that, in the case of an alleged offence arising out of a requirement made by notice in writing under section 12E, the notice did not state that he or she was required under this Act to give the information, answer the question, or produce the document or thing, as the case may be;
- (c) that the time specified in the requirement did not afford the defendant sufficient notice to enable him or her to comply with the requirement; or
- (d) that, in any case, the investigator did not, before making the requirement, have reasonable grounds to believe that compliance with the requirement would materially assist in the investigation being carried out.

**12K. Obstruction of investigator**

A person shall not prevent or attempt to prevent an investigator from entering premises or otherwise obstruct or impede an investigator in the exercise of his or her powers under section 12E.

Penalty: \$2 000.

”.

**No. 115**

Clause 742, page 334, line 13 - To delete “both” and insert instead -  
“ the 3 ”.

**No. 116**

Clause 745, page 336, after line 26 - To insert -

“

- (4) Subsections (1), (2), and (3) do not apply when the Tribunal is holding a directions hearing or other procedural hearing.

”.

**No. 117**

Clause 747, page 337, lines 9 to 30 - To delete the Clause.

**No. 118**

Clause 748, page 338, lines 1 to 4 - To delete the Clause.

**No. 119**

Clause 749, page 338, lines 5 to 19 - To delete the Clause.

**No. 120**

Clause 750, page 338, lines 20 and 21 - To delete the Clause.

**No. 121**

Clause 751, page 338, lines 22 and 23 - To delete the Clause.

**No. 122**

Clause 752, page 339, lines 1 to 4 - To delete the Clause.

**No. 123**

Clause 753, page 339, lines 5 to 14 - To delete the Clause.

**No. 124**

Clause 754, page 339, lines 15 to 18 - To delete the Clause.

**No. 125**

Clause 755, page 339, line 19 to page 340, line 11 - To delete the Clause.

**No. 126**

Clause 756, page 340, lines 12 to 20 - To delete the Clause.

**No. 127**

Clause 757, page 340, lines 21 to 24 - To delete the Clause.

**No. 128**

Clause 758, page 340, lines 25 to 28 - To delete the Clause.

**No. 129**

Clause 759, page 341, lines 1 to 4 - To delete the Clause.

**No. 130**

Clause 760, page 341, lines 5 to 8 - To delete the Clause.

**No. 131**

Clause 761, page 341, lines 9 to 12 - To delete the Clause.

**No. 132**

Clause 762, page 341, lines 13 and 14 - To delete the Clause.

**No. 133**

Clause 763, page 341, lines 15 and 16 - To delete the Clause.

**No. 134**

Clause 764, page 341, line 17 to page 342, line 9 - To delete the Clause.

**No. 135**

Clause 765, page 342, line 10 to page 343, line 8 - To delete the Clause.

**No. 136**

Clause 766, page 343, lines 9 and 10 - To delete the Clause.

**No. 137**

Clause 767, page 343, lines 11 and 12 - To delete the Clause.

**No. 138**

Clause 768, page 343, lines 13 and 14 - To delete the Clause.

**No. 139**

Clause 769, page 343, lines 15 to 18 - To delete the Clause.

**No. 140**

Clause 770, page 343, lines 19 and 20 - To delete the Clause.

**No. 141**

Clause 771, page 343, lines 21 to 26 - To delete the Clause.

**No. 142**

Clause 772, page 344, lines 1 to 21 - To delete the Clause.

**No. 143**

Clause 773, page 344, line 22 to page 345, line 13 - To delete the Clause.

**No. 144**

Clause 774, page 345, lines 14 to 27 - To delete the Clause.

**No. 145**

Clause 775, page 346, lines 1 to 12 - To delete the Clause.

**No. 146**

Clause 776, page 346, lines 13 to 18 - To delete the Clause.

**No. 147**

Clause 777, page 346, lines 19 and 20 - To delete the Clause.

**No. 148**

Clause 778, page 346, line 21 to page 347, line 5 - To delete the Clause.

**No. 149**

Clause 779, page 347, lines 6 to 21 - To delete the Clause.

**No. 150**

Clause 780, page 347, lines 22 and 23 - To delete the Clause.

**No. 151**

Clause 782, page 348, line 2 - To delete “repealed” and insert instead -

“

amended as follows —

(a) by deleting “Board” and inserting instead —

“ State Administrative Tribunal ”;

(b) by deleting “appeal to the Supreme Court” and inserting instead —

“

without leave, appeal under section 104 of the *State Administrative Tribunal Act*  
*2003*

”

”

”

**No. 152**

Clause 782, page 348, line 4 - To delete the line.

**No. 153**

Clause 782, page 348, line 5 - To insert after ““the””-

“

and inserting instead —

“ a ”

”

**No. 154**

Clause 782, page 348, after line 10 - To insert -

“

(d) by deleting “to the Supreme Court” and inserting instead —

“

under section 104 of the *State Administrative Tribunal Act 2004*

”

”

**No. 155**

Clause 782, page 348, line 11 - To delete the line.

**No. 156**

Clause 783, page 348, line 17 - To insert after “decision” -

“ or order ”.

**No. 157**

Clause 784, page 348, line 27 - To insert after “leave to” -

“ appeal or an ”.

**No. 158**

Clause 784, page 349, line 3 - To insert after “made” -

“ or brought ”.

**No. 159**

Clause 784, page 349, line 6 - To delete the line and insert instead -

“

(d) after “be made” by inserting —

“ or brought ”.

”

**No. 160**

Clause 786, page 349, lines 11 to 16 - To delete the Clause.

**No. 161**

Clause 787, page 349, line 18 - To insert after “Sections” -

“ 153, ”.

**No. 162**

Clause 788, page 349, lines 19 to 26 - To delete the Clause.

**No. 163**

Clause 789, page 350, lines 1 to 7 - To delete the Clause.

**No. 164**

Clause 790, page 350, lines 8 to 20 - To delete the Clause.

**No. 165**

Clause 791, page 351, lines 1 to 11 - To delete the Clause.

**No. 166**

Clause 792, page 351, lines 12 to 14 - To delete the Clause.

**No. 167**

Clause 793, page 351, lines 15 and 16 - To delete the Clause.

**No. 168**

Clause 794, page 351, line 17 to page 353, line 20 - To delete the Clause.

**No. 169**

Clause 813, page 363, lines 6 to 17 - To delete the Clause.

**No. 170**

Clause 819, page 370, line 5 - To delete the line and insert instead -

“allege to the State Administrative Tribunal that ”.

**No. 171**

Clause 819, page 370, after line 6 - To insert -

“

(b) by inserting after “constituting a firm,” —

“

should be disqualified

”.

”.

**No. 172**

Clause 819, page 370, line 7 - To insert before “the” -

“if ”.

**No. 173**

Clause 819, page 370, line 10 - To delete “, in the opinion of the Board,” and insert instead -

“on the grounds that ”.

**No. 174**

Clause 819, page 370, line 17 - To insert after “revoking” -

“

an authorisation of premises under section 20E or 21A if the Board is no longer satisfied  
that the premises

”.

**No. 175**

Clause 819, page 370, lines 20 and 21 - To delete the lines and insert instead -

“

allege to the State Administrative Tribunal that an authorisation of premises under  
section 20E or 21A should be revoked on the grounds that the premises no longer

”.

**No. 176**

Clause 819, page 370, line 23 to page 371, line 3 - To delete the lines and insert instead -

“

(4) Section 20(4) and (5) are repealed.

”.

**No. 177**

Clause 821, page 371, line 18 - To delete “section is” and insert instead -

“sections are ”.

**No. 178**

Clause 821, page 371, after line 20 - To insert -



“

**20BA. Order on allegation under section 20(2) and (3)**

In a proceeding commenced by an allegation under section 20(2) or (3) the State Administrative Tribunal may, if the grounds for making the order are established, make the order that it is alleged should be made.

”

**No. 179**

Clause 823, page 373, lines 13 and 14 - To delete the lines.

**No. 180**

Clause 823, page 373, after line 21 - To insert the following proposed new subsection -

“

(3) When the Board makes a decision or order —

- (a) granting an application by a person for an authorisation or the renewal of an authorisation;
- (b) authorising premises under section 20E or 21A;
- (c) approving of any change submitted to it under section 23,

the Board is required to give the Commissioner a copy of the decision or order and the Commissioner may apply to the State Administrative Tribunal for a review of it.

”

**No. 181**

Clause 834, page 376, line 14 - To delete “report” and insert instead -

“ reports ”.

**No. 182**

Clause 834, page 376, line 15 - To delete “is” and insert instead -

“ are ”.

**No. 183**

Clause 862, page 392, after line 21 - To insert -

“

**27H. Incriminating information, questions, or documents**

Without prejudice to the provisions of section 11 of the *Evidence Act 1906*, where under section 27D a person is required to —

- (a) give any information;
- (b) answer any question; or
- (c) produce any document,

he shall not refuse to comply with that requirement on the ground that the information, answer, or document may tend to incriminate the person or render the person liable to any penalty, but the information or answer given, or document produced, by the person shall not be admissible in evidence in any proceedings against the person other than proceedings in respect of an offence against section 27I(1)(b).

**27I. Failure to comply with investigation**

- (1) Where under section 27D a person is required to give any information, answer any question, or produce any document and that person, without reasonable excuse (proof of which shall lie on him) —

- (a) fails to give that information or answer that question at or within the time specified in the requirement;
- (b) gives any information or answer that is false in any particular; or
- (c) fails to produce that document at or within the time specified in the requirement,

the person commits an offence.

Penalty: \$2 000.

- (2) It is a defence in any proceeding for an offence under subsection (1)(a) or (c) for the defendant to show —
- (a) that, in the case of an alleged offence arising out of a requirement made orally under section 27D, the investigator did not, when making the requirement, inform the defendant that he was required under this Act to give the information or answer the question, as the case may be;
  - (b) that, in the case of an alleged offence arising out of a requirement made by notice in writing under section 27D, the notice did not state that he was required under this Act to give the information, answer the question, or produce the document or thing, as the case may be;
  - (c) that the time specified in the requirement did not afford the defendant sufficient notice to enable him to comply with the requirement; or
  - (d) that, in any case, the investigator did not, before making the requirement, have reasonable grounds to believe that compliance with the requirement would materially assist in the investigation being carried out.

**27J. Obstruction of investigator**

A person shall not prevent or attempt to prevent an investigator from entering premises or otherwise obstruct or impede an investigator in the exercise of his powers under section 27D.

Penalty: \$2 000.

”

**No. 184**

Clause 875, page 403, after line 15 - To insert -

“

**6G. Incriminating information, questions, or documents**

Without prejudice to the provisions of section 11 of the *Evidence Act 1906*, where under section 6C a person is required to —

- (a) give any information;
- (b) answer any question; or
- (c) produce any document,

he or she shall not refuse to comply with that requirement on the ground that the information, answer, or document may tend to incriminate the person or render the person liable to any penalty, but the information or answer given, or document produced, by the person shall not be admissible in evidence in any proceedings against the person other than proceedings in respect of an offence against section 6H(1)(b).

**6H. Failure to comply with investigation**

- (1) Where under section 6C a person is required to give any information, answer any question, or produce any document and that person, without reasonable excuse (proof of which shall lie on him or her) —
- (a) fails to give that information or answer that question at or within the time specified in the requirement;
  - (b) gives any information or answer that is false in any particular; or
  - (c) fails to produce that document at or within the time specified in the requirement,
- the person commits an offence.
- Penalty: \$2 000.
- (2) It is a defence in any proceeding for an offence under subsection (1)(a) or (c) for the defendant to show —
- (a) that, in the case of an alleged offence arising out of a requirement made orally under section 6C, the investigator did not, when making the requirement, inform the defendant that he or she was required under this Act to give the information or answer the question, as the case may be;

- (b) that, in the case of an alleged offence arising out of a requirement made by notice in writing under section 6C, the notice did not state that he or she was required under this Act to give the information, answer the question, or produce the document or thing, as the case may be;
- (c) that the time specified in the requirement did not afford the defendant sufficient notice to enable him to comply with the requirement; or
- (d) that, in any case, the investigator did not, before making the requirement, have reasonable grounds to believe that compliance with the requirement would materially assist in the investigation being carried out.

**6I. Obstruction of investigator**

A person shall not prevent or attempt to prevent an investigator from entering premises or otherwise obstruct or impede an investigator in the exercise of his or her powers under section 6C.

Penalty: \$2 000.

”.

**No. 185**

Clause 884, page 411, after line 21 - To insert -

“

**25G. Incriminating information, questions, or documents**

Without prejudice to the provisions of section 11 of the *Evidence Act 1906*, where under section 25C a person is required to —

- (a) give any information;
- (b) answer any question; or
- (c) produce any document,

he or she shall not refuse to comply with that requirement on the ground that the information, answer, or document may tend to incriminate the person or render the person liable to any penalty, but the information or answer given, or document produced, by the person shall not be admissible in evidence in any proceedings against the person other than proceedings in respect of an offence against section 25H(1)(b).

**25H. Failure to comply with investigation**

- (1) Where under section 25C a person is required to give any information, answer any question, or produce any document and that person, without reasonable excuse (proof of which shall lie on him or her) —

- (a) fails to give that information or answer that question at or within the time specified in the requirement;
- (b) gives any information or answer that is false in any particular; or
- (c) fails to produce that document at or within the time specified in the requirement,

the person commits an offence.

Penalty: \$2 000.

- (2) It is a defence in any proceeding for an offence under subsection (1)(a) or (c) for the defendant to show —

- (a) that, in the case of an alleged offence arising out of a requirement made orally under section 25C, the investigator did not, when making the requirement, inform the defendant that he or she was required under this Act to give the information or answer the question, as the case may be;
- (b) that, in the case of an alleged offence arising out of a requirement made by notice in writing under section 25C, the notice did not state that he or she was required under this Act to give the information, answer the question, or produce the document or thing, as the case may be;

- (c) that the time specified in the requirement did not afford the defendant sufficient notice to enable him or her to comply with the requirement; or
- (d) that, in any case, the investigator did not, before making the requirement, have reasonable grounds to believe that compliance with the requirement would materially assist in the investigation being carried out.

**25I. Obstruction of investigator**

A person shall not prevent or attempt to prevent an investigator from entering premises or otherwise obstruct or impede an investigator in the exercise of his or her powers under section 25C.

Penalty: \$2 000.

”.

**No. 186**

Clause 886, page 412, line 22 - To delete “repealed” and insert instead -  
“ amended in subsection (1) by deleting paragraph (a) ”.

**No. 187**

Clause 887, page 413, line 1 - To delete “by deleting”.

**No. 188**

Clause 887, page 413, line 1 - To delete “and” and insert instead -  
“ by ”.

**No. 189**

Clause 887, page 413, line 2 - To delete “instead”.

**No. 190**

Clause 925, page 426, lines 13 and 14 - To delete “any other provision of this Act” and insert instead -  
“ by ”.

**No. 191**

Clause 925, page 426, line 15 - To delete “the Board or the State Administrative Tribunal” and insert instead -  
“ as a result of the commencement of proceedings under ”.

**No. 192**

Clause 951, page 437, lines 23 to 26 - To delete the Clause.

**No. 193**

Clause 952, page 438, lines 1 to 4 - To delete the Clause.

**No. 194**

Clause 956, page 439, line 14 - To delete “12” and insert instead -  
“ 4 ”.

**No. 195**

Clause 982, page 454, after line 15 - To insert -  
“

**31G. Incriminating information, questions, or documents**

Without prejudice to the provisions of section 11 of the *Evidence Act 1906*, where under section 31C a person is required to —

- (a) give any information;
- (b) answer any question; or
- (c) produce any document,

he shall not refuse to comply with that requirement on the ground that the information, answer, or document may tend to incriminate the person or render the person liable to any penalty, but the information or answer given, or document produced, by the person shall

not be admissible in evidence in any proceedings against the person other than proceedings in respect of an offence against section 31H(1)(b).

**31H. Failure to comply with investigation**

- (1) Where under section 31C a person is required to give any information, answer any question, or produce any document and that person, without reasonable excuse (proof of which shall lie on him) —

- (a) fails to give that information or answer that question at or within the time specified in the requirement;
- (b) gives any information or answer that is false in any particular; or
- (c) fails to produce that document at or within the time specified in the requirement,

the person commits an offence.

Penalty: \$2 000.

- (2) It is a defence in any proceeding for an offence under subsection (1)(a) or (c) for the defendant to show —

- (a) that, in the case of an alleged offence arising out of a requirement made orally under section 31C, the investigator did not, when making the requirement, inform the defendant that he was required under this Act to give the information or answer the question, as the case may be;
- (b) that, in the case of an alleged offence arising out of a requirement made by notice in writing under section 31C, the notice did not state that he was required under this Act to give the information, answer the question, or produce the document or thing, as the case may be;
- (c) that the time specified in the requirement did not afford the defendant sufficient notice to enable him to comply with the requirement; or
- (d) that, in any case, the investigator did not, before making the requirement, have reasonable grounds to believe that compliance with the requirement would materially assist in the investigation being carried out.

**31I. Obstruction of investigator**

A person shall not prevent or attempt to prevent an investigator from entering premises or otherwise obstruct or impede an investigator in the exercise of his powers under section 31C.

Penalty: \$2 000.

”.

**No. 196**

Clause 983, page 456, after line 15 - To insert -

“

- (4) Instead of making an allegation to the Tribunal under subsection (2), if the Council —
- (a) is of the opinion that a proceeding before the Tribunal is not warranted by the nature of the matter involved;
  - (b) has afforded to the person concerned the opportunity of giving an explanation to the Council either in person or in writing and is not satisfied by any explanation offered; and
  - (c) has afforded to the person concerned the option of the matter proceeding before the Tribunal and that option has not been taken up,
- the Council may deal with the matter as described in subsection (3)(a)(iii) or (iv), (3)(b), or (3)(c) except that it cannot impose a fine of more than \$2 500.

- (5) The Council may, in addition to or instead of imposing 1 or more penalties under provisions referred to in subsection (4), order the person concerned to pay all or any of the costs and expenses of or incidental to the proceedings.
- (6) The amount of any penalty, costs, or expenses that the Council orders under subsection (4) or (5) that a person pay is recoverable by the Council in any court of competent jurisdiction as a debt due to the Council.

”.

**No. 197**

Clause 984, page 456, line 23 - To insert after “by” -

“

a penalty imposed under section 32(4), an order made under section 32(5) for the payment of costs or expenses, or

”.

**No. 198**

Clause 986, page 457, line 12 - To delete the line.

**No. 199**

Clause 990, page 463, after line 11 - To insert -

“

**10G. Incriminating information, questions, or documents**

Without prejudice to the provisions of section 11 of the *Evidence Act 1906*, where under section 10C a person is required to —

- (a) give any information;
- (b) answer any question; or
- (c) produce any document,

he shall not refuse to comply with that requirement on the ground that the information, answer, or document may tend to incriminate the person or render the person liable to any penalty, but the information or answer given, or document produced, by the person shall not be admissible in evidence in any proceedings against the person other than proceedings in respect of an offence against section 10H(1)(b).

**10H. Failure to comply with investigation**

- (1) Where under section 10C a person is required to give any information, answer any question, or produce any document and that person, without reasonable excuse (proof of which shall lie on him) —
  - (a) fails to give that information or answer that question at or within the time specified in the requirement;
  - (b) gives any information or answer that is false in any particular; or
  - (c) fails to produce that document at or within the time specified in the requirement,the person commits an offence.  
Penalty: \$2 000.
- (2) It is a defence in any proceeding for an offence under subsection (1)(a) or (c) for the defendant to show —
  - (a) that, in the case of an alleged offence arising out of a requirement made orally under section 10C, the investigator did not, when making the requirement, inform the defendant that he was required under this Act to give the information or answer the question, as the case may be;

- (b) that, in the case of an alleged offence arising out of a requirement made by notice in writing under section 10C, the notice did not state that he was required under this Act to give the information, answer the question, or produce the document or thing, as the case may be;
- (c) that the time specified in the requirement did not afford the defendant sufficient notice to enable him to comply with the requirement; or
- (d) that, in any case, the investigator did not, before making the requirement, have reasonable grounds to believe that compliance with the requirement would materially assist in the investigation being carried out.

**10I. Obstruction of investigator**

A person shall not prevent or attempt to prevent an investigator from entering premises or otherwise obstruct or impede an investigator in the exercise of his powers under section 10C.

Penalty: \$2 000.

”.

**No. 200**

Clause 1023, page 482, line 29 - To delete “(d), (e)” and insert instead -  
“ (a), (b) ”.

**No. 201**

Clause 1023, page 482, line 29 - To delete “(f)” and insert instead -  
“ (c) ”.

**No. 202**

Clause 1043, page 494, lines 3 to 8 - To delete the Clause.

**No. 203**

Clause 1044, page 494, lines 9 to 13 - To delete the Clause.

**No. 204**

Clause 1045, page 494, lines 14 to 19 - To delete the Clause.

**No. 205**

Clause 1046, page 494, lines 20 to 25 - To delete the Clause.

**No. 206**

Clause 1047, page 495, lines 1 and 2 - To delete the Clause.

**No. 207**

Clause 1048, page 495, lines 3 and 4 - To delete the Clause.

**No. 208**

Clause 1049, page 495, lines 5 and 6 - To delete the Clause.

**No. 209**

Clause 1050, page 495, lines 7 to 23 - To delete the Clause.

**No. 210**

Clause 1051, page 495, line 24 to page 498, line 15 - To delete the Clause.

**No. 211**

Clause 1052, page 498, lines 16 and 17 - To delete the Clause.

**No. 212**

Clause 1053, page 498, line 18 to page 499, line 1 - To delete the Clause.

**No. 213**

Clause 1054, page 498, lines 2 and 3 - To delete the Clause.

**No. 214**

Clause 1055, page 498, lines 4 and 5 - To delete the Clause.

**No. 215**

Clause 1056, page 498, lines 6 to 18 - To delete the Clause.

**No. 216**

Clause 1057, page 498, lines 19 and 20 - To delete the Clause.

**No. 217**

Clause 1058, page 498, lines 21 and 22 - To delete the Clause.

**No. 218**

Clause 1059, page 500, line 1 to page 501, line 7 - To delete the Clause.

**No. 219**

Clause 1060, page 501, lines 8 and 9 - To delete the Clause.

**No. 220**

Clause 1061, page 501, lines 10 and 11 - To delete the Clause.

**No. 221**

Clause 1062, page 501, lines 12 to 31 - To delete the Clause.

**No. 222**

Clause 1073, page 505, line 12 - To delete the line and insert instead -

“ **Proceedings of, and review of decision of,** ”.

**No. 223**

Clause 1074, page 505, line 14 - To delete “, 20, 21 and 22 are repealed.” and insert instead -

“

is amended as follows:

- (a) at the end of subsection (1)(a) by inserting —  
“ or ”;
- (b) by deleting all of subsection (1) after “changed” in paragraph (b) and inserting instead a full stop;
- (c) by repealing subsections (9), (9a), and (9b).

”.

**No. 224**

Clause 1074, page 505, after line 14 - To insert the following subclauses -

“

- (2) Section 20(1)(e) is amended by deleting “, including the person whose conduct is subject to an inquiry”.
- (3) Section 21(2) and (3) are repealed.
- (4) Section 22 is repealed.

”.

**No. 225**

Clause 1075, page 506, after line 13 - To insert the following paragraph -

“

- (f) a person affected by an order of the Board for costs under section 21;

”.

**No. 226**

Clause 1075, page 506, after line 23 - To insert the following paragraph -

“

- (f) an order for costs under section 21.



”.

**No. 227**

Clause 1076, page 506, lines 25 and 26 - To delete the Clause.

**No. 228**

Clause 1077, page 506, lines 27 and 28 - To delete the Clause.

**No. 229**

Clause 1078, page 506, lines 29 and 30 - To delete the Clause.

**No. 230**

Clause 1081, page 507, lines 12 and 13 - To delete the Clause.

**No. 231**

Clause 1083, page 508, lines 26 and 27 - To delete the Clause.

**No. 232**

Clause 1085, page 509, lines 1 and 2 - To delete the Clause.

**No. 233**

Clause 1093, page 514, after line 1 - To insert the following subclause -

“

(1) Section 139(2) is amended by inserting after “court” —

“ , the Board, ”.

”.

**No. 234**

Clause 1094, page 514, line 7 - To insert before the semicolon at the end of the line -

“

and inserting the following paragraph instead —

“

(b) provide for the enforcement of orders of the Board for costs under section 21;

”.

”.

**No. 235**

Clause 1140, page 527 lines 23 to 26 - To delete the lines and insert instead -

“

section 48 does not include anything for the review of which an application has been made to the State Administrative Tribunal if the application has not been determined when the offence is committed.

”.

**No. 236**

Clause 1141, page 527, lines 28 and 29 - To delete the Clause.

**No. 237**

Clause 1149, page 530, line 2 - To delete “that” and insert instead -

“ if ”.

**No. 238**

Clause 1155, page 535, line 5 - To insert after “revocation” -

“ under subsection (1) ”.

**No. 239**

Clause 1155, page 535, lines 19 to 26 - To delete the lines and insert instead -

“

- (3) Nothing in this section limits the power of a licensing officer to give to the licensee a written notice of revocation under section 67(3).

”.

**No. 240**

Clause 1155, page 535, line 28 - To insert after “given” -

“ under this section ”.

**No. 241**

Clause 1159, page 536, line 24 - To delete the line and insert instead -

“

**Division 3 — Proceedings of, and review of decision of, Board**

”.

**No. 242**

Clause 1160, page 536, line 27 - To delete “to 22 are repealed.” and insert instead -

“

is amended as follows:

- (a) by deleting all of subsection (1) after “imposed” in paragraph (a) and inserting instead a full stop;
- (b) by repealing subsection (9).

”.

**No. 243**

Clause 1160, page 536, after line 27 - To insert the following subclauses -

“

- (2) Section 20(1)(e) is amended by deleting “, including the person whose conduct is subject to an inquiry,”.
- (3) Section 21(2) and (3) are repealed.
- (4) Section 22 is repealed.

”.

**No. 244**

Clause 1161, page 537, after line 20 - To insert the following paragraph -

“

- (d) a person affected by an order of the Board for costs under section 21;

”.

**No. 245**

Clause 1161, page 537, after line 27 - To insert the following paragraph -

“

- (d) an order for costs under section 21.

”.

**No. 246**

Clause 1162, page 537, lines 29 and 30 - To delete the Clause.

**No. 247**

Clause 1163, page 538, lines 1 and 2 - To delete the Clause.

**No. 248**

Clause 1165, page 538, lines 12 and 13 - To delete the Clause.

**No. 249**

Clause 1173, page 542, line 11 - To insert before the semicolon at the end of the line -

“

and inserting the following paragraph instead —

“

- (b) provide for the enforcement of orders of the Board for costs under section 21;

”  
.”

**No. 250**

Clause 1178, page 544, lines 8 and 9 - To delete the lines.

**No. 251**

Clause 1183, page 545, lines 6 to 11 - To delete the Clause.

**No. 252**

Clause 1184, page 545, lines 12 to 15 - To delete the Clause.

**No. 253**

Clause 1185, page 545, lines 16 to 19 - To delete the Clause.

**No. 254**

Clause 1190, page 547, line 2 - To delete “3” and insert instead -

“ 3(1) ”.

**No. 255**

Clause 1199, page 551, lines 10 and 11 - to delete the lines and insert instead -

“

- (c) by deleting all of the subsection after “referred to in” and inserting instead —  
“ subsection (6), as the case may be. ”.

”  
.”

**No. 256**

Clause 1200, page 551, lines 29 and 30 - to delete “a local government” and insert instead -  
“ the Commission ”.

**No. 257**

Clause 1200, page 552, lines 11 and 12 - to delete the lines and insert instead -

“

- (c) by deleting all of the subsection after “referred to in” and inserting instead —  
“ subsection (4), as the case may be. ”.

”  
.”

**No. 258**

Clause 1204, page 552, after line 26 - to insert the following new subclause -

“

- (1) Section 47(2)(a) is amended by deleting “, by the referee;” and inserting instead —

“

by the State Administrative Tribunal by an order made on the application of the council of  
the strata company or a person concerned;

”  
.”

**No. 259**

Clause 1204, page 552, after line 27 - to insert the following new subclause -

“

- (2) After section 47(2) the following subsection is inserted —

“

- (2a) The provisions of Part VI apply to an application made to the State Administrative  
Tribunal under subsection (2)(a) and to an order made by the State Administrative Tribunal  
in the same way as they apply to an application and an order made under that Part.

”  
.”

**No. 260**

Clause 1233, page 560, line 11 - To delete “and 119” and insert instead -  
“ , 119 and 120 ”.

**No. 261**

Clause 1238, page 562, line 3 - To delete “section” and insert instead -  
“ subsection ”.

**No. 262**

Clause 1238, page 563 - To delete “section” in Clause 1238(2) and insert instead -  
“ subsection ”.

**No. 263**

Clause 1238, page 563 - To delete “section” in Clause 1238(3) and insert instead -  
“ subsection ”.

**No. 264**

Clause 1238, page 563, in the Table to subclause (3) - To delete “s. 47(2)(a)”.

**No. 265**

Clause 1247, page 568, line 7 - To insert before “a” -  
“ of ”.

**No. 266**

Clause 1247, page 568, line 9 - To delete “the State Administrative Tribunal” and insert instead -  
“ given in the course of review proceedings ”.

**No. 267**

Clause 1248, page 568, line 11 - To delete “(a)”.

**No. 268**

Clause 1248, page 568, lines 11 and 12 - To delete ““a court or tribunal hearing an appeal under section 41”” and insert instead -  
“ paragraph (a) and “or” after it ”.

**No. 269**

Clause 1248, page 568, line 13 - To delete the line and insert instead -  
“

- (a) the Commissioner has been directed, in the course of review proceedings, to make the reassessment; or

”.

**No. 270**

Clause 1249, page 568, line 17 - To insert after “review” -  
“ proceedings ”.

**No. 271**

Clause 1250, page 568, line 22 - To delete “or appeal”;” and insert instead -  
“

appeal under this Act” and inserting instead —  
“ in review proceedings ”.

”.

**No. 272**

Clause 1250, page 569, lines 1 to 6 - To delete the lines.

**No. 273**

Clause 1251, page 569, lines 10 and 11 - To delete the lines.

**No. 274**

Clause 1252, page 569, lines 12 to 24 - To delete the Clause.

**No. 275**

Clause 1258, page 571, line 17 - To insert after “appeal” -  
“ must be commenced ”.

**No. 276**

Clause 1258, page 571, line 20 - To insert after “decision” -  
“ must be made ”.

**No. 277**

Clause 1259, page 572, line 7 - To insert after “(2)” -  
“ or (2aa) ”.

**No. 278**

Clause 1259, page 572, line 9 - To delete “a member who is”.

**No. 279**

Clause 1259, page 572, lines 10 and 11 - To delete the lines and insert instead -  
“

- (a) its President or a Deputy President of it; or
- (b) a senior member of it, as defined in subsection (1) of section 3 of the *State Administrative Tribunal Act 2003*, who is a legal practitioner as defined in that subsection.

”.

**No. 280**

Clause 1259, page 572, line 14 - To insert after “under” -  
“ or for the purposes of ”.

**No. 281**

Clause 1259, page 572, line 18 - To insert after “President” -  
“ , or a Deputy President of it, ”.

**No. 282**

Clause 1259, page 572, line 18 - To insert after “alone” -  
“ unless subsection (2aa) applies ”.

**No. 283**

Clause 1259, page 572, after line 18 - To insert the following subsections -  
“

- (2aa) A proceeding brought before the State Administrative Tribunal under this Act is included in the operation of section 91A of the *State Administrative Tribunal Act 2003* if it is —
  - (a) a proceeding of a kind described in paragraph (a) of the definition of “minor proceeding” in subsection (1) of that section or included by regulations referred to in paragraph (b) of that definition;
  - (b) a proceeding for the review of a directly reviewable decision; or
  - (c) a proceeding for the review of a decision of the Commissioner under section 47 in connection with extending time for payment of tax or approving payment of tax in instalments,but the effect of a no appeals election made under that section in relation to the proceeding is modified as described in subsection (2ab).
- (2ab) The no appeals election does not prevent the Commissioner from making an appeal under the *State Administrative Tribunal Act 2003* Part 5, without leave, against the decision in the proceeding on a question of law if the Treasurer —

- (a) certifies in writing that the question is significant for the protection of the revenue of the State; and
- (b) agrees to indemnify each other party to the proceeding in respect of any cost involved in the appeal,

but a decision made by the Supreme Court in dealing with the appeal does not affect the decision in the proceeding from which the appeal arose and the matter cannot be sent back to the State Administrative Tribunal for reconsideration.

”.

**No. 284**

Clause 1259, page 572, lines 19 to 23 - To delete the lines and insert instead -

“

(2a) For the purposes of subsections (1) and (2) —

- (a) a person appointed as a supplementary President of the State Administrative Tribunal under section 136 of the *State Administrative Tribunal Act 2003* is not to be regarded as its President unless the person is a Judge, acting Judge or auxiliary judge of the Supreme Court; and
- (b) a person appointed as a supplementary Deputy President of the State Administrative Tribunal under section 138 of the *State Administrative Tribunal Act 2003* is not to be regarded as a Deputy President of it unless the person is a Judge, acting Judge or auxiliary Judge of the District Court.

”.

**No. 285**

Clause 1259, page 573, lines 1 to 5 - To delete the lines.

**No. 286**

Clause 1259, page 573, lines 7 and 8 - To delete the lines.

**No. 287**

Clause 1259, page 573, line 9 - To insert before “a court” -

“ at the direction of ”.

**No. 288**

Clause 1259, page 573, line 11 - To delete “the State Administrative Tribunal” and insert instead -

“ as directed in the course of review proceedings ”.

**No. 289**

Clause 1259, page 573, lines 12 and 13 - To delete “inserting after “rights of appeal against the”” and insert instead -

“ deleting “of appeal against the decision” and inserting instead ”.

**No. 290**

Clause 1259, page 573, line 14 - To delete “State Administrative Tribunal’s” and insert instead -

“ to take review proceedings ”.

**No. 291**

Clause 1265, page 575, after line 8 - To insert -

“

“**review proceedings**” means —

- (a) proceedings on an application under section 40;
- (b) proceedings on appeal under Part 5 of the *State Administrative Tribunal Act 2003* (as affected by section 43A) from a decision on an application under section 40; or
- (c) proceedings on appeal from a decision on an appeal referred to in paragraph (b) or this paragraph;

”.

**No. 292**

Clause 1270, page 576, after line 28 - To insert -

“

- (c) by deleting “7 days after the notice is served until the appeal is determined.” and inserting instead —

“

14 days after the notice is served until the State Administrative Tribunal disposes of the matter raised in the application.

”.

”.

”.

**No. 293**

Clause 1270, page 576, after line 29 - To insert -

“

- (4) Section 30(5) is amended by deleting “appeal” and inserting instead —

“ make an application ”.

”.

”.

**No. 294**

Clause 1280, page 581, lines 6 to 14 - To delete the lines.

**No. 295**

Clause 1284, page 582, line 26 - To insert after “scheme” -

“ or any other written law ”.

**No. 296**

Clause 1285, page 584, lines 24 to 30 - To delete the lines and insert instead -

“

- (2) Section 38(2) is repealed.

”.

”.

**No. 297**

Clause 1300, page 592, line 24 - To delete the line and insert instead -

“

- (6) Section 70(7) is amended as follows:

- (a) in paragraph (a) by deleting “to the appeal”;  
(b) in paragraph (b) by deleting “the regulations” and inserting instead —  
“ regulations made under section 34 ”.

”.

”.

**No. 298**

Clause 1310, page 596, line 25 - To delete “rate” and insert instead -

“ rates ”.

**No. 299**

Clause 1310, page 596, line 28 - To delete “rate” and insert instead -

“ rates ”.

**No. 300**

Clause 1325, page 603, line 7 - To delete “for” and insert instead -

“ before ”.

**No. 301**

Clause 1379, page 628, line 25 - To delete “Coordination” and insert instead -

“ *Licensing* ”.

**No. 302**

Clause 1406, page 641, line 10 - To delete item 1 in the Table to Clause 1406(2).

**No. 303**

Clause 1407, page 642, lines 1 to 8 - To delete the Clause.

**No. 304**

Clause 1409, page 643, lines 3 and 4 - To delete “This section describes the general principles governing how to deal with” and insert instead -

“  
The Governor may make regulations required, or necessary or convenient, to be prescribed  
in relation to  
”.

**No. 305**

Clause 1409, page 643, after line 10 - To insert -

- “
- (1a) Regulations under subsection (1) may include provisions that modify the operation of another written law or otherwise have effect despite another written law.
  - (1b) Without limiting subsection (1) —
    - (a) subsections (2) to (4) describe the general principles governing how to deal with issues mentioned in subsection (1); and
    - (b) regulations under subsection (1) may make any provision that is necessary or convenient to apply those general principles.
- ”.

**No. 306**

Clause 1409, page 643, line 15 - To insert after “transferred to” -

“ , and dealt with by, ”.

**No. 307**

Clause 1409, page 643, line 31 - To insert after “functionary” -

“  
 , but if the former functionary ceases to exist the regulations may make such provision as is  
necessary or convenient for the new functionary to be sent the records  
”.

**No. 308**

Clause 1410, page 644, lines 1 to 4 - To delete the Clause.

**No. 309**

New Clause 12, page 5, after line 13 - To insert the following new Clause -

“

**12. Section 107 amended**

Section 107(d) is deleted and the following paragraph is inserted instead —

“

- (d) the conferral of a right to apply to the State Administrative Tribunal for a review of a decision of the Director-General as to an application or licence;

”.

”.

**No. 310**

New Clause 298, page 140, after line 13 - to insert the following new Clause -



“

**298. Section 11I amended**

Section 11I(3)(b)(ii) is amended as follows:

- (a) by inserting after “an application” in the first place where it occurs —  
“ under section 11ZH ”;
- (b) by deleting “under section 11ZH” after “the decision”.

”.

**No. 311**

New Clauses 299 and 300, page 142, after line 21 - to insert the following new Clauses -

“

**299. Section 11ZPC repealed**

Section 11ZPC is repealed.

**300. Section 11ZPH replaced and consequential amendment**

- (1) This section is of no effect unless it comes into operation before the *Energy Legislation Amendment Act 2003* section 19(4) comes into operation.
- (2) The *Energy Legislation Amendment Act 2003* section 19(4) is repealed.
- (3) Section 11ZPH is repealed and the following section is inserted instead —

“

**11ZPH. Conduct of review**

The provisions of section 11ZH, other than subsections (1), (2) and (2a), apply for the purposes of a review under this Division in the same way as they apply to a review and proceedings under subsection (2) of that section.

”.

”.

**No. 312**

Clauses 300 and 301, page 143, after line 3 - to insert the following new Clauses -

“

**300. Section 24AC amended**

- (1) Section 24AC(1) is amended by deleting “Gas Review Board” and inserting instead —  
“ State Administrative Tribunal ”.
- (2) Section 24AC(2), (3), (4), and (5) are repealed.

**301. Various references to “Board” amended**

The Act is amended by deleting “Board” in each place specified in the Table to this section and inserting instead —

“ State Administrative Tribunal ”.

**Table**

- s. 11ZPD(1) and (2)
- s. 11ZPE
- s. 11ZPF(1) and (2)

”.

**No. 313**

New Clause 309, page 145, after Clause 308 - To insert the following new Clause -

“

**309. Section 107 amended**

After section 107(4) the following subsection is inserted —

“

- (5) No fee is payable in respect of a proceeding commenced before the Tribunal under this Act.

”  
.  
”  
.

**No. 314**

New Clause 315, page 145, after Clause 314 - To insert the following new Clause -

“

**315. Section 134 amended**

- (1) Section 134(1) is amended as follows:

(a) by deleting “125, 126, 127 or 128(2)” and inserting instead —

“ 126 or 127 ”;

(b) by deleting all of the subsection after “appeal” and inserting instead —

“

under section 104 of the *State Administrative Tribunal Act 2003*.

”  
.

- (2) After section 134(1) the following subsection is inserted —

“

(1a) An appeal may be brought on any ground that involves a question of law, a question of fact or a question of mixed law and fact.

”  
.

- (3) Section 134(2), (3) and (4) are repealed.

”  
.

**No. 315**

New Clause 416, page 182, after Clause 415 - To insert the following new Clause -

“

**416. Section 3A inserted**

After section 3 the following section is inserted —

“

**3A. Inherent jurisdiction of Supreme Court not affected**

Nothing in this Act affects the inherent jurisdiction of the Supreme Court.

”  
.  
”  
.

**No. 316**

New Clause 457, page 193, after Clause 456 - To insert the following new Clause -

“

**457. Section 119A inserted**

After section 119 the following section is inserted —

“

**119A. No fee for application to State Administrative Tribunal**

No fee is payable in respect of an application made to the State Administrative Tribunal under this Act.

”  
.

”.

**No. 317**

New Clause 582, page 251, after Clause 581 - To insert the following new Clause -

“

**582. Glossary amended**

The Glossary clause 3(1)(c) is amended by deleting “the Minister allows an appeal under section 26 of that Act and by doing so” and inserting instead —

“

on an application for review under section 26 of that Act, the State Administrative Tribunal

”.

”.

**No. 318**

New Clauses 585, 586, 587 and 588, page 251, after Clause 584 - To insert the following new Clauses -

“

**585. Part II Division 2 heading replaced**

The heading to Part II Division 2 is deleted and the following heading is inserted instead —

“

**Division 2 — General**

”.

**586. Section 12 amended**

(1) Section 12(1) is amended as follows:

(a) by inserting before “reasonable notice” —

“ on an application for the grant of a licence ”;

(b) by deleting all of the subsection after “unless” and inserting instead —

“ there is no objection ”.

(2) Section 12(8) is repealed.

**587. Section 13 amended**

Section 13(1) is amended as follows:

(a) by deleting “and functions under this Act” and inserting instead —

“

in proceedings on an application for the grant of a licence

”.

(b) in paragraph (e), by deleting “, including the person whose conduct is subject to an inquiry,”.

**588. Section 14 amended**

Section 14(2) and (3) are repealed.

”.

**No. 319**

New Clause 604, page 262, after Clause 603 - To insert the following new Clause -

“

**604. Section 44 amended**

Section 44 is amended by deleting “appeal to the Supreme Court against” and inserting instead —

“ apply to the State Administrative Tribunal for a review of ”.

”.

**No. 320**

New Clause 618, page 265, after Clause 617 - To insert the following new Clause -

“

**618. Section 194 amended**

Section 194(1) is amended by deleting “, subject to section 202(2),”.

”.

**No. 321**

New Clause 672, page 286, after Clause 671 - To insert the following new Clauses -

“

**672. Section 8 amended**

Section 8(1) is amended as follows:

- (a) by inserting at the end of paragraph (a) —  
“ or ”;
- (b) by deleting “; or” after “with” and inserting instead a comma;
- (c) by deleting paragraph (c);
- (d) by inserting after “other person” —  
“ for the purposes of dealing with the application ”.

”.

**No. 322**

New Clauses 687, 688, 689, 690, 691 and 692, page 301, after Clause 686 - To insert the following new Clauses -

“

**687. Section 377 amended**

Section 377(5) is amended by deleting all of the subsection after “conditions may” and inserting instead —

“

apply to the State Administrative Tribunal for a review of the decision with which the person is dissatisfied.

”.

**688. Section 378 amended**

- (1) Section 378(3) is amended by deleting all the subsection after “may” and inserting instead —

“

apply to the State Administrative Tribunal for an order under subsection (4) or (5).

”.

- (2) After section 378(3) the following subsections are inserted —

“

- (4) If satisfied that the amount realised as the net proceeds of a sale under subsection (2) is less than the amount that could reasonably have been expected to be realised by sale on the open market, the State Administrative Tribunal may order the local government to calculate the surplus or deficiency under subsection (2) using the greater amount.

- (5) If satisfied in relation to a sale under subsection (2) that the total amount of expenses (under subsection (1) and of and incidental to the sale) is greater than the total amount of expenses that the local government could reasonably have been expected to incur, the State Administrative Tribunal may order the local government to calculate the surplus or deficiency under subsection (2) using the lesser amount.

”.

**689. Section 380 amended**

Section 380(3) is amended by deleting all of the subsection after “may” and inserting instead —

“

apply to the State Administrative Tribunal for a review of the decision to make the requisition.

”.

**690. Section 389 amended**

Section 389 is amended as follows:

- (a) by deleting “the difference is determinable only by referees mentioned in Division 19, who have the power, by their award, to” and inserting instead —

“

either owner may apply to the State Administrative Tribunal for a determination in relation to that difference and the State Administrative Tribunal, in making the determination, may

”.

- (b) by deleting “referees” and inserting instead —

“ State Administrative Tribunal ”.

**691. Section 392 amended**

Section 392(1) is amended by deleting “is settled by the referees mentioned in Division 19,” and inserting instead —

“

such security as the State Administrative Tribunal on the application of either of the owners directs be given,

”.

**692. Section 395 amended**

Section 395(1) is amended by deleting “a difference for determination under Division 19, is to be regarded as having arisen between them.” and inserting instead —

“

the account is to be settled, on the application of either of the parties, by the State Administrative Tribunal.

”.

”.

**No. 323**

Clauses 690, 691, 692 and 693, page 303, after Clause 689 - To insert the following new Clauses -

“

**690. Section 403 amended**

Section 403(6) is amended by deleting all of the subsection after “may” and inserting instead —

“

apply to the State Administrative Tribunal for a review of the decision to make the requisition.

”.

**691. Section 404 amended**

Section 404 is amended as follows:

- (a) by deleting “appeal under Division 19,” and inserting instead —  
“ an application for review as described in section 403(6), ”;
- (b) by deleting “appeal under that Division,” and inserting instead —  
“ application for review as described in section 403(6), ”.

**692. Section 408 amended**

- (1) Section 408(3) is amended by deleting all of the subsection after “may” and inserting instead —

“

apply to the State Administrative Tribunal for a review of the decision to make the requisition.

”.

- (2) Section 408(4) is amended as follows:

- (a) by deleting “appeal under Division 19,” and inserting instead —  
“ an application for review under subsection (3), ”;
- (b) by deleting “appeal under that Division,” and inserting instead —  
“ an application for review under subsection (3), ”.

**693. Section 409 amended**

- (1) Section 409(3) is amended by deleting all of the subsection after “may” and inserting instead —

“

apply to the State Administrative Tribunal for a review of the decision to make the requisition.

”.

- (2) Section 409(4) is amended as follows:

- (a) by deleting “appeal under Division 19,” and inserting instead —  
“ an application for review under subsection (3), ”;
- (b) by deleting “appeal under that Division,” and inserting instead —  
“ an application for review under subsection (3), ”.

”.

**No. 324**

New Clause 691, page 303, after Clause 690 - To insert the following new Clause -

“

**691. Section 411 amended**

- (1) Section 411(3) is amended by deleting all of the subsection after “may” and inserting instead —

“

apply to the State Administrative Tribunal for a review of the decision to make the requisition.

”.

- (2) Section 411(4) is amended as follows:

- (a) by deleting “appeal under Division 19,” and inserting instead —  
“ an application for review under subsection (3), ”;
- (b) by deleting “subject of appeal,” and inserting instead —  
“ subject of an application for review, ”.

”.

**No. 325**

New Clauses 692, 693, 694 and 695, page 304, after Clause 691 - To insert the following new Clauses -

“

**692. Section 417 amended**

- (1) Section 417(1) is amended as follows:

- (a) by deleting “and” in the second place it occurs;
- (b) by inserting before the full stop at the end of the subsection —

“

and stating the monetary amount the local government will agree to pay as compensation for the injury which the owner or occupier will sustain by that removal

”.

- (2) Section 417(3) is amended by deleting all of the subsection after “of the local government” and inserting instead —

“

, or the amount of compensation stated in the notice, may apply to the State Administrative Tribunal for a review of the decision to make the requisition, the decision as to the amount of compensation, or each of those decisions.

”.

- (3) Section 417(4) and (5) are repealed.

**693. Section 418 amended**

Section 418 is amended by deleting “appeal under Division 19,” and inserting instead —

“ application for review under section 417(3), ”.

**694. Section 419 amended**

Section 419 is amended by deleting “as assessed by the referees under Division 19, or as agreed between the parties, as the case may be, together with the costs of the inquiry, if awarded to them,” and inserting instead —

“

agreed with the local government or, in the absence of agreement, the compensation stated in the notice under section 417 or determined following an application under section 417(3) for a review of the amount of compensation by the State Administrative Tribunal,

”.

**695. Part XV Divisions 18A and 19 repealed**

Part XV Divisions 18A and 19 are repealed.

”.

**No. 326**

New Clause 781, page 347, after Clause 780 - To insert the following new Clause -

“

**781. Part 6 Division 2A inserted**

After section 148 the following Division is inserted —

“

**Division 2A — Applications to State Administrative Tribunal**

**148A. Application for review**

- (1) A person in respect of whom the Board makes a decision or order who is dissatisfied with the decision or order may, without payment of any fee, apply to the State Administrative Tribunal for a review of the decision or order.
- (2) Any other person who, in the opinion of the State Administrative Tribunal, has a sufficient interest in the matter may, with the leave of the Tribunal and without payment of any fee, appeal to the Tribunal against the decision or order.

**148B. Constitution of State Administrative Tribunal, generally**

- (1) Except as provided in section 148C, for the purpose of exercising jurisdiction conferred under section 148A the State Administrative Tribunal is to include —
  - (a) a person who is a legally qualified member of the Tribunal;
  - (b) a person who is a psychiatrist or, if subsection (2) allows it, a medical practitioner who is not a psychiatrist; and
  - (c) a person who is neither a legally qualified member nor a medical practitioner.
- (2) If a person who is a psychiatrist is not readily available but a medical practitioner is available, that other person may be included instead of the psychiatrist if the proceedings do not involve anything that requires a clinical judgment to be made about a patient's treatment.

**148C. Constitution of State Administrative Tribunal, psychosurgical matters**

For the purpose of exercising its jurisdiction under section 148A on an application for review of a decision or order under Part 5 Division 4, the State Administrative Tribunal is to include —

- (a) a person who is a legally qualified member;
- (b) a person who has experience and qualifications in neurosurgery and who was appointed to the State Administrative Tribunal after consultation by the Minister administering the State Administrative Tribunal Act 2003 with the Minister administering the Health Act 1911 after that Minister has consulted with the Royal Australasian College of Surgeons;
- (c) 2 persons who are psychiatrists; and
- (d) a person who is neither a legally qualified member nor a medical practitioner.

**148D. Proceeding before State Administrative Tribunal**

Schedule 2A has effect with respect to a proceeding before the State Administrative Tribunal when exercising jurisdiction conferred by section 148A.

**148E. Application for determination of question of law**

Where a question of law arises in proceedings before the Board, the Board may apply to the State Administrative Tribunal for determination of the question.

”.

”.



**No. 327**

New Clause 795, page 353, after Clause 794 - To insert the following new Clause -

“

**795.      Schedule 2A inserted**

After Schedule 2 the following Schedule is inserted —

“

**Schedule 2A — Provisions concerning a proceeding before the State Administrative Tribunal**

[Section. 148D]

**1.      Representation**

- (1) A party to a proceeding before the State Administrative Tribunal may appear personally unless the State Administrative Tribunal, being of the opinion that the personal appearance of a person would be detrimental to the health of the person, orders that the person be represented.
- (2) The State Administrative Tribunal may arrange for a person to be represented in proceedings before it if the person wishes the State Administrative Tribunal to do so.

**2.      Closed hearings**

- (1) A hearing before the State Administrative Tribunal is not open to the public unless the State Administrative Tribunal orders that it is open to the public.
- (2) The State Administrative Tribunal may permit specified persons to be, or preclude specified persons (which may include witnesses) from being, present at a hearing.
- (3) In this clause a reference to a hearing includes a reference to a part of a hearing.

**3.      Suppression of publication**

- (1) A person is not to publish by any means —
  - (a) any account of any proceeding or part of a proceeding before the State Administrative Tribunal commenced under this Act;
  - (b) any evidence given before the State Administrative Tribunal in a proceeding commenced under this Act;
  - (c) the contents of any document produced to the State Administrative Tribunal in a proceeding commenced under this Act; or
  - (d) any other information relating to a proceeding before the State Administrative Tribunal commenced under this Act,

that might identify —

- (e) a person who is a party to the proceeding;
  - (f) a person who is related to, or associated with, a party to the proceeding or is, alleged to be, in any other way concerned in the matter to which the proceeding relates; or
  - (g) a witness in the proceeding.
- (2) Except as permitted by regulations a person is not to publish by any means (other than by the display of a notice in the premises of the State Administrative Tribunal), a list of proceedings to be dealt with by the State Administrative Tribunal identified by reference to the names of the parties to those proceedings.
- (3) Subclauses (1) and (2) do not apply to —
  - (a) the communication to persons concerned in proceedings in any court or tribunal of any transcript of evidence or other document for use in connection with those proceedings;
  - (b) the communication of any transcript of evidence or any other document to a body that is responsible for disciplining members of the legal or medical profession or to persons concerned in proceedings before such a body;

- (c) the communication to a body that grants assistance by way of legal aid of any transcript of evidence or any other document for the purpose of facilitating the making of a decision as to whether such assistance should be granted or continued in any particular case; or
- (d) the publishing of a publication genuinely intended primarily for the use of members of any profession, being —
  - (i) a separate volume or part of a series of law reports; or
  - (ii) any other publication of a technical character.
- (4) Without limiting subclauses (1) and (2) the State Administrative Tribunal may in any particular case order that —
  - (a) any evidence given before it;
  - (b) the contents of any document produced to it; or
  - (c) any other information relating to a proceeding before it,must not be published, or must not be published except in the manner or to persons specified by the State Administrative Tribunal.
- (5) A person who contravenes subclause (1) or (2) commits an offence and is liable to a fine of \$5 000.

”  
”  
”

**No. 328**

New Clause 986, page 457, after line 6 - To insert the following new Clause -

“

**986. Section 34 amended**

Section 34 is amended by inserting before the full stop at the end of the section —

“ or the State Administrative Tribunal ”.

”

**No. 329**

New Clause 1198, page 549, after line 8 - To insert the following new Clause -

“

**1198. Section 25A amended**

- (1) Section 25A(3) is amended by deleting “paragraph (c) of section 27(3) instead of the period of 40 days mentioned in that paragraph.” and inserting instead —

“

section 27(4) instead of the period of 40 days mentioned in that subsection.

”  
”  
”

**No. 330**

New Clause 1252, page 569, lines 12 to 24 - To insert instead of Clause 1252 the following new Clause -

“

**1252. Section 33 replaced**

Section 33 is repealed and the following section is inserted instead —

“

**33. Continuing obligation to pay assessed tax**

- (1) An obligation to pay tax is not suspended or deferred by an objection or case stated or by review proceedings.

- (2) An order cannot be made in review proceedings if it would have the effect of suspending or deferring an obligation to pay tax before those proceedings are finally determined.

”  
”  
”

**No. 331**

New Clause 1411, page 644, after line 4 - To insert the following new Clause -

“

**1411. Regulations for general transitional matters**

- (1) If there is no sufficient provision for dealing with a transitional matter, the Governor may make regulations prescribing all matters that are necessary or convenient to be prescribed in relation to that matter.
- (2) In subsection (1) —  
“**transitional matter**” means a matter that needs to be dealt with for the purpose of effecting the transition from the provisions of the Acts amended by this Act as in force before any provision of this Act comes into operation to the provisions of those Acts as in force after all or any of the provisions of this Act have come into operation.
- (3) Regulations made under subsection (1) may provide that specific provisions of any written law —  
(a) do not apply to or in relation to any matter; or  
(b) apply with specific modifications to or in relation to any matter.
- (4) Regulations made under subsection (1) must be made within 18 months after the day on which this section comes into operation.
- (5) If regulations made under subsection (1) provide that a specified state of affairs is to be taken to have existed, or not to have existed, on and from a day that is earlier than the day on which the regulations are published in the *Gazette* but not earlier than the day on which this section comes into operation, the regulations have effect according to their terms.
- (6) In subsection (5) —  
“**specified**” means specified or described in the regulations.
- (7) If regulations contain a provision referred to in subsection (5), the provision does not operate so as —  
(a) to affect in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the day of publication of those regulations; or  
(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the day of publication of those regulations.

”

Mr J.A. McGINTY: I move -

That the amendments made by the Council be agreed to.

Mrs C.L. EDWARDES: Although we may not always agree with the process that this legislation establishes for the State Administrative Tribunal, such a tribunal has been a long time coming in Western Australia. I wish the Government and those who undertake the endeavour all the very best. It is the first toe in the water and I look forward to its establishments and its ongoing success.

Mr J.A. McGINTY: I thank the member for Kingsley for those kind words in wishing the new State Administrative Tribunal well. This is the largest piece of legislation ever introduced into this Parliament. It also establishes a unique, new jurisdiction within Western Australia. As such, it is exciting and I believe it will require goodwill in its initial establishment. It is about giving the public greater capacity to challenge government decision making. I echo the views expressed by the member for Kingsley and thank her for her support in the expeditious passage of these amendments.

**Question put and passed; the Council's amendments agreed to.**

**The Council acquainted accordingly.**

*Sitting suspended from 6.00 to 7.00 pm*