

State Administrative Tribunal Amendment Rules 2014

Made by the Rules Committee under section 170 of the Act.

1. Citation

These rules are the *State Administrative Tribunal Amendment Rules 2014*.

2. Commencement

These rules come into operation as follows —

- (a) rules 1 and 2 — on the day on which these rules are published in the *Gazette*;
- (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. Rules 4 to 7 replaced

Delete rules 4 to 7 and insert:

4. Filing applications and other documents

- (1) Subject to these rules, a person may file an application or a document with the executive officer by —
 - (a) presenting it at an office of the Tribunal when the office is open for business; or
 - (b) sending it to the executive officer by pre-paid post; or
 - (c) sending it to the executive officer by fax transmission; or
 - (d) sending it to the executive officer by email; or
 - (e) filing it by means of the Tribunal's website.
- (2) An application must be accompanied by any documents required to accompany the application under the Act, the enabling Act, these rules, a practice note or the approved application form.
- (3) Subject to a practice note or direction, if an application or a document is required to or may be filed, it is not

necessary to file the original of the application or document.

- (4) A document must be filed —
 - (a) in such manner as is specified in a practice note, if any; or
 - (b) whether or not such a practice note has been issued, in accordance with any direction.

5. Filing applications by fax, email or by means of Tribunal's website

- (1) An application or other document sent to the executive officer by fax transmission or email must —
 - (a) be sent to a fax number or email address (as the case requires) specified for that purpose in a practice note; and
 - (b) to the extent practicable, be in a form that complies with an approved form.
- (2) A person who files an application or other document by fax transmission, email or by means of the Tribunal's website must —
 - (a) keep a copy of it; and
 - (b) produce a copy of it as ordered by the Tribunal.

6. Applications must be legible

An application and any document accompanying it must —

- (a) be legible; and
- (b) if filed by email or by means of the Tribunal's website, capable of being printed with the content and in the form in which it was created.

7A. When applications taken to be filed

An application is taken to have been filed —

- (a) if the whole application is received before 4.30 p.m. on a day when the office of the Tribunal is open for business, on that day;
- (b) otherwise, on the next day when the office of the Tribunal is open for business.

7. Acceptance of written applications

- (1) For the purposes of section 42(3) of the Act, an application is accepted by the executive officer —
 - (a) if filed under rule 4(1)(a) or (b), when the Tribunal's seal is affixed to it; and
 - (b) if filed under rule 4(1)(c), (d) or (e), when the Tribunal's seal is affixed to a print out of it.

- (2) A written application must not be accepted, without the leave of the Tribunal, a judicial member or the executive officer, if it appears that the application —
 - (a) is not substantially complete; or
 - (b) does not substantially comply with these rules, a practice note or a direction; or
 - (c) is not properly signed or executed as required by the approved application form.
- (3) If an application is not accepted, the executive officer is to notify the sender of the application by using any of the sender's contact details provided in the application.

5. Rule 8 amended

Delete rule 8(4) and insert:

- (4) An oral application must not be accepted, without the leave of the Tribunal, a judicial member or the executive officer, if it appears that the application —
 - (a) is not substantially complete; or
 - (b) does not substantially comply with these rules, a practice note or a direction.

6. Rule 14 amended

In rule 14 delete “(other than subrules (4), (5), (6) and (7)), 5 and 6” and insert:

to 7

7. Rule 15 replaced

Delete rule 15 and insert:

15A. Changing contact details given in application

- (1) An applicant or referring person may change the contact details given to the Tribunal in an application or subsequent notice by filing a notice with the executive officer showing the new contact details.
- (2) An applicant or referring person who files a notice under subrule (1) must, on the date of filing, give a copy of it to a notifiable person.
- (3) A change of contact details under this rule is not effective as between the person who is required to give the notice of the change and another person until the

notice is filed with the executive officer and given to that person.

15B. Changing name of party given in application

- (1) A person who has made an application to the Tribunal may make a written request for the leave of the Tribunal to change the name of a party specified in the application.
- (2) The Tribunal may, at any time before making a final decision, grant the request referred to in subrule (1).
- (3) A person who makes a request under subrule (1) must, on the date of filing, give a copy of it to a notifiable person.

15. Amendment of grounds or reasons for application

- (1) A person who has made an application to the Tribunal may make a written request for the leave of the Tribunal to amend the grounds or reasons specified in the application.
- (2) The Tribunal may, at any time before making a final decision, grant the request referred to in subrule (1).
- (3) A person who makes a request under subrule (1) must, on the date of filing, give a copy of it to a notifiable person.

8. Rule 23 deleted

Delete rule 23.

9. Rule 26 amended

Delete rule 26(3) to (5) and insert:

- (3) Subject to these rules or a decision of the Tribunal, a copy of an application may be given —
 - (a) by personal service; or
 - (b) by ordinary service; or
 - (c) by pre-paid post.

10. Rule 30 amended

In rule 30(b) delete “given,” and insert:

given, to

11. Rule 31 amended

Delete rule 31(1)(b)(ii) and insert:

- (ii) at the principal place of business, or the principal office, of the corporation in the State,

12. Rule 33 amended

(1) After rule 33(1) insert:

- (2A) A document given by ordinary service must comply with any requirements under these rules, a practice note or a direction.

(2) Delete rule 33(2)(c) and (d) and insert:

- (c) if the person to be given the document has specified or authorised a number for service by fax transmission, by sending the document to that fax number; or
- (d) if the person to be given the document has specified or authorised an address for service by email, by sending the document to that email address; or

(3) Delete rule 33(3) to (5).

(4) In rule 33(6)(b) and (7) delete “facsimile” (each occurrence) and insert:

fax

13. Rule 34 amended

In rule 34(4)(a) and (5) delete “facsimile” and insert:

fax

14. Rule 36 amended

In rule 36(1) delete “may, on an application in an approved form by the person required to give that document,” and insert:

may

15. Rules 44 and 45 deleted

Delete rules 44 and 45.

16. Rule 46 amended

In rule 46 delete “Tribunal, on an application in an approved form by any party or a referring person, or on its own initiative,” and insert:

Tribunal

17. Rule 61 amended

Delete rule 61(5).

Date: 4 December 2014.

Justice CURTHOYS

Judge PARRY

L. EDDY

J. MANSVELD

T. CAREY

Judge SHARP

P. McNAB

P. BAGDONAVICIUS

M. HARDY
