

## **State Administrative Tribunal Amendment Rules 2022**

**SL 2022/219**

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

**1. Citation**

These rules are the *State Administrative Tribunal Amendment Rules 2022*.

**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* (**gazettal day**);
- (b) rules 5, 6 and 7 — on 1 July 2023;
- (c) the rest of the rules — on the day after gazettal day.

**3. Rules amended**

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

**4. Rule 3 amended**

- (1) In rule 3 delete the definition of **EDS**.
- (2) In rule 3 insert in alphabetical order:

**ECMS** means the electronic case management system for the management of proceedings in Western Australian courts and tribunals;

**5. Rule 4 amended**

Delete rule 4(1)(d).

**6. Rule 5 amended**

- (1) In rule 5(1) —
  - (a) delete “or email” (1<sup>st</sup> occurrence);
  - (b) in paragraph (a) delete “or email address (as the case requires)”.

- (2) In rule 5(2) delete “transmission, email” and insert:

transmission

**7. Rule 6 amended**

In rule 6(b) delete “by email or”.

**8. Rule 7 amended**

Delete rule 7(1) and (2) and insert:

- (1) For the purposes of section 42(3) of the Act, an application is taken to have been accepted by the executive officer when —
- (a) the application is filed in accordance with rule 4 or, in the case of an oral application, recorded in the ECMS in accordance with rule 8(2); and
  - (b) the executive officer is satisfied that the prescribed fee has been paid.

Note: The heading to amended rule 7 is to read:

**Acceptance of applications**

**9. Rule 8 amended**

Delete rule 8(2), (3) and (4) and insert:

- (2) If an oral application is made, the executive officer must —
- (a) complete an approved application form in relation to the application; and
  - (b) record it in the ECMS as if it had been filed under rule 4(1)(e).

**10. Rule 19 amended**

Delete rule 19(b) and insert:

- (b) being recorded in the ECMS and being confirmed by an entry into the ECMS made by a member of the Tribunal or by the executive officer.

**11. Rule 24 amended**

Delete rule 24(1) and insert:

- (1) A request for the issue of a summons under section 66(1) of the Act must be made —
  - (a) in an approved form; and
  - (b) at least 14 days before the date on which the summons is to be returnable, unless the Tribunal grants leave to make a request nearer to that date.

**12. Rule 24A inserted**

After rule 24 insert:

**24A. Issue of summons**

A summons is taken to be signed on behalf of the Tribunal by the executive officer, and is authenticated for the purposes of the *Courts and Tribunals (Electronic Processes Facilitation) Act 2013* section 10, if —

- (a) the summons is recorded in the ECMS; and
- (b) the executive officer enters a confirmation of the summons into the ECMS.

**13. Rule 39 amended**

Delete rule 39(1) and (2) and insert:

- (1) A person is qualified for appointment as a litigation guardian to conduct proceedings or proposed proceedings for a party or potential party if the person —
  - (a) is an adult; and
  - (b) has no interest in the proceedings or proposed proceedings that is adverse to the interest of the party or potential party; and
  - (c) can fairly and competently conduct the proceedings or proposed proceedings for the party or potential party; and
  - (d) has consented to act as the litigation guardian.
- (2) On application by any person or of its own motion the Tribunal may —
  - (a) under section 40(2) of the Act, appoint a qualified person as a litigation guardian for a party or potential party; or

- (b) remove a litigation guardian previously appointed; or
- (c) if satisfied that in the circumstances of the case it is proper to do so, permit a party or potential party to participate in the proceedings without a litigation guardian.

**14. Rule 47 amended**

In rule 47(3) delete “and, subject to rule 7(2),” and insert:

and

**15. Various references to “EDS” amended**

In the provisions listed in the Table delete “EDS” (each occurrence) and insert:

ECMS

**Table**

r. 4(1)(e)	r. 5(2)
r. 6(b)	r. 6A(a) and (b)

Note: The heading to amended rule 5 is to read:

**Filing applications by electronic means**

KATHLEEN HALDEN, Executive Officer  
State Administrative Tribunal.  
Date: 20 December 2022.

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