

South Australia

South Australian Civil and Administrative Tribunal (Fees) Regulations 2017

under the *South Australian Civil and Administrative Tribunal Act 2013*

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Schedule 1—Fees

Legislative history

1—Short title

These regulations may be cited as the *South Australian Civil and Administrative Tribunal (Fees) Regulations 2017*.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *South Australian Civil and Administrative Tribunal Act 2013*;

corporation has the same meaning as in the *Corporations Act 2001* of the Commonwealth;

not-for-profit organisation means a corporation that is not for the purpose of trading or securing a pecuniary profit for its members from its transactions;

prescribed corporation means a corporation other than—

- (a) a small business; or
- (b) a not-for-profit organisation;

small business means a corporation that—

- (a) has less than 20 full-time equivalent employees; and
- (b) is not a subsidiary of a corporation that has 20 or more full-time employees;

subsidiary has the same meaning as in the *Corporations Act 2001* of the Commonwealth.

4—Fees

- (1) Subject to this regulation, the fees set out in Schedule 1 are payable to the Tribunal for the purposes set out in that Schedule.

- (2) The following persons or bodies are not required to pay a fee that would otherwise be payable under these regulations:
- (a) a Minister of the Crown;
 - (b) the Commissioner for Consumer Affairs;
 - (c) the Public Advocate;
 - (d) the Commissioner of Police;
 - (e) a public sector employee acting on behalf of a public sector agency under the *Public Sector Act 2009*;
 - (f) the South Australian Housing Trust.
- (3) Subject to subregulation (4) and the other provisions of this regulation, the fees referred to in Schedule 1, other than the fees referred to in items 3 and 7 of Schedule 1, are not payable in relation to Tribunal proceedings in respect of—
- (a) the *Advance Care Directives Act 2013*; or
 - (b) the *Consent to Medical Treatment and Palliative Care Act 1995*; or
 - (c) the *Guardianship and Administration Act 1993*; or
 - (d) the *Mental Health Act 2009*.
- (4) The fee referred to in item 3 of Schedule 1 is not payable by an applicant for an internal review of a decision of the Tribunal in respect of proceedings under—
- (a) the *Advance Care Directives Act 2013*; or
 - (b) the *Consent to Medical Treatment and Palliative Care Act 1995*; or
 - (c) the *Guardianship and Administration Act 1993*; or
 - (d) the *Mental Health Act 2009*,
- if the applicant is the person who is the subject of the proceedings.
- (5) Subject to this regulation, a fee that may be charged or is required to be paid under item 2 of Schedule 1 must be paid—
- (a) in the case of a matter referred to the Tribunal under section 29(6a) of the *Residential Parks Act 2007*—
 - (i) where the park owner has lodged a written notice of dispute—by the park owner; or
 - (ii) in any other case—by the third party (as referred to in that subsection);
 - (b) in the case of a matter referred to the Tribunal under any other provision of section 29 of the *Residential Parks Act 2007*—by the park owner;
 - (c) in the case of a matter referred to the Tribunal under section 63(7) of the *Residential Tenancies Act 1995*—
 - (i) where the landlord has lodged a written notice of dispute—by the landlord; or
 - (ii) in any other case—by the third party (as referred to in that subsection);

- (d) in the case of a matter referred to the Tribunal under any other provision of section 63 of the *Residential Tenancies Act 1995*—by the landlord;
 - (e) in the case of a matter referred to the Tribunal under section 105M(8) of the *Residential Tenancies Act 1995*—
 - (i) where the rooming house proprietor has lodged a written notice of dispute—by the rooming house proprietor; or
 - (ii) in any other case—by the third party (as referred to in that subsection);
 - (f) in the case of a matter referred to the Tribunal under any other provision of section 105M of the *Residential Tenancies Act 1995*—by the rooming house proprietor.
- (6) Unless a Presidential member determines otherwise, proceedings before the Tribunal are stayed until a fee that may be charged or is required to be paid under item 1, 2, 3, 4 or 5 of Schedule 1 is paid or payment is waived or postponed under subregulation (7) or (8).
- (7) The Registrar may, on the grounds of financial hardship, or if the Registrar considers it is in the interests of justice to do so in the circumstances of a particular case—
- (a) waive, remit or refund a fee (or part of a fee) payable by a person; or
 - (b) postpone payment of a fee (or part of a fee) by a person until such time, and on such conditions (if any) as the Registrar thinks fit.
- (8) A member of the Tribunal may if the member considers it is in the interests of justice to do so in the circumstances of a particular case—
- (a) waive, remit or refund a fee (or part of a fee) payable by a person; or
 - (b) postpone payment of a fee (or part of a fee) by a person until such time, and on such conditions (if any) as the member thinks fit.
- (9) For the purposes of subregulation (8), the reference to a member of the Tribunal is, where the Tribunal is constituted of a registrar or other member of staff of the Tribunal, taken to include a reference to that registrar or other member of staff.
- (10) The Registrar may require payment of a non-refundable deposit on account of an amount to which a person may become liable under Schedule 1.

Schedule 1—Fees

1	Application for the commencement of Tribunal proceedings	\$73.00
2	Referral of a matter to the Tribunal under—	
	(a) section 29 of the <i>Residential Parks Act 2007</i>	\$73.00
	(b) section 63 of the <i>Residential Tenancies Act 1995</i>	\$73.00
	(c) section 105M of the <i>Residential Tenancies Act 1995</i>	\$73.00
3	Application for an internal review of a decision of the Tribunal under section 70 of the Act where—	
	(a) applicant is a prescribed corporation	\$782.00
	(b) applicant is any other person	\$557.00

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Schedule 1—Fees

- 4 Application for a review of a decision by the Tribunal under—
- (a) section 169 or 296 of the *Local Government Act 1999*
 - (b) section 25C of the *Valuation of Land Act 1971*
- where—
- (c) applicant is a prescribed corporation \$250.00
 - (d) applicant is any other person \$200.00
- 5 Application for a review of a decision by the Tribunal under section 15 of the *Lobbyists Act 2015* where—
- (a) applicant is a prescribed corporation \$782.00
 - (b) applicant is any other person \$557.00
- 6 For each request to search and inspect a record of the Tribunal \$23.00
- 7 For the provision of a transcript (or part of a transcript) on request of a person \$177.00 for first 30 minutes or less requested, **plus** for each additional 30 minutes or part thereof requested—
\$133.00
- 8 Except where item 9 applies, for a copy of documentary evidence—per page \$7.60
- 9 For a copy of any photograph, map, plan or other document which is greater than A4 in size \$7.60 per page, or the actual cost of copying (whichever is greater)
- 10 For inspection or copy of evidence in the form of slides, film, video tape, audio tape or other form of recording—per item \$23.00
- 11 For copy of reasons for decision or order—per page \$7.60

Note—

A party to proceedings is entitled to 1 copy of the reasons without charge.

- 12 For a copy of any other document—per page \$4.65
- 13 For inspection or copy of a video, audio or other recording of Tribunal proceedings \$25.50
- 14 For opening the Registry (or the Registry remaining open) after hours for urgent execution of process—for each hour or part of an hour \$379.00
- 15 For opening the Tribunal (or the Tribunal remaining open) after hours for urgent hearing—for each hour or part of an hour \$1 141.00

Note—

No fees are payable in respect of Tribunal proceedings under the *Advance Care Directives Act 2013*, the *Consent to Medical Treatment and Palliative Care Act 1995*, the *Guardianship and Administration Act 1993* or the *Mental Health Act 2009*, other than a request for provision of a transcript (see regulation 4(3)) or an application for an internal review of a decision under section 70 of the Act where the applicant is not a person who is the subject of the proceedings (see regulation 4(4)).

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Revocation of regulations

The *South Australian Civil and Administrative Tribunal (Fees) Regulations 2017* were revoked by Sch 2 of the *South Australian Civil and Administrative Tribunal (Fees) Regulations 2019* on 1.7.2019.

Principal regulations and variations

Year	No	Reference	Commencement
2017	282	<i>Gazette 26.9.2017 p4186</i>	1.12.2017: r 2
2018	163	<i>Gazette 21.6.2018 p2444</i>	1.7.2018: r 2
2018	184	<i>Gazette 28.6.2018 p2658</i>	1.7.2018 immediately after 163/2018: r 2

Provisions varied

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2018</i>
r 4		
r 4(3)	varied by 184/2018 r 4(1)	1.7.2018
r 4(6)	varied by 184/2018 r 4(2)	1.7.2018
Sch 1	substituted by 163/2018 r 4	1.7.2018
	substituted by 184/2018 r 5	1.7.2018