

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

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#### 1—Short title

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

#### 2—Commencement

These regulations will come into operation on 1 December 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 6 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 or 4 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	\$71.50
2	Referral of a matter to the Tribunal under—	
	(a) section 29 of the <i>Residential Parks Act 2007</i>	\$71.50
	(b) section 63 of the <i>Residential Tenancies Act 1995</i>	\$71.50
	(c) section 105M of the <i>Residential Tenancies Act 1995</i>	\$71.50

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Schedule 1—Fees

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| 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  | \$765.00   |
|    | (b) applicant is any other person  | \$545.00   |
| 4  | Application for a review of a decision by the Tribunal under—  |  |
|    | (a) section 169 or 296 of the <i>Local Government Act 1999</i>   |  |
|    | (b) section 25C of the <i>Valuation of Land Act 1971</i>   |  |
|    | (c) section 15 of the <i>Lobbyists Act 2015</i>  |  |
|    | where—   |  |
|    | (d) applicant is a prescribed corporation  | \$765.00   |
|    | (e) applicant is any other person  | \$545.00   |
| 5  | For each request to search and inspect a record of the Tribunal  | \$22.50  |
| 6  | For the provision of a transcript (or part of a transcript) on request of a person   | \$173.00 for first 30 minutes or less requested, <b>plus</b> for each additional 30 minutes or part thereof requested—<br>\$130.00 |
| 7  | Except where item 8 applies, for a copy of documentary evidence—per page   | \$7.45   |
| 8  | For a copy of any photograph, map, plan or other document which is greater than A4 in size                                 | \$7.45 per page, or the actual cost of copying (whichever is greater)  |
| 9  | For inspection or copy of evidence in the form of slides, film, video tape, audio tape or other form of recording—per item | \$22.50  |
| 10 | For copy of reasons for decision or order—per page   | \$7.45   |

**Note—**

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

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| 11 | For a copy of any other document—per page  | \$4.55     |
| 12 | For inspection or copy of a video, audio or other recording of Tribunal proceedings  | \$24.90    |
| 13 | For opening the Registry (or the Registry remaining open) after hours for urgent execution of process—for each hour or part of an hour | \$371.00   |
| 14 | For opening the Tribunal (or the Tribunal remaining open) after hours for urgent hearing—for each hour or part of an hour              | \$1 116.00 |

**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)).

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Administrator**

with the advice and consent of the Executive Council  
on 26 September 2017

No 282 of 2017

AGO0060/17CS