

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*.

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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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, plus for each additional 30 minutes or part thereof requested— \$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.

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)).

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.

Principal regulations

Year	No	Reference	Commencement
2017	282	<i>Gazette</i> 26.9.2017 p4186	1.12.2017: r 2