



SAT

State
Administrative
Tribunal

Western Australia

STANDARD ORDERS MADE AT DIRECTIONS HEARINGS

Extension of time for commencement of proceedings

1. Pursuant to r 10 of the *State Administrative Tribunal Rules 2004* (WA) the time for commencement of the proceedings is extended until [date application filed] provided that the applicant pays any prescribed fee for the commencement of the proceedings or the fee is waived or postponed by the executive officer within two weeks of the date of this order.

Stay (review proceedings)

2. Pursuant to s 25(2) of the *State Administrative Tribunal Act 2004* (WA) the [decision/direction/notice] the subject of these proceedings for review is stayed until further order.

Invitation to original decision-maker to reconsider its decision (review proceedings)

3. Pursuant to s 31(1) of the *State Administrative Tribunal Act 2004* (WA) the respondent is invited to reconsider its decision [at its meeting on /on or before].

Identification of issues in dispute and relevant documents (review proceedings)

4. By [specified date usually in 14 days] the respondent must file with the Tribunal and give to the applicant the following documents:
 - (a) a statement of issues, facts and contentions it says arise in relation to the decision under review, identifying, where drafted by a legal representative or agent, the responsible draftsman; and
 - (b) an indexed and paginated bundle in chronological or other logical order of the documents it is required to file under s 24 of the *State Administrative Tribunal Act 2004* (WA) namely:
 - (i) a statement of the reasons for the decision; and
 - (ii) documents and other material in its possession or under its control which are relevant to the Tribunal's review of the decision (or the internet address of any document).
5. If the applicant does not have ready access to the internet it may require the respondent to provide it within 7 days of request with a hard copy of any document for which only an internet address is provided in the respondent's bundle.

6. By [specified date usually 14 days after respondent's statement] the applicant must file with the Tribunal and give to the respondent its own statement of issues, facts and contentions, identifying, where drafted by a legal representative or agent, the responsible draftsman, and setting out:
 - (a) by reference to each paragraph number in the respondent's statement whether the applicant accepts or rejects the issue, fact or contention identified by the respondent; and
 - (b) any other issues, facts and contentions it says are relevant to the decision under review.
7. The applicant must at the time it files and gives its statement of issues, facts and contentions file with the Tribunal and give to the respondent an indexed and paginated bundle in chronological or other logical order of the documents on which it proposes to rely in the proceedings (or the internet address of any document) not in the respondent's bundle.

Identification of issues in dispute and relevant documents (original proceedings)

8. By [specified date usually in 14 days] the applicant must file with the Tribunal and give to the respondent the following documents:
 - (a) a statement of issues, facts and contentions it says arise in the proceedings, identifying, where drafted by a legal representative or agent, the responsible draftsman; and
 - (b) an indexed and paginated bundle in chronological or other logical order of the documents on which it proposes to rely in the proceedings.
9. By [specified date usually 14 days after applicant's statement] the respondent must file with the Tribunal and give to the applicant its own statement of issues, facts and contentions, identifying, where drafted by a legal representative or agent, the responsible draftsman, and setting out:
 - (a) by reference to each paragraph number in the applicant's statement whether the respondent accepts or rejects the issue, fact or contention identified by the applicant; and
 - (b) any other issues, facts and contentions it says arise in the proceedings.
10. The respondent must at the time it files and gives its statement of issues, facts and contentions file with the Tribunal and give to the applicant an indexed and paginated bundle in chronological or other logical order of any documents on which it proposes to rely in the proceedings not in the applicant's bundle.

Production of documents or material by third parties

11. Pursuant to s 35(1) of the *State Administrative Tribunal Act 2004* (WA) [specify name] must by [specify date] produce [specify document(s) or material] to the [Tribunal/applicant/respondent].

12. Prior to the date for production specified in the previous order [specify name] may apply to the Tribunal to discharge that order or to limit access to any document or material required to be produced by that order.

Agreed statement of issues and facts

13. By [specified date usually in 14 days] the parties must file with the Tribunal an agreed statement of issues and facts, identifying any material facts not agreed on.

Mediation or compulsory conference

14. The matter is referred to [mediation/compulsory conference] to commence at _____ on _____ for a duration of _____ hours/day(s).
15. The Mayor or President of the respondent is invited to attend and/or nominate one or more councillors and/or the chief executive officer of the respondent to attend the [mediation/compulsory conference].
16. The chair of the vocational regulatory body is invited to attend and/or nominate one or more members of the vocational regulatory body to attend the [mediation/compulsory conference].
17. At least two days before the [mediation/compulsory conference] the parties must exchange any documents to be relied on which have not already been provided.

Hearing of preliminary issue

18. By _____ the [applicant/respondent] must file with the Tribunal and give to the [applicant/respondent] a statement of the preliminary issue for determination by the Tribunal.
19. By _____ the parties must file with the Tribunal an agreed statement of facts and an agreed bundle of documents in relation to the preliminary issue.
20. By _____ the parties must each file with the Tribunal written submissions, identifying, where drafted by a legal representative or agent, the responsible draftsperson, and any decided cases on which it relies in relation to the preliminary issue and exchange written submissions and a list of decided cases on which it relies.
21. By _____ the parties must each file with the Tribunal and exchange written submissions in reply to the other party's submissions, identifying, where drafted by a legal representative or agent, the responsible draftsperson.
22. Subject to any further order the preliminary issue is to be determined entirely on the documents pursuant to s 60(2) of the *State Administrative Tribunal Act 2004* (WA).
23. The preliminary issue is listed for hearing to commence at _____ on _____ for a duration of _____ hours/day(s).

Determination on documents

24. By _____ the parties must each file with the Tribunal written submissions, identifying, where drafted by a legal representative or agent, the responsible draftsman, and any decided cases on which it relies and exchange written submissions and a list of decided cases on which it relies.
25. By _____ the parties must each file with the Tribunal and exchange written submissions in reply to the other party's submissions, identifying, where drafted by a legal representative or agent, the responsible draftsman.
26. Subject to any further order the matter is to be determined entirely on the documents pursuant to s 60(2) of the *State Administrative Tribunal Act 2004* (WA).

Documents

27. Where a party or expert witnesses are required by these orders to file a document with the Tribunal _____ copies of the document must be filed.
28. Every document required by these orders to be filed with the Tribunal should:
 - (a) Identify, on the first page, the SAT application number, the names of the parties, each party's reference (if known), the title of the document and the name of the party by whom or on whose behalf the document is filed;
 - (b) contain an index on the first page if the document exceeds 10 pages;
 - (c) be paginated consecutively including annexures;
 - (d) contain consecutively numbered paragraphs irrespective of headings; and
 - (e) in any written submissions drafted by a party's legal representative or agent, identify the responsible draftsman.

Expert evidence

29. If a party engages an expert to attend a mediation or compulsory conference or to give evidence in the proceedings the party must give the expert within 7 days of this order or of the engagement (whichever is the latter):
 - (a) the Tribunal's pamphlet entitled *A guide for experts giving evidence in the State Administrative Tribunal*, unless the party has already given the expert a copy of the pamphlet; and
 - (b) a copy of these orders.
30. An expert witness must acknowledge in his or her statement of evidence that he or she has read the Tribunal's pamphlet entitled *A guide for experts giving evidence in the State Administrative Tribunal* and agrees to be bound by the expert's obligations stated in that document.

Final hearing – witness statements

31. If any party proposes to give evidence or call any witness including any expert to give evidence at the hearing it must by [specified date usually 14 days before the hearing date] file with the Tribunal a signed statement of the witness' evidence and give a copy of the statement to the other parties.
32. Any document referred to in a witness statement that is contained in a bundle of documents filed by any party must be identified by reference to the relevant bundle and page number in the bundle and must not be attached to the witness statement. Any document referred to in a witness statement that is not contained in a bundle of documents filed by any party must be attached to the witness statement.

Final hearing – conferral and joint statement of expert witnesses

33. By [specified date usually 7 days before the hearing date] the expert witnesses in each field of expertise must confer with one another in the absence of the parties and their representatives and must prepare a joint statement of:
 - (a) the issues arising in the proceedings which are within their expertise;
 - (b) the matters upon which they agree in relation to those issues;
 - (c) the matters upon which they disagree in relation to those issues; and
 - (d) the reasons for any disagreement.
34. The expert witnesses must each sign the joint statement at the conclusion of their conference. If the statement is in handwriting the expert witnesses must appoint one of them to generate a typed version of it and each must sign the typed document. The expert witnesses must file the joint statement with the Tribunal and give copies of it to the parties by [specified date usually 5 days before the hearing date].

Final hearing – concurrent evidence of expert witnesses

35. Subject to any further order the evidence of expert witnesses must be given concurrently at the hearing in each field of expertise. They will be:
 - (a) called to give evidence together;
 - (b) asked questions by the Tribunal;
 - (c) given an opportunity by the Tribunal to ask each other any questions which they consider might assist the Tribunal; and
 - (d) asked questions by the parties or their representatives.

Final hearing – review – refusal or deemed refusal cases – draft conditions

36. By [specified date usually 14 days before the hearing date] the respondent must file with the Tribunal and give to the applicant in hard and electronic form, without prejudice to its final position in the proceedings, a set of all of the conditions which it will contend at the hearing should be imposed if the Tribunal considers that approval of the application subject to conditions is appropriate (draft conditions)
37. By [specified date usually 7 days before the hearing date] the applicant must file with the Tribunal and give to the respondent in hard and (where it can do so) electronic form a document which:
- (a) identifies any of the draft conditions which it objects to;
 - (b) gives brief reasons for each objection; and
 - (c) sets out any alternative or additional conditions it will contend at the hearing should be imposed if the Tribunal considers that approval of the application subject to conditions is appropriate.

Final hearing date

38. The matter is listed for a final hearing to commence at on _____ for a duration of _____ hours/day(s).

Withdrawal of proceedings

39. Pursuant to s 46(1) of the *State Administrative Tribunal Act 2004* (WA) the applicant has leave to withdraw these proceedings and the proceedings are [hereby withdrawn/dismissed pursuant to s 46(2) of the *State Administrative Tribunal Act*/struck out pursuant to s 46(2) of the *State Administrative Tribunal Act*].

Adjournment to further directions hearing

40. The proceedings are adjourned to a further directions hearing at _____ on _____ in order to _____.

[Adopted by Rules Committee on 11 March 2009]