



SAT

State
Administrative
Tribunal

Western Australia

STANDARD ORDERS MADE AT DIRECTIONS HEARINGS IN BUILDING DISPUTES TRIBUNAL REVIEW MATTERS

Stay applications/applications for leave (heard prior to the application for review)

[Where a transcript is considered necessary for the purposes of the stay leave application]

1. The applicant must immediately apply to the Building Disputes Tribunal to obtain a transcript of the hearing before the Building Disputes Tribunal and on receipt must immediately file the transcript with this Tribunal and give a copy to the respondent.

[2 and 3 may be ordered where no reasons for decision are available]

2. By [specified date usually in 7 days] the applicant must:
 - (a) serve a copy of the application(s) together with a copy of this order on the Registrar of the Building Disputes Tribunal; and
 - (b) file a declaration of service in accordance with this order.
3. By [specified date usually in 35 days] the Building Disputes Tribunal must file with the Tribunal the documents it is required to file under s 24 of the *State Administrative Tribunal Act 2004 (WA)* namely:
 - (a) a statement of the reasons for the decision (unless already provided); and
 - (b) documents and other material in its possession or under its control which are relevant to the Tribunal's review of the decision.
4. By [specified date usually in 28 days *or in 42 days if order 2 made*] the applicant must file with the Tribunal and give to the respondent:
 - (a) any witness statements and any documents on which the applicant wishes to rely; and
 - (b) its written outline of submissions in support of the [application for stay/leave to review the decision of the Building Disputes Tribunal as reflected in the Order to Pay and/ or Order to Remedy No].

5. By [specified date usually in 42 days or in 56 days if order 2 made] the respondent must file with the Tribunal and give to the applicant:
 - (a) any witness statements and any documents on which the respondent wishes to rely other than documents already filed by the applicant; and
 - (b) its written outline of submissions in opposition.
6. The application(s) for [stay/ leave] is listed for hearing at _____ am/pm on _____ for a duration of _____ hours.

Application for review (when leave has been granted or when the leave application and application for review are heard together)

[1, 2 and 3 may be ordered if not previously ordered in relation to application for leave dealt with separately]

1. By [specified date usually in 7 days] the applicant must:
 - (a) serve a copy of the application together with a copy of this order on the Registrar of the Building Disputes Tribunal; and
 - (b) file a declaration of service in accordance with this order.
2. By [specified date usually in 35 days] the Building Disputes Tribunal must file with the Tribunal the documents it is required to file under s 24 of the *State Administrative Tribunal Act 2004 (WA)* namely:
 - (a) a statement of the reasons for the decision (unless already provided); and
 - (b) documents and other material in its possession or under its control which are relevant to the Tribunal's review of the decision.
3. The applicant must immediately apply to the Building Disputes Tribunal to obtain a transcript of the hearing before the Building Disputes Tribunal and on receipt must immediately file the transcript with the Tribunal and give a copy to the respondent.
4. By [specified date usually 14 days after date for filing Building Disputes Tribunal documents] the applicant:
 - (a) may inspect the documents provided by the Building Disputes Tribunal to the Tribunal and at the applicant's cost obtain copies;
 - (b) must file with the Tribunal and give to the respondent the following documents:
 - (i) a statement of issues, facts and contentions it says arise in relation to the decision under review, *limited, if leave to review has been granted, to the grounds upon which leave was granted*, and if the transcript of the hearing before the Building Disputes Tribunal is to be relied upon, containing references by page number to passages in the transcript which are relevant to each ground of review; and

- (ii) an indexed and paginated bundle in chronological or other logical order of the documents on which it proposes to rely.
- 5. By [specified date usually a further 14 days] the respondent:
 - (a) may inspect the documents provided by the Building Disputes Tribunal to the Tribunal and at the respondent's cost obtain copies;
 - (b) must file with the Tribunal and give to the applicant its own statement of issues, facts and contentions setting out:
 - (i) 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
 - (ii) any other issues, facts and contentions it says arise in relation to the decision under review,

and if the transcript of the hearing before the Building Disputes Tribunal is to be relied upon, containing references by page number to passages in the transcript which are relevant to each ground of review;
 - (c) must 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 not in the applicant's bundle.
- 6. The *application for leave and* application for review *are/is* listed for hearing at _____ am/pm on _____ for a duration of _____ hours/day(s).
- 7. If any party proposes to give evidence or call any witness including any expert to give evidence at the hearing it must no less than 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.
- 8. 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.
- 9. Where a party is required by these orders to file a document with the Tribunal copies of the document must be filed.
- 10. If a party does not wish to cross-examine a witness whose witness statement has been given to the party, it must advise the Tribunal and the party that gave the witness statement at least two days before the hearing. Where that occurs, the witness does not need to attend the hearing, unless required to do so by the Tribunal.

11. At least 7 days before the hearing any experts in each field of expertise on whose evidence the parties propose to rely shall confer with each other in the absence of the parties and their representatives and at least 5 days before the hearing shall file with the Tribunal a joint statement of all matters agreed between them, matters not agreed and the reasons for any disagreement.
12. Subject to any further order the evidence of expert witnesses in each field must be given concurrently at the hearing. 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.

[Adopted by the Rules Committee on 12 February 2008]