



SAT

State Administrative Tribunal

Western Australia

Annual Report 2009



Judicial and full-time members 2009

Front Cover

Front Row (L-R) - Judge Judy Eckert (Deputy President), Justice John Chaney (President), Judge Janine Pritchard (Deputy President)

Back Row (L-R) - Member Donna Dean, Member Tim Carey, Member Peter McNab, Senior Member Clive Raymond, Senior Member Jill Toohey, Member Maurice Spillane, Member Bertus de Villiers, Member Jack Mansveld, Member Jim Jordan, Member Jennifer Hawkins, Member Marie Connor, Senior Member Murray Allen, Senior Member David Parry

Absent – Member Felicity Child



SAT

State
Administrative
Tribunal

Western Australia

Hon Christian Porter MLA
Attorney General
29th Floor Allendale Square
77 St Georges Terrace
PERTH WA 6000

Dear Attorney

Annual Report - State Administrative Tribunal

Pursuant to section 150 (1) of the *State Administrative Tribunal Act 2004*, I have pleasure in submitting to you the annual report of the Tribunal.

The report is for the year ending 30 June 2009.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Chaney', written over a faint, illegible stamp.

The Hon Justice J Chaney
President

30th September 2009

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PRESIDENT'S REPORT

Section 150(1) of the *State Administrative Tribunal Act 2004 (WA)* (SAT Act) requires me, as President of the State Administrative Tribunal, to submit to the Attorney General, on or before 30 September each year, an Annual Report on the activities of the Tribunal for the year ending 30 June. Section 150(3) of the SAT Act requires the Attorney General to cause a copy of my Report to be laid before each House of Parliament.

This is my first Report as President of the Tribunal, having been appointed to that position on 10 February 2009, following the resignation of the inaugural President of the Tribunal, Justice Michael Barker, in order to take up his appointment as a Judge of the Federal Court of Australia. This report covers the period from 1 July 2008 to 30 June 2009.

The resignation of Justice Barker marks a significant milestone in the short history of the Tribunal. Justice Barker played an enormous role in the establishment of the Tribunal and in setting its path in the four years since it commenced operation on 1 January 2005.

Justice Barker chaired the Taskforce established in March 2001 to develop a model of a civil and administrative review tribunal for consideration by Government. The Taskforce report published in May 2002, contained a clear vision as to the form and operation of what was to become the State Administrative Tribunal. Justice Barker was appointed to the Supreme Court of Western Australia in August 2002, and during 2004 was heavily involved in the preparatory work necessary for the establishment of the Tribunal. He played a leading role in the recruitment of members, ensuring that there was an appropriate spread of expertise amongst both full-time and sessional members. He was instrumental in devising the appropriate administrative structure and procedural approach of the Tribunal. By the time the Tribunal commenced its operation, the planning led by Justice Barker enabled it smoothly and efficiently to undertake the wide range of jurisdiction conferred on it. From the outset, Justice Barker ensured that all associated with the Tribunal kept firmly in mind its statutory objectives under s 9 of the SAT Act namely:

- to achieve the resolutions of questions, complaints or disputes and make or review decisions fairly and according to the substantial merits of the case;
- to act as speedily and with as little formality and technicality as practicable, and minimise the costs to parties; and
- to make appropriate use of the knowledge and experience of Tribunal members.

Justice Barker was at pains to constantly reinforce the notion that 'we are a Tribunal not a Court'. He maintained a vision from the outset that SAT should become one of Australia and New Zealand's leading Tribunals that adopts best practice and innovative technology in making fair and timely decisions for the benefit of the people of the State. When he left the Tribunal, the Tribunal had substantially achieved that vision. Justice Barker's contribution to the Tribunal, and to the public of Western Australia should not be underestimated.

Since my appointment as President, I have sought to continue the Tribunal's focus on the achievement of its statutory objectives, and on the constant review of its procedures and performance with a view to maintaining and improving the service which it provides to the public of Western Australia.

The position of Deputy President vacated by me upon my appointment as President was not filled until the appointment of Judge Janine Pritchard to the District Court of Western Australia, and as a Deputy President of the Tribunal, on 17 June 2009. The delay in that appointment somewhat stretched the Tribunal's resources, particularly at the judicial and senior member level. The position was aggravated by a relatively lengthy period of absence of the other Deputy President, Judge Judy Eckert through illness at the beginning of 2009. As a result, the capacity of the Tribunal to provide timely hearings and timely decisions was affected to a degree. The appointment of Judge Pritchard just prior to the end of the reporting period ensured that those difficulties were temporary.

As reported last year, the Legislative Council Standing Committee on Legislation commenced an inquiry into the jurisdiction and operation of the Tribunal as required by s 173 of the SAT Act following a referral to it by the Legislative Council on 17 June 2007. The publication of the Committee's report was delayed by the proroguing of Parliament in August 2008. The Committee published its comprehensive 499 page report in May 2009. The Government's response to the report was not due until after the completion of the reporting period.

The Tribunal was pleased with the outcome of the Standing Committee enquiry. The Committee found that the Tribunal is operating efficiently and effectively and acknowledged the considerable efforts and dedication of the members and staff of the Tribunal and Justice Barker in particular. The Committee found that the Tribunal is meeting its objectives and achieving its self imposed benchmarks. The Committee made several recommendations to improve the operation of the Tribunal, and recommended the conferral on the Tribunal of a number of new or altered jurisdictions. The Committee recognised the importance of ensuring that the Tribunal is adequately resourced, especially in the context of the conferral of new jurisdictions.

The Tribunal at all times welcomed the inquiry into its operations and effectiveness, and viewed it as an opportunity to receive independent feedback which would enable it to further monitor and improve its endeavours to observe best practice. The report is welcomed in that context. The Tribunal looks forward to the Government's response to the report. The Tribunal has already commenced to address recommendations which deal with its internal processes and which are within its control.

One of the Standing Committee recommendations was that the Government and Tribunal develop a funding model for the Tribunal as soon as practicable. That recommendation reflects an aspiration identified by the former President in the 2008 Annual Report. Since its inception, the Tribunal has been given a number of new jurisdictions, and it is likely that that will continue into the future. The work of the Tribunal has increased significantly to the point where its existing resources are already stretched. It is imperative, if the Tribunal is to continue to deliver the high quality of service that is now expected of it, that it is given adequate resources. The development of a funding model, which will enable ready identification of the resource needs of the Tribunal associated with new jurisdictions, should assist in ensuring that the Tribunal continues to be adequately resourced.

The work of the Tribunal continued to increase in the reporting period as it has done in each year since the commencement of the Tribunal's operation. In the reporting period, 5,961 applications were received across all streams. That figure can be compared with the 5,232 applications received in the first full year of the Tribunal's operations, 2005 - 2006. That represents an overall increase of approximately 14% in the number of applications being dealt with.

The increase in workload has not been uniform across the Tribunal's streams. The Human Rights stream, particularly in its guardianship and administration jurisdiction, has seen the most substantial rise in workload. Applications in the human rights stream have gone from 2,541 in 2005 - 2006 to 3,246 in the reporting year. Notwithstanding that increase, the Tribunal has maintained its benchmark of dealing with 80% of guardianship applications within 8 weeks. Credit for maintaining that benchmark is due to the efforts of both members and administrative staff. It is a credit to members that they have worked diligently and been prepared to shoulder the extra workload without complaint. While the burden on members can be alleviated to some extent by an increased use of sessional members, the pressures on staff cannot be alleviated in that way. Preparation of matters for guardianship and administration hearings involves much more management, and therefore time, on the part of administrative staff. Because of the nature of the proceedings, it falls to Tribunal staff to ensure that all materials necessary for the hearing are available at the hearing. Case managers take responsibility for individual files to ensure that matters are ready for hearing. The load on case managers has risen to an unacceptable level. The nature of the jurisdiction requires staff frequently to deal with situations of emotional tension. It is difficult work. The combination of the additional workload, and the nature of the work, leads to risks that staff become unduly stressed. The position is likely to become worse with the introduction of enduring powers of guardianship and advanced health directives in the next year following the passage of the *Acts Amendment (Consent to Medical Treatment) Act 2008*. The Tribunal will be seeking additional administrative resources in the human rights stream to ensure that its valued staff are properly supported and their workloads kept to manageable proportions.

The other significant area of increase in the Tribunal's workload is in the Development and Resources stream, where applications received have gone from 366 in 2005 - 2006 to 535 in 2008 - 2009, an increase of approximately 46%. Applications in the Development and Resources stream generally require substantial management by, and time of, members. The increase in workload has largely been managed by the additional use of sessional members, and a continuing emphasis on facilitative dispute resolution (FDR). FDR not only provides potentially better planning outcomes, but avoids lengthy hearings and a necessity to write reasons for decisions, thus saving significant cost to the parties, and to the Tribunal.

There has been a reduction in the number of matters lodged in the Vocational Regulation stream from 254 in 2007 - 2008, to 181 in 2008 - 2009. The reduction has occurred mainly in two vocational areas. The greatest part of the reduction relates to applications under the *Security and Related Activities (Control) Act 1996 (WA)* (91 in 2007-2008 compared with 69 in 2008-2009), and the *Nurses and Midwives Act 2006 (WA)* (22 in 2007-2008 down to 9 in 2008-2009). There was also a reduced number of applications under the *Medical Act 1894 (WA)* (20 down to 9) and the *Settlement Agents Act 1981 (WA)* (10 down to 2). The reasons for these reductions is not apparent, and I propose during the coming year to meet with the regulatory authorities to ascertain whether the reductions are in any way related to the Tribunal's operations and procedures.

In view of the increasing workload, and the necessity to increase the use of sessional members, it will be necessary for the Tribunal, in the coming year, to complete an analysis of whether its work could be more cost effectively dealt with by increasing the number of full-time members, and thereby reducing the use of sessional members. That analysis will be undertaken in the latter part of 2009.

The work of the Commercial and Civil stream has been relatively constant.

During the recording period, planning by Government in relation to the establishment of the Building Commission to replace various building industry related boards has continued. The Tribunal has met regularly with the Building Commission Project Team to discuss the possibility and implications of transferring the jurisdiction of the Building Disputes Tribunal to the State Administrative Tribunal.

It is anticipated that SAT may assume the work of the Building Disputes Tribunal as early as the next reporting period. It is critical that, if SAT is to assume the Building Disputes Tribunal jurisdiction, adequate resources are provided to enable it to acquit the work efficiently. I have no doubt that the Tribunal can improve the efficiency and standard of service currently provided by the Building Disputes Tribunal. The improvements will flow from the availability of full-time members and SAT's well developed infrastructure. It is, however, a very substantial jurisdiction, and will inevitably require additional full-time members and infrastructure to achieve the efficiencies which we would expect.

As has been previously reported, much of the Tribunal's success has resulted from the emphasis placed on mediation, and other methods of FDR. During the reporting period, a comprehensive review of the Tribunal's mediation program was prepared by Member Maurice Spillane. A number of recommendations flowed from that report to improve the Tribunal's performance and consistency in relation to its mediation. I would like to acknowledge the excellent work done by Maurice Spillane in compiling and preparing that report which will enable us to continue to improve the service offered to the public.

The initial five year terms of all full-time members expire during the course of the next reporting period. Steps were taken within the present reporting period to advertise the positions of both full-time and sessional members of the Tribunal, and a program has been developed to enable the appointment process to proceed smoothly and in a timely way.

Section 143 of the SAT Act requires the judicial members to be responsible for directing education, training and professional development of Tribunal members. During the reporting period, the Tribunal has continued its program of in-house educational seminars which have proved of significant value. Each stream has also held numerous seminars and planning days to ensure that issues confronting the stream are discussed and analysed, and that the quality and consistency of the approach of members within streams is maintained at a high level.

During the reporting period, a performance appraisal scheme was undertaken and completed for all full-time members. The appraisals were carried out by the senior members, who themselves were subject to appraisal by other senior members. The scheme enabled members to identify training opportunities, and to receive feedback on their performance in a hearing, mediation, and a written decision. The process is a valuable one and will be repeated twice during each five year term.

The Tribunal has continued to meet its self-imposed benchmarks as to timeliness of decision-making. That is so, notwithstanding the increase in the Tribunal workload. It is a credit to the application of both members and staff that they have continued to meet the benchmark for performance. Details of the benchmarks set and achieved in the reporting year are set out later in this report. The benchmarks will continue to be reviewed and modified.

The Tribunal's community relations program has continued to be active. A list of seminars presented or attended by members forms an Appendix to this report.

Publication of Tribunal decisions to relevant interest groups has continued through decision bulletins published by each stream either monthly or quarterly. Decision bulletins are sent out by email to subscriber lists. The bulletins have been improved in content and format during the reporting period. They serve as a useful tool to bring the work of the Tribunal to the attention of those interested in particular areas of the Tribunal's jurisdiction.

At the national level, the Tribunal has continued to be supportive of the Council of Australasian Tribunals (COAT) and has actively participated in its activities. I have assumed the position formerly occupied by Justice Barker on the Executive of COAT which, during the reporting period, began a review of its operations and objectives which will be completed in the next reporting period. It is a testament to the national standing of SAT that I was invited to deliver the Keynote Address to the Annual Tribunal Conference co-hosted by COAT and the Australian Institute of Judicial Administration in Sydney in June.

At an administrative level, the Tribunal has, during the reporting period, made substantial progress towards a restructure of the administrative staff. This process has been necessarily slow and careful, but it is anticipated final approvals of the staff restructure will be given early in the next reporting period. Detail of the proposed restructure is mentioned in the later section dealing with future reforms and initiatives.

The Tribunal has achieved a great deal in its first four and a half years of operation. It continues to be challenged by increasing work within existing jurisdictions, and the conferral of new jurisdictions from time-to-time. That situation is likely to continue into the future. Whilst, as the Standing Committee Report attests, the Tribunal has achieved much success, there is no room for complacency. I am pleased to report that the Tribunal continues to be extremely well served by the dedication and diligence of its members, particularly the full-time members. I am grateful for the personal support and encouragement I have been given by the Deputy Presidents, full-time members, and the Tribunal's Acting Executive Officer, Mr Alistair Borg and his staff. The Tribunal remains an organisation of people with much enthusiasm for the work of the Tribunal. That enthusiasm will be invaluable in meeting the on-going challenges with which the Tribunal will be faced in coming years. I look forward to my role in meeting those challenges and to the continuation of the Tribunal's success and excellent reputation.

The sections of this report that follow provide more detail of the work of the Tribunal during the reporting period, and deal with a number of specific matters that I am required to report under s 150 of the SAT Act. I specifically draw attention to the proposed future reforms discussed at pages 20 - 21, and the 'Trends and special problems' discussed at pages 23 - 24.

The Hon Justice J Chaney
President
State Administrative Tribunal

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YEAR AT A GLANCE

Table 1 – Matters Received and Matters Finalised^{#1}

Subject of application	No of applications received				No of applications finalised ^{#2}			
	2005/06	2006/07	2007/08	2008/09	2005/06	2006/07	2007/08	2008/09
Commercial and Civil	2,036	2,176	2,030	1,996	2,110	2,242	2,043	2,052
Development and Resources	366	474	466	535	379	481	490	538
Human Rights	2,541	2,670	2,919	3,246	2,661	2,890	2,992	3,361
Vocational Regulation	289	231	254	181	228	252	272	183
SAT Matters ^{#3}	0	1	5	3	-	-	-	-
TOTAL	5,232	5,552	5,674	5,961	5,406	5,876	5,802	6,141

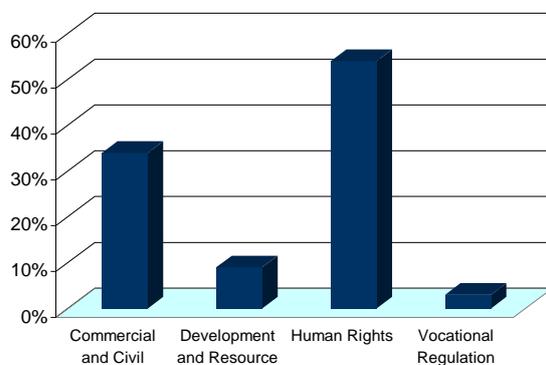
Note:

^{#1} Stream data reflected above varies from stream data provided during the 2005 -2008 reporting periods due to variations in the allocation of matters heard by those streams. The workload carried out by those streams has been standardised to reflect the enhanced data provided by the Tribunal's Integrated Case Management System (ICMS).

^{#2} The total number of matters finalised includes legacy matters lodged in previous years. These matters are not however included in the individual stream finalisation totals. Legacy matters affect the carryover between matters lodged and matters finalised as they have not been included in lodgement totals since the Tribunal's inception.

^{#3} SAT matters finalised are included in the appropriate stream totals.

Graph 1 – % Applications Received by Stream



Future Priorities

- Addressing the recommendations of the Standing Committee Inquiry into SAT;
- Implementation of the proposed Corporate Restructure;
- Planning for the Tribunal's future accommodation requirements;
- Developing the Tribunal's capacity as an e-Tribunal; and
- Continuing the review of the Tribunals enabling Acts and provisions.

SAT's Judiciary, Members and Staff

Table 2 - SAT's Judiciary, Members and Staff

Our People	2004-05 ^{#1}	2005-06	2006-07	2007-08	2008-09
Judicial members	3	3	3	3	3
Full-time members	13	13	14	14	14
Tribunal employees ^{#2}	59	63	68	68	68
Total sessional members	117	128	104	105	104

Note:

^{#1} The Tribunal commenced operations on 1 January 2005. Therefore figures for 2004-05 are for a 6 month period only.

^{#2} This includes part-time staff members, counted as one staff member.

Benchmark Performance

The Tribunal recognises that the community appreciates transparent information about our performance. For the Tribunal, the leading indicator of efficiency is centred on the time it takes for parties to obtain a decision after making an application. In those jurisdictions in which the Tribunal most frequently makes decisions, the following table provides percentage benchmarks for matters completed by stream with an indication of the number of weeks taken to obtain a decision.

Table 3 – Benchmark performance indicators

	2005-06			2006-07			2007-08			2008-09		
	30%	50%	80%	30%	50%	80%	30%	50%	80%	30%	50%	80%
COMMERCIAL AND CIVIL												
BENCHMARK (weeks to complete)	10	16	28	10	16	28	10	16	28	10	16	28
Strata Titles	9	16	29	5	10	25	4	9	18	5	8	24
Subdivision / Local Govt (Misc Provisions)	3	9	26	7	12	31	8	15	31	10	20	29
Consumer Credit	<4	<4	12	3	5	8	2	3	8	2	4	7
Review of Building Disputes Tribunal decisions	10	18	29	9	17	35	11	16	45	9	14	35
Commercial Tenancy #1	6	15	29	9	16	34	5	7	27	6	10	21
Road Traffic	7	10	13	3	6	14	5	7	13	6	7	12
Firearms	13	19	22	10	14	24	5	11	22	10	15	21
Overall Performance	n/a	n/a	n/a	6	10	24	5	9	24	6	10	25
DEVELOPMENT AND RESOURCES												
BENCHMARK (weeks to complete)	12	20	30#2	12	20	30#2	12	20	30#2	12	20	30
Development	12	20	30	14	19	32	12	18	32	12	18	30
Subdivision	15	23	31	16	25	49	8	13	29	7	14	30
Local Govt notices	12	18	49	19	42	63	3	12	20	9	11	17
Compensation for compulsory acquisition	6	25	28	n/a	12	n/a	14	19	45	15	23	43
Local Govt approvals	18	27	44	5	10	16	9	16	28	9	13	25
Rating	n/a	26	n/a	n/a	36	36	n/a	23	26	2	5	13
Fisheries	26	n/a	28	n/a	n/a	n/a	n/a	7	7	11	16	28
Overall Performance	n/a	n/a	n/a	14	19	36	11	18	34	11	17	30
HUMAN RIGHTS												
BENCHMARK (weeks to complete)	n/a	n/a	8#3	n/a	n/a	8#3	n/a	n/a	8#3	n/a	n/a	8#3
Mental Health	9	10	24	4	5	7	2	3	5	3	4	8
Equal Opportunity	12	19	28	13	21	34	14	20	51	14	19	33
Guardianship and Administration	6	7	10	5	6	8	5	6	8	5	6	8
Overall Performance	n/a	n/a	n/a	5	7	9	5	6	8	5	6	8
VOCATIONAL REGULATION												
BENCHMARK (weeks to complete)	n/a	n/a	27	n/a	n/a	27	n/a	n/a	27	n/a	n/a	27
Overall Performance	9	13	27	7	13	35	7	10	25	6	9	24

NOTE

#1 These figures exclude the *Retail Shops Act* s 13(7) applications.

#2 In the 2005-2006 annual report the Tribunal nominated the benchmark for the finalisation of 80% of all applications in the DR stream other than local government notice applications as 30 weeks and the benchmark for the finalisation of 80% of local government notice applications as 45 weeks. However, owing to the significant reduction in the time taken to finalise local government notice applications, a uniform benchmark of 30 weeks for the finalisation of 80% of all DR applications now applies.

#3 Benchmark is for GA Act Applications only.

ABOUT THE TRIBUNAL

SAT's Function

The Tribunal is established under the following legislation:

- *State Administrative Tribunal Act 2004* (SAT Act);
- *State Administrative Tribunal Regulations 2004* (SAT Regulations); and
- *State Administrative Tribunal Rules 2004* (Rules).

Individuals, businesses, public officials and vocational regulatory bodies can bring before the Tribunal many different types of applications relating to civil, commercial and personal matters.

These can range from reviews of multi-million dollar tax assessments to dog destruction orders, disciplinary proceedings, guardianship issues and planning and land compensation matters.

Jurisdiction is currently conferred by 151 enabling Acts with over 910 enabling provisions.

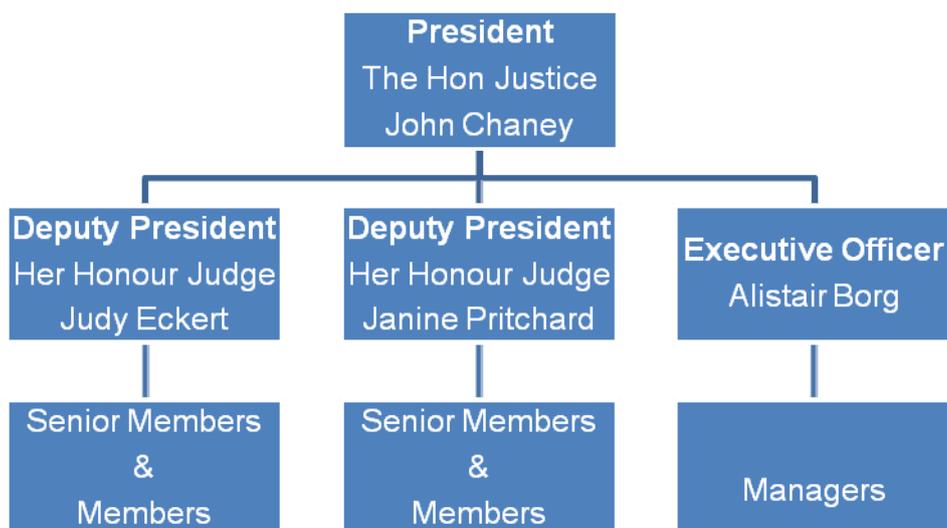


Given its broad jurisdiction, Tribunal matters are managed within four streams:

- Commercial and Civil;
- Development and Resources;
- Human Rights; and
- Vocational Regulation.

This division of matters enables procedures to be adapted to suit the type of matter and the needs of different people who use the Tribunal.

SAT Organisational Structure



Vision, objectives and values

The Tribunal's vision is to be one of Australasia's leading tribunals that adopts best practice and innovative technology in making fair and timely decisions for the benefit of the people of the State of Western Australia.

The objectives of the Tribunal set out in s 9 of the SAT Act are:

- To achieve the resolution of questions, complaints or disputes, and make or review decisions, fairly and according to the substantial merits of the case;
- To act as speedily and with as little formality and technicality as is practicable, and minimise the costs to parties; and
- To make appropriate use of the knowledge and experience of Tribunal members.

In meeting these objectives, the Tribunal:

- Aims to make the correct and preferable decision based on the merits of each application;
- Is not a court and strict rules of evidence do not apply;
- Encourages the resolution of disputes through mediation;
- Allows parties to be represented by a lawyer or a person with relevant experience, or by themselves;
- Holds hearings in public in most cases; and
- Gives reasons for all decisions and publishes written reasons for decisions on its website.

The Tribunal's core values are:

- Respect for the law;
- Fairness;
- Independence;
- Respect for persons;
- Diligence and efficiency;
- Integrity;
- Accountability and transparency;
- Innovation; and
- Proportionality.

Behaviours in the Tribunal are guided by:

- Members' Code of Conduct;
- Staff Code of Conduct;
- Continuing professional development;
- Commitment to diversity;
- Providing all reasonable assistance;
- Offering sustainable services; and
- Commitment to a safe workplace.

TRIBUNAL STREAMS

Commercial and Civil

Work of the Stream

The Commercial and Civil (CC) stream is vested with both an original and review jurisdiction. In the exercise of its original jurisdiction, most of the volume of the CC stream work arises under the *Commercial Tenancy (Retail Shops) Agreements Act 1985*, the *Strata Titles Act 1985* and the *Consumer Credit (Western Australia) Act 1996*. In the review jurisdiction most work arises in relation to the review of decisions of the Building Disputes Tribunal under the *Builders Registration Act 1939*, *Firearms Act 1973*, *Road Traffic Act 1974 (Road Traffic (Authorisation to Drive) Regulations 2008)* and the review of decisions of local government authorities under the *Local Government (Miscellaneous Provisions) Act 1960* relating to building control.

Year in Review

Workload

During the reporting year, the CC stream received 1,996 applications and in the same period finalised 2052 applications. The volume of applications received and finalised is stable compared to the previous year in which 2030 applications were received and 2043 were finalised

Achievements

The year under review has largely been a period of consolidation, with only minor adjustments being made to refine some of our procedures.

An expedited procedure was introduced during the reporting year to allow strata titles disputes meeting particular criteria to be programmed to final hearings more quickly.

The number of applications lodged under the *Residential Parks (Long-Stay) Tenants Act 2006*, which came into operation in August 2007, has shown signs of an anticipated increase with the number of applications lodged increasing from 12 in the previous year to 23 in the reporting year. The standard procedure applied in the majority of these applications enables matters to be referred to mediation and, if not settled, determined by final hearing within approximately two weeks of lodgement.

Members of the CC stream have continued to make excellent use of directions hearings and mediation to facilitate the resolution of disputes without the need for a formal hearing. Facilitative measures employed by members resulted in 53 per cent of the total number of disputed applications being resolved; while 81 per cent of those matters which were referred to mediation were resolved through that process. In the CC stream all members conduct directions hearings and case manage their own cases to final hearing. This has enabled members to use the directions process to facilitate resolution with out necessarily referring matters to mediation ensuring very effective use of the Tribunal's resources.

As appears in **Table 4** opposite, the CC stream's overall performance better the benchmark. For the purpose of measuring performance of the stream only the higher volume application categories involving opposed proceedings are reported to ensure that the results are meaningful. Applications for administrative type approvals under s 13(7) of the Commercial Tenancy legislation are also excluded because they are usually completed within 7 to 10 days of lodgement, are high volume, and would therefore distort results so favourably that the benchmarks would not be a useful performance measure.

Looking Forward

There have been firm indications of new jurisdictions which will come to the Tribunal and fall under the CC stream.

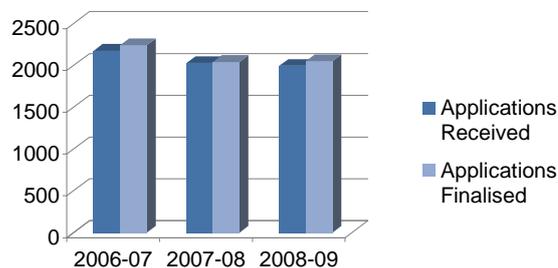
The most immediate of these will be the transfer of the existing jurisdiction of the Building Disputes Tribunal which will require the establishment of a two-tier system within the Tribunal. The initial hearing will take place at the first tier, and subject to leave, any review will be conducted at the second tier by a judicial or senior member and such sessional members as may be appropriate. The planning for this transition will have to be completed shortly and necessary steps taken to ensure that the resources are in place to manage the increased workload.

The Department of Commerce has conducted a review of the Retirement Village legislation and this is likely to lead to a widening of the Tribunal's current jurisdiction and to some increase in the number of applications to the Tribunal.

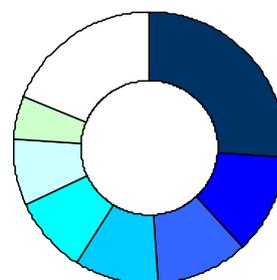
Recommendations made by the Tribunal for the amendment of the Strata Titles legislation form part of a major proposed restructure to the legislation which was approved by Cabinet during the reporting year. The amendments will also result in an increase in the Tribunal's jurisdiction to enable it to determine disputes with strata managers and to deal with matters previously dealt with by the District Court.

It is evident that the resources made available to the CC stream will need to be kept under review.

Graph 2 - CC Workload



Graph 3 - CC Applications finalised by type (2008-2009)



- Strata Title 26%
- Commercial Tenancy 12% *
- Consumer Credit 11%
- Local Government 10%
- Building Disputes Tribunal 9%
- Road Traffic 8%
- Firearms 5%
- Other 19%
- *Excl s 13(7) applications

Table 4 - CC Benchmark Performance[#]

Percentage of applications finalised	Benchmark (weeks)	2006-2007	2007-2008	2008-2009
30%	10	6	5	6
50%	16	10	9	10
80%	28	24	24	25

[#] The calculation of stream benchmarks has been standardised for this reporting period, resulting in some variation from previous annual reports

Development and Resources

Work of the Stream

About 80% of the work of the Development and Resources (DR) stream involves the review of decisions of State and local government authorities in relation to planning (development and subdivision) applications. The DR stream also reviews decisions concerning local government notices (5%), land tax (3%), local government non-planning applications and land valuation (2% each), and rating, fisheries, water and other matters (1% each). In addition, the DR stream determines disputes concerning compensation for the compulsory acquisition of land and regulation of local government councillors (1% each).

Year in Review

Workload

During 2008-2009, the DR stream received 535 applications and finalised 538 applications, an increase in workload of about 15%. In the three years since 2005-2006, the workload of the DR stream has increased by about 45%.

Achievements

The DR stream has accommodated a significant increase in workload over the last three years. Nevertheless, the stream has continuously improved the speed with which applications are finalised. Over this period, the time taken to finalise 30% of applications has been reduced by over 20% from 14 weeks to 11 weeks, the time taken to finalise 50% of applications has been reduced by over 20% from 22 weeks to 17 weeks, and the time taken to finalise 80% of applications has been reduced from 31 weeks (and 49 weeks for local government notice applications) to 30 weeks for all types of applications.

In 2008-2009, the DR stream satisfied or comfortably satisfied the performance benchmarks of 30% of applications to be finalised within 12 weeks (11 weeks), 50% of applications to be finalised within 20 weeks (17 weeks) and 80% of applications to be finalised within 30 weeks (30 weeks).

In 2008-2009, as in the previous reporting year, about 75% of applications in the DR stream were finalised through facilitative dispute resolution (FDR), rather than by a Tribunal imposed decision. FDR principally involves active case management through directions hearings, mediations and compulsory conferences. FDR often results in the withdrawal of an application, or the provision of further information or amendment of a proposal and a positive reconsideration by the original decision-maker under s 31 of the *State Administrative Tribunal Act 2004* (WA). Benefits of FDR include:

- Parties can create their own solution to a dispute, with the assistance of an experienced SAT member, rather than have a win/loss decision imposed on them;
- Parties do not have to incur the time and expense of a final hearing or determination on documents;
- Resolution by discussion between a proponent and a responsible authority, facilitated by a member, often produces a superior community planning outcome;
- FDR can involve discussion and resolution of a wider dispute than that which is strictly the subject of the application;
- Even if a matter is not entirely resolved by FDR, issues are often identified, narrowed and resolved, so that the final hearing or determination on documents is quicker and cheaper; and
- FDR facilitates a more sustainable planning review system.

The DR stream has continuously improved its performance in FDR. Whereas it is estimated that only about 30% of applications were finalised by FDR in the former Town Planning Appeal Tribunal during its final year (2004), the DR stream finalised about 65% of applications by FDR in 2005-2006 and 2006-2007 and about 75% in 2007-2008 and 2008-2009. During 2008-2009, the DR stream trialled a practice enabling parties to jointly request that their matter should be referred directly to mediation, rather than having to first attend a directions hearing. The senior member reviews each request and determines whether direct referral to mediation is appropriate and, if so, what programming orders should be made to maximise the mediation's prospect of success. The trial has been well-received. The five full-time members of the stream and five sessional members who are also trained mediators participated in a full-day FDR seminar in which they discussed the processes of FDR and possible improvements.

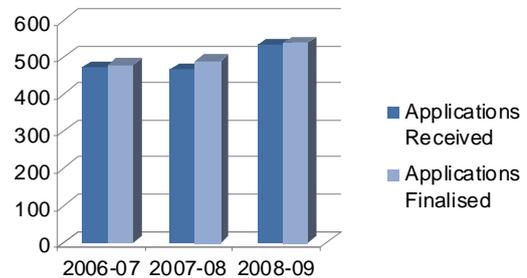
The DR stream completed a series of local government information sessions which included presentations by video link or in person to councillors and council officers in almost all regions of the State. The Tribunal also published a pamphlet written by the senior member of the DR stream entitled *Third party participation in planning matters* which describes the ways in which it may be possible for a third party to participate in planning review proceedings.

Looking Forward

As stated in the two previous annual reports, the work of the DR stream would justify the appointment of two additional full-time members, preferably a town planner and an architect (see 2006-2007 annual report at p 1 and pp 45 – 46 and 2007-2008 annual report at pp 45 – 46). As has been mentioned earlier in this report the Tribunal is undertaking a detailed analysis of whether the appointment of these two additional members would be essentially cost-neutral for the Tribunal, having regard to the possibility of reducing the current extensive use of sessional members. Full-time appointments would increase the DR stream's efficiency and timeliness, and would address the problems and limitations

with the use of sessional members discussed at p 45 of the 2006-2007 annual report.

Graph 4 - DR Workload



Graph 5 - DR Applications finalised by type (2008-2009)

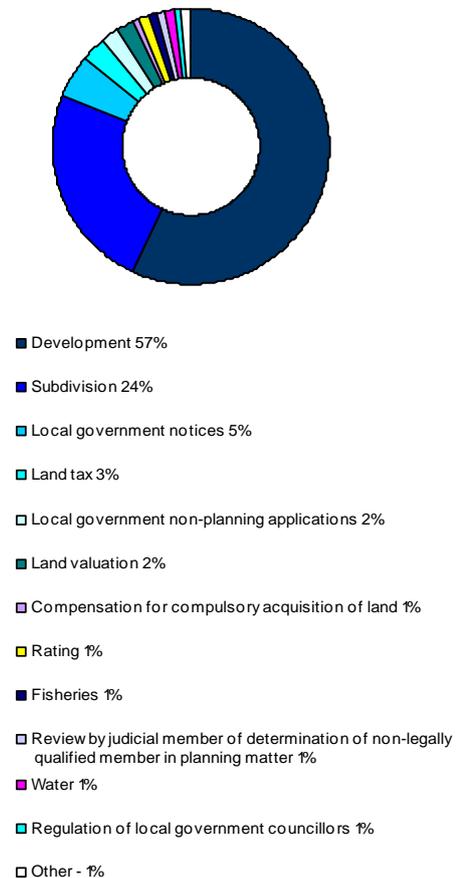


Table 5 - DR Benchmark Performance[#]

Percentage of applications finalised	Benchmark (weeks)	2006-2007	2007-2008	2008-2009
30%	12	14	11	11
50%	20	19	18	17
80%	30	36	34	30

[#]The calculation of stream benchmarks has been standardised for this reporting period, resulting in some variation from previous annual reports

Human Rights

Work of the Stream

The Human Rights (HR) stream of the Tribunal deals with matters in the Tribunal's original and review jurisdictions.

Matters arising under the *Guardianship and Administration Act 1990* (GA Act) and the *Equal Opportunity Act 1984* (EO Act) account for the vast majority of the streams original jurisdiction work.

In the review jurisdiction the HR stream reviews decisions of single members under the GA Act; decisions of the Mental Health Review Board under the *Mental Health Act 1996* (MH Act); and decisions of the Gender Reassignment Board under the *Gender Reassignment Act 2000* (GR Act). The stream also has jurisdiction to review some decisions made under the *Children and Community Services Act 2006* and the *Adoption Act 1994*.

Year in Review

Workload

During 2008/09 the HR stream received 3246 individual matters and finalised 3361, representing 11.2% and 12.3% increases respectively on the corresponding figures for 2007/08. Since 2005/06 the numbers of matters received and finalised by the HR Stream have increased by 27.7% and 26.3% respectively.

The number of matters received by the HR stream as a percentage of the total number of new matters received by the whole Tribunal increased from 48.5% in 2005/06 to 54.5% in 2008/09. The corresponding figure for matters finalised by the HR stream increased from 49.2% in 2005/06 to 54.7% in 2008/09.

Of particular note is that the number of new matters received in 2008/09 under the GA Act (3157), which is the single largest area of jurisdiction for the Tribunal, was 11.9%



greater than in 2007/08 (2822) and 29.3% greater than in 2005/06 (2442). Included in these increased numbers is a continuing increase in the number of new applications seeking the Tribunal's intervention in enduring powers of attorney. New matters of this type in 2008/09 numbered 64, which compares with only 16 in 2006/06

The numbers of new matters arising under the EO Act fell in 2008/09 whilst numbers of matters under the MH Act increased slightly. During 2008/09 the HR stream received its first review matters under the GR Act.

Achievements

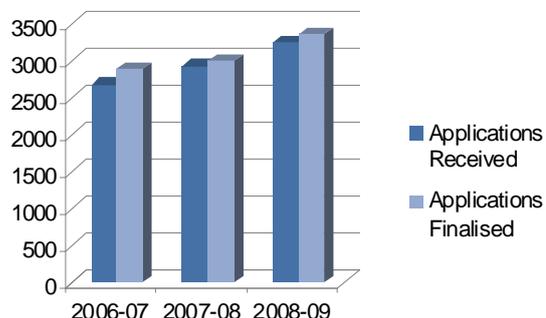
The outstanding achievement of the HR stream during 2008/09 was to continue to finalise, without any increase in resources, the greatly increased workload without any deterioration in the performance benchmarks established for the HR stream. Despite the increase in the number of matters finalised, the performance target of 80% of matters finalised within 8 weeks was maintained.

Looking Forward

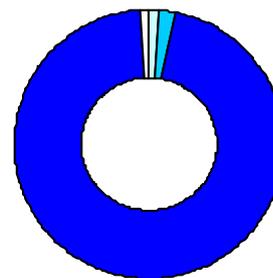
As has been mentioned in previous annual reports of the Tribunal, it is expected that the substantial increases in the number of matters arising under the GA Act will continue to be a prominent feature of the work of the HR stream because of a general ageing of Australia's population. Increasing value of estates and greater involvement of lawyers in guardianship and administration matters is expected to make these matters increasingly complex in future.

In addition, the HR stream will gain a number of new areas of jurisdiction in 2009/10 in relation to enduring powers of guardianship and advance health directives as a result of amendments to the GA Act. It is expected that there will be considerable initial activity in these new areas as legal representatives, clinicians and persons concerned start to use the new legislative provisions and as new problems are identified. This is expected to place a considerable additional burden on the work of the stream.

Graph 6 - HR Workload



Graph 7 - HR Applications finalised by type (2008-2009)



- Mental Health <1%
- Equal Opportunity <3%
- Guardianship and Administration 97%
- Other <1%

Table 6 - HR Benchmark Performance

Percentage of applications finalised	Benchmark (weeks)	2006-2007	2007-2008	2008-2009
30%	n/a	5	5	5
50%	n/a	7	6	6
80%	8	9	8	8

Vocational Regulation

Work of the Stream

The work of the Tribunal in the Vocational Regulation (VR) stream involves mostly disciplinary action against members of regulated vocations. The Tribunal also exercises a review jurisdiction in relation to registration and licensing decisions made by vocational registration boards and other public officials responsible for licensing of particular vocations. Applications for review of decisions made under the *Working With Children (Criminal Checking) Act 2004* also fall within the VR stream.

Year in Review

Workload

During the 2008 - 2009 reporting period, the Tribunal received 181 applications in the VR stream, and resolved 183 applications. The number of applications was significantly lower than in the previous reporting period in which 254 applications were received, and 272 finalised.

As previously mentioned in this annual report, the reason for the reduction in applications in this reporting year is not clear. Significant reduction in applications occurred in the *Security and Related Activities (Control) Act 1996* (69 applications in the reporting year compared with 91 in the previous year), the *Nurses and Midwives Act 2006* (9 applications down from 22 in the previous year), the *Settlement Agents Act 1981* (2 applications down from 10 in the previous year) and the *Medical Act 1894* (9 applications from 20 in the previous year).

It is proposed that the President meet with the regulatory authorities in relation to each of those Acts, and other vocational regulatory bodies, during the next reporting period with a view to the Tribunal better understanding the reasons for those reductions.

Achievements

Disciplinary proceedings in the VR stream are of special importance because they are concerned with the livelihood and professional reputation of individuals concerned. It is necessary that allegations of misconduct are made with clarity and precision. The potential consequences for respondents to disciplinary proceedings are such that a degree of formality, not necessary or appropriate in other areas of the Tribunal's jurisdiction, is often required. As a result, vocational regulatory proceedings are amongst those which, over all, take longest to resolve.

Notwithstanding the nature of the proceedings, the Tribunal continues to maintain the achievement of its benchmark of 27 weeks for completion of 80% of matters. In the reporting period, the Tribunal achieved resolution of 80% of vocation regulation matters within 24 weeks, and 50% within 9 weeks.

The achievement of those benchmarks is in part attributable to the continued use of mediation in the vocational area. Vocational regulatory bodies are now well familiar with the Tribunal's approach, and are to be commended for the positive way that they have embraced mediation as an appropriate and useful tool in resolving disciplinary and regulatory disputes.

Looking Forward

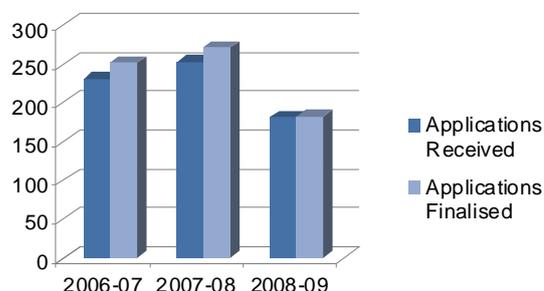
The enactment of the *Legal Profession Act 2008* saw the introduction of a previously non-existent right for a review of a decision by the Legal Profession Complaints Committee to dismiss a complaint. Observations on that new jurisdiction are made later in this annual report under the heading 'Trends and Special Problems'. Experience since the introduction of the *Legal Profession Act 2008* in March 2009 is that the Tribunal can expect a number of applications to be made under that provision. Early indications are that mediation can be effective in satisfactorily resolving these applications, but the Tribunal will monitor its procedures over the next 12 months to ascertain the most efficient and

cost effective way of dealing with what are potentially time consuming matters requiring careful management.

Moves towards national regulation of various professional groups may have an impact on the work of the Tribunal. Work at a national level in relation to a single national regulatory scheme for health professionals has been relatively extensive. Present indications are that the individual State disciplinary bodies are likely to retain their function albeit under a new national legislative scheme. The Tribunal is anxious to ensure that the introduction of national regulation does not result in constraints on the practices and procedures of the Tribunal by introducing prescriptive requirements as to the manner in which complaints or licensing reviews are dealt with. The success of the Tribunal in its operation to date is attributable in no small measure to the flexibility available to the Tribunal in its approach to dispute resolution. It would be a retrograde step to introduce a regulatory regime which reduced that flexibility.

In vocational matters, the Tribunal is required to be constituted by three (or in the case of doctors, four) members. That is sensible and appropriate (except in relation to procedural, interim, or consent matters), and the contribution of a member of the particular profession and a community representative is most valuable. There are, however, often difficulties in finding sessional members to sit in long cases. For example, some matters involving medical and legal practitioners have involved hearings listed for a week, or sometimes considerably longer. Most sessional members in the VR stream are themselves busy practitioners, and their capacity to set aside sufficient time to sit on long vocational matters is necessarily limited. To date, the Tribunal has been able to cope with that difficulty, but special consideration will need to be given to ensuring that, when all sessional members' appointments expire at the end of December 2009, there are sufficient sessional members appointed to ensure that the Tribunal has capacity to deal with lengthy matters in the VR stream.

Graph 8 - VR Workload



Graph 9 - VR Applications finalised by type (2008-2009)

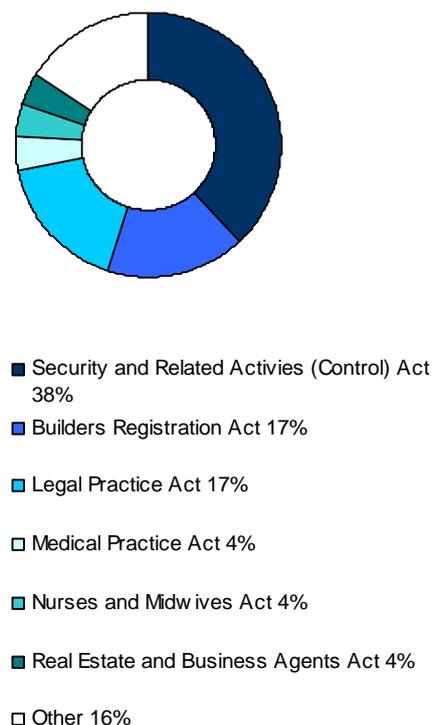


Table 7 - VR Benchmark Performance

Percentage of applications finalised	Benchmark (weeks)	2006-2007	2007-2008	2008-2009
30%	n/a	7	7	6
50%	n/a	13	10	9
80%	27	35	25	24

COMMUNITY RELATIONS

Contact with the community remains a significant priority for the Tribunal and for 2008-09, 62 presentations and attendances were made by members to community and special interest groups throughout the year. There were a significant number of forums and seminars at which presentations were made, both in the Tribunal and in centres within the broader community.

These forums and information sessions are not only an important tool for the Tribunal to provide information, assistance and advice to interested community members but are also an important source of feedback for the Tribunal staff. A list of the year's presentations and attendances can be found in appendix 3.

The Tribunal's workload in relation to general inquiries as well as the increase in conferral of jurisdictions has been continuous and significant. The staff are to be commended on maintaining a professional, courteous and consistent service under these increasing workloads. Approximately 20,000 in-person enquiries were assisted by our front counter staff during the year. Of these, approximately 1,660 lodged applications at the counter, 5,980 lodged documents and 12,320 made general enquiries. The Tribunal aims to assist all parties in the lodgement and management of their matters without the need for legal representation.

Electronic Contacts

During the year there were a total of 2,016 electronic contacts (emails – see **Table 8** below) received by the Tribunal.

We also have 1,438 email recipients who receive bulletins or news items: 516 recipients for the Development and Resources Bulletin (monthly), 320 recipients for the Guardianship and Administration bulletin (monthly), 311 recipients for the Commercial and Civil and Vocational Regulation bulletin (quarterly) and 291 recipients for news and media items.

Email recipients include individuals, professional organisations, government departments and various agencies.

Table 8– List of electronic correspondence

Type of email	No. received 06/07	No. received 07/08	No. received 08/09
*Media inquiries	-	10	12
Matter information	341	746	1262
Praise	14	19	18
Problems	18	16	12
Requests for Information	200	391	343
Suggestions	18	33	18
Complaints	15	7	13
*Seminar responses/inquiries	-	466	285
*Spam	-	498	53
TOTAL	1,199	2,265	2016
Note:			
* Figures not recorded separately prior to 1 July, 2007			

Our Website

The continued development of the Tribunal's website as a valuable information resource to SRPs as well as all other parties occurred during the year. This included improvements to the SAT Wizard on the Tribunal's website which improved the functionality and assisted parties in determining the correct application to select. More information is displayed regarding each application type before proceeding to select that application. There are regular news items and the bulletins on recent decisions and decisions of note.

Publications

When considering the needs of parties the Tribunal assumes most will be self-represented persons (SRPs) and accordingly the Tribunal provides varied directions hearings to assist SRPs. All parties are supported through the provision of pamphlets and Practice Notes which are reviewed and updated regularly to assist parties in proceedings. A list of these pamphlets is provided below and all are available from the Publications and Reports page of the SAT website.

Table 9 – List of publications

Pamphlet	Stream
Introduction	All
Access and Facilities	All, mostly HR
A guide for experts giving evidence in the State Administrative Tribunal	CC, DR and VR
Section 31 invitation by SAT for decision-maker to reconsider its decision	CC, DR and VR
Commercial & Civil	CC
A Guide for the conduct of Applications to Review the decisions of the Building Disputes Tribunal	CC
Development & Resources	DR
Information about Class 1 planning applications	DR
Information about Class 2 planning applications	DR
Documents that may be required by the State Administrative Tribunal in planning applications	DR
Third Party participation in planning matters.	DR
<i>Guardianship and Administration Act 1990</i> : Information concerning conduct of hearings	HR
<i>Guardianship and Administration Act 1990</i> : Applications and Proceedings	HR
Human Rights	HR
Vocational	VR

Video and Teleconference Facilities

Video and teleconference facilities continue to be used often. These facilities allow parties who are unable to physically attend the hearing, because they are in remote locations, interstate, out of the country or for some other reason, to attend the hearing and take part in the Tribunal's processes.

FUTURE REFORMS AND INITIATIVES

The Standing Committee Inquiry into the Operation and Jurisdiction of SAT

As mentioned earlier in this annual report the Western Australian Legislative Council Standing Committee tabled its final report in May 2009 on its inquiry into the jurisdiction and operation of the State Administrative Tribunal (SAT). The report addressed a range of issues, with particular focus on future conferrals, legislative and procedural reform, and the Tribunal's ongoing resource requirements.

The Tribunal was pleased with the outcome of the Standing Committee enquiry, and its concluding statement that:

'The Committee found the SAT to be operating efficiently and effectively and was of the view that this positive result has been due to the considerable efforts and dedication of the members and staff of the SAT.'

Of the 60 recommendations set out in the report, the Tribunal considers recommendation 41 (that the Government and the State Administrative Tribunal develop a funding model for the Tribunal) to be critically important to the practicality of implementation of virtually all of the recommendations for conferral of additional jurisdiction on the Tribunal.

The Tribunal looks forward to the Government's formal response to the report, and where appropriate has already commenced work to address certain recommendations which deal with its internal processes and which are within its control.

Restructure of Administrative Staff

The pressure on the Tribunal's staff was recognised by the Standing Committee Inquiry, with Recommendation 40 of its report supporting additional funding to adequately meet SAT's staffing requirements. The Government through the Department of the Attorney General (DotAG) has been supportive of the provision of some additional funding to enable a staffing restructure to proceed, however this proposal is without any effective increase in staff numbers. The restructure will include the amalgamation of two functional teams and the implementation of 'end to end' case processing. It will also provide a deeper and broader management structure and will provide the Tribunal with the flexibility to add additional functional teams at a later date when new conferrals are made.

The growth in the Tribunal's work continues to place existing staff under pressure, and additional staff will be required shortly, not only to accommodate additional jurisdictions that are conferred upon the Tribunal from time to time, but to meet the growth in workload, particularly in the guardianship and administration area.

Meeting the Tribunal's Future Accommodation needs

The Tribunal's accommodation requirements and need for a more permanent residence has been noted in previous annual reports, and was supported by the Standing Committee Inquiry. DotAG has come to an agreement which will see the Tribunal remain at 12 St Georges Terrace until 2015 and the acquisition of space within in the existing premises may permit shorter term expansion. DotAG has also commissioned a study to analyse and make recommendations on future office accommodation requirements for the period 2009 to 2031. The comprehensive brief to the consultants includes the requirement to analyse the actual and potential uses of existing facilities, and using population and demographic projections to provide forecasts of future requirements for hearing and mediation rooms as well as overall floor space requirements. It is expected that a report will be completed by late 2009.

If decisions are taken by Government to confer other jurisdictions on the Tribunal, particularly any of the major jurisdictions contemplated by the various recommendations, then thorough assessment of the Tribunal's accommodation needs should be given priority and arrangements made for space to be secured. It is highly undesirable for the Tribunal to be accommodated other than in a single building. The Tribunal strongly supports the commencement of planning to meet the Tribunal's accommodation needs at the end of the current lease.

Tribunal Technology

Technological improvement remains central to SAT's future development and focus on best-practice. The improved convenience and access provided by technologies such as e-lodgement, e-filing, and video and teleconferencing drive the Tribunal's aim of becoming a fully-functioning eTribunal. Progress has been made in relation to some of these matters such as the introduction of digital recording equipment in hearing rooms and some progress towards e-lodgement in relation to commercial tenancy applications. Much remains to be done, but it is wholly dependent upon the allocation of an adequate budget to technology development by Government.

Proposed Legislative Reforms

The Tribunal maintains the following suggestions for law reform discussed in previous annual reports:

- Amendment to the *Mental Health Act 1996* (WA). It was previously indicated that the functions of the Mental Health Review Board were poised to be conferred on the Tribunal (see 2007-2008 annual report at p 6). The Bill for this new legislation however, has not yet been introduced into Parliament. With the Standing Committee Inquiry into SAT supporting this reform it is hoped that action will follow to implement the required legislative reforms;
- Amendment to the *Strata Titles Act 1985* (WA) (see 2005-2006 annual report at p 24-25). A number of the Tribunal's recommended reforms to the Act were supported by the Standing Committee Inquiry into SAT, and will subsequently be considered within the Government response to the Inquiry. As with the prior proposal it is hoped that this will see action initiated on the required amendments;
- Amendment to s 216 of the *Planning and Development Act 2005* (WA) to confer (concurrent) jurisdiction on the Tribunal constituted by or including a judicial member to grant an injunction to restrain a contravention of the Act, an interim development order, a planning scheme or a condition of approval (see 2007-2008 annual report at p 51);
- Amendment to s 69 of the *Heritage of Western Australia Act 1990* (WA) to confer (concurrent) jurisdiction on the Tribunal constituted by or including a judicial member to grant an injunction to restrain a breach of a conservation order (see 2007-2008 annual report at pp 51 - 52);
- Amendment to s 41 of the *Environmental Protection Act 1986* (WA) to enable the Tribunal to determine proceedings involving a referred proposal (see 2007-2008 annual report at p 52);
- Amendment to the *Planning and Development Act 2005* (WA) and the *Heritage of Western Australia Act 1990* (WA) to confer (concurrent) jurisdiction on the Tribunal constituted by or including a judicial member to make declarations in relation to any right, obligation or duty imposed by or under planning, heritage and related laws (see 2007-2008 annual report at p 52);
- Amendment to s 226 of the *Land Administration Act* (WA) to abolish the appointment of assessors by parties in proceedings for compensation for the compulsory acquisition of land (see 2007-2008 annual report at pp 52 - 53);
- Review of the *Guardianship and Administration Act 1990* (WA). The current GA Act has been in place since 1990 and does not adequately meet the demands of a changing demographic and current approaches to health and lifestyle evident in new legislation in some other jurisdictions. The Standing Committee Inquiry into SAT proposed both an amendment to the GA Act and the refocusing of the GA Act Working Party. It is suggested that this provides an opportunity to carry out a review of the Act in its entirety (see 2007-2008 annual report at p 69); and
- Review of the *Equal Opportunity Act 1984* (WA), particularly the right of people to require the Commissioner for Equal Opportunity to refer claims that she has dismissed to the Tribunal under s 90 of the EO Act (see 2007-2008 annual report at p 69).

ADDITIONAL INFORMATION

Legacy Matters

When the Tribunal commenced, matters that had not been determined by prior adjudicators were transferred to the Tribunal. There were 897 such legacy matters in the first instance. As at 30 June 2007, only four legacy matters remained to be determined. As at 30 June 2009, there is only one legacy matter outstanding. The reason for this legacy matter remaining undetermined is due to factors external to the Tribunal - in this case, an environmental assessment of a development project by the Minister for Environment under the *Environmental Protection Act 1986*.

Arrangements with other Agencies

Arrangements with Chief Magistrate under s 116

Formal arrangements are in place with the Chief Magistrate enabling a magistrate to sit as a member of the Tribunal. This arrangement was initiated by the former President and agreed to by the Chief Magistrate in the 2005–06 reporting year.

It has not been necessary to utilize these arrangements for a number of years because the Tribunal has been able to adequately service regional areas either by telephone and video links or by members travelling to regions where appropriate. Given the different procedures of the Tribunal from those of the Magistrates Court, the Tribunal's preference is to utilize its members rather than magistrates.

Arrangements with Parliamentary Commissioner under s 168

The President and the Parliamentary Commissioner (Ombudsman) maintain an earlier agreement with regard to matters of public education, training of Tribunal members on the role of the Ombudsman, regular meetings between the President and the Ombudsman and referral of cases from the Tribunal to the Ombudsman.

Arrangements have also been settled with specific agencies to better serve applicants and respondents to the Tribunal. Agreements have been made with the following agencies:

- State Solicitor's Office;
- Equal Opportunity Commission;
- Landgate;
- Public Advocate;
- Public Trustee;
- Office of State Revenue; and
- Western Australian Planning Commission.

Levels of Compliance by Decision-makers

Notification

Section 150(2)(d) of the SAT Act requires this annual report to include details of the level of compliance by decision-makers with the requirements under s 20 and s 21 to:

- (i) Notify persons of reviewable decisions and the right to seek review; and
- (ii) Provide written reasons for reviewable decisions when requested to do so.

These two requirements are designed to ensure persons affected by adverse decisions know why the decision was made and that they have the right to seek review in relevant cases.

The Tribunal is satisfied, on the basis of review proceedings coming before it, that decision-makers are meeting their obligations.

Trends and special problems

1. The *Legal Profession Act 2008* (2008 Act) came into force in March 2009, replacing the *Legal Practice Act 2003* (2003 Act). The 2008 Act introduced a range of matters in respect of which application could be made to the Tribunal which were additional to the types of application that could be made under the 2003 Act.

Of particular significance is s 435 of the 2008 Act, which enables a person, aggrieved by a decision of the Complaints Committee to dismiss a complaint, to apply to the Tribunal for a review of that decision. Section 435(2) provides that leave of the Tribunal is required to seek the review of the Complaints Committee decision if the Committee has specifically found the complaint to be trivial, unreasonable, vexatious or frivolous or that the person making the complaint does not have a direct personal interest.

Between the introduction of the 2008 Act and the end of the reporting period, several applications under s 235 were received by the Tribunal. Experience in the two months since the end of the reporting period has seen a steady flow of further applications under that section. In all cases thus far, the applicants have been unrepresented. Experience has shown that applicants in a high proportion of cases have difficulty in expressing their complaint with clarity. Most have joined the Complaints Committee as a party, rather than the practitioner/s the subject of complaint. The nature of these matters is that they require significant member time in their management and resolution. The availability of this review is likely to consume significant resources within the Tribunal.

Consideration should be given to whether the right of review of the Complaints Committee dismissal should be conferred as of right, or whether the requirement for leave should be imposed in relation to all applications.

The right of a complainant to bring a matter to the Tribunal where the vocational regulatory body considers the complaint to be without merit does not exist in relation to any of the other vocations in respect of which the Tribunal exercises disciplinary powers.

2. In October 2007, the substantive provisions of the *Local Government (Official Conduct) Amendment Act 2007* came into force. Those provisions deal with complaints of breaches of rules of conduct by local government councillors. Complaints in relation to minor breaches are dealt with by a standards panel established under the *Local Government Act 1995* (LG Act). There is a right of review by the Tribunal in relation to decisions of a standards panel. In the reporting year, a number of reviews of standards panel decisions have been dealt with by the Tribunal. Sections 5.105 to 5.113 of the LG Act prescribe a formal procedure for dealing with complaints of minor breaches, which in effect, leads to the standards panel making decisions on the papers. When a review of a standards panel decision is made in the Tribunal, the standards panel is nominally the respondent, although the practice has been (appropriately) for the standards panel to take a passive role, and for the Attorney General to intervene to support the standards panel decision. There is little scope for the Tribunal to attempt to resolve these reviews other than by way of hearing, given that, in many cases, the person affected by the conduct complained of is not a party to the proceedings.

In most cases, the complaint of minor breach has been related to conduct offensive to another councillor or an officer of the particular local government. It may well be that some form of mediation much earlier in the process would be a more satisfactory way to resolve such issues. By the time the matter comes to the Tribunal, the opportunity to resolve matters in a way more satisfactory to the parties affected is probably lost. It is the Tribunal's view that the provisions of the LG Act relating to the process for dealing with minor breaches of conduct should be reviewed with a view to incorporating some facility, such as mediation, for bringing the affected

parties together with a view to resolving the underlying issues leading to the conduct complained of. That facility should be made available very early in the complaint process.

3. In September 2008, the *Acts Amendment (Justice) Act 2008* came into force. As a result, s 5 of the *Guardianship and Administration Act 1990* (GA Act) was repealed. Section 5 previously provided that the Tribunal, in dealing with an application under the GA Act, was required to be comprised of either one or three members. The section was repealed at the suggestion of the Tribunal in order to increase the flexibility available in constituting the Tribunal in an appropriate way for a particular matter, and in particular to enable the Tribunal to comprise two members with appropriate backgrounds. The Tribunal considered that, in some matters, one member would not have the range of skills necessary given the issues involved in the case, a second member with the necessary skills would be appropriate, but a third member might be superfluous to the requirements of the case. The repeal of s 5 was therefore welcomed by the Tribunal.

Regrettably, however, consideration was not given to the appeal provisions of the GA Act in the context of the amendment. Section 17A of the GA Act provides the right of review by a three member tribunal of a decision of the Tribunal consisting of one member. Division 3 of Pt 4 provides for appeals to the Supreme Court or the Court of Appeal in relation to decisions of the Tribunal constituted by three members. The Act is silent as to any right of review or appeal in respect of decisions of the Tribunal constituted by two members.

It follows that the only right of appeal from a decision of the Tribunal under the GA Act by a Tribunal consisting of two members would be under s 105 of the SAT Act. An appeal under s 105 of the SAT Act is only available with leave and on a question of law. That is a much more restrictive right of review or appeal than is available under s 17A in respect of single member decisions, or an appeal under Div 3 of Pt 4 of the GA Act from a decision of a three member Tribunal, which, although it requires leave, is available on questions of both fact and law. Because the effect of constituting the Tribunal in a GA Act matter with two members would be to significantly limit the right of appeal or review when compared with the rights in relation to one or three member tribunals, the Tribunal has avoided constituting the Tribunal in GA Act matters with only two members. The benefit sought to be achieved by the repeal of s 5 has therefore failed to materialise. The GA Act should be further amended either to include a right of review under s 17A in respect of two member tribunals, or alternatively by providing a right of appeal under Pt 3 Div 3 of the GA Act in respect of two member Tribunal decisions.

4. Part 2 of the *Acts Amendment (Consent to Medical Treatment) Act 2008* amends the GA Act by providing a legislative basis for advance health directives (AHD) and enduring powers of guardianship (EPG). It is anticipated that these amendments will be operational, with all supporting forms and procedures in place, during the next reporting period (likely late 2009).

Based on the Tribunal's experience of an increasing workload in the area of enduring powers of attorney, it is probable that this new jurisdiction of AHD's and EPG's will see a substantial increase in workload for the Tribunal. This will impact on both staff and members and if the Tribunal is to continue its current level of service it is likely that additional members and staff will be required. This will be the subject of a submission to Government in the next reporting period.

Administrative Summary

On review of the 2008-2009 year, it is satisfying to acknowledge that all of the Tribunal's administrative and judicial support staff members performed beyond expectation, not only through their support to the performance of the Tribunal's decision-making process but by also providing appropriate and helpful assistance to applicants, respondents and members of the public.

Under the direction of the President, the Executive Officer along with management team members Anthea Chambers, Mark Charsley, Peter Sermon and Karen Rogers, greatly assisted the Tribunal in the exercise of its jurisdiction and the administration of SAT.



Alistair Borg - Executive Officer

Staffing

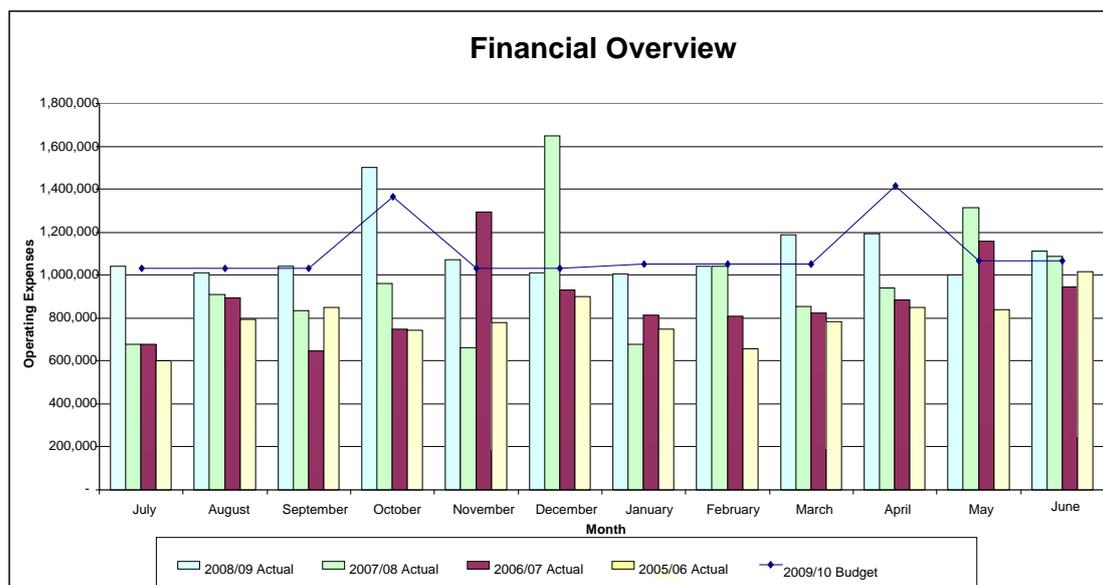
The Tribunal's current member and staffing level is 91.1 full-time equivalents, with staff representing 69.1 of this total. This figure also consists of three judicial members, four senior members, 10 ordinary members and 5 full-time equivalents allocated to sessional member usage.

Budget

The budget setting for the Tribunal is the subject of ongoing discussions with the Department of the Attorney General.

Expenditure

Graph 10– Business Services financial summary



JUDICIARY AND MEMBERS

**Justice John Chaney,
President, State Administrative Tribunal**

Judge John Chaney SC graduated from the University of Western Australia with the degrees of Bachelor of Jurisprudence and Bachelor of Laws in 1975. He was admitted to practice in 1976.

Judge Chaney was first employed by Northmore Hale Davy and Leake (now Minter Ellison) and was a partner in that firm for 14 years before moving to Francis Burt Chambers as an independent barrister in July 1994. He was appointed Senior Counsel in 2002 and became a judge of the District Court in April 2004. Before

going to the bench, he practised in a broad range of litigious matters in all superior courts, but in the last ten years principally practised in the areas of commercial litigation, medical negligence and planning law.



Judge Chaney was president of the Law Society of Western Australia in 1991 and is a Foundation Director of the Australian Advocacy Institute Ltd. He served as a Commissioner of the District Court on three occasions between 1995 and 2001. In 2001, he was counsel assisting the Gunning Inquiry into Statutory Boards and Tribunals. He served as Deputy Chairman and Deputy President of the former Town Planning Appeal Tribunal between 1998 and 2004.

After serving in the District court for eight months, Justice Chaney was appointed as one of the two inaugural Deputy Presidents of the SAT. He filled that position until his appointment on 10 February 2009 to the Supreme Court and as President of SAT.

Judge Judy Eckert
Deputy President, State Administrative Tribunal

Judge Judy Eckert completed her law degree at the University of Western Australia, and practised with Northmore Hale Davy and Leake (now Minter Ellison) for some years. She became the first female partner of that firm in 1986. In 1991, Judge Eckert joined the Crown Solicitors Office (now State Solicitor's Office) where she practised for nearly 11 years, advising Ministers of the Crown and senior members of the public sector on a wide range of legal and policy issues.

Prior to her appointment to the District Court and the Tribunal on 1 January 2005, Judge Eckert practised as an independent barrister and was closely involved in the development of the legislative package for the Tribunal. Judge Eckert was President of the Law Society of Western Australia (1995-96) and Chair of the Real Estate and Business Agents Supervisory Board (2002-04). She also taught Commercial Practice and Drafting at the University of Western Australia Law School from 1990 to 2003.

Judge Eckert sits in the Human Rights and Vocational streams and she also sits on some state revenue matters.



Judge Janine Pritchard
Deputy President, State Administrative Tribunal



Judge Janine Pritchard has a Bachelor of Laws degree (with Honours) and a Bachelor of Arts degree from the Australian National University and a Master of Laws degree (with Distinction) from the University of London. She also has a Graduate Diploma in Women's Studies from Murdoch University.

In 1991 Judge Pritchard joined the then Crown Solicitor's Office (now the State Solicitor's Office) and worked in that Office until her appointment to the District Court and the Tribunal in June 2009. Judge Pritchard also lectured and tutored in law at Western Australian universities at various times during the same period.

Judge Pritchard has extensive experience as a solicitor and as counsel primarily in public law, including administrative law, constitutional law, freedom of information and privacy law, industrial law, and the prosecution of regulatory offences. She appeared as counsel in courts and tribunals in Western Australia, particularly in the Supreme Court and the Court of Appeal, and in the High Court of Australia.

Judge Pritchard was a member and Convenor of the Law Society's Articled Clerk Recruitment Monitoring Scheme Committee for several years and played a leading role in mentoring young lawyers within the State Solicitor's Office.

Full-time members – senior

Clive Raymond - Commercial and Civil

Clive Raymond was first admitted to the practice of law in South Africa in 1976. He practised for 14 years as barrister at the Bar in South Africa and in Western Australia. As a solicitor, he was a partner in a leading national law firm and, later, a multi-disciplinary practice with an accounting firm. He has a wide range of commercial litigation experience, with particular expertise in alternative dispute resolution. He is a former Chairman of the Institute of Arbitrators and Mediators Australia (WA Chapter) and for a number of years was a national councillor and national Vice-President of the Institute.

Clive was appointed as the inaugural senior member of the Commercial and Civil stream of the Tribunal in January 2005. Together with the judicial members of the Tribunal, he has responsibility for the management of the Commercial and Civil stream and in addition for vocational regulation matters falling under the *Builders' Registration Act 1939*, *Painters' Registration Act 1961* and the *Security and Related Activities (Control) Act 1996*.

David Parry - Development and Resources

BA, LLB(Hons)(Syd), BCL(Oxon), Grad.Dip.Leg.Pract.(UTS). Prior to his appointment as a senior member of the State Administrative Tribunal of Western Australia (SAT), David Parry practised as a lawyer in the areas of planning, environmental, local government and administrative law. He obtained degrees in Arts and Laws (with Honours) from the University of Sydney, and was awarded a British Foreign Office/BTR plc Scholarship to read for the Bachelor of Civil Law degree at Oxford University, which he obtained in 1991. He has tutored in Evidence at the University of Sydney, and was Managing Editor of the Environmental Law Reporter from 2001 to 2003. In 2003, he was a founding member of Martin Place Chambers, Sydney, the first specialist planning and environmental barristers' chambers in Australia.

David heads the SAT development and resources stream and is a member of SAT's rules, resource management and professional development committees. David is the principal author of SAT's Standard orders made at directions hearings, Practice Notes 2 (review proceedings), 3 (original proceedings) and 4 (Review by judicial member in planning matters) and the pamphlets Information about Class 2 planning applications, A guide for experts giving evidence in the State Administrative Tribunal, Section 31 invitation by SAT for decision-maker to reconsider its decision and Third party participation in planning matters. David is also a co-author of the chapter Conducting proceedings in the State Administrative Tribunal in the WA Lawyers' Practice Manual (2007, LBC) and has written several journal articles in relation to SAT's practice, procedure and decisions.

Jill Toohey - Human Rights

Jill Toohey was admitted to legal practice in Perth in 1981 and has worked as a solicitor in private practice and in community legal centres. She has been on the management committees of a number of community legal centres and other non-government organisations in WA and NSW. She was a Commissioner of the Legal Aid Commission (WA) from 1987-1993. She was a full-time member of the Refugee Review Tribunal in Sydney from 1993 to 1998 and, from 1998 to 2002 she was the Registrar of the Refugee Review Tribunal. She has worked as Registrar of the Commonwealth Administrative Appeals Tribunal and is an accredited mediator.

Murray Allen - Senior Member & President of the Mental Health Review Board

Murray Allen is currently President of the Mental Health Review Board.

After practising law in Western Australia until 1978, Murray Allen held senior positions with the Commonwealth Treasury, the National Companies and Securities Commission and an international investment banking business. He was the Regional Commissioner for the Australian Securities Commission in WA between 1991 and 1996 and then WA's Ombudsman until 2001. Until his appointment to the State Administrative Tribunal, Murray was a consultant and part-time member of the Commonwealth Administrative Appeals Tribunal.

Full-time ordinary members

Tim Carey

Tim Carey graduated from the University of Melbourne in 1981 with bachelor degrees in law and commerce. After a period as an associate to a Federal Court Judge, he worked for 10 years in law firms in Victoria, mainly in litigious matters ranging from personal injury/third party insurance and crime to commercial litigation and insolvency. In 1991, Tim commenced in private practice in Perth, and from 1993 until 2004 he worked in the office of the Australian Government Solicitor practising in the areas of administrative law, migration, taxation appeals, bankruptcy and general litigation. Tim is an inaugural member of the Tribunal in the Commercial and Civil stream. In that capacity he sits on matters including strata titles, commercial tenancies, building dispute reviews and applications under the *Road Traffic Act 1974* and the *Firearms Act 1973*. He also participates in the Tribunal's work in the Vocational Regulation stream with particular emphasis on the security agents industry.

Felicity Child

Felicity Child has qualifications in social work and law. She was a member of the Guardianship and Administration Board from 1992 until the incorporation of that jurisdiction into the Tribunal.

Before her appointment to the Tribunal, Felicity was employed by Legal Aid WA. Prior to that, she had worked for over 10 years with a number of community legal centres in Western Australia and as a tutor at Curtin University in social work and welfare practice. Felicity is a trained mediator and works mainly in the Human Rights stream of the Tribunal.

Marie Connor

Marie Connor has studied urban and regional planning and holds a Bachelor of Arts (Urban and Regional Studies) and a Postgraduate Diploma (Urban and Regional Planning – Distinction). She has considerable experience in state and local government planning, and was a member of the Town Planning Appeal Committee and the Town Planning Appeal Tribunal prior to the establishment of the Tribunal.

Marie was appointed as an inaugural member of the Development and Resources stream of the Tribunal in January 2005. In that capacity, she is mainly involved with applications concerning development, subdivision, local government notices and local government approvals. Marie is a LEADR-trained mediator and conducts mediations and compulsory conferences, primarily on matters relating to town planning.

Donna Dean

Donna Dean holds Bachelor of Arts and Bachelor of Social Work degrees from the University of Western Australia and is a LEADR-trained mediator. She has extensive experience in a variety of areas of social work in WA and NSW. She was a part-time sitting member of the Social Security Appeals Tribunal in WA. In 1997, Donna joined the New South Wales Office of the Protective Commissioner (OPC) where she worked for several years. The OPC protects and administers the estates of people unable to make financial decisions for themselves. In 2004, Donna worked for the NSW Independent Commission Against Corruption before returning to Perth in January 2005 to take up her appointment as an inaugural member of the Tribunal. Donna sits mainly in the Human Rights stream of the Tribunal.

Bertus de Villiers

Bertus de Villiers (BA Law, LL.B, LL.D) is admitted as a legal practitioner in Australia and South Africa with more than 20 years experience. He is a visiting fellow of the Law School of the University of Western Australia and has taught, on a part-time basis, constitutional and administrative law at UWA. He is also an inaugural Fellow of the Western Australian Institute of Dispute Management under the auspices of the Murdoch University. He is a board member of Baptistcare. His areas of specialisation are constitutional and administrative law, environmental law and human rights, and native title and commercial law. He has published widely on these and other topics. His professional background includes positions as Principal Legal Officer of the Goldfields Land and Sea Council and Principal Legal Officer for South African National Parks.

From 1990-96 he was head of the Centre for Constitutional Analysis in Pretoria where he had close involvement in the debates leading to and the drafting of the South African Constitution.

Jennifer Hawkins

Jennifer Hawkins has been a full-time member of the State Administrative Tribunal since 2006. She primarily sits in the Commercial and Civil and the Vocational Regulation streams.

Jenny was admitted as a legal practitioner in WA in 1986. She commenced her legal career as a solicitor with the then Crown Law Department undertaking civil and criminal litigation on behalf of the State. She later was appointed a Registrar of the Workers Compensation Board where she was largely involved in resolving disputes by mediation. Following work as a Registrar, Jenny commenced in private legal practice and held the position of partner practising principally in the areas of commercial and insurance litigation. She has also served as a legal member of the Psychologists Board of WA and currently is the Chair of the Princess Margaret Hospital Research Ethics Committee.

Jim Jordan

Jim Jordan first worked as a planning consultant in Queensland and Victoria. From 1979 until 2003, Jim was with the Western Australian Minister for Planning's Town Planning Appeal Committee. Jim then became a full-time member of the Town Planning Appeal Tribunal before working with a private law firm. In June 2005 Jim was appointed a full-time member of the State Administrative Tribunal. Jim has a Bachelor of Arts (UWA), Master Urban Studies (U of Qld), Bachelor of Laws (U of London) and a Professional Certificate in Arbitration and Mediation. He is an accredited mediator with IAMA and a Certified Practising Planner with the Planning Institute of Australia.

Jack Mansveld

Jack Mansveld has qualifications in accountancy and social work. He was employed in public accounting for 15 years, specialising in income tax and management accounting. He decided in 1986 to change careers and studied social work, graduating with first class honours in 1989. Since then he has managed a community legal centre, worked in the area of low-income housing policy, sat as a member of the Social Security Appeals Tribunal and most recently, prior to his appointment to the Tribunal, worked as a guardian and manager of advocacy and investigation with the Public Advocate (WA).

Peter McNab

Peter Donald McNab graduated in law from the University of Western Australia in 1978-79 and moved to the Northern Territory in 1979. In 2003, he was awarded a Masters in Law from the University of Melbourne. From 1980-1989 he worked in the Commonwealth Attorney-General's Department in Darwin and in 1989, he joined the Northern Territory University where he became a Senior Lecturer in public law. At the same time, he was appointed as a member of the Social Security Appeals Tribunal, a part-time position he held until December 2002. In 1994, he held a senior position in the Office of the Northern Territory Anti-Discrimination Commissioner. In 2000, he started practising full-time as a barrister at the Independent Bar in Darwin. Since 2006 Peter McNab has sat in both the Development and Resources and Commercial and Civil streams of the Tribunal.

Maurice Spillane

Maurice was appointed a full-time member of the State Administrative Tribunal in January 2005. He sits across all four streams at the Tribunal but principally in the Development and Resources and Commercial and Civil streams and has a particular interest in mediation.

He graduated in Law in Ireland in 1978 where he practiced for 10 years before coming to Perth in 1988 with his family. In Western Australia he practiced in the areas of Medical Law, Professional Indemnity, Planning and Local Government Law. Maurice is also currently Chair of the Clinical Ethics Committee at Princess Margaret Hospital and King Edward Memorial Hospital, a Board Member of Mercycare and a Member of the Scientific Advisory Committee for the World Health Organisation Collaborating Centre for Research on Children's Environmental Health.

APPENDIX

Appendix 1 - Legislation Defining our Jurisdiction

Table 10 - List of enabling legislation

Act	Original	Review	Stream
<i>Aboriginal Heritage Act 1972</i>	x		Development and Resources
<i>Adoption Regulations 1995</i> (given effect to by s 10, s 107, s 143 <i>Adoption Act 1994</i>)		x	Human Rights
<i>Aerial Spraying Control Act 1966</i>		x	Commercial and Civil
<i>Agricultural Produce (Chemical Residues) Act 1983</i>		x	Commercial and Civil
<i>Agricultural Produce Commission Act 1988</i>		x	Commercial and Civil
<i>Agriculture and Related Resources Protection Act 1976</i>		x	Development and Resources
<i>Animal Welfare Act 2002</i>		x	Commercial and Civil
<i>Architects Act 2004</i>	x	x	Vocational
<i>Armadale Redevelopment Act 2001</i>		x	Development and Resources
<i>Associations Incorporation Act 1987</i>		x	Commercial and Civil
<i>Betting Control Act 1954</i>		x	Commercial and Civil
<i>Biological Control Act 1986</i>		x	Development and Resources
<i>Births, Deaths and Marriages Registration Act 1998</i>		x	Commercial and Civil
<i>Builder's Registration Act 1939</i>	x	x	Commercial and Civil
<i>Business Names Act 1962</i>		x	Commercial and Civil
<i>Caravan Parks and Camping Grounds Act 1995</i>		x	Commercial and Civil
<i>Caravan Parks and Camping Grounds Regulations 1997</i> (given effect to by s 28 <i>Caravan Parks and Camping Grounds Act 1995</i>)		x	Commercial and Civil
<i>Cemeteries Act 1986</i>		x	Commercial and Civil
<i>Chattel Securities Act 1987</i>		x	Commercial and Civil
<i>Chicken Meat Industry Act 1977</i>		x	Commercial and Civil
<i>Child Care Services Act 2007</i>	x	x	Vocational
<i>Children and Community Services Act 2004</i>	x	x	Human Rights
<i>Chiropractors Act 2005</i>		x	Vocational
<i>Commercial Tenancy (Retail Shops) Agreements Act 1985</i>	x		Commercial and Civil
<i>Competition Policy Reform (Western Australia) Act 1996</i>			Commercial and Civil
<i>Construction Contracts Act 2004</i>	x	x	Commercial and Civil
<i>Consumer Credit (Western Australia) Code</i> (given effect to by s 5 <i>Consumer Credit (Western Australia) Act 1996</i>)	x		Commercial and Civil
<i>Control of Vehicles (Off-road Areas) Act 1978</i>		x	Commercial and Civil
<i>Co-operative and Provident Societies Act 1903</i>		x	Commercial and Civil
<i>Country Areas Water Supply Act 1947</i>		x	Development and Resources
<i>Country Towns Sewerage Act 1948</i>		x	Development and Resources
<i>Credit Act 1984</i>	x		Commercial and Civil
<i>Credit (Administration) Act 1984</i>	x	x	Commercial and Civil
<i>Cremation Act 1929</i>		x	Commercial and Civil
<i>Dangerous Goods Safety Act 1998</i>		x	Commercial and Civil
<i>Debt Collectors Licensing Act 1964</i>	x	x	Vocational

Act	Original	Review	Stream
<i>Dental Act 1939</i>	x	x	Vocational
<i>Dental Prosthetists Act 1985</i>	x	x	Vocational
<i>Dog Act 1976</i>	x	x	Commercial and Civil
<i>East Perth Redevelopment Act 1991</i>		x	Development and Resources
<i>East Perth Redevelopment Regulations 1992</i> (given effect to by s 57 <i>East Perth Redevelopment Act 1991</i>)		x	Development and Resources
<i>Electricity (Licensing) Regulations 1991</i> (given effect by s 32(3)(faa) <i>Electricity Act 1945</i>)		x	Vocational
<i>Emergency Management Act 2005</i>		x	Commercial and Civil
<i>Employment Agents Act 1976</i>	x	x	Vocational
<i>Energy Coordination Act 1994</i>		x	Development and Resources
<i>Equal Opportunity Act 1984</i>	x		Human Rights
<i>Fair Trading Act 1987</i>	x		Commercial and Civil
<i>Finance Brokers Control Act 1975</i>	x	x	Commercial and Civil
<i>Fire and Emergency Services Authority of Western Australia Act 1998</i>		x	Commercial and Civil
<i>Fire Brigades Act 1942</i>		x	Commercial and Civil
<i>Firearms Act 1973</i>		x	Commercial and Civil
<i>First Home Owner Grant Act 2000</i>		x	Commercial and Civil
<i>Fish Resources Management Act 1994</i>		x	Development and Resources
<i>Fisheries Adjustment Schemes Act 1987</i>	x	x	Development and Resources
<i>Fishing and Related Industries Compensation (Marine Reserves) Act 1997</i>	x	x	Development and Resources
<i>Gas Standards Act 1972</i>	x	x	Development and Resources
<i>Gender Reassignment Act 2000</i>		x	Human Rights
<i>Greater Bunbury Region Scheme</i> (given affect to by s 41 <i>Planning and Development Act 2005</i>)		x	Development and Resources
<i>Guardianship and Administration Act 1990</i>	x	x	Human Rights
<i>Hairdressers Registration Act 1946</i>	x	x	Vocational
<i>Health Act 1911</i>	x	x	Commercial and Civil
<i>Health (Aquatic Facilities) Regulations 2007</i> (given effect to by s 343A <i>Health Act 1911</i>)		x	Commercial and Civil
<i>Heritage of Western Australia Act 1990</i>	x	x	Development and Resources
<i>Hire Purchase Act 1959</i>		x	Commercial and Civil
<i>Hope Valley-Wattleup Redevelopment Act 2000</i>		x	Development and Resources
<i>Hospitals and Health Services Act 1927</i>		x	Commercial and Civil
<i>Housing Societies Act 1976</i>		x	Commercial and Civil
<i>Human Reproductive Technology Act 1991</i>	x	x	Vocational
<i>Industrial Relations Acts 1979</i>		x	Human Rights
<i>Jetties Act 1926</i>		x	Development and Resources
<i>Land Administration Act 1997</i>	x	x	Development and Resources
<i>Land Drainage Act 1925</i>		x	Development and Resources
<i>Land Valuers Licensing Act 1978</i>	x	x	Vocational
<i>Legal Profession Act 2008</i>	x	x	Vocational
<i>Licensed Surveyors Act 1909</i>	x	x	Vocational
<i>Litter Act 1979</i>		x	Development and Resources
<i>Local Government (Building Surveyors) Regulations 2008</i> (given to by s 373A and s 373AAB <i>Local Government (Miscellaneous Provisions) Act 1990</i> and s 9.59 <i>Local Government Act 1995</i>)		x	Commercial and Civil

Act	Original	Review	Stream
<i>Local Government (Miscellaneous Provisions) Act 1960</i>	x	x	Commercial and Civil
<i>Local Government Act 1995</i>	x	x	Development and Resources
<i>Maritime Archaeology Act 1973</i>			Development and Resources
<i>Marketing of Potatoes Act 1946</i>	x	x	Commercial and Civil
<i>Medical Practitioners Act 2008</i>	x	x	Vocational
<i>Medical Radiation Technologists Act 2006</i>	x	x	Vocational
<i>Mental Health Act 1996</i>	x	x	Human Rights
<i>Metropolitan Water Authority Act 1982</i>		x	Development and Resources
<i>Metropolitan Water Supply, Sewerage and Drainage Act 1909</i>		x	Development and Resources
<i>Midland Redevelopment Act 1999</i>		x	Development and Resources
<i>Motor Vehicle Dealers Act 1973</i>	x	x	Vocational
<i>Motor Vehicle Drivers Instructors Act 1963</i>		x	Vocational
<i>Navigable Waters Regulations 1958</i> (given to by s 12 <i>Shipping and Pilotage Act 1967</i> , s 4 <i>Jetties Act 1926</i> , and s 99 <i>Western Australian Marine Act 1982</i>)		x	Vocational
<i>Nurses and Midwives Act 2006</i>	x	x	Vocational
<i>Occupational Therapists 2005</i>	x	x	Vocational
<i>Optometrists Act 2005</i>	x	x	Vocational
<i>Osteopaths Act 2005</i>	x	x	Vocational
<i>Painters' Registration Act 1961</i>	x	x	Vocational
<i>Pawnbrokers and Second-hand Dealers Act 1994</i>	x	x	Commercial and Civil
<i>Pearling Act 1990</i>		x	Development and Resources
<i>Perry Lakes Redevelopment Act 2005</i>		x	Development and Resources
<i>Perth Parking Management Act 1999</i>		x	Commercial and Civil
<i>Petroleum and Geothermal Energy Act 1967</i>	x	x	Commercial and Civil
<i>Petroleum (Submerged Lands) Act 1982</i>	x	x	Commercial and Civil
<i>Petroleum Pipelines Act 1969</i>	x		Commercial and Civil
<i>Petroleum Retailers Rights and Liabilities Act 1982</i>		x	Commercial and Civil
<i>Pharmacy Act 1964</i>	x	x	Vocational
<i>Physiotherapists Act 2005</i>	x	x	Vocational
<i>Planning and Development Act 2005</i>	x	x	Development and Resources
<i>Planning and Development Regulations 2009</i> (given effect to by s 263 <i>Planning and Development Act 2005</i>)		x	Development and Resources
<i>Plant Diseases Act 1914</i>		x	Development and Resources
<i>Podiatrists Act 2005</i>	x		Vocational
<i>Poisons Act 1964</i>		x	Commercial and Civil
<i>Professional Combat Sports Act 1987</i>		x	Vocational
<i>Psychologists Act 2005</i>	x	x	Vocational
<i>Public Order in Streets Act 1984</i>		x	Commercial and Civil
<i>Radiation Safety Act 1975</i>		x	Commercial and Civil
<i>Rail Safety Act 1975</i>		x	Commercial and Civil
<i>Real Estate and Business Agents Act 1978</i>	x	x	Vocational
<i>Residential Parks (Long Stay Tenants) Act 2005</i>	x	x	Commercial and Civil
<i>Retirement Villages Act 1992</i>	x		Commercial and Civil
<i>Retirement Villages Regulations 1992</i> (given effect to by s 82 <i>Retirement Villages Act 1992</i>)	x		Commercial and Civil
<i>Rights in Water and Irrigation Act 1914</i>		x	Development and Resources

Act	Original	Review	Stream
<i>Road Traffic Act 1974</i>		x	Commercial and Civil
<i>Road Traffic (Authorisation to Drive) Regulations 2008</i> (given effect to by s42 <i>Road Traffic Act 1974</i>)		x	Commercial and Civil
<i>Royal Agricultural Society Act 1926</i>		x	Commercial and Civil
<i>Security and Related Activities (Control) Act 1996</i>	x	x	Vocational
<i>Settlement Agents Act 1981</i>	x	x	Vocational
<i>Soil and Land Conservation Act 1945</i>		x	Development and Resources
<i>State Superannuation Act 2000</i>		x	Development and Resources
<i>Strata Titles Act 1985</i>	x	x	Commercial and Civil
<i>Subiaco Redevelopment Act 1994</i>		x	Development and Resources
<i>Swan Canning Rivers Management 2006</i>		x	Development and Resources
<i>Taxation Administration Act 2003</i>	x	x	Commercial and Civil
<i>Taxi Act 1994</i>		x	Commercial and Civil
<i>Tobacco Products Control Act 2006</i>	x	x	Commercial and Civil
<i>Trade Measurement Act 2006</i>		x	Vocational
<i>Transport Co-ordination Act 1966</i>		x	Commercial and Civil
<i>Transport (Country Taxi-car) Amendment Regulations 2003</i> (given effect to by s 47ZF <i>Transport Co-ordination Act 1966</i>)		x	Commercial and Civil
<i>Travel Agents Act 1985</i>	x	x	Vocational
<i>Valuation of Land Act 1978</i>		x	Development and Resources
<i>Veterinary Chemical Control and Animal Feeding Stuffs Act 1976</i>		x	Development and Resources
<i>Veterinary Surgeons Act 1960</i>	x	x	Vocational
<i>W.A Marine (Certificates of Competency and Safety Manning) Regulations 1983</i> (given effect to by s 10(f) and s 10(g) of the <i>Western Australia Marine Act 1982</i>)		x	Vocational
<i>Waste Avoidance and Resources Recovery Act 2007</i>		x	Development and Resources
<i>Waste Avoidance and Resource Recovery Levy Regulations 2007</i> (given effect to by s 4 <i>Waste Avoidance and Resource Recovery Levy Act 2007</i> and s 7 <i>Waste Avoidance and Resource Recovery Act 2007</i>)		x	Development and Resources
<i>Water Agencies (Powers) Act 1984</i>	x		Development and Resources
<i>Water Boards Act 1904</i>		x	Development and Resources
<i>Water Services Licensing Act 1995</i>		x	Development and Resources
<i>Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000</i> (given effect to by s 61 <i>Water Services Licensing Act 1995</i>)	x	x	Vocational
<i>Waterways Conservation Act 1976</i>		x	Development and Resources
<i>Western Australian Meat Industry Authority Act 1976</i>		x	Commercial and Civil
<i>Workers' Compensation and Injury Management Regulations 1982</i> (given effect to by s 277 <i>Workers Compensation and Injury Management Act 1981</i>)		x	Vocational
<i>Working with Children (Criminal Record Checking) Act 2004</i>		x	Vocational

Appendix 2 - Enabling Acts with the total number of applications made

Table 11 - Stream applications by Act

Stream	Act	No. of Applications 2005/06	No. of Applications 2006/07	No. of Applications 2007/08	No. of Applications 2008/09
COMMERCIAL & CIVIL	<i>Animal Welfare Act 2002</i>	0	2	0	0
	<i>Associations Incorporation Act 1987</i>	0	0	2	0
	<i>Betting Control Act 1954</i>	0	0	1	0
	<i>Births, Deaths and Marriages Registration Act 1988</i>	0	1	0	0
	<i>Builders Registration Act 1939</i>	0	54	52	44
	<i>Business Names Act 1962</i>	0	1	0	0
	<i>Caravan Parks and Camping Grounds Act 1995</i>	2	1	0	1
	<i>Commercial Tenancy (Retail Shops) Agreements Act 1985 – s 13</i>	1467	1682	1494	1514
	<i>Commercial Tenancy (Retail Shops) Agreements Act 1985 – excluding s 13</i>	49	52	60	50
	<i>Community Services Act 1972 (repealed)</i>	1	0	0	0
	<i>Construction Contracts Act 2004</i>	3	2	6	4
	<i>Consumer Credit (Western Australia) Act 1996</i>	79	48	71	60
	<i>Country Towns Sewerage Act 1948</i>	1	0	0	0
	<i>Credit Act 1984</i>	-	-	1	1
	<i>Dangerous Goods (Transport) Act 1998 (repealed)</i>	3	1	0	0
	<i>Dangerous Goods Safety Act 2004</i>	-	-	-	1
	<i>Dog Act 1976</i>	9	7	11	21
	<i>Explosives and Dangerous Goods Act 1961 (repealed)</i>	-	-	1	0
	<i>Fair Trading Act 1987 (WA)</i>	-	-	-	3
	<i>Firearms Act 1973</i>	20	25	28	37
	<i>First Home Owner Grant Act 2000</i>	4	3	3	5
	<i>Health Act 1911</i>	14	8	5	13
	<i>Health (Aquatic Facilities) Regulations 2007 (given effect to by s 343A Health Act 1911)</i>	-	-	-	0
	<i>Local Government (Miscellaneous Provisions) Act 1960</i>	147	73	80	37
	<i>Marketing of Potatoes Act 1946</i>	0	1	1	0
	<i>Petroleum (Submerged Lands) Act 1982</i>	-	-	1	0
	<i>Residential Parks (Long Stay Tenants) Act 2006</i>	-	-	12	23
	<i>Retirement Villages Act 1992</i>	5	4	5	8
	<i>Road Traffic Act 1974</i>	38	61	67	34
	<i>Soil and Land Conservation</i>	12	0	0	0
	<i>Strata Titles Act 1985</i>	139	136	112	131
<i>Swan River Trust Act 1988</i>	2	0	0	0	
<i>Taxation Administration Act 2003</i>	41	11	17	9	
<i>Taxi Act 1994</i>	0	3	0	0	
<i>Transport Co-ordination Act 1966</i>	-	-	0	0	
Commercial and Civil Stream Total Applications		2036	2176	2030	1996
HUMAN RIGHTS	<i>Children and Community Services Act 2004</i>	-	-	2	4
	<i>Equal Opportunity Act 1984</i>	90	67	84	68
	<i>Gender Reassignment Act 2000</i>	-	-	-	2
	<i>Guardianship and Administration Act 1990</i>	2442	2593	2822	3157
	<i>Mental Health Act 1996</i>	9	10	11	15
Human Rights Stream Total		2541	2670	2919	3246

Stream	Act	No. of Applications 2005/06	No. of Applications 2006/07	No. of Applications 2007/08	No. of Applications 2008/09
DEVELOPMENT & RESOURCES	Aboriginal Heritage Act 1972	-	-	1	3
	Country Areas Water Supply Act 1947	-	-	-	1
	East Perth Redevelopment Act 1991	1	1	6	0
	Fish Resources Management Act 1994	4	1	3	5
	Fishing and Related Industries Compensation (Marine Reserves) Act 1996	-	-	1	0
	Hope Valley-Wattleup Redevelopment Act 2000	-	-	0	1
	Jetties Act 1926	3	8	0	0
	Land Administration Act 1997	5	9	1	8
	Local Government Act 1995	13	30	15	26
	Metropolitan Region Town Planning Scheme Act 1959	1	0	0	0
	The Midland Redevelopment Act 1999	-	-	-	1
	Planning and Development Act 2005	58	410	415	466
	Rights in Water and Irrigation Act 1914	2	6	6	4
	Town Planning and Development Act 1928 (repealed)	276	0	-	-
	Taxation Administration Act 2003	0	7	12	14
	Valuation of Land Act 1978	3	2	6	6
	Waste Avoidance and Resource Recovery Levy Regulations 2007 (given effect to by s 4 Waste Avoidance and Resource Recovery Levy Act 2007 and s 7 Waste Avoidance and Resource Recovery Act 2007)	-	-	-	0
	Western Australian Planning Commission Act 1985 (repealed)	-	-	0	-
Development and Resource Stream Total		366	474	466	535
VOCATIONAL REGULATION	Architects Act 1921 (repealed)	1	1	0	-
	Architects Act 2004	-	-	-	1
	Builders Registration Act 1939	95	23	21	25
	Childcare Services Act 2007	-	-	-	1
	Children and Community Services Act 2004	0	4	0	0
	Credit (Administration) Act 1984	-	-	1	0
	Chiropractors Registration Board Rules 1996 (given effect to by s 18(1)(ha) Chiropractors Act 1964)	0	2	0	0
	Debt Collectors Licensing Act 1964	1	0	0	0
	Dental Act 1939	1	0	5	0
	Electricity Act 1945	1	2	0	0
	Finance Brokers Control Act 1975	3	1	2	0
	Gas Standards Act 1972	1	1	0	0
	Hairdressers Registration Act 1946	1	2	2	0
	Land Valuers Licensing Act 1978	3	1	0	1
	Legal Practice Act 2003	50	30	35	42
	Licensed Surveyors Act 1909	2	1	0	0
	Medical Act 1894	17	26	20	9
	Medical Radiation Technologies Act 2006	-	-	1	0
	Motor Vehicle Dealers Act 1973	3	2	0	1
	Motor Vehicle Drivers Instructors Act 1966	1	0	0	1
	Nurses Act 1992	6	6	8	0
	Nurses and Midwives Act 2006	-	-	22	9
	Optometrists Act 1940	1	1	0	0
	Painters Registration Act 1961	7	2	2	1
	Pharmacy Act 1964	0	3	1	2
	Physiotherapists Act 1950 (repealed)	0	1	0	-
Psychologists Registration Act 1976 (repealed)	3	2	0	-	
Psychologists Act 2005	-	-	3	2	

Stream	Act	No. of Applications 2005/06	No. of Applications 2006/07	No. of Applications 2007/08	No. of Applications 2008/09
	<i>Real Estate and Business Agents Act 1978</i>	8	17	18	9
	<i>Security and Related Activities (Control) Act 1996</i>	77	84	91	69
	<i>Settlement Agents Act 1981</i>	4	6	10	2
	<i>Trade Measurement Act 2006</i>	0	1	0	0
	<i>Travel Agents Act 1985 (WA)</i>	0	2	1	0
	<i>Veterinary Surgeons Act 1960</i>	1	2	3	2
	<i>Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000 (given effect to by s 61 Water Services Licensing Act 1995)</i>	1	2	0	1
	<i>Workers Compensation and Injury Management Regulations 1982</i>	1	1	0	0
	<i>Working With Children (Criminal Record Checking) Act 2004</i>	0	5	8	3
Vocational Regulation Stream Total		289	231	254	181
SAT	<i>State Administrative Tribunal Act 2004</i>	0	1	5	3
TOTAL		5232	5552	5674	5961

Appendix 3 – Member Activities

Table 12 - Member Activities 2008-09

Date	Attended	Details
Various	Full-time members	SAT professional development seminars on the second Tuesday of the month. Members and invited guests gave presentations on a range of current issues. Approximately 10 of these sessions are held each year.
04/07/2008	David Parry	Presentation on 'Local Government Planning Officers @ the State Administrative Tribunal' at the Local Government Planners' Association Breakfast Forum at the Ibis Hotel in Perth.
17/07/2008-18/07/2008	Judicial and full-time members	3rd Annual Kunamarri Conference at UWA.
24/07/2008	David Parry	David Parry gave a paper on SAT procedures at the Spatial Sciences Conference held at Curtin University.
28/07/2008	DR stream members	Regional Information Session for Local Governments (Northern Country) by videolink.
28/07/2008	Clive Raymond	SAT Staff Education Series #4: Clive Raymond gave a presentation on the Overview of CC Stream including principal legislation.
30/07/2008	Judicial and full-time members	Justice Barker (MC) Vista Public Lecture Series #5: Mr John Langoulant, CEO Australian Capital Equity Pty Ltd, former CEO WA Chamber of Commerce and Industry, and former Under Treasurer WA presented 'Maintaining the Boom: WA's infrastructure requirements'.
4/08/2008	David Parry	Presentation by David Parry on the 'Overview and Role of SAT' as part of Curtin University of Technology, Environmental Impact Assessment Course at SAT.
6/08/2008	Clive Raymond	Clive Raymond chaired the Law Society Seminar Workshop on Ethical Considerations in ADR Processes.
24/08/2008-26/08/2008	Judge Chaney	Judge Chaney was an instructor at the Young Lawyers Advocacy Weekend in Mandurah.
26/08/2008	Jill Toohey	Jill Toohey attended a Training Session: Hosted by the Citizen's Advice Bureau and gave a paper on SAT.
27/08/2008	Judge Chaney	Meeting - Heads of Jurisdiction of Australasian Planning & Environmental Courts & Tribunals in Melbourne.
27/08/2008	Judicial and full-time members	Justice Barker (MC) Vista Public Lecture Series #6: Prof Assen Jablensky, Director Centre for Clinical Research in Neuropsychiatry, UWA School of Psychiatry and Clinical Neurosciences presented 'Mental Health 2020: Challenges and opportunities'.
28/08/2008	Justice Barker, Judge Eckert, David Parry, Clive Raymond	Presentation on 'Woolf Reforms And Recent UK Developments' by Lord Justice May of English Court of Appeal at the Supreme Court of WA.
01/09/2008	Judge Chaney, Judge Eckert	Seminar on Aboriginal Benchbook at the District Court of WA, Perth.
02/09/2008	Judge Eckert, CC stream members	Annual CC Planning Day at Joondalup.
03/09/2008-05/09/2008	Jim Jordan	Attended PIA State Conference 'Second City Challenges' in Bunbury.
04/09/2008	DR stream members	Presentation of Regional Information Session for Local Governments (Great Eastern Country Zone) by videolink.
07/09/2008-08/09/2008	Peter McNab	Attended the National Community Titles Conference in Darwin.
08/09/2008	Jill Toohey, Murray Allen	SAT Staff Education Series #5: Overview of HR Stream & MHRB including principal legislation.
09/09/2008	Jim Jordan	Presentation on the Role of the SAT to UWA Post Graduate students at UWA.
10/09/2008	David Parry	Adjudicated Schools Conflict Resolution and Mediation (SCRAM) national grand final between WA and NSW at the Hyatt, Perth.
10/09/2008-12/09/2008	Maurice Spillane, Clive Raymond	Attended the 9th National Mediation Conference at the Hyatt, Perth. Maurice Spillane presented a paper on 'Mediation in the State Administrative Tribunal from alternative to mainstream - a success story'.

Date	Attended	Details
17/09/2008	Judge Chaney	Presented paper to CPD Forum on Expert Evidence at the Australian Property Institute.
22/09/2008	Judge Chaney and DR stream members	Annual DR Planning Day, Notre Dame University, Fremantle.
24/09/2008	Judicial and full-time members	Judge Chaney (MC) Vista Public Lecture Series #7: Hon Dr Carmen Lawrence former Premier Western Australia presented ' <i>Maintaining a Civil Society</i> '.
25/09/2008	David Parry	Presentation on 'SAT' at the DR Stream Regional Information Session for Peel Region Councils at Mandurah City Council.
08/10/2008	Various	WA Chapter COAT Meeting: Mr Barry Thomas gave a presentation via videolink on ' <i>Pre-empting Difficult Decisions in Hearings including Contemptuous Behaviour</i> '. Jennifer Hawkins was involved in the organisation of the conference.
09/10/2008	Judge Chaney	Attended Information Session on Technology at the District Court, Perth.
12/10/2008	Judge Chaney	Attended Moderators of Advocacy Workshops by the Australian Advocacy Institute in Melbourne.
14/10/2008	Full-time members	Lunchtime forum: Issues concerning the Revision and Correction of Oral Reasons for Decisions.
15/10/2008	Murray Allen	Presentation: Powers of Attorney & Enduring Powers of Attorney to the Law Society of WA.
20/10/2008	David Parry	SAT Staff Education Series #6: Overview of DR Stream including principal legislation.
22/10/2008	Judicial and full-time members	Judge Chaney (MC) Vista Public Lecture Series #8: Hon Richard Court AC, former Premier of WA presented ' <i>How will the Federation look in 2020</i> '
23/10/2008	Maurice Spillane	Presented workshop at for the Strata Titles Institute of WA Royal Flying Squadron Yacht Club.
30/10/2008	Donna Dean	Presentation on 'Guardianship and Administration' to Advocare.
10/11/2008	Justice Barker, Judge Chaney, Clive Raymond, Maurice Spillane, Jennifer Hawkins	Attended the Supreme Court Seminar on ' <i>Aboriginal English and the Courts</i> '.
13/11/2008	Bertus De Villiers	Presentation on ' <i>Federalism in South Africa - the next 15 years</i> ' Conference in Cape Town for the Konrad Adenauer Foundation.
01/12/2008	Judge Chaney	SAT Staff Education Series #7: Presented ' <i>Overview of VR stream including principal legislation</i> '.
01/12/2008	DR stream members, *John Adderly, *Richard Affleck, *Patric deVilliers, *Tony Ednie-Brown, *Brian Hunt, *Lloyd Graham, *Rebecca Moore	DR Sessional Members Feedback Session.
09/12/2008	Jennifer Hawkins	Presentation on <i>Residential Parks (Long Stay Tenants) Act</i> to State Tenancy Conference, Perth
10/12/2008	Judge Eckert, Jill Toohey	International Human Rights Day breakfast: ' <i>Women Working for the Dignity and Justice for All</i> '.
26/01/2009	CC stream members	Forum on Procedural Fairness in relation to Building Disputes Tribunal Hearings.
28/01/2009	Clive Raymond, Bertus De Villiers, Maurice Spillane, Tim Carey, Jennifer Hawkins	Forum on reviewing strata company decisions.
10/02/2009	David Parry, Clive Raymond, Jill Toohey	Members' appraisal training presented by AAT Deputy President Dean Jarvis at SAT.
13/02/2009-14/02/2009	Judge Eckert, Jill Toohey, Jennifer Hawkins, Felicity Child, Bertus De Villiers	Attended the AIJA Interpreters conference. Judge Eckert was involved in the organisation of the conference.
18/02/2009	Clive Raymond, Bertus De Villiers, Maurice Spillane, Tim Carey, Jennifer Hawkins	Forum on Strata Titles Dispute Resolution.

Date	Attended	Details
04/03/2009	Clive Raymond, Bertus De Villiers, Maurice Spillane, Tim Carey, Jennifer Hawkins	Forum on Interfering with Strata Company Decisions.
07/03/2009-08/03/2009	Tim Carey	Attended the Strata Titles Institute of WA (STIWA) State Conference.
19/03/2009	Clive Raymond, Bertus DeVilliers	Law Society Conference on Strata Titles Day 1.
26/03/2009	Clive Raymond	Presentation on 'SAT's Role in Strata Titles Disputes' at the Law Society of WA
29/03/2009-01/04/2009	Jim Jordan	Attended the Planning Institute of Australia National Congress in Darwin.
30/03/2009	Marie Connor	David Parry presented a paper at the Law Society of WA Administrative Review Seminar on 'State Administrative Tribunal: The Review Jurisdiction'.
01/04/2009	Clive Raymond, Bertus De Villiers, Maurice Spillane, Tim Carey, Jennifer Hawkins	Forum on Interfering with Strata Company Decisions.
21/04/2009	Jenny Hawkins	Presentation on 'Residential Parks' to Park Home Owners Association.
22/04/2009	Clive Raymond, Bertus De Villiers, Maurice Spillane, Tim Carey, Jennifer Hawkins	Forum on Interfering with Strata Company decisions.
12/05/2009	Full-time members	Forum presented by Murray Allen on ' <i>Appointment of Guardians ad Litem</i> '.
13/05/2009	Clive Raymond, Bertus De Villiers, Maurice Spillane, Tim Carey, Jennifer Hawkins	Forum on Strata Titles Common Property Issues, specifically tripartite division of alterations to common property.
15/05/2009	David Parry, Marie Connor, Rebecca Moore	David Parry presented a paper at the National Environmental Law Association WA (NELA) State Conference on ' <i>Ecologically sustainable development in WA planning appeals in the context of coastal planning cases</i> '.
04/06/2009-05/06/2009	Justice Chaney, Judge Eckert, Tim Carey, Jennifer Hawkins, Donna Dean	Attended the AIJA/COAT conference titled ' <i>Being Fair, Being Quick and Being Inexpensive</i> ' in Sydney. Justice Chaney presented the keynote address and Judge Eckert and Donna Dean were panellists.
25/06/2009	Clive Raymond	Attended the Strata Titles Institute of WA Forum on ' <i>Presentation of documentation at Annual General Meetings</i> '.
29/06/2009	David Parry, Marie Connor, Jim Jordan, Peter McNab, Maurice Spillane, Clive Raymond, *Rebecca Moore, *Peter Curry, *Tony Ednie-Brown, *Brian Hunt, *Ross Easton, *Richard Affleck.	DR facilitative dispute resolution (FDR) seminar and workshop.
30/06/2009	Judicial and full-time members	Peter McNab made a presentation at the ' <i>The Chameleon Tribunal: SAT: Court or Tribunal?</i> ' seminar at SAT.

* Refers to Sessional Members

Appendix 4 - Sessional members

State Administrative Tribunal senior sessional members and ordinary sessional members appointed under section 117(5), as at 30 June 2007.

Table 13 - Sessional members – senior

Member	Areas of Work/Expertise
John Adderley	Retired Town Planner
Richard Affleck	Executive Director, Construction Company
Michael Anderson	Chartered Accountant
Hans W Beyer	Finance Broker
Gillian Braddock SC	Legal Practitioner
Kenneth Bradley	Accountant, Former Public Trustee
Dr Roger Clarnette	Medical Practitioner
Dr Simon Carlin	Chiropractor
Philip Cockerill	Dentist
Prof Joan Cole	Physiotherapist
Jeffrey Colley	Finance Broker
Patrick De Villiers	City Planning Consultant
Lesley Doherty	Hairdresser
Margaret Duckworth	Occupational Therapist
Chris Edmonds SC	Legal Practitioner
Ross Easton	Architect
Antony Ednie-Brown	Consultant Architect
Dr Dale Evans	Medical Practitioner
Dr Louise Farrell	Medical Practitioner
Prof Kingsley Faulkner	Medical Practitioner
Laurence Foley	Podiatrist
Dr Stuart Gairns	Periodontist
Alexander Gardner	Legal Practitioner, University Academic (Law)
Neville Garrity	Pharmacist
Susan Gillett	Social Worker, Mediator
Lloyd Graham	Retired Town Planner
Dr Guy Hamilton	Retired Medical Practitioner
Catherine (Katie) Hill	Occupational Therapist
Brian Hunt	Consultant Planner
Dr Eric Isaachsen	Medical Practitioner
John James	Psychologist
Steven Jongenelis	Psychologist
Margaret Jordan	Legal Practitioner
Dr Max Kamien AM CitWA	Medical Practitioner
Ross Ledger	Accountant
Hannah Leslie	Legal Practitioner
Paul Levi	Optometrist
Dr Michael Levitt	Medical Practitioner
David Liggins	Real Estate Agent, Licensed Valuer
Prof George Lipton	Psychiatrist
Dr Richard Lugg	Environmental Health Consultant
Timothy Mather	Veterinary Surgeon
Jeffrey Mazzini	Finance Broker
Phillip McAllister	Architect
Dr Alan McCutcheon	Medical Practitioner
Kevan McGill	Engineer
Neil McKerracher QC	Legal Practitioner
Dr Barry Mendelawitz	Retired Medical Practitioner
Rebecca Moore	Architect
Diana Newman	Accountant
Michael Odes QC	Legal Practitioner
Val O'Toole	Social Worker
Dr Anne Passmore	Occupational Therapist, University Lecturer
Dr Christine Pears	Dentist
Dr John Penman	Psychiatrist
Patrick Pinder	Architect, Town Planner
Geoffrey Potter	Accountant, Real Estate Agent
Robert Priest	Land Valuer
Dr Pam Quatermass	Medical Practitioner

Member	Areas of Work/Expertise
Jenny Smithson	Town Planner
Josephine Stanton	Consultant in Health & Welfare
Dr Daniel Stepniak	Legal Practitioner,
Anthony Vigano	Veterinary Surgeon
Hon Robert Viol	Legal Practitioner, Retired District Court Judge
Brigadier A Gerry Warner	Australian Defence Force (Retired)
Mark Wiklund	Physiotherapist
Dr Peter Winterton	Medical Practitioner
Dr Angela Workman	Medical Radiation Technologist
Darianne Zambotti	Occupational Therapist

Table 14 - Sessional members – ordinary

Member	Areas of Work/Expertise
Keith Bales	Retired Legal Practitioner
Harold Burkett	Painter and Decorator
Ross Campbell	Electrical Fitter, Security Agent
Peter Cook	Real Estate Agent
Anthony Coulson	Travel Agent
Peter Curry	Mediator, Agricultural Scientist
Graham Devenish	Dental Prosthetist
Paul Druitt	Real Estate Agent
Mary Elgar	Travel Agent, Nurse
Phil Faigen	Architect, Registered Builder, Arbitrator
Dr Robert Fitzgerald	Psychologist
Caroline Forster	Real Estate Agent
Patricia Fowler	Nurse
John Harper	Licensed Security Consultant
Barbara Holland	Educational and Vocational Consultant
Assoc Prof Bronwyn Jones	University Academic (Nursing)
Kenneth Jones	Nurse
Mary Kroeber AM	Nurse
Rodney Lane	Accountant
Karen Lang	Legal Practitioner
Dimitrios (James) Limnios	Real Estate Agent
Linley Lord	University Academic (Business)
Alexander MacNaghten	Real Estate Agent, Land Valuer
Anthony Macri	Accountant
Jim McKiernan	Senator (Retired)
Edward McKinnon	Surveyor
Peter Mittonette	Registered Builder
Darren Mouchemore	Building Surveyor, Registered Builder
Charles Mulvey	University Academic (Economics)
Jane Toomer	Settlement Agent
Anthony Townsend	Retired Motor Vehicle Dealer
Paul Wellington	Architect, Legal Practitioner, Arbitrator
Janette Wheare	Retired Nurse
Christina Winsor	Settlement Agent
Guy Wright	Anthropologist, Mediator

