

Info Sheet 1

Introduction to the State Administrative Tribunal

The State Administrative Tribunal (SAT) deals with a wide variety of administrative, commercial and personal matters.

These range from vocational disciplinary matters and equal opportunity complaints to guardianship and administration questions, commercial tenancy disputes and town planning and compensation issues. It is the primary place for the review of decisions made by Government officials and industry boards and is also where a wide variety of original decisions are made.

Background

SAT began operating in January 2005. SAT amalgamated various review, civil and disciplinary functions of nearly 50 vocational and public sector boards and tribunals and a number of courts.

Approach

SAT's approach is informal, flexible and transparent. SAT:

- aims to make the correct and preferable decision based on the merits of each application;
- is not a court and, therefore, strict rules of evidence do not apply;
- encourages the resolution of disputes through mediation;
- enables parties to conduct the proceeding themselves, or with the assistance of a lawyer or a person with relevant experience;
- holds hearings in public in most cases; and
- provides reasons for all final decisions and publishes written reasons on its website, www.sat.justice.wa.gov.au.

Applications

Individuals, organisations and Government agencies can apply to SAT to make decisions, settle disputes and review decisions.

A wide range of issues can be brought before SAT but they all depend on laws, referred to as 'enabling laws', that specifically empower SAT to make a decision.

The enabling laws include more than 156 Acts, Regulations, town planning schemes and by-laws.

Types of applications

Under the State Administrative Tribunal Act 2004, SAT has both review and original jurisdiction.

Review

An application under SAT's review jurisdiction is where a person applies to SAT under an enabling law for the review of a decision of a public official, including a local government official that affects them.

Original

An application under SAT's original jurisdiction is where a person applies to SAT under an enabling law, such as the Guardianship and Administration Act 1990 to make a decision. In this case SAT is the primary decision-maker.

How do I apply?

To apply to SAT you must identify the relevant enabling law. You can do this by using the eCourts Portal at:

<https://ecourts.justice.wa.gov.au/eCourtsPortal/>.

Application forms can be completed using the eCourts Portal.

Applications can be emailed, posted faxed or delivered to SAT.

Areas of jurisdiction

Given its broad jurisdiction, SAT matters are identified into four areas that enable procedures to be adapted to suit the type of matter and the needs of different people who use SAT. The areas are:

Commercial & Civil

SAT considers a broad range of commercial and personal disputes in this area, including:

- strata titles;
- retirement villages;
- commercial tenancy;
- building disputes;
- State tax matters.

SAT does not deal with matters for which it has no jurisdiction (no legislative authority); for example, residential tenancy disputes and dividing fences disputes.

Applications in this area are usually listed for a first directions hearing. They will then be sent to a final hearing or referred to mediation or to a compulsory conference.

However, some applications, such as those relating to strata title disputes, may be dealt with on the documents without a formal hearing.

Development & Resources

The development and resources area determines applications concerning development, subdivision, local government notices, fisheries, water, rating, land valuation, land tax, local government approvals, soil and land conservation, compensation for compulsory acquisition of land and related matters under more than 30 Acts. Most of the work of the development and resources area involves the review of decisions of original decision-makers. The principal area of original jurisdiction allocated to the area involves the determination of compensation for the compulsory acquisition of land. Applications in this area are usually listed for a first directions hearing. The matter may then be sent to a

final hearing or referred to mediation or a compulsory conference. Some matters may be dealt with on the documents.

If your application involves a town planning development valued at less than \$250,000 (or \$500,000 if it is a house) or a subdivision of a lot to create no more than three lots, it is considered a class 1 application.

Otherwise, your application is a class 2 application. Class 1 applications are treated more informally than class 2 applications. The procedures are explained in more detail on the SAT website.

Human Rights

SAT makes and reviews decisions about guardianship and administration, discrimination, adoption, gender reassignment and decisions relating to case review panels of the Department for Child Protection.

SAT also reviews a range of mental health decisions.

In particular, in this area SAT hears matters relating to:

- guardianship and administration - SAT decides issues relating to the appointment of alternative decision-makers for people who lack capacity to make their own decisions, due to illness, injury or disability.

For example:

- SAT considers applications for the appointment of a guardian or administrator, or both, to a person with a decision-making disability;
- SAT considers applications for intervention into Enduring Powers of Attorney;
- adoption - SAT reviews decisions relating to the licensing of private adoption agencies and contact and mediation services;
- equal opportunity - the Commissioner for Equal Opportunity may refer matters to SAT where the Commissioner has been unable to resolve the complaint

by conciliation, or has been asked to do so because a complaint has been dismissed;

- gender reassignment - SAT reviews gender reassignment decisions;
- mental health - SAT reviews decisions of the Mental Health Review Tribunal.

Applications for a guardianship or administration order usually go straight to a final hearing.

Other applications in this area will usually be listed for a first directions hearing at which the matter will then be sent to a final hearing or referred to mediation or to a compulsory conference.

Vocational Regulation

SAT handles three types of applications in the Vocational Regulation area, including:

- disciplinary proceedings brought by vocational boards or bodies against members of the vocation/occupation;
- review of decisions made by vocational boards or bodies regarding licences to operate in an industry or profession; and
- review of decisions regarding fidelity or compensation funds, where such a fund exists.

If you have a complaint about a person in a registered occupation or profession, you should contact the relevant vocational board. If the board decides that the complaint should be referred to SAT, it will make the application.

If you want a vocational licensing decision reviewed, on most occasions you can apply directly to SAT. However, you must check that the licensing decision was made under an enabling law that gives SAT the power to review that decision. If you are unsure, contact the licensing authority or go to the SAT website and use the SAT Application Wizard.

SAT does not deal with vocational matters relating to State prison officers, police officers, emergency services personnel and auctioneers. For information on these vocations, contact the relevant Government department or industry association.