

STATE ADMINISTRATIVE TRIBUNAL

Statement

HON RICK MAZZA (Agricultural) [9.45 pm]: I rise tonight to speak briefly about the State Administrative Tribunal, or SAT. As this is a member's statement, I will not filibuster. The SAT was established as an independent body and its role is to review a broad range of administrative decisions; in fact, more than 150 acts of Parliament. A typical application may concern decisions made by government agencies in respect of planning, licensing and land valuation and the SAT aims to correct or substitute some of the decisions of those agencies based on the merits of each application. It hears complaints on occupational misconduct, state revenue decisions and other civil, commercial and personal matters. The SAT also provides protection for vulnerable members of our community in the areas of guardianship, administration and discrimination, and reviews decisions made by the Mental Health Review Board. The SAT encourages mediation for the resolution of disputes and has an informal, flexible and transparent approach. It is a useful and valuable amenity.

Although the SAT is not a court, in most cases it holds public hearings and a Supreme Court judge is present. He or she is assisted by two deputy presidents, who are District Court judges, and supported with 16 full-time members and more than 100 sessional members. A person does not require legal representation to lodge or pursue a matter in the SAT, and although some applications to the SAT are free, such as guardianship and equal opportunity matters, other applications must be accompanied by a set fee and are subject also to hearing costs and other fees, which can amount to a significant sum of money.

The SAT provides reasons for its decisions and although it does not have strict rules of evidence, the provision of evidence, relevant background material, testimonial witnesses and other matters are all relevant to the SAT decisions and outcomes. While neither applicants nor respondents are required to be represented by a lawyer, there is little doubt that in many instances it would be useful to be represented. As a general rule, the SAT does not make orders for costs, even when an applicant is successful. Each party to an application is generally required to meet their expenses, and at first glance this may appear to be a fairly reasonable arrangement. However, in many instances an application to the SAT is an appeal or an objection to a decision of a government agency and often the applicant has paid a fee to a relevant government agency, has lodged an application for a provisional licence approval or other service or decision that should have been assessed against existing criterion.

One of the problems facing the SAT is that in many cases the case in point might concern a firearms application. A person may have put an application into the police department for an additional or a new licence and that licence may have been refused. The refusal of that licence could quite easily be based on a misjudgement of an officer or, dare I say, in some cases used as a way of discouraging someone from pursuing that application. Referring an application to the State Administrative Tribunal requires payment of a set fee and results in a person taking time off work and legal representation, and that can incur quite a substantial sum of money. The SAT should consider such things when awarding costs to people who have been successful in an application to the SAT.

House adjourned at 9.50 pm
