



SAT

State
Administrative
Tribunal

Western Australia

ANNUAL REPORT
2009 - 2010

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SAT

State
Administrative
Tribunal

Western Australia

Hon Christian Porter MLA
Attorney General
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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 2010.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Chaney'.

The Hon Justice J Chaney
President

24th September 2010

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PRESIDENT'S REPORT

Year in Review

This report is provided in compliance with the requirements of s 150(1) of the *State Administrative Tribunal Act 2004* (WA) (SAT Act) for the year ending 30 June 2010.

At the end of the reporting period, the State Administrative Tribunal (Tribunal) completed five and a half years of operation. In that period, the Tribunal's aim has been to be one of Australia and New Zealand's leading tribunals, adopting best practice and innovative technology in making fair and timely decisions for the people of this State. We are confident that, as a result of the commitment of members and staff, that vision has substantially been achieved. Notwithstanding that confidence, however, the Tribunal, at all levels, seeks to continually improve its levels of service to the public.

The Tribunal has a full time membership comprising three judicial members, four full time senior members and 10 full time ordinary members, together with approximately 73 sessional members. Full time members were all appointed for a term of five years. Of the full time members serving in the calendar year 2009, 12 had been appointed from the establishment of the Tribunal on 1 January 2005. Accordingly, their terms of appointment expired on 30 December 2009. The appointment process to fill the positions vacated by those retiring members was a significant administrative task. There were 68 applicants for the vacant positions. Two members whose terms were due to expire on 31 December 2009 did not seek reappointment.

The two members who did not seek reappointment were senior member Jill Toohey, and member Donna Dean. Ms Toohey returned to Sydney for family reasons and obtained an appointment as a Deputy President of the Administrative Appeals Tribunal in Sydney. Ms Toohey provided wonderful service as the senior member in the Human Rights stream and I would like to acknowledge her service to the Tribunal. Similarly, Ms Dean worked tirelessly in the Human Rights stream and had been a valued member of that group. Ms Dean no longer wished to continue in full time employment, but has since been appointed as a sessional member and the Tribunal is pleased to be able to continue to utilise her expertise and knowledge.

Twenty-seven applicants were shortlisted for interview and interviews were conducted and recommendations made to Government. In the result, all of the members whose terms expired and who sought reappointment, were reappointed. Their reappointment was recognition of the commitment which they had shown to the Tribunal's objectives, and to the quality of their work, during the first five years of the Tribunal's operations.

The position vacated by Ms Toohey was filled by the appointment of senior member Debbie Taylor. Ms Taylor had spent a number of years practising as a barrister in the United Kingdom and had extensive experience in the area of mental health review whilst in England.

The position vacated by Ms Dean was filled by the appointment of Susan Gillett who had previously been a sessional member of the Tribunal, and had considerable experience in respect of guardianship applications. The Tribunal was pleased to welcome Ms Taylor and Ms Gillett to its full time members' group.

Two other appointments of full time ordinary members were set to expire, one later in the reporting year and the other in the next reporting year. One of those positions was occupied by Jim Jordan. That position was advertised and Mr Jordan was ultimately reappointed to that position. The position of the other full time member, Jennifer Hawkins was due to expire shortly after the end of the reporting period. Ms Hawkins was, however, appointed as a magistrate with effect from late July 2010, and accordingly tendered her resignation to the Tribunal. It is anticipated that that position will be filled early in the next reporting period. Ms Hawkins was a valued member of the Commercial and Civil stream during the five years in which she served on the Tribunal. She is well suited to her new appointment as a magistrate.

As reported in the last Annual Report, the position of Deputy President, vacated by me in February 2009 upon my appointment as President, was filled by the appointment of Judge Janine Pritchard with effect from 17 June 2009. Her time with the Tribunal came to an end upon her appointment to the Supreme Court with effect from 13 June 2010. In the relatively short time that Judge Pritchard served on the Tribunal, she filled her role with distinction which was obviously recognised in her appointment to the Supreme Court.

Since the reporting period concluded, Judge Timothy Sharp has been appointed with effect from 2 August 2010 to fill the vacant position of Deputy President of the Tribunal.

In my last report, I noted the tabling in May 2009 of the report of the Standing Committee on Legislation following its enquiry into the jurisdiction and operation of the Tribunal. During the reporting period work has been done by the Tribunal, with the support of the Department of the Attorney General, to implement those recommendations which were supported by Government and for which the Tribunal has responsibility. A large number of the 60 recommendations are matters which fall within the responsibility of other agencies and in many cases require legislative amendment. The Tribunal's role in relation to those recommendations involves monitoring their progress and obtaining reports from the responsible entities. In the reporting period, 11 recommendations, being recommendations 3, 8, 12, 24, 30, 34, 36, 37, 38, 39 and 43¹, were completely implemented. With respect to the remaining recommendations where responsibility for implementation lies with the Tribunal, substantial progress had been made.

One of the recommendations not finally completed within the reporting period is recommendation 2 which is that the Tribunal consider becoming a recognised mediation accreditation body. It is expected that recognition of such a body will occur with the Tribunal joining the Supreme and District Courts of Western Australia which are recognised mediation accreditation bodies. It is expected that inclusion of the Tribunal within the joint courts body will be formally completed early in the next reporting period. This is seen as an important step for the Tribunal which, as the reports in relation to individual stream operations contained in this Annual Report demonstrate, relies heavily on mediation as part of its facilitated dispute resolution procedures in successfully meeting its statutory objectives. Members of the Tribunal have already participated in a number of the continuing education activities organised by the Supreme and District Courts as part of their mediator accreditation programmes.

Recommendations 27 and 28 of the Standing Committee Report deal with upgrading of the technology available to the Tribunal. The Tribunal's capacity to implement those

¹ Standing Committee Report: Inquiry into the Jurisdiction and Operation of the State Administrative Tribunal (see <http://www.parliament.wa.gov.au/web/newwebparl.nsf/iframewebpages/Committees+-+Reports>).

recommendations is constrained by funding. The Court and Tribunal Services' E Courts and E Tribunals Strategic Plan encompasses the work contemplated by the recommendations, but that plan has not received funding approval in the 2010/11 budget period. Accordingly, implementation of those recommendations will depend upon funding approval for the Department's Strategic Plan proposals in the next budget round.

Recommendation 41 is for the development of a funding model for the Tribunal. Considerable work has been done to develop a model and at the end of the current reporting period, the Tribunal is in the process of seeking support from the Department of Treasury and Finance for the adoption of the model. As the Standing Committee recognised, and as the Tribunal has continued to emphasise, the continued level of service to public in relation to the Tribunal's growing workload can only be maintained if adequate resources are provided to the Tribunal. The funding model is designed to meet that objective and the Tribunal is hopeful of not only support for adoption of the model at Treasury level, but a commitment by Government to apply the funding model at the time of adopting the State's annual budgets.

The proposal in recommendation 44 that the functions currently exercised by the Mental Health Review Board (Board) under the *Mental Health Act 1996* (WA), be transferred to the Tribunal has not yet been implemented. The proposal has had general support of both the Board and the Tribunal, and of the previous and the present Government. The temporary reappointment of members of the Board for a period of 12 months, commencing 1 January 2010, is likely to expire without the necessary legislative changes having been made. I consider it desirable that recommendation 44 of the Committee's report be implemented as soon as possible.

Recommendation 50 of the Report is that the functions of the Building Disputes Tribunal under the *Builders Registration Act 1939* (WA) and the *Home Building Contracts Act 1991* (WA) should be transferred to the Tribunal. During the reporting period the Tribunal has been very actively engaged in discussions over the proposed restructuring of arrangements in relation to building regulation involving the creation of a Building Commission, with the adjudicative functions of the Building Disputes Tribunal being transferred to the Tribunal. I am grateful for the very considerable work done by senior member Clive Raymond in that context, and to the extensive work of the Executive Officer of the Tribunal and other Tribunal staff members, with assistance from senior officers of the Department of the Attorney General. At the end of the reporting period, plans are in place for the Tribunal to take additional space in its existing building to provide additional hearing and mediation rooms, office space and waiting areas to enable the significant additional work to be done. It is anticipated that jurisdiction will be assumed by the Tribunal sometime in the latter half of the next reporting period. Proposals are in place for approval for the additional funding requirements necessary for the Tribunal to undertake this new jurisdiction, including proposals for interim funding to eradicate the anticipated backlog of cases at the time of transfer to the Tribunal. It is important that funding be in place.

During the reporting period, the workload of the Tribunal has continued to expand. New applications increased to 6,248, up from 5,961 last year. The greatest increase in applications received has again been in the Human Rights stream, and in particular Guardianship and Administration applications which increased this year to 3,608, up approximately 11% on the previous year. That reflects a continuation of the constant level of growth in the number of applications in that area of the Tribunal's jurisdiction since the Tribunal commenced operations in 2005.

In my annual report for 2008-2009, I referred to the difficulty being encountered by members, and more particularly by administrative staff, in meeting the increasing workload in the

Guardianship and Administration area. It was extremely disappointing that the Tribunal's bid for additional resources to alleviate the unacceptable workload of staff in the Guardianship and Administration area was unsuccessful in the last budget round. Administrative staff play a very important role in case management and preparation for hearings of Guardianship and Administration matters. Many matters involve situations of conflict, often within families. Case managers are required to have considerable contact with those involved in the proceedings, and as I remarked in my last report, their work is difficult. In the period from January to December 2008, the case load handled by all case managers averaged 492 cases per month. The average in the period January to June 2010 was 542 cases per month. In June 2010, the case managers' load was 668 cases. The on-hand case load for each case manager has gone from 50 cases in July 2008, to 74 cases in June 2010. That case load is unsustainable.

A failure to provide additional resources to relieve the strain on existing staff members is likely to lead to difficulties in retaining skilled staff, a reduction of the level of service being provided in this important area of the Tribunal's jurisdiction, and incapacity to maintain the Tribunal's benchmark for timeliness and finalisation of Guardianship and Administration applications. The situation is now critical. An application has been made for additional funding in the Government's mid-year review process. The Tribunal understands that the application has the support of the Department of the Attorney General. The amount of funding required for additional resources is relatively small, and it is to be hoped that funding is approved, and becomes available in the 2010-2011 year so that the present problems can be alleviated.

Last year, I reported that there had been a reduction in the number of matters lodged in the Vocational Regulation stream, from 254 in 2007-2008 to 181 in 2008-2009. That position was reversed in the current reporting period, with the number of applications received increasing to 260, an increase of some 43% on the previous year, although only 2% above the number received in 2007-2008.

The Development and Resources stream saw a reduction in the number of new applications within the reporting period compared to the previous year. It is thought that reduction may be a consequence of the subdued economic climate during 2009, and monthly figures later in the reporting period suggest that the level of work may be returning to its historical levels.

The work of the Commercial and Civil stream has remained fairly constant.

In most areas of the Tribunal's jurisdiction, the benchmark for timeliness has been either met or bettered. Given the increasing workload of the Tribunal, its ability to achieve its benchmarks is largely as a result of the continued use of facilitative dispute resolution techniques and the increasing success of those techniques. It is interesting to note that, in 2008, the Tribunal published 314 written decisions. In 2009, that number was reduced to 258. Between 1 January and 30 June 2010, 94 written decisions were published. Given that the Tribunal has finalised an increasing number of matters each year since it commenced operation, there are two explanations for the reduction in the number of written decisions. The first is that an increasing number of matters are resolved through facilitated dispute resolution processes leading to consent orders being made without the necessity for a hearing. The second is that Tribunal members are delivering an increased number of oral decisions following hearings. The capacity of members to deliver oral reasons is enhanced by their increasing experience as Tribunal members, by the availability of guidance from the bank of previous decided cases, and by the Tribunal's endeavours to encourage the delivery of immediate oral reasons where possible.

The topic of oral decision-making has been the subject of professional development sessions undertaken by members within the Tribunal's ongoing professional development programme, and continues to be a subject on which members seek further training. The delivery of oral reasons was one of the areas of training particularly identified by members in the context of their appraisal process undertaken during 2009. Ongoing professional development of members remains an ongoing focus within the Tribunal. Monthly lunch time forums are conducted for all members on various topics of interest, and additional workshops and discussions are conducted in relation to specific topics of interest from time to time, either across the full Tribunal membership, or in particular streams. All full-time members attended the Tribunal's annual two day conference in July 2009, at which a number of professional development issues were addressed.

The Tribunal's community relations activities have continued to be active. A list of seminars presented or attended by members forms appendix 3 to this report. The Tribunal has continued, during the reporting period, to publish monthly or quarterly decision bulletins in each of its streams. The distribution list for the bulletins, which provide a summary of all published decisions of each stream, is distributed to a wide audience and is thought to be effective in providing information to the public as to the Tribunal's activities, and providing a source of education for those interested in particular areas of the Tribunal's jurisdiction.

At a national level, I have continued as the Western Australian representative on the national executive of the Council of Australasian Tribunals (COAT). COAT provides a useful exchange of ideas with other tribunals throughout Australasia, and an information resource for the Tribunal.

In late 2009, the Queensland Civil and Administrative Tribunal (QCAT) was established. During the reporting period I have had the benefit of meeting and conferring with the President of QCAT, and the President of the Victorian Civil and Administrative Tribunal, in relation to matters of mutual interest. A number of cooperative activities have been discussed including involvement with each other's member appraisal schemes, the possibility of member exchange, the development of a uniform code of conduct, and the development of a framework for tribunal excellence and a tribunal competency framework. Those discussions are ongoing, and I share with the Presidents of equivalent tribunals in other States the hope that we can each improve the services we provide to the public by drawing upon each other's ideas and experience.

A major activity during the course of the reporting year has been the restructure of the administrative staff. I would like to express my gratitude to the support for this process which has been provided through the Department of the Attorney General. While, at the end of the reporting period, some positions under the new structure remain to be filled, appointments to the senior positions are in place, and the restructure process is nearing completion. Under the leadership of the management team which has been put in place, staff have embraced the changes and have demonstrated a positive attitude to the achievement of the objectives of the restructure. I am grateful to the staff for that attitude. I anticipate that not only will the new structure better serve the work of the Tribunal, but will also assist in making the critically important work of the Tribunal's support staff more fulfilling and rewarding.

The reporting year has been a year of some significant changes. The staff restructure stands out. Whilst there has been a high degree of stability in the full time member appointment process, a number of changes in the full time member group have occurred within the reporting period. The Tribunal continues to critically examine its processes with a view to providing the best possible service to the public of Western Australia. The changes

that have occurred provide an excellent opportunity for new participants to bring a fresh view of the Tribunal's operations and systems, and to contribute to its ongoing improvement.

I would like to express my gratitude to the Tribunal staff for their dedication to their task. In particular, I acknowledge the excellent work of the Tribunal's executive officer, Mr Alistair Borg, who announced his intention to retire shortly after the end of this reporting period. Mr Borg joined the Tribunal during the 2007-2008 year. He has worked extremely hard, and for long hours. He had overseen the greater part of the staff restructure and efficiently dealt with the many issues which that has thrown up. We are grateful to Mr Borg for his contribution through an important stage of the Tribunal's development.

I would also like to express my gratitude for the personal support and encouragement of the Deputy Presidents, Judge Judy Eckert and Judge Janine Pritchard throughout the reporting period. I also acknowledge the personal support which all the full time members, in particular, the senior members, have provided to me in my role as President.

Sections of this report that follow provide more detail of the work of the Tribunal and deal with a number of specific matters that I am required to report under s 150 of the SAT Act. I draw particular attention to the section on suggested legislative reforms at page 23 of this report.

The Hon Justice J Chaney
President
State Administrative Tribunal

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	2009/10	2005/06	2006/07	2007/08	2008/09	2009/10
Commercial and Civil	2,036	2,176	2,030	1,996	1,933	2,110	2,242	2,043	2,052	1,932
Development and Resources	366	474	466	535	444	379	481	490	538	484
Human Rights	2,541	2,670	2,919	3,246	3,608	2,661	2,890	2,992	3,361	3,570
Vocational Regulation	289	231	254	181	260	228	252	272	183	252
SAT Matters#3	0	1	5	3	3	-	-	-	-	4
TOTAL	5,232	5,552	5,674	5,961	6,248	5,406	5,876	5,802	6,141	6,242

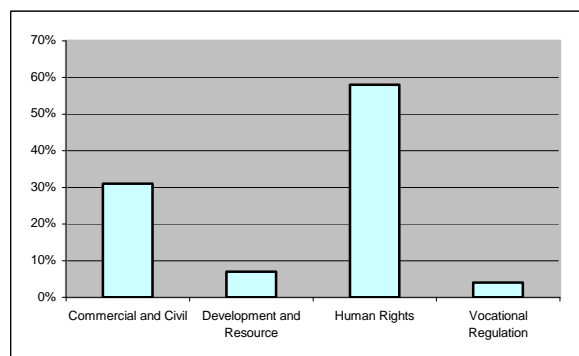
Note:

#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.

#2 The total number of matters finalised for the years up to and including 2007-08 includes legacy matters lodged in previous years. 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. In 2009-10 one legacy matter remains.

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

Graph 1 – %Applications Received by Stream



Future Priorities

- Addressing outstanding recommendations of the Standing Committee Inquiry into the Tribunal;
- Finalisation 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 Tribunal's enabling Acts and provisions.

Tribunal's Judiciary, Members and Staff

Table 2 - Tribunal's Judiciary, Members and Staff

Our People	2004-05#1	2005-06	2006-07	2007-08	2008-09	2009-10
Judicial members	3	3	3	3	3	3
Full time members	13	13	14	14	14	14
Tribunal employees #2	59	63	68	68	68	69
Total sessional members	117	128	104	105	104	73

Note:

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

#2 Permanent full time employees.

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 each 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			2009-10			
		30%	50%	80%	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	10	16	28	
Strata Titles		WEEKS	9	16	29	5	10	25	4	9	18	5	8	24	5	9	22
Subdivision / Local Govt (Misc Provisions)			3	9	26	7	12	31	8	15	31	10	20	29	6	16	32
Consumer Credit			<4	<4	12	3	5	8	2	3	8	2	4	7	2	5	12
Review of Building Disputes Tribunal decisions			10	18	29	9	17	35	11	16	45	9	14	35	8	15	29
Commercial Tenancy #1			6	15	29	9	16	34	5	7	27	6	10	21	6	8	20
Road Traffic			7	10	13	3	6	14	5	7	13	6	7	12	6	10	17
Firearms			13	19	22	10	14	24	5	11	22	10	15	21	8	13	24
Overall Performance			n/a	n/a	n/a	6	10	24	5	9	24	6	10	25	5	9	21
Development and Resources																	
BENCHMARK (weeks to complete)			20	30 ^{#2}	12	20	30 ^{#2}	12	20	30 ^{#2}	12	20	30	12	20	30	
Development		WEEKS	20	30	14	19	32	12	18	32	12	18	30	10	16	31	
Subdivision			23	31	16	25	49	8	13	29	7	14	30	10	16	41	
Local Govt notices			18	49	19	42	63	3	12	20	9	11	17	10	14	29	
Compensation for compulsory acquisition			25	28	n/a	12	n/a	14	19	45	15	23	43	11	32	56	
Local Govt approvals			27	44	5	10	16	9	16	28	9	13	25	6	7	13	
Rating			26	n/a	n/a	36	36	n/a	23	26	2	5	13	-	1	1	
Fisheries			n/a	28	n/a	n/a	n/a	n/a	7	7	11	16	28	6	8	8	
Overall Performance			n/a	n/a	14	19	36	11	18	34	11	17	30	10	17	34	
Human Rights																	
BENCHMARK (weeks to complete)			n/a	8 ^{#3}	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		WEEKS	10	24	4	5	7	2	3	5	3	4	8	6	6	8	
Equal Opportunity			19	28	13	21	34	14	20	51	14	19	33	12	17	26	
Guardianship and Administration			7	10	5	6	8	5	6	8	5	6	8	6	7	8	
Overall Performance			n/a	n/a	5	7	9	5	6	8	5	6	8	6	7	8	
Vocational Regulation																	
BENCHMARK (weeks to complete)			n/a	27	n/a	n/a	27	n/a	n/a	27	n/a	n/a	27	n/a	n/a	27	
Overall Performance			13	27	7	13	35	7	10	25	6	9	24	8	12	43	

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

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* (SAT 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.

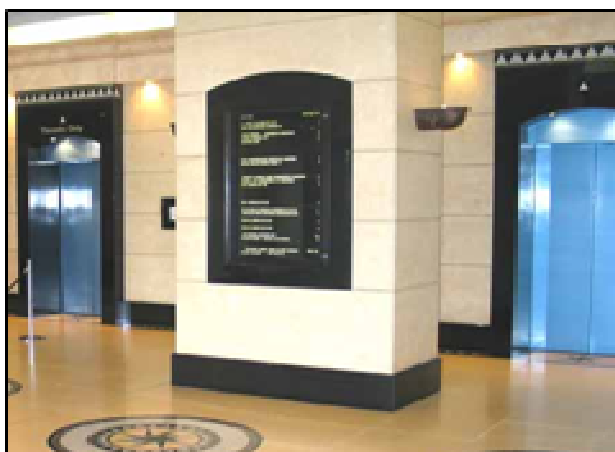
These can range from reviews of multi-million dollar tax assessments to dog destruction orders, disciplinary proceedings, guardianship issues and planning and land compensation matters.

Jurisdiction is currently conferred by 150 enabling Acts with over 940 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.



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.

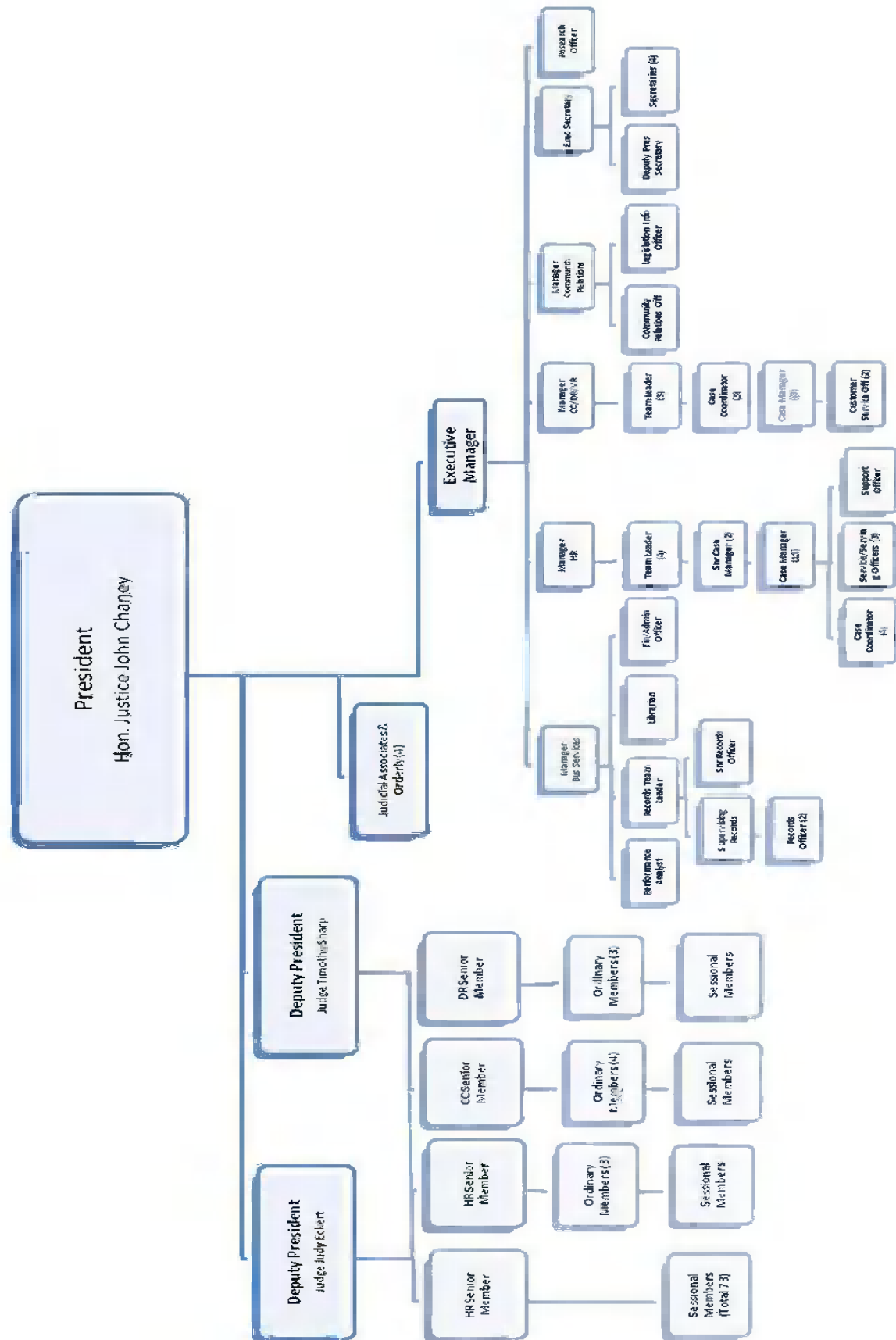
The Tribunal's core values are:

- Excellent Service;
- Integrity and Accountability;
- Equity and Fairness;
- Collaboration and Learning; and
- Professional Autonomy.

Behaviours are guided by:

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

STATE ADMINISTRATIVE TRIBUNAL
ORGANISATIONAL STRUCTURE



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 1933 applications and in the same period finalised 1932 applications. The volume of applications received and finalised is relatively stable compared to the previous year in which 1996 applications were received and 2052 were finalised.

Achievements

Despite a reduction in resources during the last half of the reporting year, the CC stream managed to improve against its benchmark performance criteria as shown in Table 4.

A concerted effort was made to reduce time for completion of Building Disputes Tribunal reviews, which peaked for completion of 80% of matters at 45 weeks during the 2007-2008 year. That period had been reduced to

35 weeks in 2008-2009 as compared to 29 weeks in the reporting year. While still one week outside the benchmark, this is a very pleasing trend. It must be noted that the benchmark is, in any event, an ambitious one due to the delay occasioned by the need to first obtain leave before a review can be conducted.

The time taken to complete strata title disputes has been improved upon year by year, with the time taken to complete 80 per cent of matters being reduced from 29 weeks in 2005-2006 down to 22 weeks in the reporting year. During the reporting period, 50 per cent of all strata disputes were completed within 9 weeks and 30 per cent were completed within 5 weeks of lodgement.

For the first time, the pie chart shown in graph 3 includes applications under the *Residential Parks (Long-Stay Tenants) Act 2006*. This legislation came into operation in August 2007 and there has been a steady increase in the number of applications lodged in each year. During the reporting year, 46 applications were made under that legislation compared to 23 in the previous year.

The constant improvement in the performance of members of the CC stream reflects the continuing development of expertise within each of the legislative areas falling within the responsibility of the CC stream. The performance is also attributable in part to the percentage of matters resolved by facilitative measures.

During the reporting year, 61% of the total number of disputed applications were resolved by facilitative measures. This result was achieved through the use of directions hearings and mediation. In relation to mediation, 82 per cent of the matters referred were resolved through that process, which is consistent with the 81% result achieved in the previous year.

Looking Forward

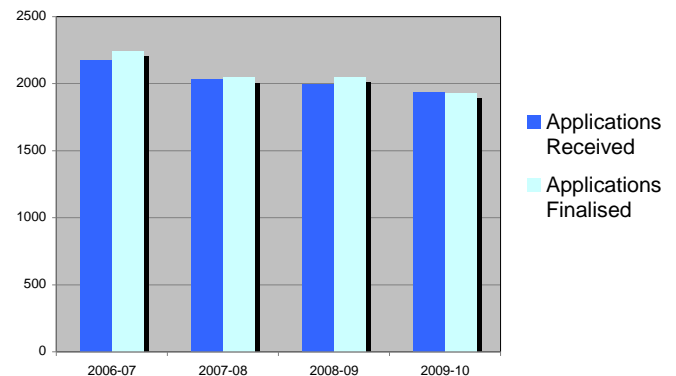
In the previous reporting year, it was observed that it would be necessary to keep under review the resources made available to the CC stream because of the proposed transfer of the jurisdiction of the Building Disputes Tribunal. Currently, the Tribunal deals only with the review of decisions of the Building Disputes Tribunal.

The indications are that the number of uncompleted matters to be transferred from the Building Disputes Tribunal will approximate the number of applications lodged in a one-year period. That suggests a time taken to complete matters which is not consistent with the Tribunal's current benchmarks.

It is obvious that a considerable effort will be required from all members, particularly during the transitional period. It is anticipated that the stream will require at least another three full-time members and, initially, a sessional member usage equivalent to a further three full time members. While 1 January 2011 is the nominated date for the transfer, delays in having the necessary legislation passed and other practical considerations may well result in the transfer occurring at a later date.

Proposals for the transfer of the Residential Tenancies jurisdiction to the Tribunal have been put on hold. Also, there is as yet no indication as to when any proposed amendments to the Retirement Villages and Strata Titles legislation are likely to be effected.

Graph 2 - CC Workload



Graph 3 - CC Applications finalised by type (2009-2010)

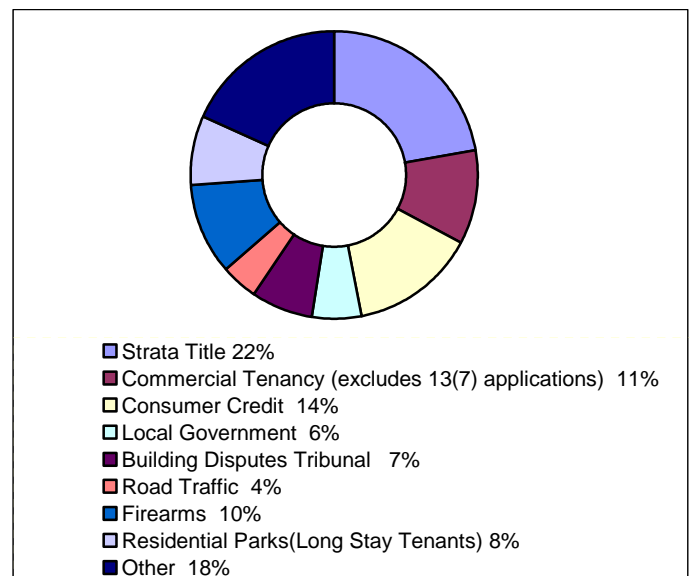


Table 4 - CC Benchmark Performance

Percentage of applications finalised	Benchmark (weeks)	2006-2007	2007-2008	2008-2009	2009-2010
30%	10	6	5	6	5
50%	16	10	9	10	9
80%	28	24	24	25	21

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 (4%), local government non-planning applications and land valuations (2% each) and land tax, rating, fisheries, water allocations and other land or water related matters. In addition, the DR stream determines compensation for the compulsory acquisition of land and disciplinary matters concerning local government councillors.

Year in Review

Workload

During the reporting year, the DR stream received 444 applications, a reduction of about 17% from the previous year, and finalised 484 applications. The reduction in workload was principally in subdivision and development matters and may reflect concerns about economic conditions in early to mid 2009.

Achievements

As seen in Table 5, the DR stream has continued to comfortably meet the performance benchmarks of finalising 30% of applications within 12 weeks (10 weeks) and 50% of applications within 20 weeks (17 weeks). Although the benchmark of finalising 80% of applications within 30 weeks was exceeded by four weeks, 70% of applications were finalised within 26 weeks, with 48 applications finalised within 27 to 34 weeks.

The DR stream has continued to improve on its impressive performance in recent years in the resolution of matters through facilitative dispute resolution (FDR), assisting parties to create their own solution to a dispute, rather

than have a win/loss decision imposed on them, and enabling parties to avoid the time and expense of having to participate in a final hearing or determination on documents. FDR processes in the Tribunal involve the use of directions hearings, mediations, compulsory conferences and invitations under s 31 of the *State Administrative Tribunal Act 2004* to an original decision-maker to reconsider its decision, often in light of further information or amendments to a planning proposal developed through mediation.

During 2009-2010, the DR stream resolved approximately 78% of applications by FDR processes, increasing the rate from 74% in the previous year. The reasons for the DR stream's success in FDR appear to be due to SAT's distinctive approach and practice, under which these processes are applied in a co-ordinated and determined fashion to achieve a non-adjudicative result, if at all possible, the range and nature of FDR methods that the Tribunal has at its disposal, and support from the legal and planning professions. These factors were analysed and discussed in an article entitled "The use of facilitative dispute resolution in the State Administrative Tribunal of Western Australia – Central rather than alternative dispute resolution" published in volume 27 of the *Environmental and Planning Law Journal* in March 2010.

Town planning law – Past, present and future

To mark the 80th anniversary, on 1 November 2009, of the commencement of the first modern town planning legislation in Australia, the *WA Town Planning and Development Act 1928*, the Tribunal presented a conference on the theme *Town planning law – Past, present and future*. The conference was attended by over 300 delegates and included a keynote address by the Chief Justice of WA, Hon Justice Wayne Martin, on "The importance of town planning



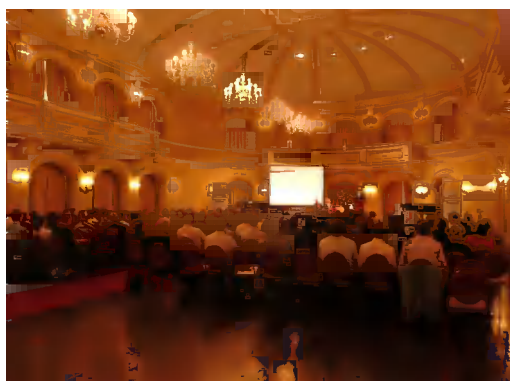
law”, and papers by Hon Justice Michael Barker, the inaugural president of the Tribunal, on “The Establishment of SAT”,



Senior Member David Parry on “The rise of FDR in planning review proceedings”, Professor Richard Weller on “Planning Perth’s future” and Hon Judge Christine

Trenorden, Senior Judge, Environment, Resources and Development Court of South Australia, on “Third party appeal rights”. The conference also featured panel discussions on “The advantages and disadvantages of the ministerial planning appeal system” with former Planning Ministers Hon Graham Kierath and Hon Alannah MacTiernan MLA, and Member Jim Jordan, and on “The development of Western Australian town planning law in the Town Planning Appeal Tribunal” with former Town Planning Appeal Tribunal Chairmen Professor Les Stein and Mr Peter McGowan, and Mr Denis McLeod.

Conference presentations can be viewed at http://www.sat.justice.wa.gov.au/_files/Combined_presentations_and_powerpoints.pdf.



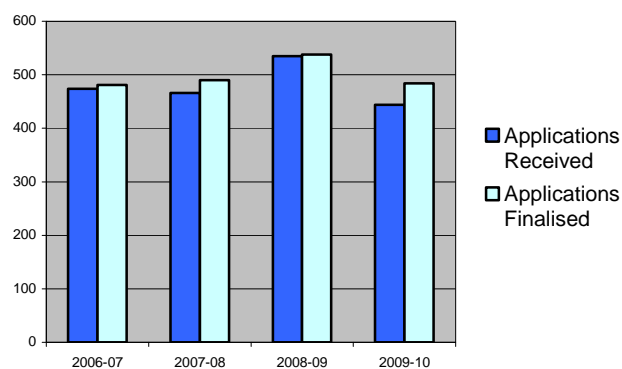
Looking Forward

As stated in the three most recent annual reports, the DR stream would benefit from the appointment of two additional full time members, preferably a town planner and an architect, in order to minimise current heavy reliance on sessional members, improve the stream’s efficiency and timeliness, and address problems and limitations with the use of sessional members. While the DR stream’s

workload declined during 2009-2010, the need for additional full time members was identified in 2006-2007 and 2007-2008 when the workload was similar to the current reporting year. Furthermore, it is likely that the stream’s work will increase in the future in line with the general economic prosperity of the State.

The Tribunal will continue to give consideration to whether the mix of full time and sessional members remains the most efficient and effective arrangement to acquit its workload.

Graph 4 - DR workload



Graph 5 - DR applications finalised by type (2009-2010)

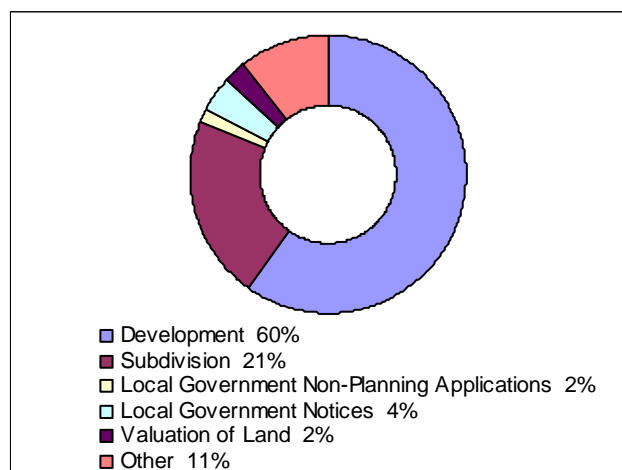


Table 5 - DR benchmark categories

Percentage of applications finalised	Benchmark (weeks)	2006-2007	2007-2008	2008-2009	2009-2010
30%	12	14	11	11	10
50%	20	19	18	17	17
80%	30	36	34	30	34

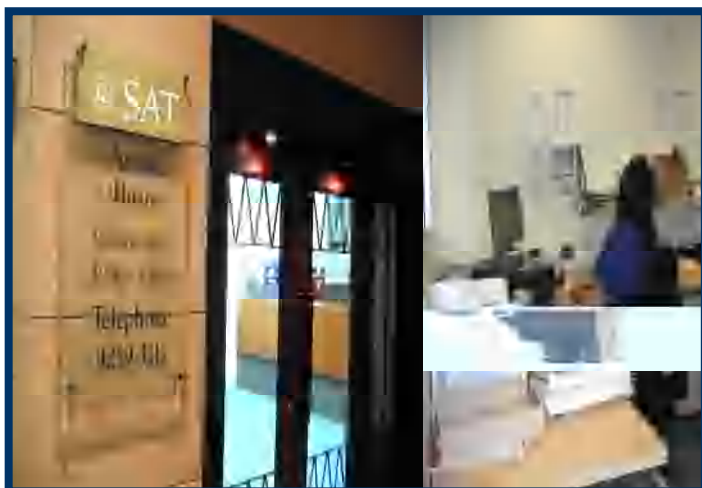
Human Rights

Work of the Stream

The Human Rights (HR) stream of the Tribunal exercises both original and review jurisdiction in a wide variety of matters affecting the personal lives and assets of individuals, ranging from guardianship and administration to gender reassignment.

The exercise of original jurisdiction in matters arising under the *Guardianship and Administration Act 1990* (GA Act) and the *Equal Opportunity Act 1984* (EO Act) continues to account for the majority of work undertaken by the HR stream. More applications are made to the Tribunal under the GA Act than under any other legislation across all streams.

In addition to the jurisdiction to review decisions made by a single member in GA Act matters, the HR stream also reviews decisions made by the Mental Health Review Board under the *Mental Health Act 1996* (MH Act), the Gender Reassignment Board under the *Gender Reassignment Act 2000* (GR Act) and the Department for Child Protection under the *Children and Community Services Act 2004* (CCS Act).



Year in Review

Workload

During the reporting year, the HR stream received 3608 new matters and finalised 3570, representing 11% and 6% increases respectively on the corresponding figures of 3246 and 3361 for 2008-09.

Applications under the GA Act continue to account for the majority of the work. The HR stream has seen a steady increase in the number of matters lodged and allocated to case managers on a monthly basis. In 2010 an average of 542 matters were allocated each month, compared with an average of 492 matters per month in 2009. In June 2010, the average number of matters being dealt with by case managers was 668.

The vast majority (90%) of GA Act matters are resolved after one hearing.

The number of new matters received by the HR stream as a proportion of new matters received by the Tribunal as a whole has been rising steadily from 48.5% in 2005-06 to well over a half, 58%, in the last year.

The number of matters finalised by the HR stream as a percentage of the total number of matters finalised by the Tribunal continues to rise, despite a shortage of resources. The percentage of matters finalised by the HR stream was 57% of all matters finalised by the Tribunal in 2009-2010, up from 54.7% in 2008-09.

Of the matters finalised, well over 80% were concluded within the target time of 8 weeks.

Trends in Workload

Applications under the GA Act to protect adults with impaired capacity continue to increase, and are likely to do so in the future in line with the ageing population. Loss of capacity to make reasonable decisions about personal and financial matters due to dementia is the fundamental reason for most orders made by the Tribunal.

The increased public awareness about the vulnerability of the elderly, in particular, to neglect and financial exploitation by family

members ("elder abuse") is likely to see an increase in the number of applications concerning significant family assets.

Applications concerning young people that include applications concerning children leaving the care of the Department for Child Protection and those with cognitive impairment in their twenties, account for a small but significant number of applications.

Applications concerning people living in remote and indigenous communities are made to the Tribunal with increasing frequency. These applications frequently raise complex and difficult issues, ranging from the logistics for the hearing to tribal and cultural considerations.

The HR stream hears a number of urgent medical treatment and related matters each year, convened out of hours and at venues as may be necessary.

The upward trend in applications under the GA Act (which constitutes the greatest part of the HR stream's work) continued, with 3516 applications being received in 2009-10, an increase of 10.3% on the previous reporting period. There was a slight increase in applications concerning interventions in Enduring Powers of Attorney, noted in last years' report.

Matters under the EO Act have risen slightly, with the vast majority of matters being settled at mediation.

There were no significant changes in the number of applications made under the MH Act, the CCS Act or the *Adoption Act 1994*.

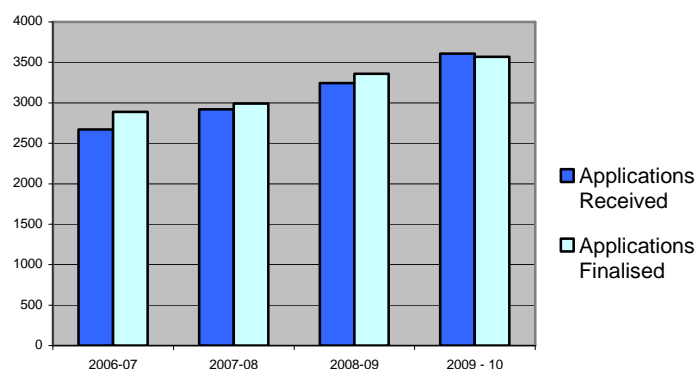
No applications were received under the GR Act.

The amendments to the GA Act that came into force on 15 February 2010 and provide for Advanced Health Directives and Enduring Powers of Guardianship, foreshadowed in last year's report, have not resulted in any applications being made to the Tribunal within this reporting period.

Assessment

The HR stream's performance has been maintained despite the increased workload and without any increase in the number of permanent staff, because of the resilience and dedication of the members and staff in the HR stream, and because sessional (part-time) members have been listed to hear GA Act and other matters on a very regular basis. The target time frames could not have been met without the goodwill within the HR stream and use of sessional members.

Graph 6 - HR Workload



Graph 7 - HR Applications finalised by type (2009-2010)

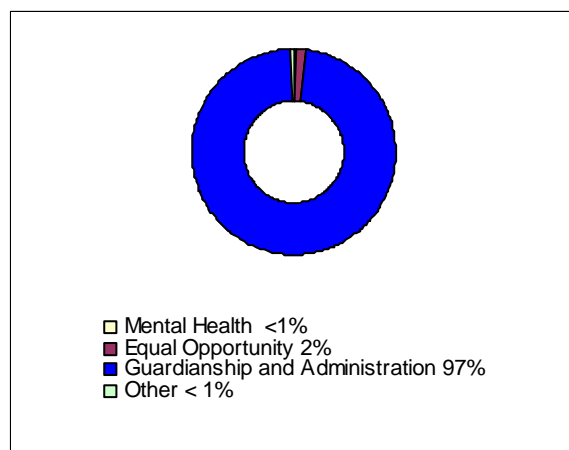


Table 6 - HR Benchmark Performance

Percentage of applications finalised	Benchmark (weeks)	2006-2007	2007-2008	2008-2009	2009-2010
30%	n/a	5	5	5	6
50%	n/a	7	6	6	7
80%	8	9	8	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 Record Checking) Act 2004* (WA) also fall within the VR stream.

Year in Review

Workload

During the reporting year, the Tribunal received 260 applications in the VR stream. While that represented a significant increase over the 181 applications received in the previous reporting period, it was only slightly higher than the 254 applications received in the 2007-2008 year.

Appendix 2 sets out the number of applications received under each Act contained within the VR stream. It can be seen that the most dramatic increase in applications relates to medical practitioners with 31 applications being made in the reporting year compared to 9 in the previous reporting year. A significant increase in the number of applications relating to working with children reviews can also be noted. The number of applications relating to legal practitioners rose from 42 to 49 in the reporting period.

The impact of the increase in workload in this stream has been greatest on the judicial members of the Tribunal who are required to preside over matters involving legal practitioners, and generally preside over hearings concerning health professionals, real estate and settlement agents and working with children applications.

Achievements

The use of mediation in relation to vocational disciplinary proceedings has continued to be very successful. A number of enquiries for information concerning the Tribunal's processes have been received from other vocational regulatory tribunals in Australia, and it is clear that the Tribunal plays a leading role in the utilisation of mediation in that context.

In the reporting period, the Tribunal has not achieved the benchmark of 27 weeks for completion of 80% of matters. The time for completion of 80% of vocational regulation matters extended out to a disappointing 43 weeks.

The complexity, and the consequences, of vocational disciplinary proceedings can lead to lengthening of the time necessary to reach resolution. In some areas, and in particular in relation to medical practitioners, significant delays are incurred by reason of the need to obtain expert evidence. That need tends to lead to a drawing out of the mediation process, and delays in fixing hearing dates. A further reason for delay in resolving vocational matters is that, in those areas which require a judicial member to preside, limited judicial resources restrict the availability of hearing dates. The position can also be aggravated by issues concerning the availability of sessional members drawn from the particular vocation who are required to participate in hearings.

Finally, the provisions of the *Legal Profession Act 2008* (WA) and the *Medical Practitioners Act 2008* (WA) each require that, when making orders under the respective Act, the Tribunal must be constituted by a full Tribunal including representatives of the particular vocation. That has the result that, where the parties reach agreement at mediation, it is necessary for the mediator, rather than making orders reflecting the settlement, to refer the proposed consent orders to a fully constituted Tribunal for consideration. That involves additional delay in finalisation.

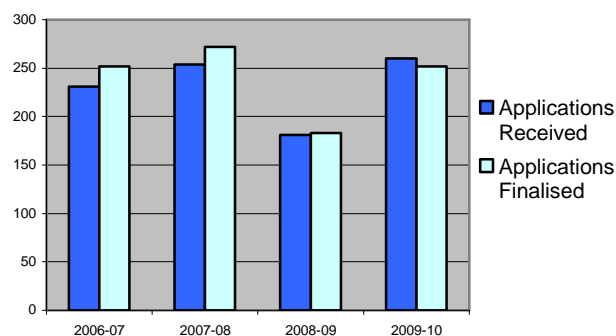
Looking Forward

The Tribunal will continue to examine the timeliness of the resolution of vocational matters. If the increase in time to completion of matters is other than temporary, steps will need to be taken to more closely examine the reasons for the additional time, and remedial steps will be considered.

The impact of the changes introduced by the *Legal Professions Act 2008* (WA) in March 2009 which enabled dissatisfied complainants whose complaint had been dismissed by the Legal Profession Complaints Committee to seek a review in the Tribunal has continued to have an impact in the current reporting period. The requirement to constitute a full Tribunal to deal with those applications has had a significant impact on the Tribunal's resources. Several matters have involved examinations of large volumes of material lodged with the Tribunal by applicants for review who are self-represented. This area of work has significantly impacted on the workload of the judicial members of the Tribunal who are required to preside over matters brought under the *Legal Professions Act 2008* (WA). The Tribunal will continue to monitor the most efficient and cost effective way of dealing with those matters.

The impact of the national scheme for the regulation of health professionals will come into force in Western Australia within the next reporting period. The impact of those changes, which include some additional areas of jurisdiction for the Tribunal, is not yet clear. The proposal for complaint procedures to be handled through a single national body raises issues as to the Tribunal's capacity to involve that body in the mediation processes. If mediation becomes less viable as a result of the change to national regulation, there will be a potentially significant impact on the Tribunal's resources required to conduct additional hearings. It is to be hoped that the processes presently available to the Tribunal to deal with vocational disciplinary matters in relation to health professionals will not be adversely impacted by the changes in legislation.

Graph 8 - VR Workload



Graph 9 - VR Applications finalised by type (2009-2010)

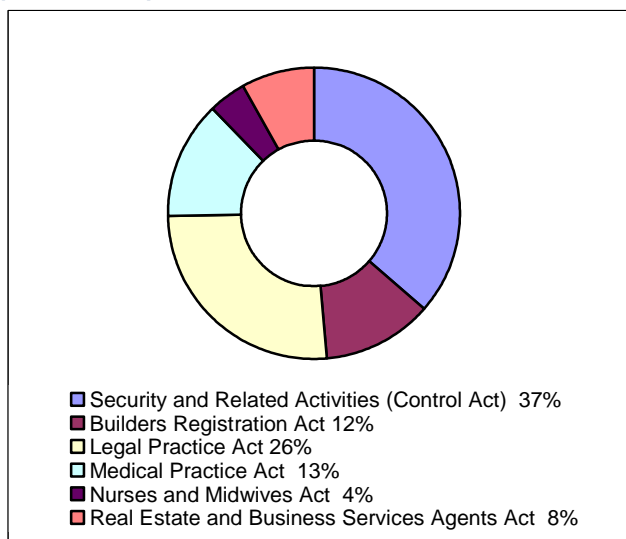


Table 7 - VR Benchmark Performance

Percentage of applications finalised	Benchmark (weeks)	2006-2007	2007-2008	2008-2009	2009-2010
30%	n/a	7	7	6	8
50%	n/a	13	10	9	12
80%	27	35	25	24	43

COMMUNITY RELATIONS

Contact with the community remains a significant priority for the Tribunal and for 2009-2010, 54 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 together with a list of members' publications.

The Tribunal's workload in relation to general inquiries as well as the increase in conferral of jurisdictions has been continuous and significant. The Tribunal aims to assist all parties in the lodgement and management of their matters without the need for legal representation.

Electronic Communications

During the year there were a total of 2,096 electronic contacts (emails – see Table 8 below) received by the Tribunal.

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	No. received 09/10
*Media inquiries	-	10	12	14
Matter information	341	746	1262	1307
Praise	14	19	18	29
Problems	18	16	12	9
Requests for Information	200	391	343	287
Suggestions	18	33	18	13
Complaints	15	7	13	4
*Seminar responses/inquiries	-	466	285	308
*Spam	-	498	53	134
TOTAL	1,199	2,265	2016	2096
Note:				
* Figures not recorded separately prior to 1 July, 2007				

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, to attend and take part in the Tribunal's processes.

Our Website

The continued development of the Tribunal's website has continued during the reporting year. It is a valuable information resource to self-represented persons (SRPs) as well as all other applicants and parties. The improvements were to the SAT Application Wizard on the Tribunal's website and improved functionality which assisted parties in determining the correct application to select.

Publications

When considering the needs of parties the Tribunal assumes most will be 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 Tribunal's 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
Mediation 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
Your Guide to making an application under the <i>Residential Parks (Long-stay Tenants) Act 2006</i>	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

FUTURE REFORMS AND INITIATIVES

Legislative Reforms

Section 150(5) of the SAT Act authorises the President to report to the Minister about any matter connected with the exercise of the Tribunal's jurisdiction. During the course of the reporting year, the Tribunal has noted aspects of the operation of certain legislation within its jurisdiction which warrant comment.

Working with Children (Criminal Record Checking) Act 2004 (WA)

In the reporting year, 14 reviews of decisions to issue negative notices under the *Working with Children (Criminal Record Checking) Act 2004 (WA)* (WWC Act) came before the Tribunal. The legislative purpose of that WWC Act is to protect children by reducing the risk that they may suffer harm as a result of contact with people engaged in child related employment. The Tribunal is required to take into account various considerations prescribed by the WWC Act, and then to answer the critical question, of whether, on all of the information and other material properly before the Tribunal, there is an 'unacceptable risk' that the applicant might, in the future, cause sexual or physical harm to children in the course of carrying out child related employment - CEO, *Department for Child Protection v Grindrod (No 2)* [2008] WASCA 28 and CEO, *Department for Child Protection v Scott (No 2)* [2008] WASCA 171.

The Tribunal's experience is that an increasing number of employers are requiring their employees to hold assessment notices under the WWC Act, notwithstanding that particular employees may have very limited contact with children in the course of their employment, and where that contact is unlikely to provide an occasion for abuse. In some cases that have come before the Tribunal, applicants have been in employment with the same employer for a number of years without incident, but the new requirement to obtain an assessment notice puts that employment in jeopardy by reason of prior convictions.

There is no difference in the test to be applied for the grant of an assessment notice to a person for example, engaged in work in a child care centre, from the requirements applicable to a person whose employment involves very limited contact with children in circumstances unlikely to give rise to any unacceptable risk of harm to children encountered through that employment. Once an assessment notice is issued, it is issued for all purposes. This has the effect, in some cases, of depriving people of employment, and indeed effectively terminating their employment, in occupations where no unacceptable risk to children exists.

No provision currently exists in the legislation for assessment notices to be issued subject to conditions, or for the limited purpose of employment in a particular job. It is the experience of the Tribunal that that inflexibility leads to harsh and unnecessary consequences. This matter is raised to alert Government to those consequences and to the question of whether the consequences could be ameliorated by legislative amendment without affecting the legislative purpose of the WWC Act.

Security and Related Activities (Control Act) 1996 (WA)

A wide range of amendments to this Act took effect on 14 December 2009. Amendments to the *Security and Related Activities (Control Act) Regulations 1997* (WA) were proclaimed on the same day. The amendments are aimed essentially to provide a stricter regime for the regulation of persons licensed to operate in the security industry, such as crowd controllers, security officers and security installers.

One of the most important additions to the legislation is what is called 'disqualifying offences' and 'prohibited persons' (s 4A). Disqualifying offences are defined in the regulations and include offences such as stealing, public violence, impersonating a public officer, threatening a witness, creating a false belief, prostitution, obscene acts in public, common assault, damage to property and forgery. If a person is convicted of a disqualifying offence, such a person becomes a prohibited person for the purposes of the security industry. As a consequence of being classified as a prohibited person, a licence is to be revoked by the Commissioner of Police (s 67A(1)(b)).

The Tribunal notes two important consequences of these amendments:

- a) The classification of the licensee as a 'prohibited person' and the decision of the Commissioner of Police to revoke the person's licence are not subject to review of the Tribunal.
- b) The amendments have a retrospective application, meaning that a person can be classified as a prohibited person on the basis of an offence of which the person was convicted before being licensed. Any finding of guilt on or after 1 January 1996 can disqualify a licensee retrospectively (s 4A(2)). Such disqualification is not subject to review.

The Tribunal has, during the reporting period, had several cases where licences have been revoked for offences taking place before the amendments took effect. In some cases, applications for review have been made where there are significant mitigating circumstances such as it might be thought that the licensee remains a fit and proper person to hold a licence, and where depriving a person of their livelihood is disproportionate to the circumstances of the case. The case in point involved a person who held a licence as a security installer who had been convicted of a relatively minimal assault offence in connection with his work, but stood to lose his livelihood as a result of that conviction. Because there is no right of review of the revocation of a person's licence for disqualifying offences, the Tribunal has no alternative but to dismiss the applications for review.

When seen in the context of the many regulated vocations, in respect of which the Tribunal performs a disciplinary function, the mandatory disqualifying effect of convictions for specified offences is unique.

This matter is raised because of the very dramatic effect that the legislation can have on a person's livelihood, and to raise the question as to whether those involved in the security industry should be subject to an inflexible regime not applicable to any other vocational group subject to the Tribunal's jurisdiction.

Previously Proposed Legislative Reforms

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

- a review of whether the right under s 435 of the *Legal Profession Act 2008* (WA) in relation to a decision by the Legal Profession Complaints Committee to dismiss a complaint should be the subject of a requirement for leave in all cases (see 2008-2009 annual report at p 24).
- a review of the *Local Government Act 1995* (WA) dealing with complaints, breaches, rules of conduct by local government councillors to consider whether the process of dealing with minor breaches of conduct should incorporate some facility, such as mediation, earlier in the complaint process by the Standards Panel (see 2008-2009 annual report at pp 24-25).
- amendment to the *Guardianship and Administration Act 1990* (WA) (GA Act) 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 (see 2008-2009 annual report at p 25).
- 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 the Tribunal supporting this reform it is hoped that action will follow to implement the required legislative reforms;
- Amendment to the *Strata Titles Act 1985* (WA) (ST Act) (see 2005-2006 annual report at pp 24-25). A number of the Tribunal's recommended reforms to the ST Act were supported by the Standing Committee Inquiry into the Tribunal, 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) (P & D Act) to confer (concurrent) jurisdiction on the Tribunal constituted by or including a judicial member to grant an injunction to restrain a contravention of the P & D 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 P & D Act 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 GA Act. 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 the Tribunal 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 was only one legacy matter outstanding. The matter is still not finalised as at 30 June 2010. 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*. The matter is expected to be finalised early in the next reporting period.

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 2005–2006 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.

ADMINISTRATIVE SUMMARY

On review of the 2009-2010 year, it is satisfying to acknowledge that all of the Tribunal's administrative and judicial support staff 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. The Tribunal has experienced a significant increase in workload since commencing operations in 2005 with minimal increase in resources. Although there have not been any new significant individual conferrals of jurisdiction during this time, overall growth of 19.3% (5% during the last 12 months) in new applications has occurred. Through the dedication and hard work by staff and members the Tribunal has continued to achieve its Key Performance Indicators during this period of growth.



Alistair Borg - Executive Officer

Under the direction of the President, the Executive Officer along with the senior management team greatly assisted the Tribunal in the exercise of its jurisdiction and the administration of the Tribunal.

Human Resources

The Tribunal's current member and staffing level is 91.6 full time equivalents, which consists of three judicial members, four senior members, 10 ordinary members and 5.5 full time equivalents allocated to sessional member usage. The administrative staff represent 69.1 of this total.

The restructure of the administrative staff referred to earlier in this report did not result in any change to the number of FTE positions, however it did result in a number of new positions being created. The new structure provides greater scope for career progression within the Tribunal for staff and, amongst other things, will result in case management officers managing cases from beginning to end within streams. This will provide significant improvements in process efficiency and in the quality of service provided to the Tribunal and to the parties and stakeholders involved in matters before the Tribunal. A Change Manager was engaged in March 2010 for a period of 12 months to drive the implementation of the restructure as part of a broader project of introducing a process of cultural change into the organisation.

Budget Performance

The Tribunal's operational budget for the year was \$16,629,912. It is pleasing to report that the Tribunal's expenditure of \$16,368,036 was slightly under budget despite increasing service demand. While this result is positive in an administrative sense, the level of funding is insufficient in the context of the increasing demand and the pressure it places upon members and staff to meet this demand without additional resources. A submission for additional funding to address these pressures has been submitted as part of the Government's mid-year budget review process. It is critical that the submission be funded.

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 Tribunal. He filled that position until his appointment on 10 February 2009 to the Supreme Court and as President of the Tribunal.

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.

(District Court Judge Janine Pritchard resigned as Deputy President of the Tribunal on 10 June 2010 and was appointed as a Judge to the Supreme Court of WA on 11 June 2010).

Full time senior members

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 Tribunal, 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 the Tribunal's rules, resource management and professional development committees. David is the principal author of the Tribunal'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, updated 2010) and has written several journal articles in relation to the Tribunal's practice, procedure and decisions.

Debbie Taylor - Human Rights

Debbie Taylor was appointed to the State Administrative Tribunal in October 2009 as a Senior Member in the Human Rights stream after a long career as a barrister in England and a lawyer in Western Australia, during which she specialised in international family law and medico-legal matters, especially matters relating to mental health. In 1994 she was appointed as a legal member of the Mental Health Review Tribunal for England and Wales.

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.

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.

Susan Gillett

Susan Gillett has qualifications in social work. She was initially appointed to the Tribunal in 2007 as a senior sessional member and concurrently, sat as a member of the Veterans Review Board and undertook contract work for the Commonwealth Government determining child support matters. She has extensive experience within the social welfare industry and has worked for a number of community law centres, as a mediator primarily in family law disputes and for many years as a member of the Social Security Appeals Tribunal. She was appointed as a full time member from 2010 and sits mainly in the Human Rights stream of the Tribunal.

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>Armada Redevelopment Act 2001</i>		x	Development and Resources
<i>Associations Incorporation Act 1987</i>		x	Commercial and Civil
<i>Biological Control Act 1986</i>		x	Development and Resources
<i>Biosecurity and Agriculture Management Act 2007</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 2004</i>		x	Commercial and Civil

Act	Original	Review	Stream
<i>Debt Collectors Licensing Act 1964</i>	x	x	Vocational
<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>Fair Trading (Retirement Villages Code) Regulations 2009</i> (given effect by <i>Fair Trading Act 1987</i> , s43)	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>Food Act 2008</i>		x	Commercial and Civil
<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

Act	Original	Review	Stream
<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
<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>Major Events (Aerial Advertising) Act 2009</i>		x	Commercial and Civil
<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 Act 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>Plant Pests and Diseases (Eradication Funds) Act 1974</i>	x		Commercial and Civil
<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

Act	Original	Review	Stream
<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
<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>Shipping and Pilotage Act 1967</i>		x	Vocational
<i>Shipping and Pilotage (Ports and Harbours) Regulations 1966</i> (given effect by <i>Shipping and Pilotage Act 1967</i> , s12)		x	Vocational
<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 Planning Policy 3.6 Development Contributions for Infrastructure</i> (given effect by <i>Planning and Development Act 2005</i> , s26)		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 Resources Recovery Regulations 2008</i> (given effect by <i>Waste Avoidance and Recovery Act 2007</i> , s96)		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

Act	Original	Review	Stream
<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

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	No. of Applications 2009/10
COMMERCIAL & CIVIL	<i>Animal Welfare Act 2002</i>	0	2	0	0	0
	<i>Associations Incorporation Act 1987</i>	0	0	2	0	0
	<i>Betting Control Act 1954</i>	0	0	1	0	0
	<i>Births, Deaths and Marriages Registration Act 1988</i>	0	1	0	0	0
	<i>Builders Registration Act 1939</i>	0	54	52	44	42
	<i>Business Names Act 1962</i>	0	1	0	0	0
	<i>Caravan Parks and Camping Grounds Act 1995</i>	2	1	0	1	0
	<i>Commercial Tenancy (Retail Shops) Agreements Act 1985 – s 13</i>	1467	1682	1494	1514	1385
	<i>Commercial Tenancy (Retail Shops) Agreements Act 1985 – excluding s 13</i>	49	52	60	50	52
	<i>Community Services Act 1972 (repealed)</i>	1	0	0	0	0
	<i>Construction Contracts Act 2004</i>	3	2	6	4	8
	<i>Consumer Credit (Western Australia) Act 1996</i>	79	48	71	60	84
	<i>Country Towns Sewerage Act 1948</i>	1	0	0	0	0
	<i>Credit Act 1984</i>	-	-	1	1	0
	<i>Dangerous Goods (Transport) Act 1998 (repealed)</i>	3	1	0	0	0
	<i>Dangerous Goods Safety Act 2004</i>	-	-	-	1	12
	<i>Dog Act 1976</i>	9	7	11	21	19
	<i>Explosives and Dangerous Goods Act 1961 (repealed)</i>	-	-	1	0	0
	<i>Fair Trading Act 1987 (WA)</i>	-	-	-	3	2
	<i>Firearms Act 1973</i>	20	25	28	37	60
	<i>First Home Owner Grant Act 2000</i>	4	3	3	5	2
	<i>Health Act 1911</i>	14	8	5	13	13
	<i>Health (Aquatic Facilities) Regulations 2007 (given effect to by s 343A Health Act 1911)</i>	-	-	-	0	0
	<i>Local Government (Miscellaneous Provisions) Act 1960</i>	147	73	80	37	33
	<i>Marketing of Potatoes Act 1946</i>	0	1	1	0	0
	<i>Perth Parking Management Act 1999</i>	-	-	-	0	1
	<i>Petroleum (Submerged Lands) Act 1982</i>	-	-	1	0	0
	<i>Residential Parks (Long Stay Tenants) Act 2006</i>	-	-	12	23	46
	<i>Retirement Villages Act 1992</i>	5	4	5	8	9
	<i>Road Traffic Act 1974</i>	38	61	67	34	25
	<i>Soil and Land Conservation</i>	12	0	0	0	0
	<i>Strata Titles Act 1985</i>	139	136	112	131	132
	<i>Swan River Trust Act 1988</i>	2	0	0	0	0
	<i>Taxation Administration Act 2003</i>	41	11	17	9	7
	<i>Taxi Act 1994</i>	0	3	0	0	0
	<i>Transport Co-ordination Act 1966</i>	-	-	0	0	1
Commercial and Civil Stream Total Applications		2036	2176	2030	1996	1933
HUMAN RIGHTS	<i>Children and Community Services Act 2004</i>	-	-	2	4	0
	<i>Equal Opportunity Act 1984</i>	90	67	84	68	65
	<i>Gender Reassignment Act 2000</i>	-	-	-	2	6
	<i>Guardianship and Administration Act 1990</i>	2442	2593	2822	3157	3530
	<i>Industrial Relations Act 1971</i>	-	-	-	-	1
	<i>Mental Health Act 1996</i>	9	10	11	15	6
Human Rights Stream Total Applications		2541	2670	2919	3246	3608

Stream	Act	No. of Applications 2005/06	No. of Applications 2006/07	No. of Applications 2007/08	No. of Applications 2008/09	No. of Applications 2009/10
DEVELOPMENT & RESOURCES	<i>Aboriginal Heritage Act 1972</i>	-	-	1	3	1
	<i>Armadale Redevelopment Act 2001</i>	-	-	-	0	2
	<i>Country Areas Water Supply Act 1947</i>	-	-	-	1	0
	<i>East Perth Redevelopment Act 1991</i>	1	1	6	0	2
	<i>Fish Resources Management Act 1994</i>	4	1	3	5	2
	<i>Fishing and Related Industries Compensation (Marine Reserves) Act 1996</i>	-	-	1	0	0
	<i>Hope Valley-Wattleup Redevelopment Act 2000</i>	-	-	0	1	2
	<i>Jetties Act 1926</i>	3	8	0	0	0
	<i>Land Administration Act 1997</i>	5	9	1	8	6
	<i>Local Government Act 1995</i>	13	30	15	26	19
	<i>Metropolitan Region Town Planning Scheme Act 1959</i>	1	0	0	0	0
	<i>The Midland Redevelopment Act 1999</i>	-	-	-	1	0
	<i>Planning and Development Act 2005</i>	58	410	415	466	387
	<i>Rights in Water and Irrigation Act 1914</i>	2	6	6	4	3
	<i>Strata Titles Act 1985</i>	-	-	-	-	1
	<i>Town Planning and Development Act 1928 (repealed)</i>	276	0	-	-	-
	<i>Taxation Administration Act 2003</i>	0	7	12	14	3
	<i>Valuation of Land Act 1978</i>	3	2	6	6	16
	<i>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)</i>	-	-	-	0	0
	<i>Western Australian Planning Commission Act 1985 (repealed)</i>	-	-	0	-	-
Development and Resource Stream Total Applications		366	474	466	535	444
VOCATIONAL REGULATION	<i>Architects Act 1921 (repealed)</i>	1	1	0	-	-
	<i>Architects Act 2004</i>	-	-	-	1	2
	<i>Builders Registration Act 1939</i>	95	23	21	25	23
	<i>Childcare Services Act 2007</i>	-	-	-	1	2
	<i>Children and Community Services Act 2004</i>	0	4	0	0	0
	<i>Credit (Administration) Act 1984</i>	-	-	1	0	0
	<i>Chiropractors Act 2005</i>	-	-	-	0	2
	<i>Chiropractors Registration Board Rules 1996 (given effect to by s 18(1)(ha) Chiropractors Act 1964)</i>	0	2	0	0	0
	<i>Debt Collectors Licensing Act 1964</i>	1	0	0	0	0
	<i>Dental Act 1939</i>	1	0	5	0	3
	<i>Electricity Act 1945</i>	1	2	0	0	0
	<i>Finance Brokers Control Act 1975</i>	3	1	2	0	2
	<i>Gas Standards Act 1972</i>	1	1	0	0	0
	<i>Hairdressers Registration Act 1946</i>	1	2	2	0	1
	<i>Land Valuers Licensing Act 1978</i>	3	1	0	1	2
	<i>Legal Practice Act 2003</i>	50	30	35	42	49
	<i>Legal Professions Act 2008</i>	-	-	-	0	11
	<i>Licensed Surveyors Act 1909</i>	2	1	0	0	0
	<i>Medical Act 1894</i>	17	26	20	9	31
	<i>Medical Radiation Technologies Act 2006</i>	-	-	1	0	2
	<i>Motor Vehicle Dealers Act 1973</i>	3	2	0	1	2
	<i>Motor Vehicle Drivers Instructors Act 1966</i>	1	0	0	1	0
	<i>Nurses Act 1992</i>	6	6	8	0	0
	<i>Nurses and Midwives Act 2006</i>	-	-	22	9	8
	<i>Optometrists Act 1940</i>	1	1	0	0	0
	<i>Painters Registration Act 1961</i>	7	2	2	1	5

Stream	Act	No. of Applications 2005/06	No. of Applications 2006/07	No. of Applications 2007/08	No. of Applications 2008/09	No. of Applications 2009/10
	Pharmacy Act 1964	0	3	1	2	2
	Physiotherapists Act 1950 (repealed)	0	1	0	-	-
	Physiotherapists Act 2005	-	-	-	0	1
	Psychologists Registration Act 1976 (repealed)	3	2	0	-	-
	Psychologists Act 2005	-	-	3	2	6
	Real Estate and Business Agents Act 1978	8	17	18	9	15
	Security and Related Activities (Control) Act 1996	77	84	91	69	69
	Settlement Agents Act 1981	4	6	10	2	5
	Trade Measurement Act 2006	0	1	0	0	0
	Travel Agents Act 1985 (WA)	0	2	1	0	0
	Veterinary Surgeons Act 1960	1	2	3	2	1
	Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000 (given effect to by s 61 Water Services Licensing Act 1995)	1	2	0	1	2
	Workers Compensation and Injury Management Regulations 1982	1	1	0	0	0
	Working With Children (Criminal Record Checking) Act 2004	0	5	8	3	14
Vocational Regulation Stream Total Applications		289	231	254	181	260
SAT	State Administrative Tribunal Act 2004	0	1	5	3	3

Appendix 3 – Member Activities

Table 12 - Member Activities 2009-10

Date	Attended	Details
	All 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.
01/07/09	Justice Chaney	Attended launch of the new Public Trustee, Perth Town Hall.
08/07/09	Justice Chaney	Presented Guest Lecture, Murdoch University.
13/07/09 - 15/07/09	Bertus de Villiers	Attend and give paper in Johannesburg (South Africa) at a conference on cross-border cooperation in federations.
16/07/09 - 17/07/09	Justice Chaney All full time members	Attended the 4th Annual Kunamarri Conference at the University of WA.
20/07/09	Justice Chaney	Attended combined Courts and Tribunals Mediation Training session conducted by Professor Waden
21/07/09	Clive Raymond	Attended the Strata Titles Institute of WA seminar on 'Managing Strata Meetings'.
21/07/09	Judges All full time members	Attended presentation by guest speaker Robyn Creyke on 'Recent developments in Administrative Law with relevance to Tribunals'.
30/07/09	Justice Chaney	Presented opening address at the National Environmental Law Assoc WA (NELA) Launch.
30/07/09	Maurice Spillane	Attended the Law Society WA "Ethics in ADR – A Mediated Discussion" and was a panel member in the discussion on "ADR War Stories".
04/08/09	Donna Dean	Presentation on 'SAT & Guardianship and administration' to University of WA Law students.
06/08/09 - 07/08/09	Bertus de Villiers	Attended the AIAL National Administrative Law Forum.
06/08/09	David Parry	Presentation on 'Overview and Role of SAT' as part of Curtin University of Technology Environmental Impact Assessment Course at the Tribunal.
07/08/09 - 09/08/09	Peter McNab	Attended the National Community Titles Conference.
19/08/09 - 21/08/09	David Parry, Marie Connor Maurice Spillane	Attended Australasian Conference of Planning and Environment Courts and Tribunals (ACPECT) - David Parry gave a presentation 'SAT's role in water allocation in Western Australia' and chaired a session on 'Beyond outstanding landscapes'.
21/08/09	Tim Carey	Presentation on "Outline the role of SAT" to the WARCRA for people who reside in retirement villages at the Perth Railway Station.
24/08/09	David Parry	Presentation on the Tribunal to the Environmental Stakeholder Advisory Group at the Department of Environment and Conservation, Perth.
02/09/09 - 04/09/09	Clive Raymond Bertus De Villiers	Strata and Community Title in Australia for the 21st Century III.
10/09/09 - 11/09/09	Jim Jordan Marie Connor Jennifer Hawkins	PIA State Conference 2009 – 'Growing Pains; Reality, Reform and Renewal'.
16/09/09	All staff	Mental Health Seminar by Dr Zorbas.
06/10/09 - 07/10/09	Judge Eckert	Australian Guardianship and Administration Committee (AGAC) conference.
08/10/09	Justice Chaney	Presented at the Workcover Arbitrators' Professional Development Conference, Perth.
08/10/09 - 09/10/09	Murray Allen	Mental Health Conference: 'Rights Responsibilities and Rhetoric: Unpacking the policy and practice issues in mental health law, guardianship and trusteeship' in Adelaide.

Date	Attended	Details
09/10/09 -11/10/09	Justice Chaney	Presented at the Advocacy Workshop, Lavan Legal, organised by the Australian Advocacy Institute, Perth.
13/10/09	Justice Chaney	Guest speaker, Seminar to celebrate the WALRC report on civil and criminal procedural reform, Murdoch Law School in conjunction with Supreme Court and Freehills.
16/10/09 – 17/10/09	Justice Chaney	Attended 'Judging in the Contemporary World', Conference for Supreme Court Judges, Masters and Registrars, 2009.
23/10/09	Justice Chaney	Presented at the Department of Commerce – Branch Legal Training Program, organised by DCCP.
31/10/09	Justice Chaney	Presented paper 'Practice in SAT Cases', at WABA Continuing Legal Education Weekend, Swan Valley, WA.
05/11/09 – 06/11/09	Justice Chaney	Participated in Panel discussion for Medical Conference, Bunker Bay, WA.
16/11/09	Justice Chaney David Parry Marie Connor Jim Jordan Peter McNab Maurice Spillane *Sessional DR members	Attended the Tribunal's 'Town Planning Law – Past, Present and Future – Conference to mark 80 years of town planning law in Western Australia' at Government House Ballroom. Justice Chaney gave the welcome and overview, David Parry presented a paper on 'The rise of facilitative dispute resolution in planning review proceedings', Jim Jordan made a presentation on 'The advantages and disadvantages of the ministerial appeal system' and David Parry, Marie Connor, Peter McNab and Maurice Spillane chaired sessions.
17/11/09	David Parry Marie Connor Jim Jordan Peter McNab Maurice Spillane *John Adderley *Antony Ednie-Brown *Ross Easton *Brian Hunt *Lloyd Graham *Patric de Villiers *Richard Affleck *Rebecca Moore *Peter Curry	Attended and made presentations at development and resources stream professional development seminar on 'recent appeal decisions'
19/11/09	Justice Chaney	Interview segment on 6PR radio.
07/12/09	Justice Chaney	Attended Council of Australasian Tribunals (COAT) meeting in Sydney.
21/12/09	Justice Chaney	Attended launch of the Equality before the Law benchbook, Supreme Court
23/01/10 - 27/01/10	Justice Chaney	Attended the 'Supreme & Federal Court Judges' Conference' in Canberra.
08/02/10	Justice Chaney Murray Allen Debbie Taylor Felicity Child Susan Gillett Jack Mansveld Pia Castelli *Hannah Leslie *Daniel Stepniak	Attended the 'Medical Decision-Making at the End of Life' seminar at the University of WA. Justice Chaney presented a paper on 'issues relating to incompetent patients including substitute decision-making.'
18/02/10	Clive Raymond Debbie Taylor Bertus de Villiers Felicity Child Tim Carey Maurice Spillane Jennifer Hawkins	Presentation by Professor Wade on 'Mediation Training' at the District Court WA.
24/02/10	Justice Chaney	Attended presentation by Hon Professor Keith Mason AC QC, Perth.

Date	Attended	Details
26/02/10	Justice Chaney	Presented paper, 'Administration Law – Using Experts in Court', Law Society Summer School, 2010.
02/03/10	Justice Chaney	Attended seminar by George Bizos SC, 'Judicial Independence: The Apartheid Years and the Adoption of South Africa's Democratic Constitution', organised by the Inter-Jurisdictional Education Committee.
08/03/10	Justice Chaney Judge Eckert David Parry Clive Raymond Felicity Child Peter McNab Maurice Spillane	Induction of Sessional Members.
08/03/10	Clive Raymond	Presentation on 'SAT's experiences in dealing with matters under the <i>Construction Contracts Act</i> ' to the Institute of Arbitrators and Mediators Australia.
10/03/10	Justice Chaney	Chaired Law Society seminar on Advance Health Directives, Perth.
11/03/10	Maurice Spillane	Attended the Law Society WA "Ethics in ADR Workshop" and was a panel member in the discussion on "ADR War Stories".
23/03/10	Justice Chaney	Presented at Medical Board Investigators conference on Conferral of Experts, Joondalup.
31/03/10	Clive Raymond	Presented a paper on 'The services SAT provide to Small Business' at the Small Business Development Corporation.
18/04/10 - 19/04/10	Judge Eckert	Attended the Australian Guardianship and Administration Council (AGAC) conference.
22/04/10	Felicity Child	Attended the Public Trustee plaintiff lawyers seminar series.
04/05/10 – 07/05/10	Tim Carey	Attended the Australasian Institute of Judicial Administration (AIJA) 'Non-adversarial Justice: Implications for the Legal System and Society Conference' in Melbourne.
13/05/10	Maurice Spillane	Attended and presented at the UWA Law School Moot Court: Courts, Tribunals and the Judiciary 'Evening with the Profession'.
20/05/10	Justice Chaney	Attended lecture by the Hon Justice Michael Barker, Sir Ronald Wilson Lecture, State Library, Perth.
26/05/10	Justice Chaney	Presented at the WA Bar Association – Bar Readers Course, Perth.
31/05/10	Justice Chaney Full time members	Attended Council of Australasian Tribunals (COAT) WA Chapter seminar – David Parry presented a paper on 'Concurrent expert evidence'
03/06/10	Jennifer Hawkins	Presentation on 'How to deal with complaints by the Legal Practitioners Complaints Committee – A SAT perspective' to the Women Lawyers Association of WA.
10/06/10 – 11/06/10	Justice Chaney Debbie Taylor Felicity Child Bertus de Villiers Susan Gillett Jack Mansveld	Attended the AIJA 'Annual Tribunals Conference' in Brisbane.

* Refers to Sessional Members

State Administrative Tribunal members have prepared publications as detailed in Table 13 below.

Table 13 – Members' publications

Member	Publication
David Parry	<i>Ecologically sustainable development in Western Australian planning cases (Environment and Planning Law Journal Vol 26 September 2009 pp 375 - 391).</i>
David Parry	<i>The use of facilitative dispute resolution in the State Administrative Tribunal of Western Australia – Central rather than alternative dispute resolution in planning cases (Environment and Planning Law Journal Vol 27 March 2010 pp 113 - 130).</i>
David Parry and Bertus De Villiers	<i>Conducting Proceedings in the State Administrative Tribunal of Western Australia (Lawyers' Practice Manual of Western Australia, LBC, loose leaf, Updated May 2010) (with Dr Bertus de Villiers).</i>
Bertus De Villiers	"Ethiopian federalism: learning from the world" Brief 2010 (July): 28-33
Bertus De Villiers	"People and Parks – challenges and opportunities" in Land reform in South Africa: constructive aims and positive outcomes – reflecting on the experiences on the way to 2014 p79-98, Konrad Adenauer Foundation, Johannesburg: 2009.
Bertus De Villiers	"Demarcation of the South African provinces – a brief overview" pp9-16, in De Villiers (ed) Crossing the line – dealing with cross-border communities 2009: Konrad Adenauer Foundation, Johannesburg

Appendix 4 - Sessional members

State Administrative Tribunal senior sessional members and ordinary sessional members appointed under section 117(3), as at 1 January 2010.

Table 14 - Sessional members – senior

Member	Areas of Work/Expertise
John Adderley	Retired Town Planner
Richard Affleck	Executive Director Construction Company
Michael Anderson	Chartered Accountant, Arbitrator and Mediator
Hans Beyer	Finance Broker
Kenneth Bradley	Accountant, Former Public Trustee
Dr Simon Carlin	Chiropractor
Dr Roger Clarnette	Medical Practitioner
Dr Philip Cockerill	Dentist
Patric De Villiers	City Planning Consultant
Donna Dean	Social Worker, Former Human Rights Ordinary Member of the Tribunal
Ross Easton	Architect
Chris Edmonds SC	Legal Practitioner
Antony Ednie-Brown	Consultant Architect
Dr Louise Farrell	Medical Practitioner
Laurence Foley	Podiatrist
Dr Stuart Gairns	Periodontist
Alexander Gardner	Legal Practitioner, University Academic (Law)
Dr Alison Garton	Psychologist
Lloyd Graham	Retired Town Planner
Prof Robert Guthrie	Legal 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	Chartered Accountant
Hannah Leslie	Legal Practitioner
Dr Michael Levitt	Medical Practitioner
David Liggins	Real Estate Agent, Licenced Valuer
Prof George Lipton	Psychiatrist
Roger Macknay	Legal Practitioner, Retired District Court Judge, QC
Timothy Mather	Veterinary Surgeon
Jeffrey Mazzini	Finance Broker
Dr Alan McCutcheon	Medical Practitioner
Kevan McGill	Engineer
Dr Barry Mendelawitz	Retired Medical Practitioner
Rebecca Moore	Architect
Jacqueline Musk	Magistrate
Val O'Toole	Social Worker
Michael Odes QC	Legal Practitioner
Dr Anne Passmore	Occupational Therapist, University Lecturer
Dr Christine Pears	Dentist
Patrick Pinder	Retired Architect, Town Planner
Geoffrey Potter	Accountant, Real Estate Agent
Robert Priest	Land Valuer
Josephine Stanton	Consultant in Health and 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)
Dr Peter Winterton	Medical Practitioner
Darianne Zambotti	Occupational Therapist

Table 15 - Sessional members – ordinary

Member	Areas of Work/Expertise
Keith Bales	Retired Lawyer
Ross Campbell	Electrical Fitter, Security Agent
Robyn Carroll	Legal Practitioner
Anthony Coulson	Travel Agent
Peter Curry	Mediator, Agricultural Scientist
Mary Elgar	Travel Agent, Nurse
Philip Faigen	Architect, Registered Builder, Arbitrator
Barbara Holland	Educational and Vocational Consultant
Assoc Prof Bronwyn Jones	University Academic (Nursing)
Karen Lang	Legal Practitioner
Dimitrios (James) Limnios	Real Estate Agent
Linley Lord	University Academic (Business)
Alexander MacNaghten	Real Estate Agent, Land Valuer
Hannah McGlade	Legal Practitioner
Peter Mittonette	Registered Builder
Darren Mouchemore	Building Surveyor, Registered Builder
Anne Seghezzi	Legal Practitioner
Anthony Townsend	Retired Motor Vehicle Dealer
Paul Wellington	Architect, Legal Practitioner, Arbitrator

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