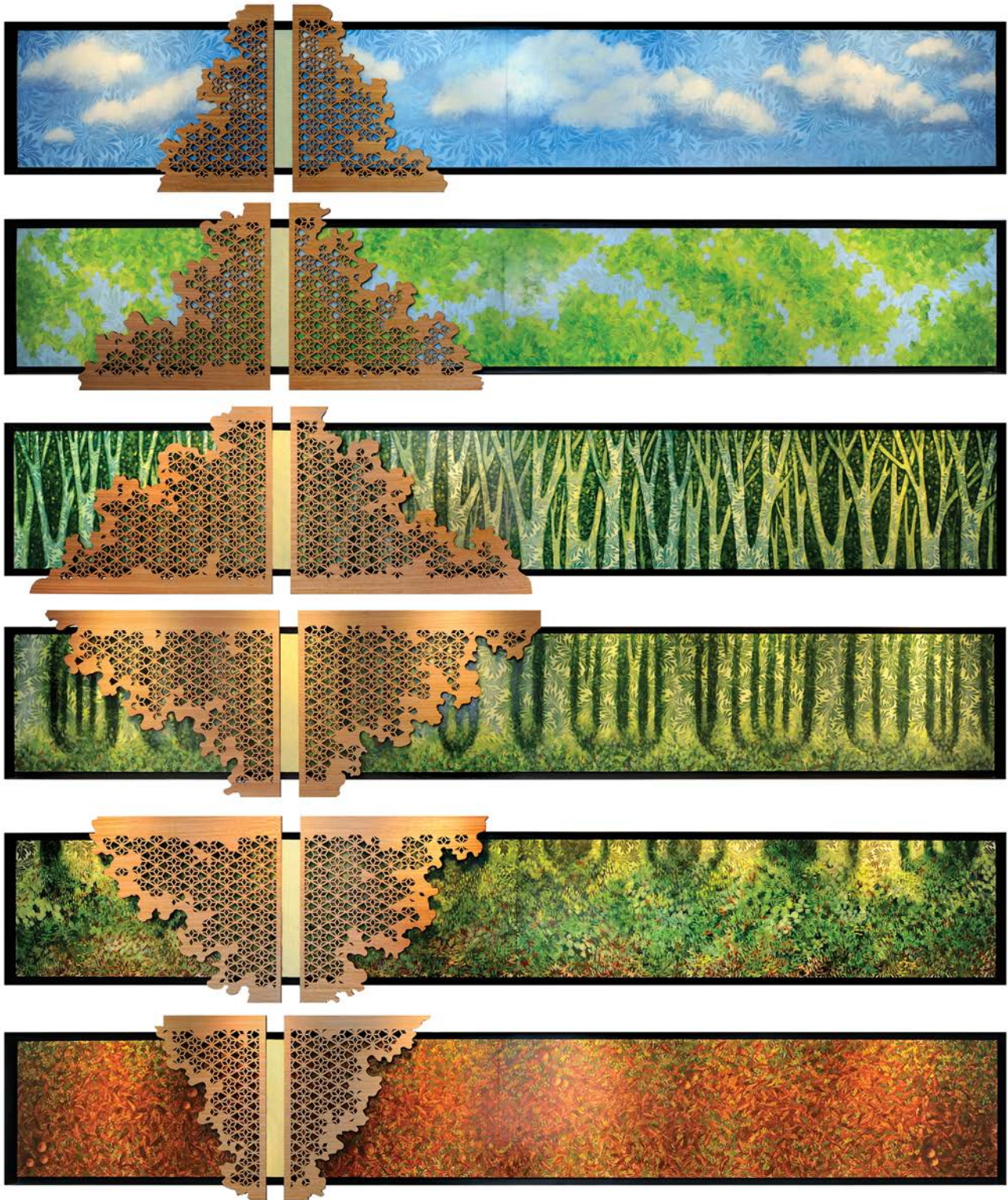




SAT STATE
ADMINISTRATIVE
TRIBUNAL

ANNUAL REPORT

2020/21



An image of the six individual paintings in descending order is above.

Public Artwork on Levels 1 to 6 in the State Administrative Tribunal Building

Levels of a Forest, 2015 – Clare McFarlane

Level 1 – Leaf Litter	Level 4 – Branches
Level 2 – Undergrowth	Level 5 – Canopy
Level 3 – Trunks	Level 6 – Clouds and Sky

The public artwork in the State Administrative Tribunal Building, which is entitled, *Levels of a Forest* by Artist Clare McFarlane, has been created to reflect the forest theme of the internal design and to enhance the welcoming and calm interior of the SAT building. The work is comprised of six individual paintings, each one being displayed in the public lobby on every level.

Each painting represents a layer of the forest mimicking the vertical progression from the forest floor, through the trunks and canopy and beyond. Layers of pattern and colours are woven together to create impressions of natural forms and light, capturing the essential nature of each strata. Floating over this surface are abstracted tree canopies realised in timber panels. These forms serve to relate the work strongly to the interior design as well as provide a frame through which we glimpse the sunlight through a forest. Conceptually, the artwork is intended to be viewed as one painting but each level stands as a work in its own right.

An image of the six individual paintings in descending order is above.



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PRESIDENT'S OVERVIEW



The 2020/21 financial year was another very busy one for the Tribunal, as it continued to respond to challenges posed by the COVID-19 pandemic, embraced improvements in its practices, and maintained an excellent clearance rate for applications despite significant staffing pressures. None of this would have been possible without the continued commitment of the Tribunal's Judges, Members and staff to achieving the objectives of the Tribunal under the *State Administrative Tribunal Act 2004 (WA)*: to determine applications fairly and according to the substantial merits of the case, and to do so as speedily, cheaply and with as little formality and technicality as practicable, while making use of the knowledge and experience of the Tribunal's members.

COVID-19 responses – changes in Tribunal practices

As I noted in my overview to the 2019/20 annual report, in order to maintain its operations during lockdowns and while social distancing requirements were in force, the Tribunal began to conduct directions hearings,

mediations and final hearings using telephone conferencing and video conferencing where possible. Since then, upgrades to the Tribunal's video conferencing capability have been made, and seven hearing rooms are now equipped for the use of Microsoft Teams. That has permitted the Tribunal to conduct hearings by video link, or to receive the evidence of witnesses remotely. The efficacy of hearings conducted in this way has increased as parties and their legal representatives become more accustomed to appearing via video or telephone.

Even as social distancing measures have eased, the Tribunal has continued to use this technology for mediations and hearings where appropriate, having regard to the nature of the matter and the parties involved. This has resulted in a significant improvement in the Tribunal's ability to adopt flexible practices in order to conduct reviews, and to resolve disputes, as speedily and cheaply as possible. The ability to conduct mediations and hearings by video conference will also enable the Tribunal to provide access to justice more quickly to those living in regional Western Australia.

Transition to e-lodgment and e-files

During the reporting year, the development of an electronic lodgment system for all documents filed in the Tribunal was completed. Parties to proceedings in the Tribunal are now able to file all documents electronically, at any time. In addition, maintenance of the Tribunal's file in an electronic format permits parties to

proceedings (with the exception of those under the *Guardianship and Administration Act 1990 (WA)* (GA Act) which are subject to strict confidentiality requirements) to review documents on the electronic file at any time.

Eventually, this e-filing system will enable the Tribunal to eliminate the use of paper files altogether. However, at present, filing documents using the e-lodgment system is not mandatory. As explained below, in the section entitled *The Year Ahead*, the Tribunal is cognisant that many of the parties in proceedings in the Tribunal are self-represented, and some may experience difficulties in using the e-lodgment system. For that reason, before the e-lodgment of documents is made mandatory in the Tribunal, much work remains to be done to develop assistance for parties in lodging and accessing documents using the e-filing system and in identifying what exceptions there should be to the requirement for mandatory e-lodgment.

A related issue for the Tribunal is the need to convert some historical and current paper files, for ongoing matters, to electronic format. This is required for applications under the GA Act, where represented persons may be subject to orders made by the Tribunal for a number of years. In such matters, medical reports and evidence may continue to be relevant in ongoing reviews by the Tribunal of its orders. To address this issue, this year the Tribunal developed and implemented a project for the conversion of these GA Act files into electronic format. Subject to the availability of funding to complete this significant task more quickly,

work on this project will continue over the coming years, with a view to the conversion of all GA Act files, which remain in use, into electronic format.

Other improvements in service delivery

During the reporting period, the Tribunal's Judges and Members continued to identify and develop measures to increase the accessibility of the Tribunal's procedures, especially for self-represented litigants. By way of example, the Tribunal has created information sheets in an easy-read format for use by parties in GA Act proceedings, and has produced information videos. These videos enable those unfamiliar with the Tribunal's procedures to see where the Tribunal is, how to locate hearing and mediation rooms, and to see what happens at a directions hearing, at a mediation, and during a final hearing, including a GA Act hearing. These information videos were uploaded to the Tribunal's website on 1 September 2020 and as at 30 June 2021, had had 2,419 views.

The Tribunal continues to work to identify ways to improve the efficiency of its processes. By way of example, during the reporting period, the Tribunal continued to implement its system for fast-tracking urgent GA Act applications. This is especially important for patients in hospitals who require a guardian for decision making, including for decisions concerning their transfer to alternative accommodation. These applications are able to be heard on an expedited basis provided that the hospital or care provider assists to ensure that all information the Tribunal

requires is made available when the application is filed. During the 2020/21 financial year, the Tribunal heard 175 of these expedited applications within 2 weeks, while 202 were heard within 3 weeks (as compared with the usual target of 10 weeks from lodgment of the GA Act application to hearing).

In order to deal more efficiently with applications under the *Commercial Tenancies (COVID-19 Response) Act 2020* (WA) the Tribunal developed a checklist for the information and documents that parties would need to bring to the Tribunal. This assisted to avoid adjournments to enable parties to collect the evidence on which they wished to rely.

Workload

The total number of applications received by the Tribunal in the 2020/21 year increased by 6% from the 2019/20 year. This increase was primarily attributable to an increase in the number of matters dealt with by the Tribunal under the GA Act, the *Strata Titles Act 1985* (WA) and the *Commercial Tenancies (COVID-19 Response) Act 2020* (WA). The increase in the Tribunal's workload under these Acts is discussed in the reports (below) on the Human Rights stream and the Civil and Commercial stream. While the impact on the Tribunal's workload attributable to the *Commercial Tenancies (COVID-19 Response) Act 2020* (WA) is likely to cease during the forthcoming financial year (as relief will no longer be available under that Act) the Tribunal's workload under the GA Act and the *Strata Titles Act* is expected to continue its upward trajectory in coming years.

Resources and staffing changes

During the 2020/21 financial year, vacancies in the Tribunal's membership, which resulted from the lengthy process to recruit new Members, and the extended absence of a Member of the Tribunal on personal leave, meant that the Tribunal operated with the equivalent of 16.2 full time Members, as opposed to its full complement of 18 full time Members. The Tribunal nevertheless maintained a 99% overall clearance rate for matters during the reporting period, which is an excellent result in the circumstances.

The Judges and Members of the Tribunal could not do their work without the support of the administrative staff of the Tribunal, under the leadership of the Tribunal's Executive Manager, Ms Kathy Halden. Ms Halden's leadership of the administrative team in responding to COVID-19 measures, and her continuing commitment to improving the efficiency of the administrative support provided to the Tribunal, has seen the Tribunal's staff embrace change with enthusiasm and with a focus on providing an excellent service to the community of Western Australia.

The Tribunal's ability to deal quickly with the large volume of applications it receives, especially those under the GA Act, is largely determined by its human resources – the number of Members available to mediate, or to hear and determine matters, at any one time, and in the case of GA Act matters, the number of administrative staff able to prepare these matters for hearing. (Because the Tribunal's jurisdiction

under the GA Act is inquisitorial, its staff are involved in ensuring that all relevant evidence that a Member will require to make a decision (such as medical reports as to the capacity of a proposed represented person) is made available for a hearing.)

In recognition of the Tribunal's increasing workload, especially under the GA Act, and of the importance of that work, the Department of Justice advised the Tribunal, during the reporting period, that it would provide the Tribunal with additional funding for five years, to permit the appointment of one Senior Member and one Ordinary Member, together with administrative support staff. These appointments will make a substantial difference to the Tribunal's ability to quickly deal with GA Act applications, for the protection of vulnerable people. In addition, the Department has supported the Tribunal in seeking additional funding through Treasury's budgetary process, so that the number of its Members and staff will more adequately reflect its increasing workload. At the time of writing, the Tribunal had just been advised that that application, which will enable the appointment of two Ordinary Members and associated administrative staff, was successful. The Tribunal is extremely grateful to the Department for making additional funding available, and for its support in the budgetary process. The new Member positions will be filled during the 2021/22 financial year.

There were a number of staffing changes at the Tribunal during the reporting period. His Honour Judge Tim Sharp, who had been

a Deputy President of the Tribunal for over 10 years, left the Tribunal on 30 September 2020 to return to the District Court. His Honour made a significant contribution to the work of the Tribunal over the course of his tenure, including a period as Acting President of the Tribunal following the resignation of Justice Curthoys as President. On behalf of all of the Judges, Members and staff of the Tribunal, I extend my thanks to Judge Sharp for his leadership and work, and my best wishes for the balance of his tenure as a Judge of the District Court.

Judge Kathleen (Kate) Glancy was appointed a Deputy President of the Tribunal from 20 October 2020. Her Honour has been a Judge of the District Court since 9 January 2018, and prior to that held the position of Deputy State Solicitor at the State Solicitor's Office. Her Honour's extensive knowledge and experience in public law, in a leadership role within a large organisation, and her previous service as a Judge, will enable her to make a significant contribution to the work of the Tribunal in the years to come.

In other changes, Member Rebecca Moore left the Tribunal on 20 September 2020 following her appointment as the State Architect. Member Delaney Quinlan left the Tribunal on 28 February 2021 to pursue other career opportunities. We wish them both well in their future endeavours.

Member Jack Mansveld, who had been an Acting Senior Member of the Tribunal, was appointed a Senior Member of the Tribunal on 1 December 2020. Senior Member Mansveld has been a

member of the Tribunal since it was established, and leads the Human Rights stream of the Tribunal.

On 1 December 2020, Vanessa Haigh, Rochelle Lavery and Ross Povey were appointed Ordinary Members of the Tribunal. They brought the Tribunal a wealth of knowledge and experience from backgrounds in administrative decision making, and in town planning.

The reporting year ended on a very sad note for everyone at the Tribunal, when our dear friend and colleague, Senior Member Lisa Eddy, passed away suddenly and unexpectedly. Lisa joined the Tribunal in 2013, and quickly became a much admired and respected colleague and friend to everyone at the Tribunal. She brought outstanding legal ability, empathy and common sense to her role as a Tribunal Member, and made an enormous contribution across all streams of the Tribunal's work. Lisa's sense of humour, kindness and generosity of spirit will be greatly missed.

I commend the Judges, Members and administrative staff of the Tribunal for their efforts throughout the reporting period.



The Hon Justice Janine Pritchard

President
State Administrative Tribunal,
Western Australia

ABOUT THE TRIBUNAL

The State Administrative Tribunal is established under the *State Administrative Tribunal Act 2004* (SAT Act). It is an independent body that makes and reviews a wide range of decisions in the areas of human rights, vocational regulation, town planning, resource development and commercial and civil disputes. The Tribunal receives its power to hear matters from over 150 pieces of enabling legislation.

The Tribunal's approach is less formal than a court, flexible and transparent. The Tribunal:

- aims to make the correct and preferable decision based on the merits of each application;
- is not a court and, therefore, strict rules of evidence do not apply;
- encourages the resolution of disputes through mediation;
- allows parties to be represented by a lawyer, a person with relevant experience or by themselves;
- holds hearings in public in most cases; and
- provides reasons for decisions and publishes decisions on its website.



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 Section 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.

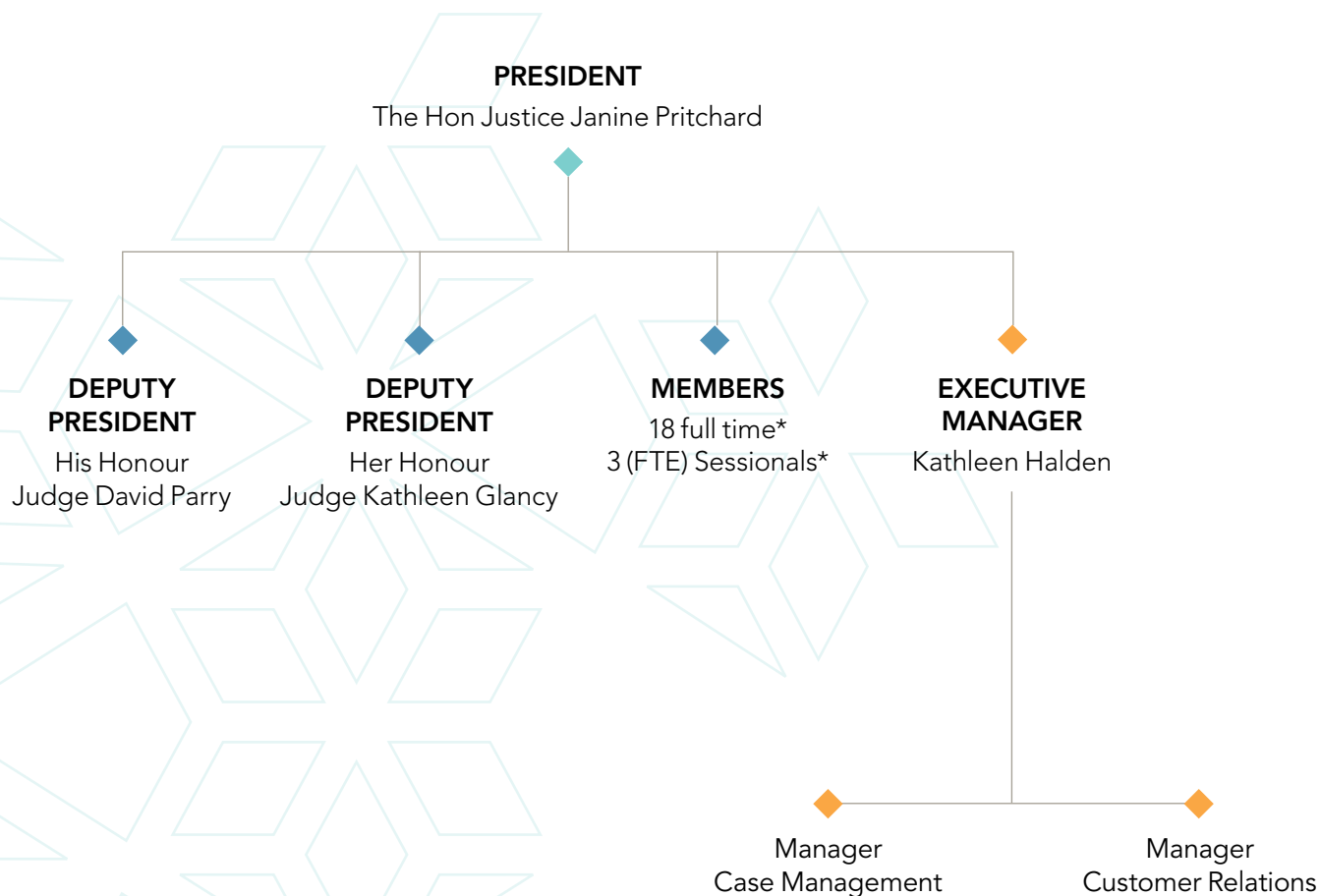
The Tribunal's core values are:

- 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;
- A commitment to diversity;
- A commitment to providing all reasonable assistance to litigants and parties;
- A commitment to a safe workplace.

Organisational structure



* This reflects funded positions.

SERVICE DELIVERY

At a glance

TABLE 1 Caseload across the Tribunal

	2018/19	2019/20	2020/21
Received	6,855	7,138	7,560
Finalised	6,800	6,807	7,491
Pending	1,135	1,459	1,520
Clearance rate	99%	95%	99%

TABLE 2 Applications received by type

Application Types	2018/19	2019/20	2020/21
Commercial and Civil	2,321	1,726	2,038
Development and Resources	304	264	245
Human Rights	3,983	4,948	5,113
Vocational Regulation	247	200	163
SAT (Applications under the SAT Act)	0	0	1
Tribunal Total	6,855	7,138	7,560

GRAPH 1 Applications received by type

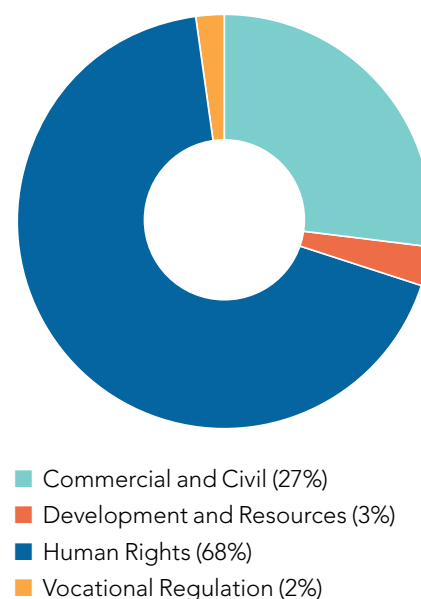


TABLE 3 Applications, clearance rates and timeliness

Group	Applications Lodged			2020/21 Clearance Rate	Timeliness (weeks)		
	2018/19	2019/20	2020/21		2020/21 Median	2020/21 80th Percentile	80th Percentile Target
Commercial and Civil ¹	2,321	1,726	2,038	97%	16	35	28
Development and Resources	304	264	245	101%	23	46	30
Human Rights ²	3,983	4,948	5,113	100%	9	11	10
Vocational Regulation	247	200	163	102%	12	35	27
SAT (Applications under the SAT Act)	0	0	1	-	-	-	-
Tribunal Total	6,855	7,138	7,560	99%			

¹ The calculation of the Median and 80th percentile result associated with Commercial and Civil work excludes Commercial Tenancy (Retail Shops) Agreements Act 1985 section 13(7), section 13(7b) and section 14A(3) applications.

² The target applies to the Guardianship and Administration list only.



Applications – by Stream

Vocational Regulation Stream

The work of the Tribunal in the Vocational Regulation (VR) stream primarily involves the determination of applications for disciplinary action commenced by regulatory bodies against members of regulated professions and occupational groups. The Tribunal also exercises a review jurisdiction in relation to decisions made by vocational registration boards and other public officials responsible for the registration and licensing of members of certain professions and occupational groups.

Most matters in the Tribunal's VR jurisdiction are allocated to the VR stream and case managed by the President, Justice Pritchard. Some VR matters – namely those involving builders and security agents – are dealt with in the CC stream.

During the reporting period, the Tribunal received 163 applications in its VR jurisdiction, down from 200 received during the previous year (18.5% decrease). Appendix 2 sets out the number of applications received under each of the 24 pieces of enabling legislation in the VR stream.

The decrease in VR applications overall was, in part, attributable to a significant decrease in applications for disciplinary action against medical practitioners (22 applications received, down from 39 applications in 2019/20 and 41 applications in 2018-19). There was also a significant decrease in applications concerning security agents (44 applications received, down from 67 in 2019/20 and 85 in 2018/19). The decrease in the latter appears likely to be attributable to the effects of the COVID-19 pandemic on industries where security agents are employed. There was, however, an increase

in applications in relation to veterinarians, and for reviews of negative notices issued under the *Working With Children (Criminal Record Checking) Act 2004*.

Much of the work in the VR stream is performed by the judges of the Tribunal who are required to preside over applications involving legal practitioners, and generally preside over hearings concerning health practitioners. The judges of the Tribunal also preside over more complex disciplinary proceedings against other professionals such as veterinarians and reviews of decisions concerning working with children applications.

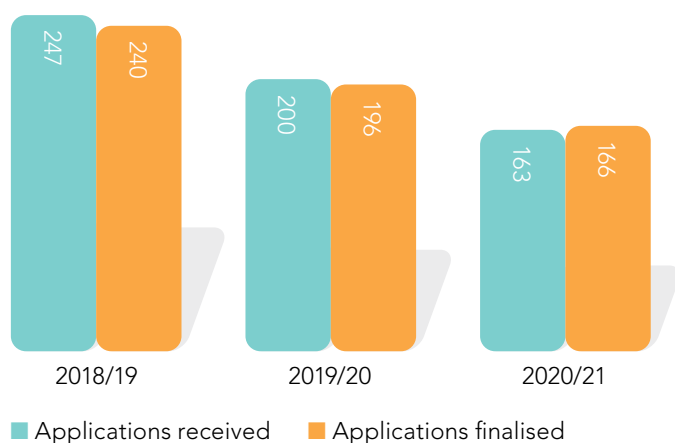
The target time frame for the completion of all matters in the VR stream – from the simplest, to the most complex – is 27 weeks from the date of lodgment. In the 2020/21 year, 80% of VR applications were finalised within 35 weeks of the date of lodgment. By comparison, in the 2019/20 year, 80% of VR applications were finalised within 31 weeks of the date of lodgment, while in the 2018/19 year, 80% of VR applications were finalised within 20 weeks.

While the impact of COVID-19 cannot be dismissed as a contributing factor, the longer time for resolution of VR matters overall appears more likely to be attributable to two factors. The first is the increasing complexity of some applications for disciplinary action, especially in cases involving legal practitioners, medical practitioners, other health professionals, and veterinarians. Applications made by regulatory bodies in these professions not infrequently involve numerous allegations of misconduct, will require evidence to be given by numerous witnesses, will very often require complex expert evidence to be given, and will therefore necessitate longer hearings, which are vigorously contested. Secondly, despite the Tribunal's best endeavours to press parties to expedite their preparation for the hearing of these matters, it is frequently the case that parties will require months to complete their preparation, and to be ready for hearing. The high workload of the legal representatives of the parties involved may be one explanation for that delay. Another may be the workload of experts asked to give evidence in these proceedings (especially those involving medical professionals).

That said, the overall clearance rate for matters in the VR stream remains high, at 102% during the reporting period (comparable to the 98% clearance rate for the previous year). That reflects the Tribunal's efforts to complete the determination of matters delayed during 2019/20 when the COVID-19 pandemic first emerged, and the importance and effectiveness of mediation in resolving many matters in the VR stream without the need for a hearing, and with less cost to the parties.

2020/21 Statistics

GRAPH 2 VR Workload



GRAPH 3 VR Applications finalised by legislation

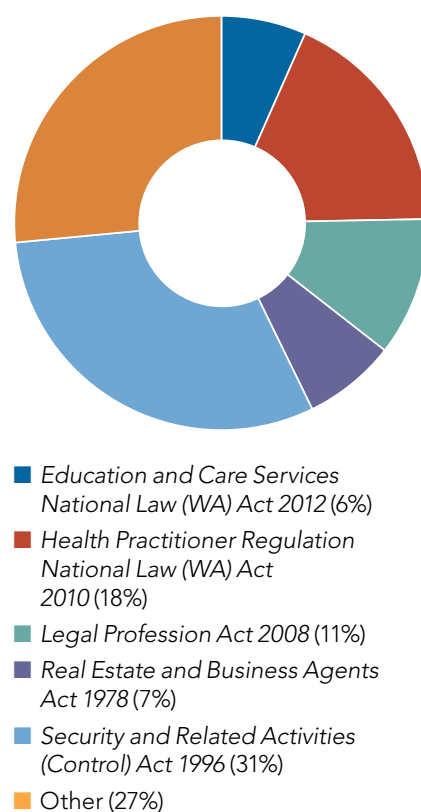


TABLE 4 VR Applications, clearance rates and timeliness

Legislation	Applications Lodged			2020/21 Clearance Rate	Timeliness (weeks)		
	2018/19	2019/20	2020/21		2020/21 Median	2020/21 80th Percentile	80th Percentile Target
<i>Education and Care Services National Law (WA) Act 2012</i>	17	7	12	92%	11	14	27
<i>Health Practitioner Regulation National Law (WA) Act 2010</i>	41	39	22	136%	22	66	
<i>Legal Profession Act 2008</i>	24	20	23	78%	58	77	
<i>Real Estate and Business Agents Act 1978</i>	14	15	11	109%	18	32	
<i>Security and Related Activities (Control) Act 1996</i>	85	67	44	116%	8	10	
Others	66	52	51	86%	16	38	
Overall Vocational Regulation	247	200	163	102%	12	35	



Commercial and Civil Stream

During the reporting year the Commercial and Civil (CC) stream was managed by Senior Member David Aitken and Senior Member Lisa Eddy (until her passing on 18 April 2021), under the oversight of Deputy President Judge Tim Sharp and then Deputy President Judge Kate Glancy, after her Honour's appointment as Deputy President on 21 October 2020.

The CC stream encompasses a diverse range of work, including both original and review jurisdiction. Applications dealt with in the CC stream are primarily made under the following legislation:

- Associations Incorporation Act 2015 (WA)*
- Building Act 2011 (WA)*
- Building Services (Complaint Resolution and Administration) Act 2011 (WA)*
- Commercial Tenancies (COVID-19 Response) Act 2020 (WA)*
- Commercial Tenancy (Retail Shops) Agreements Act 1985 (WA)*
- Dog Act 1976 (WA)*
- Firearms Act 1973 (WA)*
- Residential Parks (Long-stay Tenants) Act 2006 (WA)*
- Retirement Villages Act 1992 (WA)*
- Strata Titles Act 1985 (WA)*
- Security and Related Activities (Control) Act 1996 (WA)*

The largest volume of applications in the CC stream are under the *Commercial Tenancy (Retail Shops) Agreements Act 1985 (WA)* (Commercial Lease Amendments), for the approval of a provision in a commercial tenancy retail shop lease, which permits the early termination of the lease in special circumstances. Those applications amounted to 64% of new applications in the CC stream during the reporting year (these figures are not included in the break down tables for CC, only the total number lodged and finalised).

The second and third largest number of new applications during the reporting year were building and construction matters (30% of other applications received) and strata matters (27% of other applications received).

The fourth largest number of new applications during the reporting year were under the *Commercial Tenancies (COVID-19 Response) Act 2020 (WA)*, which accounted for 24% of other applications received. These matters primarily concerned claims for rent relief by eligible tenants under small commercial leases resulting from the effect of the COVID-19 pandemic on their businesses during the emergency period (which ended on 28 March 2021). Almost all these matters are resolved through mediation.

The number of proceedings commenced in the CC stream during the reporting year increased by 18% compared to the previous reporting year. There was a 10% increase in the number of applications for the approval of a provision in a commercial tenancy retail shop lease and a 37% increase in all other types of applications in the CC stream.

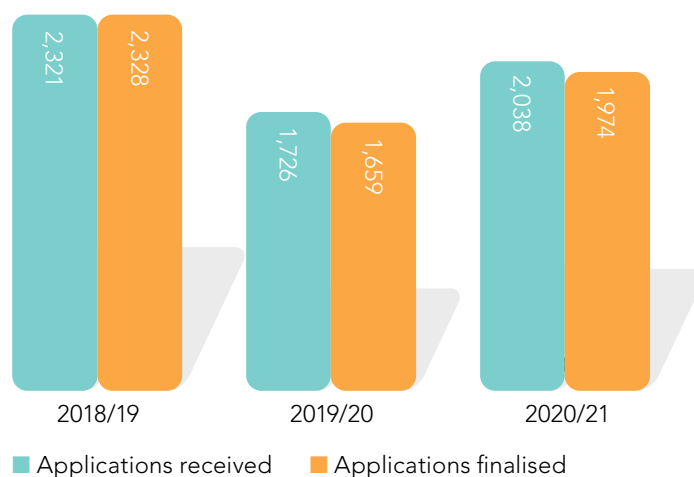
The 37% increase in other types of applications was principally due to a 21% increase in strata matters, a 7% increase in building and construction matters and the large number of COVID-19 rent relief matters (which increased from five applications during the previous reporting year to 175 applications during this reporting year).

The clearance rate of applications in the CC stream during the reporting year was 97%.

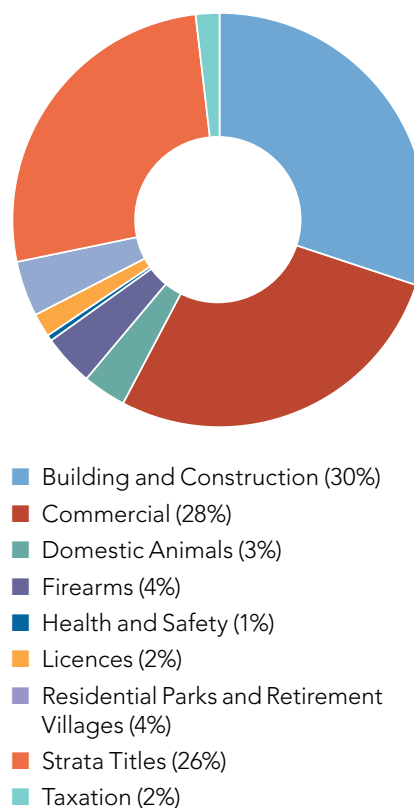
The CC stream has a target of completing 80% of new applications within 28 weeks of lodgment. In the previous reporting year 80% of new applications were completed within 27 weeks. During this reporting year the CC stream fell considerably short of this target, with it taking 35 weeks to complete 80% of new applications lodged. This was due to the significant increase in the number of applications lodged during the reporting year, combined with vacancies in the number of members working in the CC stream.

As part of the Tribunal's continuing measures during the reporting year in response to the COVID-19 pandemic, directions hearings for matters in the CC stream have continued to be conducted predominantly by teleconference, with mediations and final hearings being conducted both by video conference and in person at the Tribunal's premises, depending on the circumstances.

GRAPH 4 CC Stream Workload



GRAPH 5 CC Stream Applications Finalised by Subject¹



¹ Does not include the Commercial Lease Amendments list which are ordinarily dealt with entirely on the documents and if included, would distort the representation of areas which impose most workload in the CC lists.

**TABLE 5** CC Applications, clearance rates and timeliness

Lists	Applications Lodged			2020/21 Clearance Rate	Timeliness (weeks)		
	2018/19	2019/20	2020/21		2020/21 Median	2020/21 80th Percentile	80th Percentile Target
Building and Construction	225	201	215	91%	22	44	28
Commercial	69	57	216	83%	8	19	
Commercial Lease Amendments ¹	1,702	1,192	1,307	101%			
Domestic Animals	24	25	22	100%	16	18	
Firearms	67	29	25	104%	21	44	
Health and Safety	9	7	4	75%	11	0	
Licences	20	16	10	120%	25	44	
Residential Parks and Retirement Villages	43	26	21	133%	10	18	
Strata Titles	155	163	197	87%	19	32	
Taxation	7	10	21	57%	17	56	
Overall Commercial and Civil¹	2,321	1,726	2,038	97%	16	35	

¹ The calculation of the median and 80th percentile result for the Commercial and Civil stream excludes the Commercial Lease Amendments matters which are ordinarily dealt with entirely on the documents and if included, would distort the overall results.

Development and Resources Stream

The Development and Resources (DR) stream is managed by Senior Member Stephen Willey, under the oversight of Deputy President Judge David Parry.

The DR stream includes matters within the Tribunal's original and review jurisdictions. The scope of DR matters is broad and includes agriculture and fisheries, planning and development and valuation and compensation. The number of applications lodged in the DR stream in 2020/21 was 245, which is a reduction from the 264 recorded in 2019/20. The majority of applications (96%) were planning and development matters. The remaining matters were agriculture and fisheries (2%) and valuation and compensation (2%). A total of 248 matters were finalised, which equates to a clearance rate of 101%.

Planning and Development

The planning and development applications that arise in the DR stream include reviews of planning decisions made by local governments, Development Assessment Panels or the Western Australian Planning Commission (WAPC) as well as reviews of subdivision decisions and structure plans. In addition, the DR stream includes reviews arising under the *Hope Valley-Wattleup Redevelopment Act 2000* (WA) as well as under the *Metropolitan Redevelopment Authority Act 2011* (WA).

The DR stream also deals with matters arising under the *Local Government Act 1995* (WA) which often involve rating decisions as well as reviews under the *Aboriginal Heritage Act 1972* (WA) in relation to consent applications.

A total of 221 review applications were made under the *Planning and Development Act 2005* (WA) (including regulations made pursuant to the Act). This represents a very minor reduction from the 223 review applications that were lodged in 2019/20. The time taken to finalise 80% of planning and development applications was 46 weeks, an improvement of four weeks from 2019/20. The number of applications made under the *Local Government Act 1995* (WA) was ten, down from 12 in 2019/20. The Tribunal received three applications under the *Aboriginal Heritage Act 1972* (WA), up from one in 2019/20.

Valuation and Compensation

The number of applications relating to the valuation of land, as well as compensation arising from the compulsory acquisition of interests in land arising from public works, was six, down from 14 in 2019/20. There were two applications made under the *Land Administration Act 1997* (WA) and four under the *Valuation of Land Act 1978* (WA).

Agriculture and Fisheries

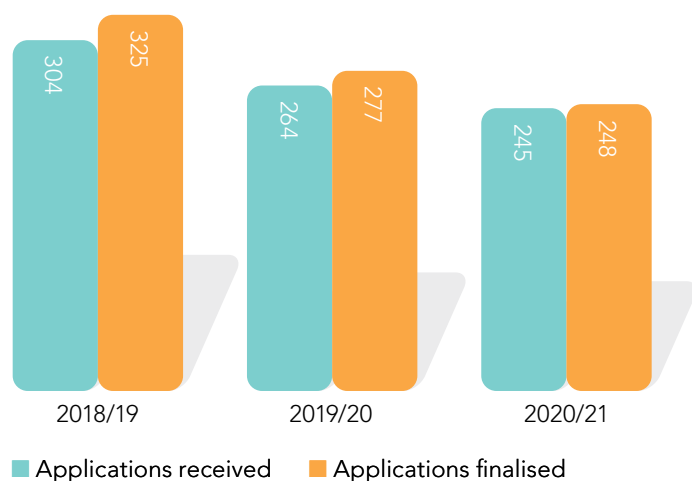
The number of applications relating to agriculture and fisheries was five, down from eight in 2019/20. Applications are generally made under the *Fish Resources Management Act 1994* (WA). Two applications were also made under the *Biodiversity Conservation Regulations 2018* (WA).

TABLE 6 DR Applications, clearance rates and timeliness

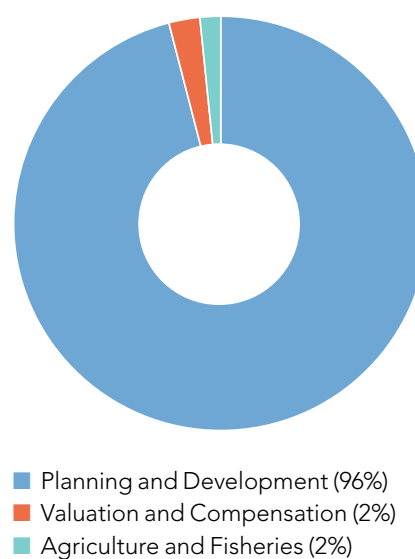
Lists	Applications Lodged			2020/21 Clearance Rate	Timeliness (weeks)		
	2018/19	2019/20	2020/21		2020/21 Median	2020/21 80th Percentile	80th Percentile Target
Agriculture and Fisheries	5	8	5	80%	35	35	30
Planning and Development	288	242	234	102%	23	46	
Valuation and Compensation	11	14	6	100%	11	12	
Overall Development and Resources	304	264	245	101%	23	46	



GRAPH 6 DR Workload



GRAPH 7 DR Applications finalised by subject matter



Human Rights Stream

The bulk of the work of the Human Rights (HR) stream concerns applications under the *Guardianship and Administration Act 1990 (WA)* (GAA Act). In the reporting period these matters were managed by Senior Member Jack Mansveld. Other matters in the Human Rights stream (see below) were managed by Senior Member Lisa Eddy, until her passing on 18 April 2021. The Human Rights stream is overseen by the President, Justice Pritchard.

Guardianship and Administration Act 1990 (WA)

Highlights

Original applications for guardianship and administration appointments continued to represent about half of the work of the Tribunal under the GA Act with periodic reviews of those orders representing about one third of the work undertaken.

Overall, 5061 matters were brought before the Tribunal, an increase of some 28.5% since the 2018/19 year.

During the 2020/21 year there was an increase of 20% in the number of applications received over the previous reporting year, seeking review of existing guardianship and administration orders and an increase of 25% in applications concerning enduring powers of attorney.

The benchmark finalisation target for GA Act matters is that 80% of matters will be finalised within ten

weeks of lodgment. For the reporting period the Tribunal achieved an 11 week benchmark, the same as for 2019/20. Importantly the benchmark for original applications (excluding periodic reviews under section 84 and other reviews under section 86) was 9.4 weeks, a slight improvement on 2020/21.

The following contributed to the ongoing pressure on the Tribunal's member and administrative resources in the reporting year:

- The increase in applications due to ongoing demographic changes, in particular the ageing population.
- The continuing commitment of the Tribunal to hear applications made for urgent matters, especially for hospital patients, in less than three weeks in recognition of the pressure on acute beds when patients are ready for discharge.
- Changes to the National Disability Insurance Scheme (NDIS) requiring the consent of a guardian to the use of restrictive practices.
- Changes in aged care requiring the consent of a guardian to the use of restrictive practices in aged care homes.
- A generalised move towards a greater need for formal consent in guardianship matters for people under disability, together with an increase in complex personal and financial circumstances, requiring longer hearing times.

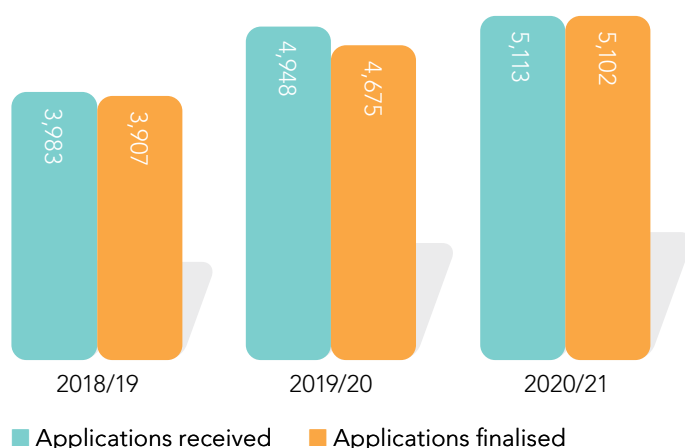


Other Applications in the HR Stream

Other applications dealt with in the HR stream include applications concerning alleged discrimination under the *Equal Opportunity Act 1984* (EO Act), and reviews of decisions made by the Mental Health Review Tribunal, the Gender Reassignment Board and the Chief Executive Officer of the Department for Child Protection and Family Support. This list also includes applications to review a decision made in relation to the registration of births, deaths and marriages.

The total number of all such applications lodged in this financial year was 52. This is an increase of seven applications over the previous financial year. Of this year's applications, there were 30 EO Act matters.

GRAPH 8 HR Stream Workload



The Equal Opportunity Commissioner refers matters to the Tribunal where a complaint cannot be resolved by conciliation, has not been resolved by conciliation in the Commission, or where the Commissioner is of the opinion that the nature of the complaint is such that it should be referred to the Tribunal. Where the Equal Opportunity Commissioner has dismissed a complaint, the complainant may require the Commissioner to refer the complaint to the Tribunal. The Tribunal also hears applications for exemption from the operation of the provisions of the EO Act. The Tribunal granted one exemption application in the last financial year.

There were 11 reviews under the Mental Health Act 2014 compared to six in 2019/20. These reviews are ordinarily required to be dealt with expeditiously, due to the human rights nature of the applications and legislative requirements.

The Tribunal achieved a 98% clearance rate for non GAA Act applications.

TABLE 7 HR Applications, clearance rates and timeliness

Lists	Applications Lodged			2020/21 Clearance Rate	Timeliness (weeks)		
	2018/19	2019/20	2020/21		2020/21 Median	2020/21 80th Percentile	80th Percentile Target
Guardianship and Administration	3,938	4,903	5,061	100%	9	11	10
Human Rights ¹	45	45	52	98%	13	31	
Overall Human Rights²	3,983	4,948	5,113	100%	9	11	

¹ Human Rights excludes Guardianship and Administration applications.

² The target applies to the Guardianship and Administration list only.

How disputes were resolved

The Tribunal aims to resolve most applications it receives, other than GA Act applications, by applying Facilitative Dispute Resolution (FDR) techniques to assist parties to devise their own solutions to resolving a dispute, rather than to have a win/loss decision imposed upon them. The parties also avoid the time and expense of having to participate in a final hearing if they are able to resolve their disputes by agreement.

The Tribunal has adopted the phrase 'Facilitative Dispute Resolution' in preference to the more commonly used 'Alternative Dispute Resolution'. This reflects the Tribunal's view that the resolution of disputes by agreement between parties should be the primary means of resolving disputes as opposed to being an alternative. FDR is undertaken by all full time members of the Tribunal and some sessional members. All full time members of the Tribunal are accredited mediators.

FDR processes are utilised from the outset in the Tribunal and involve the use of directions hearings, mediations, compulsory conferences and invitations under section 31 of the SAT Act to an original decision-maker to reconsider its decision. The latter is particularly relevant in relation to Planning and Development applications in the DR stream.

The Tribunal is also conscious of its statutory objective to act speedily in dealing with matters before it. This requires active case management and judicious allocation of resources to services such as mediation for which no fee is charged.

The overall percentage of disputes resolved through FDR techniques remains high at 81.1%, although this is a slight decrease from the previous year's result of 83%. The continued success of this method indicates a willingness to compromise rather than expend resources on proceeding to a hearing to resolve a dispute.

The matters in which FDR has the greatest success in achieving the resolution of disputes are Building and Construction, Commercial, Planning and Development, and Valuation and Compensation.

Table 8 sets out the percentage of matters resolved by FDR processes across the various subject areas in which the Tribunal receives applications.

TABLE 8 How disputes were resolved¹

Matter Type	Method of Resolution		
	Adjudication	Facilitative Dispute Resolution	
List ¹		Mediation & Compulsory Conference	Other ²
Agriculture and Fisheries	33%	0%	67%
Building and Construction	27%	45%	28%
Commercial	12%	51%	37%
Domestic Animals	6%	11%	83%
Firearms	9.5%	23.8%	66.7%
Health and Safety	0%	0%	100%
Human Rights	33%	23%	44%
Licences	33%	0%	67%
Planning and Development	17%	49%	34%
Residential Parks and Retirement Villages	30.8%	11.5%	57.7%
Strata Titles	27%	13%	60%
Taxation	11%	67%	22%
Valuation and Compensation	16.7%	66.7%	16.7%
Vocational Regulation	5.6%	41.7%	52.8%
SAT Act Matters	100%	0%	0%
Not Classified	100%	0%	0%
Total	18.9%	37.6%	43.5%

¹ Excludes Commercial Lease Amendments and Guardianship and Administration list matters.

² Where the final hearing type is 'Hearing' then the resolution method is classified as 'Adjudication', where the final hearing type is 'Mediation' or 'Compulsory Conference' then the resolution method is classified as 'Facilitative Dispute Resolution' (FDR) and all other final hearing types (eg: Directions, Interim) are classified as 'Other'.

Representation

The Tribunal is generally a 'no costs' jurisdiction, meaning parties usually bear their own costs in proceedings before the Tribunal. The ability for parties to represent themselves in proceedings rather than engaging legal representation is an important element in minimising their costs. The information provided to parties by the Tribunal and the manner in which proceedings are conducted by its members support these objectives.

The Tribunal administers a pro bono legal services scheme for the referral of unrepresented parties to legal practitioners who have registered with the Tribunal for participation in the scheme. The scheme is used sparingly for situations where the Tribunal forms an opinion that representation is appropriate in the interests of the administration of justice having regard to the vulnerability of the person, their financial circumstances, the nature and complexity of the matter and/or their ability to obtain advice or representation from outside the scheme. There were



four referrals made under the scheme during the reporting period.

Table 9 details the frequency of legal representation for the main kinds of applications across the streams, where this is recorded by the Tribunal.

The overall rates of representation for applicants and respondents was 28% and 34% respectively. Representation in guardianship and administration matters is not recorded however the number of such applications where parties are legally represented is negligible.

TABLE 9 Applicant and Respondent Representation

List	Applicant		Respondent	
	Legally Represented ¹	Self Represented	Legally Represented ¹	Self Represented
Agriculture and Fisheries	0%	100%	50%	50%
Building and Construction	25%	75%	24%	76%
Commercial	25%	75%	31%	69%
Domestic Animals	5%	95%	32%	68%
Firearms	38%	62%	8%	92%
Health and Safety	0%	100%	0%	100%
Human Rights	10%	90%	43%	57%
Licences	17%	83%	83%	17%
Planning and Development	36%	64%	50%	50%
Residential Parks and Retirement Villages	18%	82%	14%	86%
Strata Titles	27%	73%	23%	77%
Taxation	25%	75%	67%	33%
Valuation and Compensation	17%	83%	17%	83%
Vocational Regulation	33%	67%	35%	65%
Total²	28%	72%	34%	66%

¹ Legally Represented only includes those matters where a party was represented by a legal practitioner at the completion of the matter.

² Excludes Commercial Lease Amendments and Guardianship and Administration list matters.

RESOURCING

Budget performance

The Tribunal's reported operating expenditure prior to 2019/20 included accommodation lease costs. These costs are now incurred at the departmental level and are allocated at a service level only, under the Outcome Based Management framework.

These lease funds were removed from the Tribunal's operating budget from the 2019/20 financial year onwards.

During the reporting period the Tribunal's expenditure was \$14,467,564, which reflected a small underspend of \$211,686 (1.4%) on the actual budget. The budget and expenditure are comparable with previous years' funding when the lease and outgoing costs are excluded.

Human resources

Judges and Members

The Tribunal's full time equivalent (FTE) utilisation of judges and members, (that is, positions occupied during 2020/21) was equivalent to three judges and 16.2 full time member positions, as compared with 18 funded positions (as at 30 June 2021). The difference reflects a number of changes and vacancies in members' appointments during the reporting period, namely:

- Ms Rebecca Moore ceased her appointment on 20 September 2020, her position was vacant until 1 January 2021.

TABLE 10 Operating expenditure

	2017/18 \$	2018/19 \$	2019/20 \$	2020/21 \$
Budget	21,292,905	20,635,611	14,057,854	14,679,250
Actual	21,218,907	21,119,609	14,211,842	14,467,564
Variance	73,998	-483,998[#]	-153,989[*]	211,686

Figures for 2017-18 and 2018-19 reporting periods include the lease and outgoings as Standard 16 (AASB.S16) was not being applied.

[#] The Tribunal was not adequately funded for some fixed costs (building maintenance and utilities) in this reporting period.

^{*} The Tribunal's budget was overspent due to numerous approved minor works.

TABLE 11 Human Resources[#]

	2017/18	2018/19	2019/20	2020/21
Judicial members	2.7	2.4	3	3
Full time members	17.5	17	17	16.2
Sessional members [*]	3	3	3	3
#Staff	69	69	67.3	67
#Total	92.2	91.4	90.3	89.2

[#] Actual resources – there were four additional administrative positions funded in March 2021 however the positions were not able to be filled prior to 30 June and were not included in the number of funded positions (71).

^{*} Funded full time equivalent positions.

- Ms Delaney Quinlan, ceased her appointment on 28 February 2021. The successful candidate selected to fill her position, resigned prior to commencing on 1 March 2020, and this position remained vacant as at 30 June 2021.
- Ms Lisa Eddy passed away on 18 April 2021, and her position remained vacant as at 30 June 2021.
- Mr Jack Mansveld was an Acting Senior Member from 1 July 2020 (his position as Ordinary Member was vacant from that time). Mr Mansveld was appointed for five years as the Senior Member on 1 December 2020 and his Ordinary Member position was filled at that time.

The consequence of the Member changes referred to above resulted in the Tribunal effectively being understaffed the equivalent of 1.8 full time member positions during the reporting period.

Administrative Staff

The Tribunal's administrative staffing (that is, positions occupied during 2020/21) was equivalent to 67 full time positions, as compared with 71 funded positions.

LEGISLATION

Changes to Tribunal Legislation

There were several amendments made to the *State Administrative Tribunal Regulations 2004* to reflect the repeal and replacement of legislation referred to in the schedules to the Regulations (changes to the references to the *Fair Trading (Retirement Villages Interim Code) Regulations*, inclusion of legislative conferrals in the *Commercial Tenancies (COVID-19 Response) Act 2020*, and the *Community Titles Act 2018*. This is in addition to the yearly increase in fees as set down by Treasury.

There was an amendment to the *State Administrative Tribunal Rules 2004* by the insertion of rule 48A due to the coming into operation of the *Community Titles Act 2018*. The new rule has a similar intent as that provided for matters under the *Strata Titles Act 1985* at rule 62, being that a copy of the application is to be given to each member of the community corporation.

New Conferrals of Jurisdiction

The Tribunal was conferred with additional and amended jurisdiction under the following pieces of legislation which were enacted or commenced operation during the reporting period:

New Jurisdiction

- *Community Titles Act 2018*
- *National Disability Insurance Scheme (Worker Screening) Act 2020*
- *Procurement Act 2020*
- *Road Traffic Amendment (Immobilisation, Towing and Detention of Vehicles) Act 2020*

Amended Jurisdiction (generally conferring additional jurisdiction)

- *Planning and Development (Local Planning Schemes) Regulations 2015*

Repealed or Expired Conferrals

- *Fair Trading (Retirement Villages Interim Code) Regulations 2020* expired on 30 September 2020
- *Fair Trading (Retirement Villages Interim Code) Regulations (No. 2) 2020* expired on 31 March 2021
- *Marketing of Potatoes Act 1946*



Level of compliance by decision makers

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 of sections 20 and 21 of that Act 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.

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

The Tribunal has no independent means to assess compliance with these requirements. The only basis on which it is able to gauge the level of compliance with those requirements is by reference documents placed before the Tribunal in the course of review proceedings. On that basis, the Tribunal is satisfied that decision makers are meeting their obligations in this respect.

Arrangements with other agencies

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 Justice Barker and agreed to by the Chief Magistrate in the 2005/06 reporting year.

It has not been necessary to utilise 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 as compared with those of the Magistrates Court, the Tribunal's preference is to utilise its Members to deal with proceedings in regional Western Australia.

Freedom of Information

The Tribunal received seven applications during this reporting period. Five of these requested personal information and two requested access to non-personal information. The average time to finalise an application was ten days.

All applications were refused under s 23(1)(b) of the *Freedom of Information Act 1992* on the ground that the documents sought were not documents of an agency because the right of access to documents of a court (or tribunal) is limited to documents relating to matters of an administrative nature only. (See *Re Sideris and State Administrative Tribunal* [2006] WAICmr 15).



THE YEAR AHEAD

Demand for the Tribunal's services is expected to continue to grow during the next financial year, particularly given the steady growth in the number of applications received under the GA Act. The number of applications the Tribunal receives under the Strata Titles Act is also expected to continue to increase. The additional funding made available to the Tribunal by the Department of Justice, and through the Treasury budget process, will enable the Tribunal to appoint one additional Senior Member and three additional Ordinary Members during the 2021/22 financial year. The appointment of these additional Members will be essential to enable the Tribunal to deal with its increasing workload in a timely fashion.



During the 2021/22 financial year the Tribunal will pursue several important initiatives. First, the use of audio and video conferencing in response to the COVID-19 pandemic has highlighted the limitations of the Tribunal's existing hardware and software capability. An upgrade of the Tribunal's audio visual capacity is planned, to address these deficiencies. The proposed upgrade will permit the use of video conferencing in all of the Tribunal's hearing rooms, and will introduce additional capacity to 'future proof' the Tribunal's ability to use improved video conferencing software as it is developed in the short to medium term future.

Secondly, the Tribunal is mindful of the fact that e-lodgment and e-filing systems have the potential to act as barriers to access to justice for those who do not have the means to use them. Over the next year, the Tribunal will develop strategies to assist members of the community to use the Tribunal's e-lodgment and e-filing system, while ensuring that alternative means to lodge documents remain available for those unable to utilise e-lodgment and e-filing.

Thirdly, the Tribunal is committed to simplifying its processes, and assisting parties who are not legally represented to conduct proceedings themselves. A project to upgrade the Tribunal's website to a more 'user-friendly' model is underway, and should be delivered during the 2021/22 financial year. That project encompasses the use of software to translate the Tribunal's webpages and information sheets into languages other than English, to better meet the needs of culturally and linguistically diverse Western Australians.

Fourthly, the Tribunal is concerned to ensure that indigenous Australians are not denied access to the Tribunal because of a lack of knowledge about the Tribunal's functions and jurisdiction. The Tribunal is examining ways in which it can assist indigenous Australians who are parties to Tribunal proceedings to understand the nature of those proceedings, and the steps taken in the conduct of those proceedings. During the next financial year, the Tribunal anticipates receiving the assistance of a Senior Aboriginal Liaison Officer who is to be appointed to assist the higher courts. In addition, the Tribunal is working on a project to provide its information videos and key documents with audio voice overs in the aboriginal languages most used in Western Australia.

Finally, the Tribunal is concerned to ensure that it maintains a visible (as well as virtual) presence in regional Western Australia. Although mediations and hearings in regional Western Australia have been somewhat limited because of the greater use of video conferencing in response to COVID-19, Tribunal Members nevertheless conducted hearings in Capel, Albany, Northam, Denmark and Margaret River during the reporting period. COVID-19 permitting, planning is underway for more regular hearings in other regional centres during the next financial year, in combination with public education sessions to increase awareness of the Tribunal's role.

APPENDICES

Appendix 1 – Legislation Conferring Jurisdiction on the Tribunal

Act	Original	Review	Streams
<i>Aboriginal Heritage Act 1972</i>	x	x	Development and Resources
<i>Adoption Act 1994</i>		x	Human Rights
<i>Adoption Regulations 1995</i> (given effect by s 10, s 107, s 143 <i>Adoption Act 1994</i>)		x	Commercial and Civil
<i>Agricultural Produce Commission Act 1988</i>		x	Development and Resources
<i>Animal Welfare Act 2002</i>		x	Development and Resources
<i>Architects Act 2004</i>	x	x	Vocational Regulation
<i>Associations Incorporation Act 2015</i>		x	Commercial and Civil
<i>Biodiversity Conservation Regulations 2018</i> (given effect by s 256 <i>Biodiversity Conservation Act 2016</i>)		x	Development and Resources
<i>Biological Control Act 1986</i>		x	Development and Resources
<i>Biosecurity and Agriculture Management Act 2007</i>		x	Development and Resources
<i>Biosecurity and Agriculture Management Regulations 2013</i> (given effect by s 188 <i>Biosecurity and Agriculture Management Act 2007</i>)		x	Development and Resources
<i>Biosecurity and Agriculture Management (Agriculture Standards) Regulations 2013</i> (given effect by s 188 <i>Biosecurity and Agriculture Management Act 2007</i>)		x	Development and Resources
<i>Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013</i> (given effect by s 188 <i>Biosecurity and Agriculture Management Act 2007</i>)		x	Development and Resources
<i>Biosecurity and Agriculture Management (Quality Assurance and Accreditation) Regulations 2013</i> (given effect by s 188 <i>Biosecurity and Agriculture Management Act 2007</i>)		x	Development and Resources
<i>Births, Deaths and Marriages Registration Act 1998</i>		x	Human Rights
<i>Building Act 2011</i>		x	Commercial and Civil
<i>Building Regulations 2012</i> (given effect by s 149 <i>Building Act 2011</i>)		x	Commercial and Civil
<i>Building Services (Complaint Resolution and Administration) Act 2011</i>	x	x	Commercial and Civil
<i>Building Services (Registration) Act 2011</i>	x	x	Vocational Regulation
<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 by s 28 <i>Caravan Parks and Camping Grounds Act 1995</i>)		x	Commercial and Civil
<i>Cat Act 2011</i>		x	Commercial and Civil
<i>Cat (Uniform Local Provisions) Regulations 2013</i> (given effect by s 77 <i>Cat Act 2011</i>)			Commercial and Civil
<i>Cemeteries Act 1986</i>		x	Vocational Regulation
<i>Chattel Securities Act 1987</i>		x	Commercial and Civil
<i>Child Care Services Act 2007</i>	x	x	Vocational Regulation
<i>Child Care Services Regulations 2007</i> (given effect by s 52 and Sch 1 cl. 23 <i>Child Care Services Act 2007</i>)		x	Vocational Regulation
<i>Children and Community Services Act 2004</i>	x	x	Human Rights
<i>Combat Sports Act 1987</i>		x	Commercial and Civil

Act	Original	Review	Streams
<i>Commercial Tenancy (COVID-19 Response) Act 2020</i>	x		Commercial and Civil
<i>Commercial Tenancy (Retail Shops) Agreements Act 1985</i>	x		Commercial and Civil
<i>Community Titles Act 2018</i>	x	x	Commercial and Civil all are Commercial and Civil except for Development and Resources ss 34(1)(a), 34(1)(b), 34(6)
<i>Competition Policy Reform (Western Australia) Act 1996</i>	x		Commercial and Civil
<i>Construction Contracts Act 2004</i>	x	x	Commercial and Civil
<i>Control of Vehicles (Off-road Areas) Act 1978</i>		x	Commercial and Civil
<i>Country Areas Water Supply Act 1947</i>		x	Development and Resources
<i>Credit (Administration) Act 1984</i>	x	x	Vocational Regulation
<i>Credit Act 1984</i>	x		Commercial and Civil
<i>Cremation Act 1929</i>		x	Human Rights
<i>Dangerous Goods Safety Act 2004</i>		x	Commercial and Civil
<i>Debt Collectors Licensing Act 1964</i>	x	x	Vocational Regulation
<i>Dog Act 1976</i>	x	x	Commercial and Civil
<i>Dog Regulations 2013</i> (given effect by s 54 Dog Act 1976)		x	Commercial and Civil
<i>Education and Care Services National Law (WA) Act 2012</i>	x	x	Vocational Regulation
<i>Electricity (Licensing) Regulations 1991</i> (given effect by s 32(3)(faa) Electricity Act 1945)		x	Vocational Regulation
<i>Electricity (Network Safety) Regulations 2015</i> (given effect by s 32 Electricity Act 1945)		x	Commercial and Civil
<i>Emergency Management Act 2005</i>		x	Commercial and Civil
<i>Employment Agents Act 1976</i>	x	x	Vocational Regulation
<i>Energy Coordination Act 1994</i>		x	Development and Resources
<i>Equal Opportunity Act 1984</i>	x		Human Rights
<i>Fair Trading Act 2010</i>	x	x	Commercial and Civil
<i>Fair Trading (Retirement Villages Interim Code) Regulations 2021</i> (given effect by s 46 Fair Trading Act 2010)		x	Commercial and Civil
<i>Finance Brokers Control Act 1975</i>	x	x	Vocational Regulation
<i>Fire and Emergency Services Act 1998</i>		x	Development and Resources
<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	Vocational Regulation
<i>Gender Reassignment Act 2000</i>		x	Human Rights
<i>Graffiti Vandalism Act 2016</i>		x	Development and Resources
<i>Guardianship and Administration Act 1990</i>	x	x	Human Rights
<i>Health (Aquatic Facilities) Regulations 2007</i> (given effect by s 341 Health (Miscellaneous Provisions) Act 1911)		x	Commercial and Civil

Act	Original	Review	Streams
<i>Health (Asbestos) Regulations 1992</i> (given effect by s 341 <i>Health (Miscellaneous Provisions) Act 1911</i>)		x	Commercial and Civil
<i>Health (Miscellaneous Provisions) Act 2011</i>	x	x	Commercial and Civil
<i>Health (Pesticides) Regulations 2011</i> (given effect by s 341 <i>Health (Miscellaneous Provisions) Act 1911</i>)		x	Development and Resources
<i>Health Practitioner Regulation National Law (WA) Act 2010</i>	x	x	Development and Resources
<i>Heritage Act 2018</i>	x	x	Development and Resources
<i>Hire-Purchase Act 1959</i>		x	Commercial and Civil
<i>Historical Homosexual Convictions Expungement Act 2018</i>		x	Human Rights
<i>Home Building Contracts Act 1991</i>	x		Commercial and Civil
<i>Hope Valley-Wattleup Redevelopment Act 2000</i>		x	Development and Resources
<i>Human Reproductive Technology Act 1991</i>	x	x	Vocational Regulation
<i>Industrial Relations Act 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 Valuers Licensing Act 1978</i>	x	x	Vocational Regulation
<i>Legal Profession Act 2008</i>	x	x	Vocational Regulation
<i>Licensed Surveyors Act 1909</i>	x	x	Vocational Regulation
<i>Limited Partnerships Act 2016</i>		x	Commercial and Civil
<i>Liquor Control Act 1988</i>		x	Commercial and Civil
<i>Litter Act 1979</i>		x	Development and Resources
<i>Local Government Act 1995</i>	x	x	Commercial and Civil ss 6.77, 6.78, 6.82(1) Development and Resources ss 3.25(5), 9.7(1)(a), 9.7(1)(b), 9.7(2) Vocational Regulation ss 2.27(6), 2.27(7), 5.112(2), 5.116(2), 5.117(4), 5.118(1), 5.118(2), 5.125(1)
<i>Major Events (Aerial Advertising) Act 2009</i>		x	Development and Resources
<i>Maritime Archaeology Act 1973</i>		x	Development and Resources
<i>Medicines and Poisons Act 2014</i>		x	Vocational Regulation
<i>Mental Health Act 1996</i>	x	x	Human Rights
<i>Metropolitan Redevelopment Authority Act 2011</i>		x	Development and Resources
<i>Metropolitan Redevelopment Authority Regulations 2011</i> (given effect by s 131 <i>Metropolitan Redevelopment Authority Act 2011</i>)		x	Development and Resources
<i>Metropolitan Water Supply, Sewerage and Drainage Act 1909</i>		x	Development and Resources
<i>Minerals Research Institute of Western Australia Act 2013</i>		x	Development and Resources
<i>Mines Safety and Inspection Levy Regulations 2010</i> (given effect by s 104 <i>Mines Safety and Inspection Act 1994</i>)		x	Commercial and Civil
<i>Mining Rehabilitation Fund Act 2012</i>		x	Development and Resources
<i>Motor Vehicle Dealers Act 1973</i>	x	x	Vocational Regulation

Act	Original	Review	Streams
<i>Motor Vehicle Drivers Instructors Act 1963</i>		x	Vocational Regulation
<i>Motor Vehicle Repairers Act 2003</i>	x	x	Vocational Regulation
<i>National Disability Insurance Scheme (Worker Screening) Act 2020</i>		x	Vocational Regulation
<i>Navigable Waters Regulations 1958</i> (given effect 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 Regulation
<i>Pawnbrokers and Second-hand Dealers Act 1994</i>	x	x	Vocational Regulation
<i>Pearling Act 1990</i>		x	Development and Resources
<i>Perth Parking Management Act 1999</i>		x	Development and Resources
<i>Petroleum and Geothermal Energy Resources Act 1967</i>	x	x	Commercial and Civil
<i>Petroleum and Geothermal Energy Safety Levies Act 2011</i>		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>Petroleum (Submerged Lands) Act 1982</i>	x	x	Commercial and Civil
<i>Pharmacy Act 2010</i>		x	Vocational Regulation
<i>Planning and Development Act 2005</i>	x	x	Development and Resources
<i>Planning and Development Regulations 2009</i> (given effect by s 263 <i>Planning and Development Act 2005</i>)		x	Development and Resources
<i>Planning and Development (Development Assessment Panels) Regulations 2011</i> (given effect by s 171A <i>Planning and Development Act 2005</i>)		x	Development and Resources
<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> (given effect by s 256 <i>Planning and Development Act 2005</i>)		x	Development and Resources
<i>Plumbers Licensing and Plumbing Standard Regulations 2000</i> (given effect by s 61 <i>Plumbers Licensing Act 1995</i>)	x	x	Vocational Regulation
<i>Police Act 1892</i>		x	Commercial and Civil
<i>Private Hospitals and Health Services Act 1927</i>		x	Commercial and Civil
<i>Procurement Act 2020</i>		x	Commercial and Civil
<i>Public Health Act 2016</i>		x	Commercial and Civil
<i>Public Order in Streets Act 1984</i>		x	Development and Resources
<i>Radiation Safety Act 1975</i>		x	Commercial and Civil
<i>Rail Safety National Law (WA) Act 2015</i>	x	x	Commercial and Civil
<i>Real Estate and Business Agents Act 1978</i>	x	x	Vocational Regulation
<i>Residential Parks (Long Stay Tenants) Act 2006</i>	x	x	Commercial and Civil
<i>Retirement Villages Act 1992</i>	x		Commercial and Civil
<i>Retirement Villages Regulations 1992</i> (given effect 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 (Administration) Regulations 2014</i> (given effect by <i>Road Traffic Act 1974</i> s 104(4), and <i>Road Traffic (Administration) Act 2008</i> s 133(2))		x	Commercial and Civil
<i>Royal Agricultural Society Act 1926</i>		x	Development and Resources
<i>Security and Related Activities (Control) Act 1996</i>	x	x	Vocational Regulation
<i>Settlement Agents Act 1981</i>	x	x	Vocational Regulation
<i>Shipping and Pilotage (Ports and Harbours) Regulations 1966</i> (given effect by s 9(2)(ae)(ii) and s 12 <i>Shipping and Pilotage Act 1967</i>)		x	Vocational Regulation
<i>Soil and Land Conservation Act 1945</i>		x	Development and Resources

Act	Original	Review	Streams
<i>State Administrative Tribunal Act 2004</i>	x	x	State Administrative Tribunal
<i>State Superannuation Act 2000</i>		x	Commercial and Civil
<i>Strata Titles Act 1985</i>	x	x	Commercial and Civil all are Commercial and Civil except for Development and Resources ss 26(4)(a), 26(4)(b), 27(3)(a), 27(3)(b)
<i>Swan and Canning Rivers Management Act 2006</i>		x	Development and Resources
<i>Taxation Administration Act 2003</i>	x	x	Commercial and Civil
<i>Teacher Registration Act 2012</i>	x	x	Vocational Regulation
<i>Tobacco Products Control Act 2006</i>	x	x	Commercial and Civil
<i>Transport Co-ordination Act 1966</i>		x	Commercial and Civil
<i>Transport (Country Taxi-car) Regulations 1983</i> (given effect by s 47ZF <i>Transport Co-ordination Act 1966</i>)		x	Commercial and Civil
<i>Transport (Road Passenger Services) Act 2018</i>		x	Commercial and Civil
<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 Regulation
<i>W.A. Marine (Certificates of Competency and Safety Manning) Regulations 1983</i> (given effect by s 10(f) and s 10(g) <i>Western Australia Marine Act 1982</i>)		x	Vocational Regulation
<i>Waste Avoidance and Resource Recovery Act 2007</i>		x	Development and Resources
<i>Waste Avoidance and Resource Recovery Regulations 2008</i> (given effect by s 96 <i>Waste Avoidance and Recovery Act 2007</i>)		x	Development and Resources
<i>Waste Avoidance and Resource Recovery Levy Regulations 2007</i> (given effect by s 4 <i>Waste Avoidance and Resource Recovery Levy Act 2007</i> and s 7 <i>Waste Avoidance and Resource Recovery Act 2007</i>)		x	Development and Resources
<i>Water Agencies (Powers) Act 1984</i>	x		Development and Resources
<i>Water Services Act 2012</i>	x	x	Development and Resources
<i>Water Services Regulations 2013</i> (given effect by s 222 <i>Water Services Act 2012</i>)		x	Development and Resources
<i>Waterways Conservation Act 1976</i>		x	Development and Resources
<i>Western Australian Meat Industry Authority Act 1976</i>		x	Development and Resources
<i>Workers' Compensation and Injury Management Regulations 1982</i> (given effect by s 277 <i>Workers Compensation and Injury Management Act 1981</i>)		x	Vocational Regulation
<i>Working with Children (Criminal Record Checking) Act 2004</i>		x	Vocational Regulation

Appendix 2 – Applications by Legislation

Matter Type	Application Type	Act	No. of Applications		
			2018/19	2019/20	2020/21
	Building and Construction	<i>Building Act 2011</i>	17	12	14
		<i>Building Regulations 2012</i> (given effect by s149 <i>Building Act 2011</i>)	3	0	1
		<i>Building Services (Complaint Resolution and Administration) Act 2011</i>	205	189	200
	Commercial	<i>Associations Incorporation Act 2015</i>	20	20	13
		<i>Combat Sports Act 1987</i>	2	0	0
		<i>Commercial Tenancies (COVID-19 Response) Act 2020 (WA)</i>	-	5	175
		<i>Commercial Tenancy (Retail Shops) Agreements Act 1985 - excluding s13(7), s13(7b) and s14A(3)</i>	42	26	20
		<i>Construction Contracts Act 2004</i>	3	4	1
		<i>Credit Act 1984</i>	1	0	0
		<i>Fair Trading Act 2010</i>	3	2	4
		<i>Petroleum and Geothermal Energy Resources Act 1967</i>	0	0	1
		<i>Private Hospitals and Health Services Act 1927</i>	0	0	2
	Commercial Lease Amendments	<i>Commercial Tenancy (Retail Shops) Agreements Act 1985 - s 13(7), s 13(7b) and s 14A(3)</i>	1,702	1,192	1,307
	Domestic Animals	<i>Cat (Uniform Local Provisions) Regulations 2013</i>	1	0	0
		<i>Dog Act 1976</i>	23	25	22
	Firearms	<i>Firearms Act 1973 (WA)</i>	67	29	25
	Health and Safety	<i>Health (Asbestos) Regulations 1992</i>	0	1	1
		<i>Health (Miscellaneous Provisions) Act 1911</i>	9	5	3
		<i>Public Health Act 2016</i>	0	1	0
	Licences	<i>Control of Vehicles (Off-road Areas) Act 1978</i>	0	0	1
		<i>Road Traffic (Administration) Regulations 2014</i>	18	14	6
		<i>Transport (Road Passenger Services) Act 2018</i>	1	2	2
		<i>Transport Co-ordination Act 1966</i>	1	0	1
	Residential Parks and Retirement Villages	<i>Fair Trading (Retirement Villages Interim Code) Regulations 2021</i>	0	0	1
		<i>Residential Parks (Long Stay Tenants) Act 2006</i>	34	18	17
		<i>Retirement Villages Act 1992</i>	9	8	3
	Strata Titles	<i>Strata Titles Act 1985</i>	155	163	197
	Taxation	<i>Local Government Act 1995</i>	1	4	11
		<i>Taxation Administration Act 2003</i>	6	6	10
		Commercial and Civil Stream Total Applications	2,323	1,726	2,038

Matter Type	Application Type	Act	No. of Applications		
			2018/19	2019/20	2020/21
DEVELOPMENT AND RESOURCES	Agriculture and Fisheries	<i>Animal Welfare Act 2002</i>	0	0	1
		<i>Biodiversity Conservation Regulations 2018</i>	0	1	2
		<i>Fish Resources Management Act 1994</i>	2	2	1
		<i>Fishing and Related Industries Compensation (Marine Reserves) Act 1997</i>	0	1	1
		<i>Rights in Water and Irrigation Act 1914</i>	3	3	0
		<i>Soil and Land Conservation Act 1945</i>	0	1	0
	Planning and Development	<i>Aboriginal Heritage Act 1972</i>	1	1	3
		<i>Graffiti Vandalism Act 2016</i>	1	0	0
		<i>Hope Valley-Wattleup Redevelopment Act 2000</i>	0	2	0
		<i>Jetties Act 1926</i>	0	1	0
		<i>Local Government Act 1995</i>	13	12	10
		<i>Metropolitan Redevelopment Authority Act 2011</i>	0	1	0
		<i>Planning and Development Act 2005</i>	222	179	160
		<i>Planning and Development (Development Assessment Panels) Regulations 2011 (given effect by s171A Planning and Development Act 2005)</i>	22	17	13
		<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	27	27	48
		<i>Strata Titles Act 1985</i>	1	0	0
		<i>Swan and Canning Rivers Management Act 2006</i>	0	1	0
		<i>Water Services Act 2012</i>	1	0	0
		<i>Water Services Regulations 2013</i>	0	1	0
	Valuation and Compensation	<i>Land Administration Act 1997</i>	3	1	2
		<i>Valuation of Land Act 1978</i>	8	13	4
		Development and Resource Total Applications	304	264	245
HUMAN RIGHTS	Guardianship and Administration	<i>Guardianship and Administration Act 1990</i>	3,938	4,903	5,061
	Human Rights	<i>Births, Deaths and Marriages Registration Act 1998</i>	0	1	4
		<i>Children and Community Services Act 2004</i>	6	11	6
		<i>Equal Opportunity Act 1984</i>	24	27	30
		<i>Gender Reassignment Act 2000</i>	1	0	0
		<i>Industrial Relations Act 1979</i>	0	0	1
		<i>Mental Health Act 2014</i>	14	6	11
		Human Rights Total Applications	3,983	4,948	5,113

Appendix 2 – Applications by Legislation continued

Matter Type	Application Type	Act	No. of Applications		
			2018/19	2019/20	2020/21
VOCATIONAL REGULATION	Vocational Regulation	<i>Architects Act 2004</i>	0	0	1
		<i>Building Services (Registration) Act 2011</i>	10	6	10
		<i>Child Care Services Act 2007</i>	0	0	1
		<i>Child Care Services Regulations 2007</i>	1	0	0
		<i>Education and Care Services National Law (WA) Act 2012</i>	17	7	12
		<i>Health Practitioner Regulation National Law (WA) Act 2010</i>	41	39	22
		<i>Legal Profession Act 2008</i>	24	20	23
		<i>Licensed Surveyors Act 1909</i>	0	2	1
		<i>Local Government Act 1995</i>	19	7	13
		<i>Medical Practitioners Act 2008</i>	1	0	0
		<i>Medicines and Poisons Act 2014</i>	1	0	0
		<i>Motor Vehicle Dealers Act 1973</i>	2	3	1
		<i>Motor Vehicle Repairers Act 2003</i>	5	0	0
		<i>Pawnbrokers and Second-hand Dealers Act 1994</i>	3	0	1
		<i>Pharmacy Act 2010</i>	1	0	0
		<i>Plumbers Licensing and Plumbing Standards Regulations 2000</i>	1	1	0
		<i>Real Estate and Business Agents Act 1978</i>	14	15	11
		<i>Security and Related Activities (Control) Act 1996</i>	85	67	44
		<i>Teacher Registration Act 2012</i>	8	10	1
		<i>Veterinary Surgeons Act 1960</i>	6	7	10
		<i>Working With Children (Criminal Record Checking) Act 2004</i>	6	16	12
		Vocational Regulation Total Applications	247	200	163
		TOTAL APPLICATIONS FOR ALL STREAMS	6,857	7,138	7,560

Appendix 3 – Judicial and full time Members

Member	Position
Justice Janine Pritchard	President
Judge Tim Sharp ¹	Deputy President
Judge David Parry	Deputy President
Judge Kathleen (Kate) Glancy ²	Deputy President
David Aitken	Senior Member
Lisa Eddy ³	Senior Member
Jack Mansveld	Senior Member
Dr Stephen Willey	Senior Member
Charmian Barton	Ordinary Member
Felicity Child	Ordinary Member
Marie Connor	Ordinary Member
Dr Bertus de Villiers	Ordinary Member
Vanessa Haigh ⁴	Ordinary Member
Rochelle Lavery ⁵	Ordinary Member
Patricia Le Miere	Ordinary Member
Kah Yee Loh	Ordinary Member
Dr Eleanor Marillier	Ordinary Member
Dr Brenda McGivern	Ordinary Member
Rebecca Moore ⁶	Ordinary Member
Natasha Owen-Conway	Ordinary Member
Rosetta Petrucci	Ordinary Member
Ross Povey ⁷	Ordinary Member
Delaney Quinlan ⁸	Ordinary Member

1. Judge Tim Sharp returned to the District Court of Western Australia from 30 September 2020.

2. Judge Kathleen (Kate) Glancy appointed as Deputy President from 20 October 2020.

3. Lisa Eddy passed away 18 April 2021.

4. Vanessa Haigh appointed 1 December 2020.

5. Rochelle Lavery appointed 1 December 2020.

6. Rebecca Moore resigned 20 September 2020.

7. Ross Povey appointed 1 December 2020.

8. Delaney Quinlan appointment expired 28 February 2021.

For more information on Judicial and full time members please refer to the SAT website at:
sat.justice.wa.gov.au → About SAT → Structure of SAT → Key Personnel

Appendix 4 – Sessional members

Sessional members – senior

Member	Areas of work/expertise
Dr Peter Adamson	Veterinary Surgeon
John Adderley	Town Planner (Retired)
Richard Affleck	Executive Director Construction Company
Michael Anderson	Chartered Accountant, Arbitrator and Mediator
Malcolm Brown	Civil Engineer
Dr Simon Carlin	Chiropractor
Dr Roger Clarnette	Medical Practitioner
Helen Creed	Social Services
Peter Curry	Environmental Consultant
Donna Dean	Social Worker
Michelle Dean	Lawyer
Hilton Dembo	Lawyer
Dr Anne Donnelly	Medical Practitioner
Ross Easton	Architect
Scott Ellis	Barrister, Arbitrator, Mediator and Adjudicator
Dr Louise Farrell	Medical Practitioner
Dr Hilary Fine ¹	Medical Practitioner
John Fisher	Civil Engineer, Arbitrator and Mediator
Dr Alison Garton	Psychologist
Kate George	Lawyer
Sue Gillett	Social Worker
Dale Hall	Valuer
Linda Hamilton	Building Project Manager
Dr Helen Hankey	Medical Practitioner
Malcolm Harford	Lawyer
Mark Houlahan	Valuer
Brian Hunt	Land Surveyor and Planning Consultant
John James	Psychologist
Katherine Jefferies	Medical Practitioner
Steven Jongenelis	Clinical Psychologist
Jim Jordan	Planner
Theo Lampropoulos SC	Barrister
Karen Lang	Lawyer
Ian Lush	Building Surveyor
Dr David Marshall	Veterinary Surgeon
Jeffrey Mazzini	Finance Broker
Kevan McGill	Electrical Engineer
Peter McNab	Lawyer
Isla McRobbie	Lawyer
Dr Barry Mendelawitz	Medical Practitioner (Retired)

Sessional members – senior

Member	Areas of work/expertise
David Moore	Valuer
Dr Frederick Ng	Psychiatrist
Dr Christine Pears	Dentist
Karene Primrose	Lawyer
Dr Jennifer Richardson	Veterinarian
Susan Richardson	Lawyer
Julie Roberts	Social Worker
Prof Bryant Stokes	Medical Practitioner
Kirsty Sutherland	Lawyer
Dr Anthony Vigano	Veterinary Surgeon
Prof Bruce Walker ²	Chiropractor
Mark Wiklund	Physiotherapist
Dr Peter Winterton	Medical Practitioner
Angela Workman	Medical Radiation Technologist and Former Member of the Medical Radiation Technologists Registration Board of Western Australia
Darianne Zambotti	Occupational Therapist
Armand Zurhaar	Chemist and Scientific Consultant
Darianne Zambotti	Occupational Therapist
Armand Zurhaar	Chemist and Scientific Consultant

1. Dr Hilary Fine resigned 23 June 2021.

2. Prof Bruce Walker resigned 9 October 2020.

Sessional members – ordinary

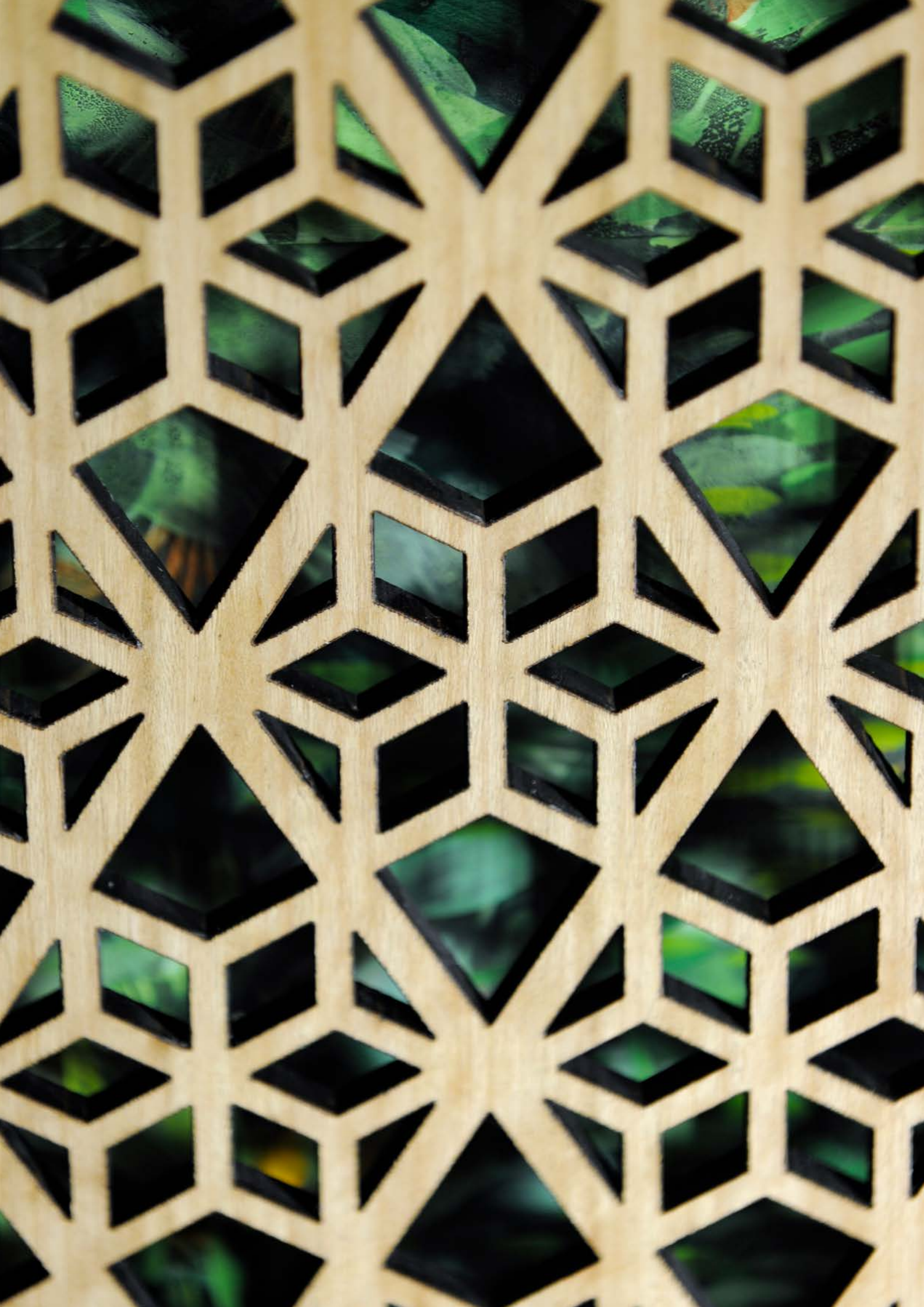
Member	Areas of work/expertise
Richard Adams	Debt Collector and Real Estate Agent
David Anderson	Painting and Decorating Inspector
Keith Bales	Lawyer (Retired)
Judith Bell	Planner
Davina Bester	Architect
Kate Bingham	Valuer
Wayne Burg ¹	Lawyer and Pharmacist
Bruce Callow	Architect and Builder
Ross Campbell	Electrical Fitter and Security Agent
Chantal Caruso	Social Planning Sustainability
Dr Nadine Caunt	Psychiatrist
Dr Abbey Chilcott	Chiropractor
Geoffrey Church	Accountant
Suzanne Churn	Builder
Mary Ciccarelli	Teacher
Samantha Doheny	Valuer
Damien Fraser	Builder
Wesley Gregory	Builder
Neville Harrison	Builder
Barry Jenkins ²	Pharmacist
Hon Assoc Prof Bronwyn Jones	University Academic (Nursing)
Raymond Kershaw	Builder
Hannah Leslie	Lawyer
Dr Andrew Lu	Lawyer
Dr Dee-Anna Luong	Dentist
Dr Jo-Anne Maire	Chiropractor
James Malcolm	Environmental Consultant
Christopher Marsh	Builder and Mediator
Paul Marshall	Builder
John Martin	Valuer and Real Estate Agent
Domenic Morolla	Builder
Dr Penny Moss	Physiotherapist
Eileen O'Reilly	Social Worker
Elaine Pavlos	Chief Executive Officer and Director of Nursing at a private hospital
Donna Pearson	Pharmacist
Helen Pedersen	Structural Engineer
Rodney Pember	Land Valuer
Elizabeth Perrella ³	Pharmacist
Leanne Potter	Specialist Teacher (Sign Language)
Barry Pound	Conveyancer and Real Estate Agent
Steven Resnick	Senior Lecturer Clinical Medicine
Anne Seghezzi ⁴	Lawyer
Anthony Townsend	Retired Motor Vehicle Dealer
Dr Mandy Vidovich	Neuropsychologist
Shane Wallace	Plumber
Barbara Webster	Human Resource Consultant in Health
Robert Woodforde	Builder
Xiadong (Eric) Yu	Chinese Medicine Specialist

1. Wayne Burg resigned 19 November 2020.

2. Barry Jenkins appointed 1 December 2020.

3. Elizabeth Perrella appointed 1 December 2020.

4. Anne Seghezzi appointed 8 September 2020.





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