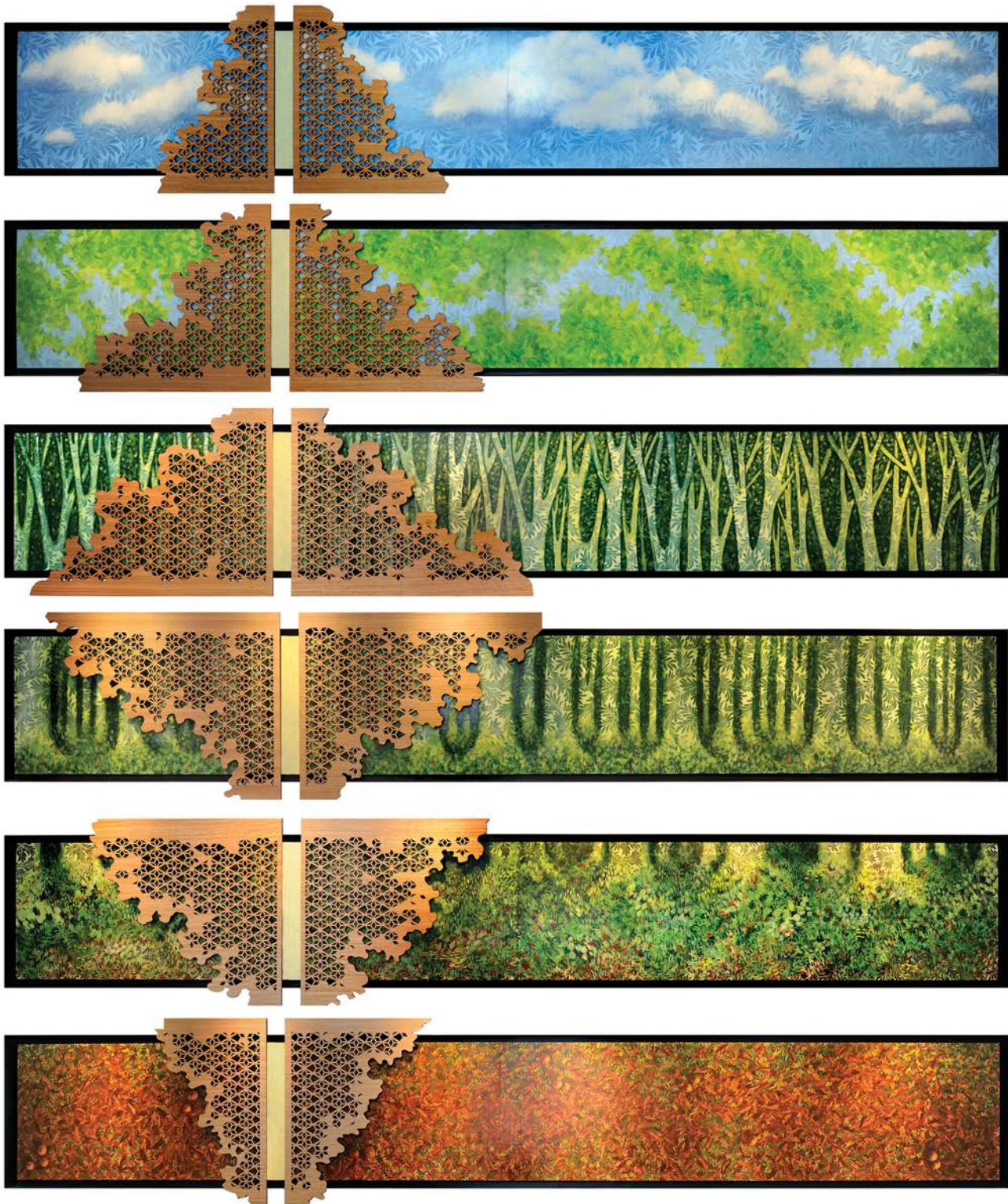




# STATE ADMINISTRATIVE TRIBUNAL

**ANNUAL REPORT 2022/23**



#### 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 2 – **Undergrowth**; Level 3 – **Trunks**; Level 4 – **Branches**; Level 5 – **Canopy**; 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.*





Hon. John Quigley MLA  
Attorney-General  
11<sup>th</sup> Floor, Dumas House  
2 Havelock Street  
WEST PERTH WA 6005

Dear Attorney-General

**ANNUAL REPORT - STATE ADMINISTRATIVE TRIBUNAL**

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

The report is for the year ending 30 June 2023.

Yours sincerely

Justice Janine Pritchard  
**PRESIDENT**

1 September 2023



## Honorable Justice Michael Barker

2021

Artist: Kevin Bynder

Tribes: Whadjuk-Yuet Nyungar (Mother) & Widi Badimia Yamatji (Father)

### Artist's description of the work:

The circle in the centre of this painting represents the Honourable Justice Michael Barker, who in 2001, with a team of seven members of a taskforce, developed a model for a review tribunal. The team is represented by the eight circles. The eight circles have symbols around them. The symbols represent the male and female tribunal members who have worked at the Tribunal over past years and those who are currently working at the Tribunal. The green colour represents the coastal areas and Wheatbelt region of Western Australia. The blue colour represents the ocean, rivers and lakes of Western Australia and the brown/red colour represents the desert and rural areas of Western Australia.

The Tribunal provides services such as helping people make decisions in a civil role, and importantly in the area of human rights. No matter where you are from, the State Administrative Tribunal is here to help.

*Bynder*  
2021

# CONTENTS

<b>PRESIDENT'S OVERVIEW</b>	<b>2</b>
<b>ABOUT THE TRIBUNAL</b>	<b>7</b>
Vision, objectives and values	7
Organisational structure	8
<b>SERVICE DELIVERY</b>	<b>9</b>
Year at a glance	9
<b>Applications – by Stream</b>	<b>11</b>
Vocational Regulation Stream	11
Commercial and Civil Stream	13
Development and Resources Stream	16
Human Rights Stream	18
How disputes were resolved	21
Representation	22
<b>RESOURCING</b>	<b>23</b>
Budget performance	23
Human resources	23
<b>LEGISLATION</b>	<b>26</b>
Changes to Tribunal Legislation	26
Level of compliance by decision makers	26
Arrangements with other agencies	26
Freedom of Information	27
<b>THE YEAR AHEAD</b>	<b>28</b>
<b>APPENDICES</b>	<b>30</b>
Appendix 1 – Legislation Conferring Jurisdiction on the Tribunal	30
Appendix 2 – Applications by Legislation	35
Appendix 3 – Judicial and full time Members	38
Appendix 4 – Sessional Members	39





## President's overview

and Administration) Act 2011 (WA). The number of building disputes is expected to continue to increase for the next several years.

The Tribunal's ability to meet its workload in these critical areas was assisted by increased funding, facilitated by the Department of Justice, to permit the creation of an additional full-time Senior Member position, from July 2022, and an additional full-time Ordinary member position, from March 2023. Each of these positions was allocated to the Commercial and Civil Stream to assist in dealing with building disputes. In addition, the Tribunal was grateful for the provision of additional funding by Treasury, to permit the appointment of an additional Ordinary Member to deal with applications under the *Guardianship and Administration Act 1990* (WA).

### Technology and e-filing

During the reporting period, considerable resources were devoted to two key projects relating to the use of technology in the Tribunal. First, the major upgrade of the Tribunal's audio-visual capability, which was delayed during the COVID-19 pandemic, was resumed. This work involves upgrades to hardware and wiring in the Tribunal's hearing and mediation rooms. When completed, the upgrade should result in a significant improvement in the reliability of the Tribunal's capacity to undertake hearings and mediations using video conferencing technology. It is anticipated that the upgrade will be completed by the middle of the 2023/24 year.

Secondly, throughout this reporting period, the Tribunal's staff have been working to implement planned changes to the way in which documents are filed in the Tribunal. On 31 December 2022, amendments were made to the *State Administrative Tribunal Rules 2004* (WA) which, with effect from 1 July 2023, would remove the ability for parties to file documents in the Tribunal by email. Instead, from 1 July 2023, parties will be required to file documents using the e-Courts portal (the electronic filing system used by Western Australian courts and the Tribunal), or alternatively by filing the documents in person at the Tribunal's Registry, or by mail or facsimile.

The Tribunal recognises that the transition to a focus on electronic filing of documents may pose challenges for some parties to proceedings, particularly for those who may face difficulties

The 2022/23 financial year was another busy year for the Tribunal. The removal of COVID-19 restrictions enabled the Tribunal to focus on the implementation of a number of major projects, including the transition to e-filing and paperless files and a major upgrade of the Tribunal's audio visual resources. During this period, the Tribunal's workload continued to increase, especially in relation to disputes concerning building work. The Tribunal nevertheless managed to maintain a very high clearance rate in resolving matters during the reporting period. Its success in doing so was due to the hard work and dedication shown by the Tribunal's judges, members and administrative staff.

### Workload

The number of applications received by the Tribunal in the 2022/23 year increased by 2% as compared with the 2021/22 year, and was 7% greater than the number of applications received in the 2020/21 year. Notably, the number of applications under the *Guardianship and Administration Act 1990* (WA), which represent the largest number of applications received by the Tribunal each year, were relatively unchanged, which was a marked departure from the increases in such applications in previous years. In contrast, there was a 9% increase in the number of applications in the Tribunal's Commercial and Civil stream. Despite a significant decrease in applications under the *Commercial Tenancies (COVID-19 Response) Act 2020* (WA), following the end of the operative period of that legislation, relevant to the Tribunal's jurisdiction, there was a significant increase in applications under the *Building Services (Complaint Resolution*

in accessing or utilising digital technology. Consequently, during the reporting period, the Tribunal's staff spent many hours providing training for key stakeholders (including staff of hospitals and service providers, the Office of the Public Advocate, the Public Trustee's Office, the Equal Opportunity Commission, the Building Commission, and the Planning Institute of Australia), developing resources for members of the public to explain the use of the e-Courts portal (such as help cards, and answers to frequently asked questions), and providing training for call centre staff at the Tribunal. Some of that work commenced in the 2021/22 year, but continued apace in the 2022/23 year.

At the same time, the Tribunal's staff have been working towards a transition to paperless files in the Tribunal. From 1 July 2023, the Tribunal will not create paper files but will rely solely on the electronic filing system for all new matters commenced after that date. As I noted in last year's Annual Report, the Department of Justice has provided funding to convert, to electronic form, the Tribunal's paper files in guardianship and administration matters (which may be used for many years).

These changes have also required the Tribunal's Judges, Members and staff to undergo training to improve their proficiency in the use of the e-filing system. That training was largely completed during the reporting period, but will continue, as necessary, as the transition to e-filing proceeds during the 2023/24 year.

It is anticipated that the transition to the e-filing of documents in proceedings in the Tribunal, and to the use of e-files within the Tribunal, will have significant benefits for parties in proceedings in the Tribunal and will result in improvements in the efficiency of the Tribunal's operations.

### **Improvements in service delivery**

During the reporting period, the Tribunal's Members and staff, under the direction of the Tribunal's Innovations Committee, have continued to devise and implement strategies for achieving excellence in the Tribunal's service delivery. By way of example, the Tribunal has developed a guide for self-represented parties, which provides information about the Tribunal's processes from filing an application to the enforcement of the Tribunal's orders. The Tribunal has also established

a Specialist Support Team, tasked with providing assistance to parties who may have difficulties accessing the Tribunal's processes, or who may require assistance in order to fully participate in hearings in the Tribunal (whether as a result of disability, experienced trauma, or for any other reason). The Team has created a dedicated phone line for persons requiring support and assistance, has simplified the Tribunal's notice of listing documents for proposed represented persons, has made improvements to the Tribunal's Easy-Read guide to proceedings in the Tribunal, and has made improvements to the Help and Support page of the Tribunal's website. Discussions are continuing as to how the Tribunal can do more to make the Tribunal more inclusive and accessible.

The Tribunal continues to simplify its processes in more complex matters, so that parties who are self-represented can more readily advance their cases. In relation to building disputes referred to the Tribunal by the Building Commissioner, the Tribunal has developed a questionnaire for parties to complete prior to the first directions hearing, to assist them to identify the documents they will need to provide to the Tribunal. The Tribunal has also prepared a claim schedule form, a complaint schedule form, and a book of documents form, to give parties clarity as to what is in dispute, and to assist them to present any relevant documentation to the Tribunal in a clear and comprehensive manner.

Throughout the reporting period, the Tribunal provided a number of community education sessions in relation to proceedings under the *Guardianship and Administration Act 1990* (WA), in conjunction with regional hearings. The Tribunal's Members and staff conducted community education sessions in Kalgoorlie (September 2022), Busselton (November 2022), Broome (November 2022), Albany (November 2022), Mandurah (May 2023), Geraldton (May 2023) and Northam (May 2023).

The Tribunal's Members and staff also held a number of information and engagement sessions, aimed at informing stakeholders, community groups, and members of the public about the Tribunal's functions and processes. These included sessions presented at Fiona Stanley Hospital (August and October 2022); Kath French Secure Care Centre (October 2022); Seniors

Week (November 2022); Aboriginal Justice Open Day (February 2023); various hospitals (March 2023); Office of the Public Advocate (April 2023); Development and Resources stream stakeholder engagement (May 2023), Older Adult Mental Health Service (May 2023) and Wheatbelt Community Legal Centre (May 2023).

In addition, the Tribunal's Members and staff also worked with staff of the Office of the Public Advocate to host joint information sessions for service providers, aimed at providing guidance on the use of Enduring Powers of Guardianship and Enduring Powers of Attorney, and on the Tribunal's processes in the event that the appointment of a guardian or administrator is thought to be required. These sessions were held in December 2022 and May 2023.

### **Engagement with Aboriginal and Torres Strait Islander people**

On 29 May 2023, the heads of jurisdiction of Western Australian Courts and Tribunals (including the Tribunal) launched a Reconciliation Statement, which was developed in conjunction with the Aboriginal Justice Advisory Committee. The Reconciliation Statement acknowledges past and current barriers to justice, and is an ongoing commitment to Aboriginal and Torres Strait Islander people to work together to improve access to Courts and Tribunal services across the State. Copies of the Reconciliation Statement are prominently featured around the Tribunal as a reminder of this commitment.

For some time, the Tribunal has been pursuing measures to assist Aboriginal and Torres Strait Islander people to be able to access, and fully participate in, its processes. The Tribunal recognises that its information sheets and videos may not be readily accessible by persons for whom English is not their first language. Unfortunately, automated translation services are not able to assist in relation to those whose first language is one of Australia's indigenous languages. To endeavour to overcome that problem, in December 2022, the Tribunal published on its website a Noongar audio translation of its five information videos. In the next reporting period, the Tribunal hopes to have these videos translated into other indigenous languages including Kriol, Martu, Walmajarri and Nyangumarta.

During the past couple of years, the Tribunal has been grateful for the assistance of Ms Nikita Hawke, the Manager of Aboriginal Advisory Services for the Magistrates Court and Tribunals, within the Department of Justice, who has provided advice on how the Tribunal can improve its engagement with aboriginal people who appear in Tribunal proceedings. However, Ms Hawke's workload has meant that that assistance could only be provided on an occasional basis. Accordingly, the Tribunal was very grateful when, in December 2022, the Higher Courts Division of the Department of Justice appointed a Senior Aboriginal Advisory Officer, Ms Simone Collard, and agreed to permit the Tribunal access to Ms Collard's assistance on a regular basis (approximately 2 days per month).

The Tribunal identified guardianship and administration applications involving Aboriginal and Torres Strait Islander parties as an area where Ms Collard's assistance would be especially valuable. Since April 2023, the Tribunal has dedicated one hearing day per month for applications under the *Guardianship and Administration Act 1990* (WA) which involve Aboriginal or Torres Strait Islander people. On behalf of the Tribunal, Ms Collard reaches out to parties in advance of the hearing, to establish a cultural connection and to explain the Tribunal's processes. With Ms Collard's assistance, the Tribunal's objective is to increase the understanding that Aboriginal and Torres Strait Islander people have about the Tribunal's guardianship and administration processes. Ms Collard is also able to assist the Tribunal's Members by identifying ways to ensure Aboriginal and Torres Strait Islander parties can fully participate in hearings.

### **Diversity in the membership of the tribunal**

Diversity in the membership of the courts and tribunals is important. Public confidence in the administration of justice is enhanced if courts and tribunals are constituted by judges and members who reflect the diversity of our community. Knowledge of that diversity, as a result of reporting the extent of its existence, is essential to build that public confidence. For that reason, I have chosen to include in my report this year an overview of the extent of the diversity in the Tribunal's Members, comprising the Judges and the full-time and part-time Members of the Tribunal (but not including



the Tribunal's Sessional Members, who sit on an occasional basis only).

The Tribunal's Judges and Members, or members of their families (whose experiences also inform their own), have a diverse range of backgrounds and life experiences. Various of the Judges and Members of the Tribunal, or members of their families:

- Were born either in Australia, or overseas – in the United Kingdom, Europe, Africa, North America and in Asia;
- Came to Australia as immigrants or as refugees;
- Speak languages other than English including French, Italian, Spanish, German, Croatian, Afrikaans, Mandarin and Maori;
- Identify as having a cultural background other than Anglo-Celtic;
- Live with a disability;
- Identify as a member of the LGBTQIA+ community; and
- Have carer responsibilities, including for children and for the elderly.

Members of the community can be confident that the Judges and Members of the Tribunal are able to bring these diverse life experiences to bear in hearing and understanding the evidence given by parties and witnesses who appear before them.

One way in which the Tribunal is able to increase the diversity of its Members is by enabling them to access more flexible working arrangements. Under the *State Administrative Tribunal Act 2004* (WA), the Members of the Tribunal (other than the judicial Members and Sessional Members) may be appointed on a full-time or part-time basis. During the reporting period, two of the Tribunal's full-time Members sought appointment on a part-time basis. Ms Felicity Child and Ms Marie Connor commenced part-time appointments, for a term of five years, on 3 January 2023.

There were a number of other changes in the membership of the Tribunal during the reporting period.

Mr Jack Mansveld resigned as a full-time Member of the Tribunal on 21 October 2022. Mr Mansveld was one of the Tribunal's original Members, having been appointed to the Tribunal on 1 January 2005, and since then has made an outstanding contribution to the Tribunal's work in the Human Rights stream, primarily in dealing with guardianship and administration matters. Fortunately for the Tribunal, Mr Mansveld agreed to appointment as a Sessional Member, and so will be able to continue to contribute to this important part of the Tribunal's work, but on a more flexible basis, in the years ahead.

Ordinary Member, Dr Eleanor (Elly) Marillier was appointed as a Senior Member, for a five year term from 18 October 2022, following Mr Mansveld's retirement. Senior Member Marillier is one of the Senior Members allocated to the Human Rights stream.

Ordinary Member, Ms Patricia Le Miere, was appointed as a Senior Member, for a five year term from 18 October 2022, to fill a new Senior Member position created to deal with the Tribunal's increasing workload in building disputes. Senior Member Le Miere will work in the Commercial and Civil stream.

The Tribunal also welcomed the appointment of the following new Ordinary Members, for five year terms commencing on 17 November 2022: Ms Naomi Eagling, Ms Michelle East, Ms Catherine Sadleir, Ms Jeanette de Klerk and Ms Rebecca Bunney. Each of them bring a wealth of experience from their years of service in other positions, including in government legal offices, in private legal practice and in other tribunals.

### **Administrative support**

The Judges and Members of the Tribunal could not do their work without the support of the administrative staff of the Tribunal. Until April 2023, the administrative staff of the Tribunal were led by Executive Manager, Ms Kathleen (Kathy) Halden. Kathy's support for all of the Tribunal's staff, especially throughout the challenges posed by COVID, and her commitment to improving the efficiency of the Tribunal's services, provided an invaluable example to all at the Tribunal. Kathy left the Tribunal to take up an appointment at the Magistrates Court. We will miss Kathy and wish her well in her new role.



Another significant departure from the Tribunal's administrative staff was that of Ms Jessica Savill, who was the Manager of Customer Relations for a number of years. Jessica left the Tribunal in March 2023 to take up a position as Manager Registry Services in the District Court. Jessica managed a heavy workload with cheerful efficiency and she will be much missed at the Tribunal. We wish Jessica every success in her new role.

The Tribunal has been very fortunate that Ms Rebecca Blott has been willing to act in the position of Executive Manager of the Tribunal since April. Rebecca assumed that role at a time of significant change in the Tribunal and was responsible for leading the administrative team to achieve a seamless transition to e-filing. Ms Blott is ably assisted by Ms Rebecca Stacy, Manager of Customer Relations and Mr Samuel Fear, Manager, Case Management, who have brought enthusiasm, efficiency and energy to their new roles.

The Tribunal is also very grateful for the support of the staff of the Courts and Tribunals division of the Department of Justice, led by the Deputy Director General, Court and Tribunal Services, Ms Joanne Stampalia. The Department's financial and administrative support in addressing the Tribunal's increasing workload, and its technological needs, has been invaluable.

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, and is 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 to be self-represented;
- 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:

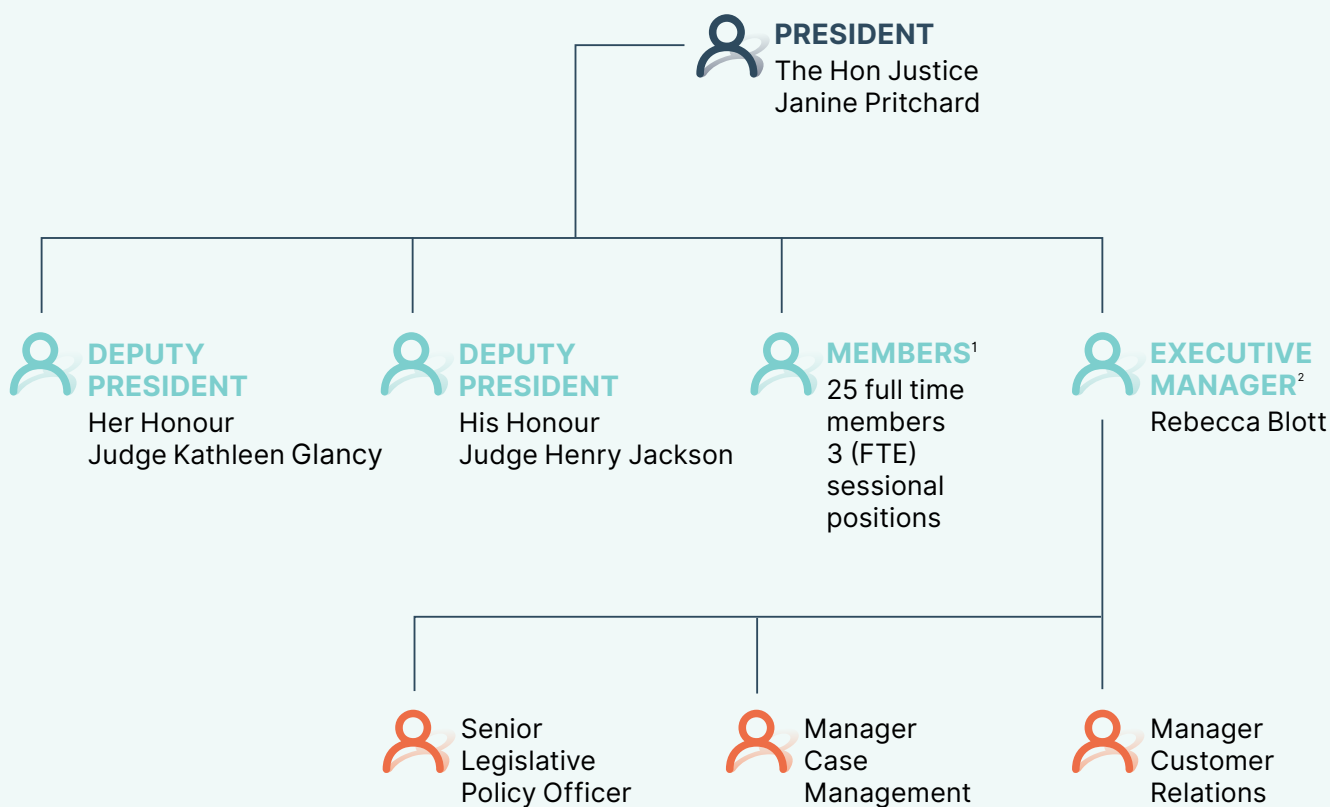
- Excellent Service;
- Integrity and Accountability;
- Equity and Fairness;
- Collaboration and Learning; and
- Professional Autonomy.

### 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; and
- A commitment to a safe workplace.



## Organisational structure



<sup>1</sup> See Appendices 3 and 4 for a full-list of members.

<sup>2</sup> Kathleen Halden was the Executive Manager until April 2023

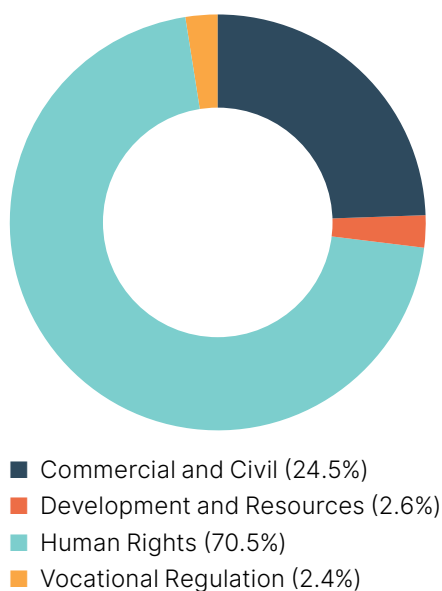
# SERVICE DELIVERY

## Year at a glance

**TABLE 1** Caseflow across the Tribunal

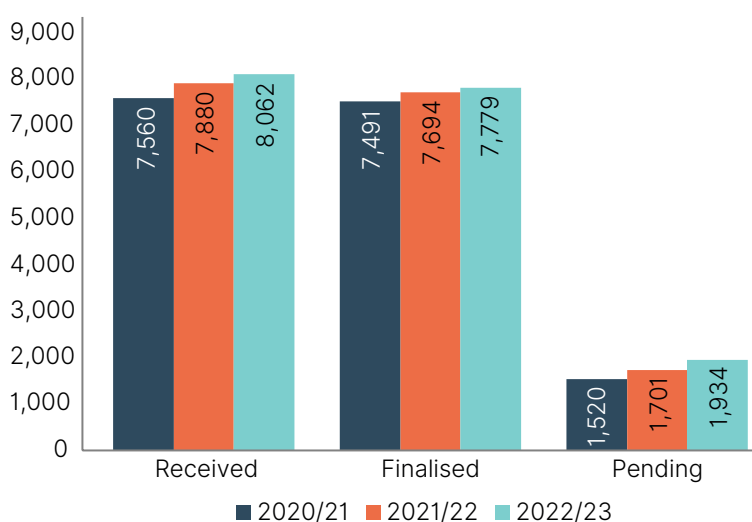
	2020/21	2021/22	2022/23
Received	7,560	7,880	8,063
Finalised	7,491	7,694	7,779
Pending	1,520	1,701	1,934
Clearance rate	99%	98%	96%

**GRAPH 1** Applications received by type



**TABLE 2** Applications received by type

Application Types	2020/21	2021/22	2022/23
Commercial and Civil	2,038	1,809	1,973
Development and Resources	245	215	208
Human Rights	5,113	5,650	5,688
Vocational Regulation	163	205	194
SAT (Applications under the SAT Act)	1	1	0
<b>Tribunal Total</b>	<b>7,560</b>	<b>7,880</b>	<b>8,062</b>

**GRAPH 2** Applications received by type**TABLE 3** Applications, clearance rates and timeliness

Group	Applications Lodged			2022/23 Clearance Rate	Timeliness (weeks)		
	2020/21	2021/22	2022/23		2022/23 Median	2022/23 80th Percentile	80th Percentile Target
Commercial and Civil <sup>1</sup>	2,038	1,809	1,973	95%	20	42	28
Development and Resources	245	215	208	90%	24	46	30
Human Rights <sup>2</sup>	5,113	5,650	5,688	97%	9	11	10
Vocational Regulation	163	205	194	95%	18	42	27
SAT (Applications under the SAT Act)	1	1	0	-	-	-	-
<b>Tribunal Total</b>	<b>7,560</b>	<b>7,880</b>	<b>8,062</b>	<b>97%</b>			

<sup>1</sup> 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.

<sup>2</sup> 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 – including those involving child care providers, builders and security agents – are dealt with in the CC stream.

During the reporting period, the Tribunal received 194 applications in its VR jurisdiction, down from 205 received during the previous year (a reduction of 5.4%). Appendix 2 sets out the number of applications received under the various pieces of enabling legislation allocated to the VR stream.

The overall decrease in VR applications was attributable to a relatively significant decrease in applications in relation to security agents, and in applications relating to child care providers under the *Education and Care Services National Law*. There was also a decrease in the number of proceedings commenced against veterinarians (7 applications received, as compared with 14 in 2021/22). On the other hand, there was an increase in the number of disciplinary proceedings commenced against health practitioners (59 applications received, up from 52 applications in 2021/22 and 22 applications in 2020/21) and in disciplinary proceedings against lawyers (17 applications received, up from 8 in 2021/22).

Much of the work in the VR stream is performed by the judges of the Tribunal who are required to preside in final hearings concerning lawyers, and generally preside over final hearings concerning health practitioners. The judges of the Tribunal also preside over more complex disciplinary proceedings against other professionals such as veterinarians, and will often preside in reviews of decisions made under the *Working With Children (Criminal Record Checking) Act 2004*.

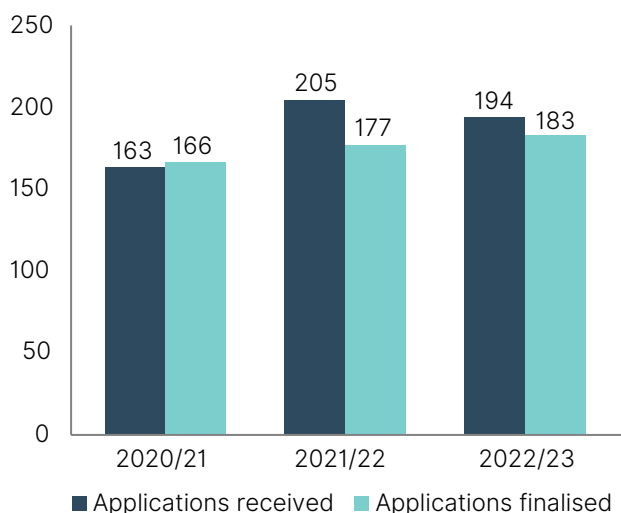
The VR stream has a target of completing 80% of matters within 27 weeks. Most VR matters are resolved within the 27 week target. However, a small number of matters within some vocational categories – especially those involving lawyers and health practitioners – take significantly longer to resolve. The lengthy time to resolve those matters appears likely to be attributable to three factors. The first is the increasing complexity of some applications for disciplinary action, especially in cases involving legal practitioners and health practitioners. Applications made by regulatory bodies in these professions not infrequently involve numerous allegations of misconduct, sometimes including misconduct of a very serious kind, and 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, the final hearing of some disciplinary matters in the Tribunal is sometimes delayed, pending the completion of criminal proceedings against the practitioner in respect of the same underlying conduct. That can result in very significant delays to the finalisation of disciplinary proceedings in the Tribunal.

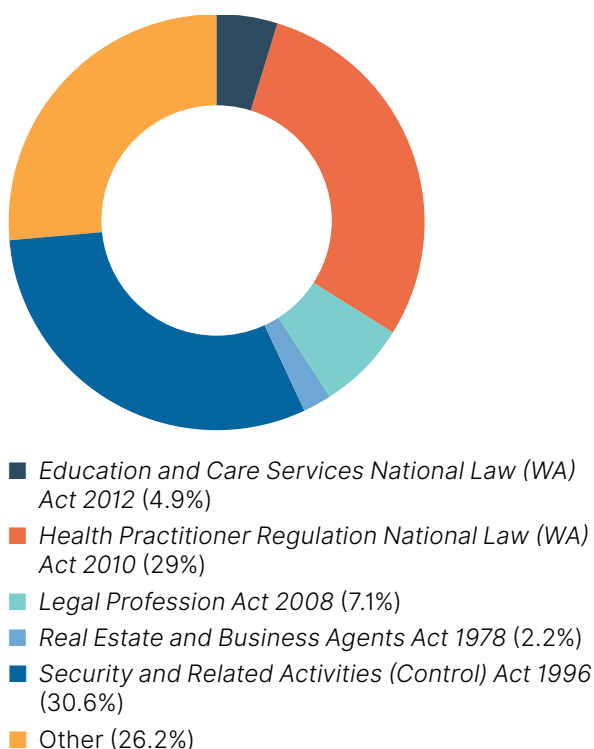
Thirdly, despite the Tribunal's best endeavours to press parties to expedite their preparation for the hearing of VR matters, it is frequently the case that parties will require months to complete their preparation, and to be ready for hearing. The high workload of the legal representatives of the parties 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 health professionals).

Despite these challenges, the overall clearance rate for matters in the VR stream increased significantly during the reporting period to 95% (compared with the 86% clearance rate for the previous reporting period). That clearance rate is undoubtedly attributable to the Tribunal's emphasis on mediation, as a means to resolve matters in the VR stream without the need for a hearing, and with less cost to the parties.

**GRAPH 3 VR Workload**



**GRAPH 4 VR Applications finalised (by legislation)**



**TABLE 4 VR Applications, clearance rates and timeliness**

Legislation	Applications Lodged			2022/23 Clearance Rate	Timeliness (weeks)		
	2020/21	2021/22	2022/23		2022/23 Median	2022/23 80th Percentile	80th Percentile Target
<i>Education and Care Services National Law (WA) Act 2012</i>	12	17	7	129%	18	26	27
<i>Health Practitioner Regulation National Law (WA) Act 2010</i>	22	52	59	90%	22	57	
<i>Legal Profession Act 2008</i>	23	8	17	76%	72	108	
<i>Real Estate and Business Agents Act 1978</i>	11	7	7	57%	10	10	
<i>Security and Related Activities (Control) Act 1996</i>	44	65	47	121%	9	18	
Others	51	56	57	84%	20	56	
<b>Overall Vocational Regulation</b>	<b>163</b>	<b>205</b>	<b>194</b>	<b>95%</b>	<b>18</b>	<b>42</b>	

## Commercial and Civil Stream

During the reporting period the Commercial and Civil (CC) stream was managed by Senior Member David Aitken, Senior Member John O'Sullivan, and Senior Member Patricia Le Miere (after her appointment as a Senior Member on 18 October 2022), under the oversight of Deputy President Judge Kate Glancy.

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 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)*

Overall, the number of proceedings commenced in the CC stream during the reporting period increased by 9% from the previous reporting period.

The largest number of applications in the CC stream are applications made under s 13(7) of the *Commercial Tenancy (Retail Shops) Agreements Act 1985 (WA)*. These applications seek approval for the inclusion of a term, in a commercial tenancy retail shop lease, which permits the early termination of the lease in special circumstances. There was an 8% increase in the number of these applications during the reporting period, which comprised 61% of all new applications in the CC stream.

The second and third largest number of applications in the CC stream during the reporting period were building and construction matters (52% of other applications) and strata titles matters (22% of other applications).



The building and construction matters are referrals to the Tribunal of complaints lodged with the Building Commissioner. There was a large (25%) increase in building and construction applications as compared with the previous reporting period (from 329 to 412). The number of these applications has almost doubled (92% increase) during the past two reporting periods. This increase is attributable to the building boom which has occurred during the same period. Many of the building and construction matters dealt with by the Tribunal during the reporting period concerned contractual disputes regarding completion dates and claims for price increases.

It is anticipated that the increase in the number of building and construction applications will continue for several years because complaints regarding faulty or unsatisfactory building work can be made up to six years after the completion of the work.

There was a 15% increase in strata applications from the previous reporting period (from 155 to 178) and there was a 35% increase in firearms applications (from 60 to 81). There was also a 14% increase in other types of applications in the CC stream (from 699 to 799).

The clearance rate for applications in the CC stream during the reporting period was 95%.



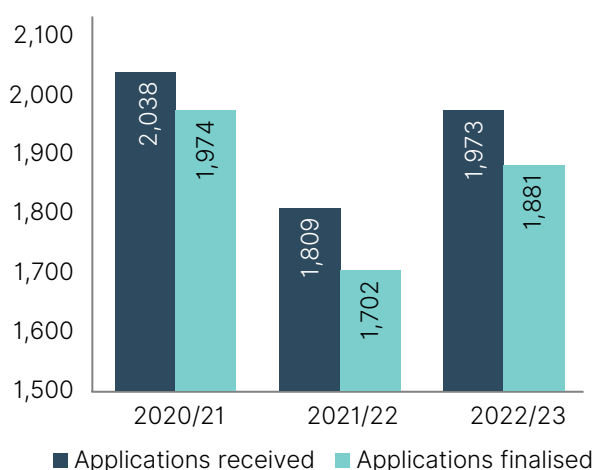
The CC stream has a target of completing 80% of new applications within 28 weeks of lodgment. In the previous reporting period 80% of new applications were completed within 35 weeks. During the present reporting period, 80% of new applications were resolved within 42 weeks. The increased time for the resolution of CC matters was due to the significant increase in the number of applications in the building and construction area, which tend to be complex in nature, combined with the increased number and complexity of other matters in the CC stream.

During this reporting period there have been two important innovations introduced in the CC stream which are designed to increase the efficiency with which the Tribunal deals with CC matters.

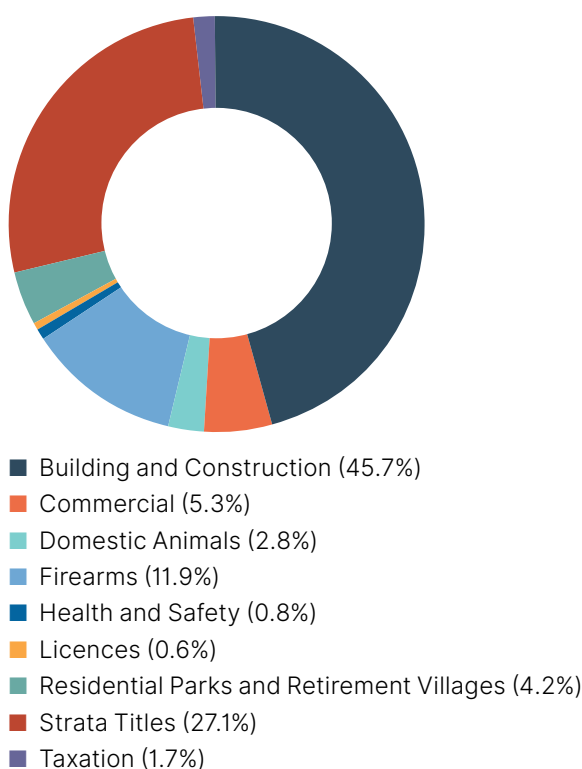
The first innovation has been to have a CC stream member rostered as a duty mediator on the days on which directions hearings are listed, to be available to conduct mediation with parties on that day. The first step in almost all CC matters is to refer the matter to a mediation or a compulsory conference on the earliest available date, to see if the parties can resolve their dispute through that process. The duty mediator roster means that those parties in a position to proceed straight to a mediation immediately after attending the first directions hearing for their matter can do so.

The second innovation has been to introduce a new system in connection with the referral of building and construction matters which are referred to the Tribunal by the Building Commissioner. Under the new system, for each matter referred, the Building Commissioner specifies which items of complaint are actually being referred (as some may have resolved before the Building Commissioner). That eliminates the potential for confusion as to which complaints require resolution by the Tribunal. In addition, the parties to each matter are required to provide all relevant documents in the form of a book prepared using a template document provided by the Tribunal. That assists the parties to provide the Tribunal with all of the documents that it will require in order to determine their dispute. In the case of matters involving complaints about faulty or unsatisfactory building work the parties are also required to provide a detailed schedule (sometimes referred to as a Scott Schedule) using a template document provided by the Tribunal.

**GRAPH 5 CC Stream Workload**



**GRAPH 6 CC Applications finalised by Subject<sup>1</sup>**



<sup>1</sup> Does not include applications under the Commercial Tenancy (Retail Shop Leases) Amendment Act which are purely administrative in nature, and which if included, would distort the representation of areas which impose most workload in the CC list



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

Lists	Applications Lodged			2022/23 Clearance Rate	Timeliness (weeks)		
	2020/21	2021/22	2022/23		2022/23 Median	2022/23 80th Percentile	80th Percentile Target
Building and Construction	215	329	412	80%	23	42	28
Commercial	216	65	32	119%	14	45	
Commercial Lease Amendments <sup>1</sup>	1,307	1,110	1,194	97%			
Domestic Animals	22	19	22	91%	14	22	
Firearms	25	60	81	105%	19	37	
Health and Safety	4	10	4	150%	34	47	
Licences	10	17	6	67%	15	15	
Residential Parks and Retirement Villages	21	34	31	97%	9	17	
Strata Titles	197	155	178	109%	21	47	
Taxation	21	10	13	92%	18	24	
<b>Overall Commercial and Civil<sup>1</sup></b>	<b>2,038</b>	<b>1,809</b>	<b>1,973</b>	<b>95%</b>	<b>20</b>	<b>42</b>	

<sup>1</sup> The calculation of the median and 80th percentile result for the Commercial and Civil list excludes those applications under the Commercial Tenancy (Retail Shop Leases) Amendment Act which are determined on the documents and which, 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 Henry Jackson.

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 2022/23 was 208, a 3.3% reduction from the 215 recorded in 2021/22. The majority of applications in the DR stream were planning and development matters (92%). The remaining matters were agriculture and fisheries (1.4%) and valuation and compensation (6.2%). A total of 187 matters were finalised, which equates to a clearance rate of 90%.

### Planning and development

The planning and development applications in the DR stream include reviews of planning decisions made by local governments, Development Assessment Panels or the Western Australian Planning Commission (WAPC) on applications for development approval 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 192 review applications were made under the *Planning and Development Act 2005* (WA) (including regulations made pursuant to the Act). This represents a 5% increase from the 183 review applications that were lodged in 2021/22 and reverses a long-term decline in the number of planning reviews being lodged.

The time taken to finalise 80% of planning and development applications was 46 weeks. This was a substantial reduction from the 50 weeks in 2021/22. A number of factors contributed to this reduction, including improved technology within the Tribunal and the easing of restrictions associated with the COVID-19 pandemic.

The number of applications made under the *Local Government Act 1995* (WA) was 6, down up from 14 in 2021/22.

**TABLE 6** DR Applications, clearance rates and timeliness

Lists	Applications Lodged			2022/23 Clearance Rate	Timeliness (weeks)		
	2020/21	2021/22	2022/23		2022/23 Median	2022/23 80th Percentile	80th Percentile Target
Agriculture and Fisheries	5	10	3	233%	34	57	30
Planning and Development	234	183	192	93%	24	46	
Valuation and Compensation	6	22	13	8%	15		
<b>Overall Development and Resources</b>	<b>245</b>	<b>215</b>	<b>208</b>	<b>90%</b>	<b>24</b>	<b>46</b>	





### Valuation and compensation

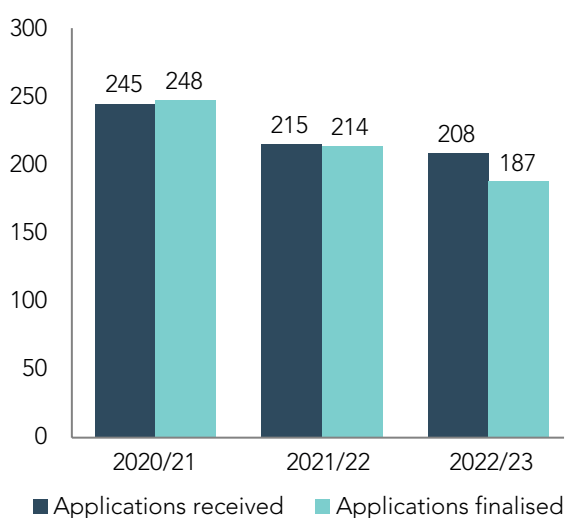
The number of applications relating to the valuation of land, as well as compensation arising from the compulsory acquisition of interests in land arising from public works, was 10, down up from 22 in 2021/22. There were three applications made under the *Land Administration Act 1997* (WA) and 3 under the *Valuation of Land Act 1978* (WA), down from 19 in 2021/22.

### Agriculture and fisheries

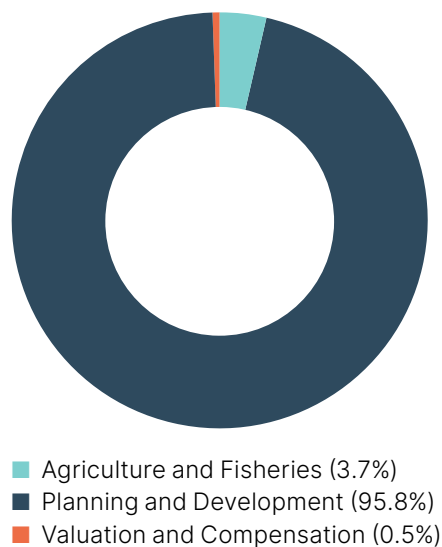
The number of applications relating to agriculture and fisheries was 3, down from 10 in 2021/22. Applications are generally made under the *Fish Resources Management Act 1994* (WA).



**GRAPH 7** DR Workload



**GRAPH 8** DR Applications finalised by list



## Human Rights Stream

The majority of the work of the Human Rights (HR) stream concerns applications brought under the *Guardianship and Administration Act 1990* (WA) (GA Act). In the reporting period, these were managed by Senior Member Jack Mansveld until his retirement from that role in October 2022. Thereafter the GA Act work of the HR stream was managed by Senior Member Elly Marillier, following her appointment to the Senior Member position. The HR stream is overseen by the President, Justice Pritchard.

### *Guardianship and administration matters in the HR Stream*

As compared with the 2021/22 reporting period, in which the number of applications increased by more than 10% from the previous reporting period, the GA Act workload in the Tribunal during the present reporting period has remained steady. A total of 5624 applications were received in 2022/23, which represents a 0.04% increase over the previous reporting period.

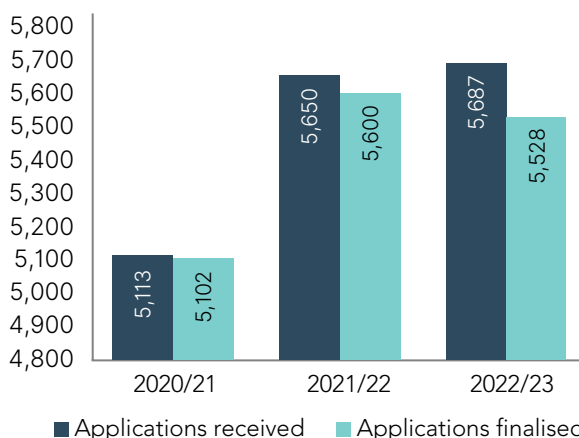
There were 2770 applications for the appointment of new guardians and/or administrators, 76 applications for review within 28 days of a decision by a single Member, 821 applications for review of an existing order because of a change in circumstances, and 1665 statutory reviews where the Tribunal initiated the mandatory review of orders within the required timeframe under the GA Act. The remainder were applications relating to enduring powers of guardianship and enduring powers of attorney.

The number of applications for the review of existing orders represents a 9% increase in the number of such applications as compared with the previous reporting period.

The Tribunal has continued to deal with urgent hearings (for hospital applications lodged with all required reports) within two weeks of lodgment. This has led to changing distributions in the overall time to hearing, with a greater proportion of matters heard and finalised in less than 30 days from lodgment (1365, an increase of 10.7%).

There has been an increase in the complexity of non-urgent applications made to the Tribunal under the GA Act. This has resulted in more referrals for investigation to the Public Advocate, and more matters requiring more than one hearing, and taking more than 90 days to complete. During the reporting period, the time to complete 80% of all GA Act matters was 11.4 weeks, which was

**GRAPH 9** HR Stream Workload



above the target of 10 weeks. If review applications are excluded, the time to complete 80% of GA Act matters was 10.1 weeks.

The duration of the Tribunal's orders under the GA Act (where the maximum possible duration of guardianship or administration orders is five years) has seen an evolving bimodal distribution. In the reporting period, 604 orders were made which required a review within two years or less (a 200% increase of orders of that duration as compared with the previous reporting period) whereas 1835 orders were made which required a review within five years (an increase of 19% of orders of that duration as compared with the previous reporting period).

### *Developments and Highlights in relation to the Tribunal's GA Act work*

As noted in the President's Report, the Tribunal has benefitted enormously from the assistance provided by the Senior Aboriginal Advisory Officer in Higher Courts, Ms Simone Collard, who has assisted the Tribunal to adopt culturally appropriate and informed approaches in GA Act hearings. Since April 2023, specialist lists once a month receive Ms Collard's support. Very positive feedback has been received from participants, staff and Members who have been part of these lists. However, there remains significant unmet need. Approximately six times as many applications under the GA Act as can be accommodated in the monthly specialist list would ideally be heard with this support. The Tribunal hopes that the Department of Justice may be in a position to appoint additional Aboriginal Advisory Officers to assist the Tribunal in the year ahead.

**TABLE 7** HR Applications, clearance rates and timeliness

Lists	Applications Lodged			2022/23 Clearance Rate	Timeliness (weeks)		
	2020/21	2021/22	2022/23		2022/23 Median	2022/23 80th Percentile	80th Percentile Target
Guardianship and Administration	5,061	5,602	5,624	97%	9	11	<b>10</b>
Human Rights <sup>1</sup>	52	48	64	79%	19	41	
<b>Overall Human Rights<sup>2</sup></b>	<b>5,113</b>	<b>5,650</b>	<b>5,688</b>	<b>97%</b>	<b>9</b>	<b>11</b>	

<sup>1</sup> This category excludes Guardianship and Administration applications.

<sup>2</sup> The target applies to the Guardianship and Administration list only.



The easing of COVID-19 pandemic restrictions meant that it was possible for the Tribunal to resume regional hearings during the reporting period. GA Act hearings were conducted in Kalgoorlie, Busselton, Broome, Albany, Mandurah, Geraldton and Northam. The Tribunal's Members and staff attending the regional hearings also conducted education sessions for local communities and health and aged care professionals.

During the reporting period, Tribunal Members and staff also conducted 12 community and professional education sessions in the metropolitan area, including in prisons and hospitals, as well as at the Tribunal and on-line. Tribunal Members also participated in Question and Answer sessions as invited speakers for various professional and community groups, including the Wheatbelt Community Legal Centre and the NDIS Quality and Safeguards Reference Group.

During the reporting period, the Tribunal has trialled the distribution, to all participants in GA Act matters, of a document prepared in an Easy Read format, entitled 'What to expect at a hearing'. The document aims to provide a plain-English explanation, with pictures, of GA Act hearings at the Tribunal. The document can be accessed at the SAT website at [https://www.sat.justice.wa.gov.au/E/easy\\_to\\_read\\_documents.aspx](https://www.sat.justice.wa.gov.au/E/easy_to_read_documents.aspx).

Since the commencement of the trial, the Tribunal has collected feedback from participants to assess how helpful that document is. More than 70% those providing feedback found it useful, with comments such as 'Easy to understand – answered a lot of my questions'. 75% of those who provided feedback felt the document should continue to be sent to all parties, not just the proposed represented person. The Tribunal has welcomed suggestions for improvement to the document, to optimise the assistance this resource can provide to participants in GA Act hearings.

The Tribunal is developing similar resources in relation to other GA Act hearings including applications for emergency administration orders and for the review and appeal rights available under the GA Act.





### Other matters in the Human Rights Stream

In addition to *Guardianship and Administration Act 1990* (WA) matters, the Human Rights Stream deals with applications made under a number of other Acts. They include the *Equal Opportunity Act 1984* (WA) (EO Act), the *Mental Health Act 2014* (WA), the *Children and Community Services Act 2004* (WA), the *Voluntary Assisted Dying Act 2021* (WA) and the *Births, Deaths and Marriages Registration Act 1998* (WA).

**TABLE 8** Human Rights Applications<sup>1</sup>

Human Rights	<i>Births, Deaths and Marriages Registration Act 1998</i>	7
	<i>Children and Community Services Act 2004</i>	10
	<i>Equal Opportunity Act 1984</i>	40
	<i>Gender Reassignment Act 2000</i>	2 <sup>2</sup>
	<i>Mental Health Act 2014</i>	4 <sup>3</sup>
	<i>Voluntary Assisted Dying Act 2021</i>	1 <sup>4</sup>
	<b>Total</b>	<b>64</b>

<sup>1</sup> Table excludes *Guardianship and Administration Act* applications. While two applications were made under the *Gender Reassignment Act 2000* (WA), they were not correctly brought under that Act, and were discontinued or dismissed as a result.

<sup>3</sup> While four applications were made under the *Mental Health Act 2014* (WA) none of these were correctly brought under that Act, and were discontinued or withdrawn as a result.

<sup>4</sup> While one application was made under the *Voluntary Assisted Dying Act 2021* (WA) it was not correctly brought under that Act, and was dismissed as a result.

The majority of applications in this 'other HR matters' category of the HR stream were made under the EO Act. Most applications made to the Tribunal under the EO Act are resolved without a final hearing as a result of either being mediated to resolution or being withdrawn or discontinued at a directions hearing. Those EO Act applications which proceed to hearing typically take a long time to finalise because of the challenges that applications of this kind pose for litigants in person in formulating their cases, the complex legal issues those cases raise, and the extent of the evidence required. The time to finalisation for the reporting period also reflects the fact that a number of older cases were finalised during the reporting period.

In contrast, most other applications that fall within the 'other HR Matters' category are typically resolved quickly. For example, applications for review made under the *Children and Community Services Act 2004* (WA) and under the *Mental Health Act 2012* (WA) are finalised quickly because of the nature of the decisions under review, which typically involve first instance decisions of short duration.

The Attorney-General has announced that the Government has broadly accepted the recommendations of the Law Reform Commission for reform of the EO Act. It is anticipated that amendments to the EO Act which implement those recommendations will result in the conferral of additional jurisdiction on the Tribunal, and that consequently there may be an increase in the Tribunal's workload in this area.

## How disputes were resolved

The Tribunal aims to resolve most applications it receives, other than *Guardianship and Administration Act 1990* (WA) 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 processes remains high at 88% which is an increase from the previous year's result of 85%.

The continued success of these approaches 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, Firearms, Human Rights, Planning and Development, Taxation, Valuation and Compensation and Vocational Regulation.

Table 9 sets out the percentage of matters resolved by FDR processes across the various subject areas in which the Tribunal receives applications.

**TABLE 9** How disputes were resolved<sup>1</sup>

Matter Type  List <sup>1</sup>	Method of Resolution		
	Adjudication	Facilitative Dispute Resolution	
		Mediation & Compulsory Conference	Other <sup>2</sup>
Agriculture and Fisheries	20.00%	80.00%	
Building and Construction	16.10%	36.60%	47.30%
Commercial	11.80%	26.50%	61.80%
Domestic Animals	17.60%	11.80%	70.60%
Firearms	6.00%	45.20%	48.80%
Health and Safety		40.00%	60.00%
Human Rights	9.50%	26.20%	64.30%
Licences	33.30%		66.70%
Planning and Development	11.10%	51.90%	37.00%
Residential Parks and Retirement Villages	23.30%	10.00%	66.70%
Strata Titles	12.00%	45.90%	42.10%
Taxation	12.50%	37.50%	50.00%
Valuation and Compensation		100.00%	
Vocational Regulation	9.40%	43.90%	46.80%
<b>% Overall</b>	<b>12%</b>	<b>41%</b>	<b>47%</b>

<sup>1</sup> Excludes Commercial Tenancy (Retail Shop) Lease applications and Guardianship and Administration list matters.

<sup>2</sup> 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. Nevertheless, in areas of the Tribunal's jurisdiction, such as Taxation, Vocational Regulation and Planning and Development, legal (or other) representation is relatively common.

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 eight referrals made under the scheme during the reporting period.

Table 10 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 32% and 31% respectively. Representation in guardianship and administration matters is not recorded, however the number of such applications where parties are legally represented is negligible.

**TABLE 10** Applicant and Respondent Representation

List	Applicant		Respondent	
	Legally Represented <sup>1</sup>	Self Represented	Legally Represented <sup>1</sup>	Self Represented
Agriculture and Fisheries	43%	57%	57%	43%
Building and Construction	21%	79%	22%	78%
Commercial	32%	68%	43%	57%
Domestic Animals	25%	75%	40%	60%
Firearms	40%	60%	-	100%
Health and Safety	50%	50%	33%	67%
Human Rights	30%	70%	53%	47%
Licences	25%	75%	25%	75%
Planning and Development	43%	57%	45%	55%
Residential Parks and Retirement Villages	10%	90%	10%	90%
Strata Titles	26%	74%	23%	77%
Taxation	50%	50%	45%	55%
Valuation and Compensation	-	100%	-	100%
Vocational Regulation	48%	52%	49%	51%
Not Classified	11%	89%	-	
<b>Total<sup>2</sup></b>	<b>32%</b>	<b>68%</b>	<b>31%</b>	<b>69%</b>

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

<sup>2</sup> Excludes Commercial Tenancy (Retail Shop) Lease applications and Guardianship and Administration list matters.



# RESOURCING

## Budget performance

The Tribunal's reported operating expenditure does not include the cost of the lease and outgoings for the Tribunal's premises as Standard 16 (AASB.S16) is applied. These costs are now incurred at the departmental level and are allocated at a service level only, under the Outcome Based Management framework.

During the reporting period the Tribunal's expenditure was \$19,100,803, which reflected a small overspend of 6% on the actual budget. The additional overspend was due to works and associated expenditure (approved by Court and Tribunal Services) comprising a Security System upgrade, Audio/Visual upgrade and peripheral assets support, fit outs for officers for new Members and other small fit outs to accommodate additional staff. The budget and expenditure otherwise are comparable with previous years' funding.

## Human resources

### Judges and Members

During the reporting period the Tribunal was funded for 3 Judicial Members and 25 full-time Member positions, as compared with 3 Judicial Members and 22 full-time Member positions in the previous reporting period.

The 25 full-time positions for which the Tribunal was funded included positions created by additional funding as follows. The Tribunal received additional funding for two full-time Member positions (one Senior Member and one Ordinary Member) with effect from July 2022 and one additional Ordinary Member position, funded from March 2023, as follows:

- One full-time Ordinary Member position - funded from July 2022 (in response to the increasing workload in GA Act matters);
- One full-time Senior Member position - funded from July 2022 (in response to the increasing workload in building and construction disputes);
- One full-time Ordinary Member position - funded from March 2023 (in response to the increasing workload in building and construction disputes).

Despite the additional funding, the time taken to undertake a merit selection process for the appointment of new Members, together with vacancies in existing Member positions (as a result of retirement or transition to part-time appointment) meant that the Tribunal was effectively understaffed the equivalent of 2.3 full-time Member positions during the reporting period.

During the reporting period, vacancies arose in Member positions, and appointments were made, as set out below.

### *Positions which became vacant during the reporting period*

- Two full-time Ordinary Member positions became vacant through the resignation on 1 July 2023 of Dr Brenda McGivern (who was appointed as the Principal Registrar of the District Court) and of Natasha Owen-Conway on 12 July 2022 (who was appointed as a Magistrate);
- One full-time Senior Member position became vacant on 21 October 2022, following the retirement from full-time work of Senior Member Jack Mansveld;
- One full-time Ordinary Member position became vacant on 3 January 2023, when two full-time Ordinary Members (Ms Felicity Child and Ms Marie Connor) commenced part-time appointments;
- Two Ordinary Member positions became vacant as a result of the recommended appointment of two Ordinary Members to fill vacancies in two Senior Member positions.

**TABLE 11** Operating expenditure

	2019/20 \$	2020/21 \$	2021/22 \$	2022/23 \$
Budget	14,057,854	14,679,250	16,074,003	18,004,796
Actual	14,211,842	14,467,564	16,310,730	19,100,803
<b>Variance</b>	<b>-153,989<sup>1</sup></b>	<b>211,686</b>	<b>236,728<sup>1</sup></b>	<b>1,096,007<sup>2</sup></b>

These Figures do not include the lease and outgoings as per Standard 16 (AASB.S16) which applies.

<sup>1</sup> The Tribunal was not adequately funded for some fixed costs (building maintenance and utilities) in these reporting periods.

<sup>2</sup> The overspend was a result of upgrades to the security systems, audio/video systems and office fit outs for the appointment of additional members and staff.

**TABLE 12** Appointments

Appointments			
Name	Type	Date of Commencement	Expiring
Naomi Eagling	Full-Time Ordinary Member	17/11/2022	17/11/2027
(Michelle) Anne East	Full-Time Ordinary Member	17/11/2022	17/11/2027
Catherine Sadleir	Full-Time Ordinary Member	17/11/2022	17/11/2027
Jeanette (Jen) de Klerk	Full-Time Ordinary Member	17/11/2022	17/11/2027
Rebecca Lee Bunney	Full-Time Ordinary Member	17/11/2022	17/11/2027

**TABLE 13** Variations to Appointments

Variations in Appointments				
Name	Previous Role	New Role	New Role Start Date	New Role Expiring
Jacobus Aloysius Mansveld	Full-Time Senior Member	Sessional Member	22/10/2022	21/10/2027
Marie Majella Huggins (Connor)	Full-Time Ordinary Member	Part-Time Ordinary Member	03/01/2023	02/01/2028
Felicity Child	Full-Time Ordinary Member	Part-Time Ordinary Member	03/01/2023	02/01/2028
Patricia Elizabeth Le Miere	Full-Time Ordinary Member	Full-time Senior Member	18/10/2022	18/10/2027
Eleanor (Elly) Ann Marillier	Full-Time Ordinary Member	Full-time Senior Member	18/10/2022	18/10/2027

**TABLE 14** Acting Appointments

Acting Appointments			
Name	Acting Position	Acting Start Date	Acting End Date
Felicity Child	Senior Member	24 June 2022	18 November 2022

**TABLE 15** Retirements

Retirements			
Name	Position	Retirement Date	New position
Jacobus Aloysius Mansveld	Full-Time Senior Member	22/10/2022	Sessional Member

## Sessional Members

The Tribunal maintains a large pool of Sessional Members with a diverse range of professional and vocational backgrounds, who may be called on to sit on matters as and when the need arises.

The terms of appointment of all of the Tribunal's Sessional Members expired on 31 December 2022. The Tribunal arranged for the reappointment of those sessional Members who wished to continue, and whose areas of expertise continued to be required having regard to the Tribunal's operational needs. The Tribunal also sought expressions of interest from persons interested in appointment as Sessional Members, with expertise in areas where the Tribunal anticipated a need for additional Sessional Members.

74 Sessional Members were appointed, each for a term of five years, from 1 January 2023.



## Administrative Staff

The Tribunal's administrative staffing was 79 funded positions (including judicial support staff), which represents additional funding for four staff as compared with the previous reporting period.

**TABLE 16** Human Resources<sup>1</sup>

	2019/20	2020/21	2021/22	2022/23
Judicial Members	3	3	3	3
Full time Members	18	18	22	25
Sessional Members <sup>2</sup>	3	3	3	3
Staff <sup>1</sup>	67.3	67	75	79
Total <sup>1</sup>	91.3	91	98	110

<sup>1</sup> Funded positions - (including Judicial support).

<sup>2</sup> Funded full time equivalent positions.

The table displays the number of positions funded in the reporting period.



# LEGISLATION

## Changes to Tribunal Legislation

The *State Administrative Tribunal Rules 2004* (WA) were amended on 31 December 2022. The effect of the amendments was that from 1 July 2023 it would no longer be possible to file any documents in the Tribunal by email. Instead, documents could be filed using the e-Courts Portal, or alternatively, in person at the Tribunal's Registry, or by post or facsimile.

The *State Administrative Tribunal Regulations 2004* (WA) were amended on 19 May 2023 to remove and replace reference to the *Aboriginal Heritage Act 1974* (WA) with the *Aboriginal Cultural Heritage Act 2023* (WA) ('ACH Act') commencing 1 July 2023. This amendment was made to Schedule 3 in preparation for the commencement of the ACH Act on 1 July 2023.

## 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

- *Legal Profession Uniform Law Application Act 2022*
- *Legal Profession Uniform Law* (WA)
- *Building and Construction (Security of Payments) Act 2021*
- *Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022*

### Amended Jurisdiction (generally conferring additional jurisdiction)

- *Mutual Recognition (Western Australia Act) 2021*. Affects various SAT conferrals (e.g., *Employment Agents Act 1976*, *Gas Standards Act 1972*, *Land Valuers Licensing Act 1978*, *Motor Vehicles Dealers Act 1973*, *Real Estate and Business Agents Act 1978* and *Settlement Agents Act 1981*)
- *Swan and Canning Rivers Management Act 2006*

### Repealed or Expired Conferrals

- *Legal Profession Act 2008*

## 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 to 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 period.

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 conference 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 ten applications during this reporting period. Seven of these applications requested personal information and three requested access to non-personal information. The average time to finalise an application was 27 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



A large focus of the 2023/24 year will be to undertake the transition to the use of the e-Courts portal, as e-filing becomes as the primary means by which documents are filed in the Tribunal. This transition will formally commence on 1 July 2023, after which it will no longer be possible to file documents in the Tribunal by email. (It will remain possible to file documents in person at the Registry or alternatively by mail or facsimile.)

The Tribunal is confident that the many forms of assistance it has developed, especially the detailed help cards available on the Tribunal's website, should ensure that most parties experience a smooth transition to use of the e-Courts portal. However, the Tribunal is conscious that difficulties in filing documents can be an impediment to access to justice and recognises that its staff have a crucial role in providing assistance to any parties who experience difficulty in using the e-Courts portal. The Tribunal has arranged for many of its administrative staff to be available to receive calls

in the Tribunal's telephone help centre, especially during the first few months of the transition, so that parties can be quickly provided with practical assistance if they encounter difficulties in using the e-Courts portal. It will also be important for Tribunal staff to work with the Courts Technology Group in the Department of Justice if any issues in the filing process are identified which require refinement of the e-Courts portal itself.

In conjunction with the transition to e-filing, the Tribunal will commence its transition to paperless operations from 1 July 2023. Existing paper files will be maintained in paper form within the Tribunal, but no paper files will be created for proceedings commenced from 1 July 2023.

The upgrade of the Tribunal's audio visual system is due to be completed before the end of 2023. The Tribunal anticipates that this upgrade will enable more hearings and mediations to be more effectively and reliably conducted by video conferencing technology, or by telephone link, where this is convenient to the parties and the



Tribunal. Many hearings and mediations will, of course, be conducted in person. However, the ability to conduct directions hearings and short hearings by video conference, when parties are legally represented, or to receive, through video conference, the evidence of expert witnesses who reside outside the State, can result in considerable cost savings for parties. Furthermore, the ability to conduct hearings or mediations by reliable video conference technology will enable the Tribunal to reach parties in regional Western Australia without the delay that is sometimes associated with organising a hearing or mediation in a regional location.



Resourcing will continue to be an important issue for the Tribunal in the coming year. The Tribunal is regularly consulted about the conferral on it of additional jurisdiction, and an inevitable concern is to ensure that the Tribunal will have adequate Member resources to enable it to exercise that additional jurisdiction quickly and efficiently. During the 2023/24 year, the Tribunal will also undertake an assessment of the capacity of its administrative staff to support the work of the Tribunal's Judges and Members. A key priority in that respect will be to seek funding from the Department of Justice for the creation of a Principal Registrar position for the Tribunal (which does not presently have any Registrars at all) and to assess the adequacy of the case management support for Sessional Members of the Tribunal (for which the Tribunal is not presently funded).

As the Tribunal's participation in the Reconciliation Statement made clear, the Tribunal is committed to working with Aboriginal and Torres Strait Islander people in this State to improve access to the Tribunal's services, to ensure that the Tribunal operates in a culturally sensitive and culturally safe manner, and to foster mutually respectful relationships between the Tribunal and Aboriginal and Torres Strait Islander people. An essential step in achieving the objectives of the Reconciliation Statement is increased knowledge on the part of the Tribunal's Judges, Members and staff. The Tribunal is committed to enabling its Judges, Members and staff to develop a greater appreciation of Aboriginal and Torres Strait Islander history and culture, and a better understanding of the lived experiences of Aboriginal and Torres Strait Islander people across the State. To that end the Tribunal will continue to arrange educational seminars, and will also seek to engage with Aboriginal and Torres Strait Islander people to discuss how the Tribunal's processes could be improved, and how it could more effectively inform Aboriginal and Torres Strait Islander people about what its functions are. During the year ahead the Tribunal will continue to work with Ms Simone Collard, Senior Aboriginal Advisory Officer, to assist Aboriginal and Torres Strait Islander people to participate as fully as possible in guardianship and administration matters in which they are involved. The Tribunal hopes that the Department of Justice may be in a position to appoint additional Aboriginal Advisory Officers to work with the Tribunal.

The Tribunal's Specialist Support Team, which was established during the reporting period, will look to develop additional ways in which it can provide practical support to people with disabilities, or who have experienced trauma, and who may therefore find it difficult to participate in Tribunal hearings and mediations, whether as parties or witnesses. The Tribunal is always appreciative of feedback from stakeholders with practical suggestions for improvements.



# 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 Regulations
<i>Associations Incorporation Act 2015</i>		x	Commercial and Civil
<i>Biodiversity Conservation Regulations 2018</i> (given effect by s 256(2)(l) <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 (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>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>Births, Deaths and Marriages Registration Act 1998</i>		x	Human Rights
<i>Building Act 2011</i>		x	Commercial and Civil
<i>Building and Construction Industry (Security of Payment) Act 2021</i>		x	Commercial and Civil
<i>Building Regulations 2012</i> (given effect by s 149 & s 32(3)(g) <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 Regulations
<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 (Uniform Local Provisions) Regulations 2013</i> (given effect by s 77 <i>Cat Act 2011</i> )		x	Commercial and Civil
<i>Cat Act 2011</i>		x	Commercial and Civil
<i>Cemeteries Act 1986</i>		x	Vocational Regulations
<i>Chattel Securities Act 1987</i>		x	Commercial and Civil
<i>Child Care Services Act 2007</i>	x	x	Vocational Regulations
<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 Regulations
<i>Children and Community Services Act 2004</i>	x	x	Human Rights

## Appendix 1 – Legislation Conferring Jurisdiction on the Tribunal continued

Act	Original	Review	Streams
<i>Combat Sports Act 1987</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 Development and Resources
<i>Competition Policy Reform (Western Australia) Act 1996 (given effect by Part IV Trade Practices Act 1974 (Cth))</i>	x		Commercial and Civil
<i>Construction Contracts (Former Provisions) 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 Regulations
<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 Regulations
<i>Dog Act 1976</i>	x	x	Commercial and Civil
<i>Dog Regulations 2013 (given effect by s 54 Dog Act 1976)</i>		x	Commercial and Civil
<i>Education and Care Services National Law (WA) Act 2012</i>	x	x	Vocational Regulations
<i>Electricity (Licensing) Regulations 1991 (given effect by s 32(3)(faa) Electricity Act 1945)</i>		x	Vocational Regulations
<i>Electricity (Network Safety) Regulations 2015 (given effect by s 32 Electricity Act 1945)</i>		x	Commercial and Civil
<i>Electronic Conveyancing Act 2014</i>		x	Commercial and Civil
<i>Emergency Management Act 2005</i>		x	Commercial and Civil
<i>Employment Agents Act 1976</i>	x	x	Vocational Regulations
<i>Energy Coordination Act 1994</i>		x	Development and Resources
<i>Energy Safety Act 2006</i>		x	Development and Resources
<i>Equal Opportunity Act 1984</i>	x		Human Rights
<i>Fair Trading (Retirement Villages Code) Regulations 2022 (given effect by s 46 Fair Trading Act 2010)</i>		x	Commercial and Civil
<i>Fair Trading Act 2010</i>	x	x	Commercial and Civil
<i>Finance Brokers Control Act 1975</i>	x	x	Vocational Regulations
<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

## Appendix 1 – Legislation Conferring Jurisdiction on the Tribunal continued

Act	Original	Review	Streams
<i>Gas Standards Act 1972</i>	x	x	Vocational Regulations
<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 <i>Health (Miscellaneous Provisions) Act 1911</i> )		x	Commercial and Civil
<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	Vocational Regulation
<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 Regulations
<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 Regulations
<i>Legal Profession Uniform Law (WA) 2022</i>	x	x	Vocational Regulations
<i>Legal Profession Uniform Law Application Act 2022</i>		x	Vocational Regulations
<i>Licensed Surveyors Act 1909</i>	x	x	Vocational Regulations
<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 Development and Resources Vocational Regulations
<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 Regulations
<i>Mental Health Act 2014</i>	x	x	Human Rights
<i>Metropolitan Redevelopment Authority Act 2011</i>		x	Development and Resources
<i>Metropolitan Redevelopment Authority Regulations</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

## Appendix 1 – Legislation Conferring Jurisdiction on the Tribunal continued

Act	Original	Review	Streams
<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 Act 1978</i>	x		Development and Resources
<i>Mining Rehabilitation Fund Act 2012</i>		x	Development and Resources
<i>Motor Vehicle Dealers Act 1973</i>	x	x	Vocational Regulations
<i>Motor Vehicle Drivers Instructors Act 1963</i>		x	Vocational Regulations
<i>Motor Vehicle Repairers Act 2003</i>	x	x	Vocational Regulations
<i>National Disability Insurance Scheme (Worker Screening) Act 2020</i>		x	Vocational Regulations
<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 Regulations
<i>Parliamentary Commissioner Act 1971</i>		x	Vocational Regulations
<i>Pawnbrokers and Second-hand Dealers Act 1994</i>	x	x	Vocational Regulations
<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	Development and Resources
<i>Petroleum (Submerged Lands) Act 1982</i>	x	x	Commercial and Civil
<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>Pharmacy Act 2010</i>		x	Vocational Regulations
<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>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>Plumbers Licensing and Plumbing Standard Regulations 2000</i> (given effect by s 61 <i>Plumbers Licensing Act 1995</i> )	x	x	Vocational Regulations
<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 Regulations
<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



## Appendix 1 – Legislation Conferring Jurisdiction on the Tribunal continued

Act	Original	Review	Streams
<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 Regulations
<i>Settlement Agents Act 1981</i>	x	x	Vocational Regulations
<i>Shipping and Pilotage (Ports and Harbours) Regulations 1966</i> (given effect by s 9(2)(ae)(iii) and s 12 <i>Shipping and Pilotage Act 1967</i> )		x	Vocational Regulations
<i>Soil and Land Conservation Act 1945</i>		x	Development and Resources
<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 Regulations
<i>Tobacco Products Control Act 2006</i>	x	x	Commercial and Civil
<i>Transfer of Land Regulations 2004</i>		x	Development and Resources
<i>Transport (Road Passenger Services) Act 2018</i>		x	Commercial and Civil
<i>Transport Co-ordination Act 1966</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 Practice Act 2021</i> (repealing <i>Veterinary Surgeons Act 1960</i> )	x	x	Vocational Regulations
<i>Voluntary Assisted Dying Act 2019</i>		x	Vocational Regulations
<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 Regulations
<i>Waste Avoidance and Resource Recovery Act 2007</i>		x	Development and Resources
<i>Waste Avoidance and Resource Recovery Levy Regulations 2008</i> (given effect by s 96 <i>Waste Avoidance and 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 Regulations
<i>Working with Children (Criminal Record Checking) Act 2004</i>		x	Vocational Regulations

## Appendix 2 – Applications by Legislation

Matter Type	Application Type	Act	No. of Applications		
			2020/21	2021/22	2022/23
COMMERCIAL AND CIVIL	Building and Construction	<i>Building Act 2011</i>	14	15	20
		<i>Building Regulations 2012</i> (given effect by s149 <i>Building Act 2011</i> )	1	2	0
		<i>Building Services (Complaint Resolution and Administration) Act 2011</i>	200	312	389
	Commercial	<i>Associations Incorporation Act 2015</i>	13	18	10
		<i>Combat Sports Act 1987</i>	0	1	1
		<i>CCommercial Tenancies (COVID-19 Response) Act 2020 - (repealed 29 March 2022)</i>	175	15	-
		<i>Commercial Tenancy (Retail Shops) Agreements Act 1985 – excluding s13(7), s13(7b) and s14A(3)</i>	20	20	11
		<i>Construction Contracts Act 2004</i>	1	4	3
		<i>Fair Trading Act 2010</i>	4	6	8
		<i>Petroleum and Geothermal Energy Resources Act 1967</i>	1	0	0
		<i>Private Hospitals and Health Services Act 1927</i>	2	1	0
	Commercial Lease Amendments	<i>Commercial Tenancy (Retail Shops) Agreements Act 1985 – s 13(7), s 13(7b) and s 14A(3)</i>	1,307	1,110	1,194
	Domestic Animals	<i>Dog Act 1976</i>	22	19	22
	Firearms	<i>Firearms Act 1973</i>	25	60	81
	Health and Safety	<i>Emergency Management Act 2005</i>		1	0
		<i>Fire Brigades Act 1942</i>		1	0
		<i>Health (Asbestos) Regulations 1992</i>	1	2	1
		<i>Health (Miscellaneous Provisions) Act 1911</i>	3	5	2
		<i>Public Health Act 2016</i>	0	1	1
	Licences	<i>Control of Vehicles (Off-road Areas) Act 1978</i>	1	0	0
		<i>Road Traffic (Administration) Regulations 2014</i>	6	13	5
		<i>Transport (Road Passenger Services) Act 2018</i>	2	3	1
		<i>Transport Co-ordination Act 1966</i>	1	1	0
	Residential Parks and Retirement Villages	<i>Fair Trading (Retirement Villages Code) Regulations 2022</i>	1	0	1
		<i>Residential Parks (Long Stay Tenants) Act 2006</i>	17	30	26
		<i>Retirement Villages Act 1992</i>	3	4	3
	Strata Titles	<i>Strata Titles Act 1985</i>	197	155	178
	Taxation	<i>Local Government Act 1995</i>	11	6	6
		<i>Taxation Administration Act 2003</i>	10	4	7
		<b>Commercial and Civil Stream Total Applications</b>	<b>2,038</b>	<b>1,809</b>	<b>1,973</b>

## Appendix 2 – Applications by Legislation continued

Matter Type	Application Type	Act	No. of Applications		
			2020/21	2021/22	2022/23
DEVELOPMENT AND RESOURCES	Agriculture and Fisheries	<i>Animal Welfare Act 2002</i>	1	0	0
		<i>Biodiversity Conservation Regulations 2018</i>	2	0	0
		<i>Biosecurity and Agriculture Management Act 2007</i>		1	0
		<i>Fish Resources Management Act 1994</i>	1	0	0
		<i>Fishing and Related Industries Compensation (Marine Reserves) Act 1997</i>	1	4	0
		<i>Pearling Act 1990</i>		2	0
		<i>Rights in Water and Irrigation Act 1914</i>	0	3	3
		<i>Soil and Land Conservation Act 1945</i>	0	0	0
	Planning and Development	<i>Aboriginal Heritage Act 1972</i>	3	0	0
		<i>Hope Valley-Wattleup Redevelopment Act 2000</i>	0	0	0
		<i>Jetties Act 1926</i>	0	0	0
		<i>Local Government Act 1995</i>	10	14	6
		<i>Metropolitan Redevelopment Authority Act 2011</i>	0	2	0
		<i>Planning and Development Act 2005</i>	160	123	148
		<i>Planning and Development (Development Assessment Panels) Regulations 2011 (given effect by s171A Planning and Development Act 2005)</i>	13	11	19
		<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	48	32	19
		<i>Swan and Canning Rivers Management Act 2006</i>	0	0	0
		<i>Water Services Regulations 2013</i>	0	1	0
	Valuation and Compensation	<i>Land Administration Act 1997</i>	2	3	10
		<i>Valuation of Land Act 1978</i>	4	19	3
		<b>Development and Resource Stream Total Applications</b>	<b>245</b>	<b>215</b>	<b>208</b>
HUMAN RIGHTS	Guardianship and Administration	<i>Guardianship and Administration Act 1990</i>	5,061	5,602	5624
	Human Rights	<i>Births, Deaths and Marriages Registration Act 1998</i>	4	1	7
		<i>Children and Community Services Act 2004</i>	6	8	10
		<i>Equal Opportunity Act 1984</i>	30	36	40
		<i>Gender Reassignment Act 2000</i>	0	2	2
		<i>Mental Health Act 2014</i>	11	3	4
		<i>Voluntary Assisted Dying Act 2021</i>	-	0	1
		<b>Human Rights Stream Total Applications</b>	<b>5,113</b>	<b>5,650</b>	<b>5,688</b>

## Appendix 2 – Applications by Legislation continued

Matter Type	Application Type	Act	No. of Applications		
			2020/21	2021/22	2022/23
VOCATIONAL REGULATION	Vocational Regulation	<i>Architects Act 2004</i>	1	0	0
		<i>Building Services (Registration) Act 2011</i>	10	11	7
		<i>Child Care Services Act 2007</i>	1	0	0
		<i>Education and Care Services National Law (WA) Act 2012</i>	12	17	7
		<i>Electricity (Licensing) Regulations 1991</i>		2	0
		<i>Health Practitioner Regulation National Law (WA) Act 2010</i>	22	52	59
		<i>Land Valuers Licensing Act 1978</i>	-	1	0
		<i>Legal Profession Act 2008</i>	23	8	17
		<i>Legal Profession Uniform Law (WA) 2022</i>	-	-	5
		<i>Legal Profession Uniform Law Application Act 2022</i>	-	-	9
		<i>Licensed Surveyors Act 1909</i>	1	0	1
		<i>Local Government Act 1995</i>	13	8	9
		<i>Motor Vehicle Dealers Act 1973</i>	1	0	0
		<i>Motor Vehicle Repairers Act 2003</i>	0	1	2
		<i>National Disability Insurance Scheme (Worker Screening) Act 2020</i>	-	1	1
		<i>Pawnbrokers and Second-hand Dealers Act 1994</i>	1	2	0
		<i>Plumbers Licensing and Plumbing Standards Regulations 2000</i>	0	2	1
		<i>Real Estate and Business Agents Act 1978</i>	11	7	7
		<i>Security and Related Activities (Control) Act 1996</i>	44	65	47
		<i>Settlement Agents Act 1981</i>		1	1
		<i>Teacher Registration Act 2012</i>	1	5	5
		<i>Veterinary Surgeons Act 1960 (Repealed 18 June 2022 by the Veterinary Practice Act 2021)</i>	10	14	-
		<i>Veterinary Practice Act 2021</i>	-	0	7
		<i>Workers Compensation and Injury Management Regulations 1982</i>	0	0	1
		<i>Working With Children (Criminal Record Checking) Act 2004</i>	12	8	8
		<b>Vocational Regulation Stream Total Applications</b>	<b>163</b>	<b>205</b>	<b>194</b>
		<b>TOTAL APPLICATIONS FOR ALL STREAMS</b>	<b>7,560</b>	<b>7,880</b>	<b>8,063</b>



## Appendix 3 – Judicial and full-time Members

Member	Position
Justice Janine Pritchard	President
Judge Kathleen (Kate) Glancy	Deputy President
Judge Henry Jackson	Deputy President
David Aitken	Senior Member
Patricia Le Miere <sup>1</sup>	Senior Member
Jack Mansveld <sup>2</sup>	Senior Member
Dr Eleanor Marillier <sup>3</sup>	Senior Member
John O'Sullivan	Senior Member
Dr Stephen Willey	Senior Member
Dr Rebecca Wilson	Senior Member
Charmian Barton	Ordinary Member
Rebecca Lee Bunney <sup>4</sup>	Ordinary Member
Felicity Child <sup>5</sup>	Ordinary Member – Part Time
Carol Conley	Ordinary Member
Marie Connor <sup>6</sup>	Ordinary Member – Part Time
Jeanette (Jen) de Klerk <sup>7</sup>	Ordinary Member
Dr Bertus de Villiers	Ordinary Member
Naomi Eagling <sup>8</sup>	Ordinary Member
Michelle East <sup>9</sup>	Ordinary Member
Vanessa Haigh	Ordinary Member
Maryellen Hipworth	Ordinary Member
Anita King	Ordinary Member
Rochelle Lavery	Ordinary Member
Kah Yee Loh	Ordinary Member
Nova Oldfield	Ordinary Member
Rosetta Petrucci	Ordinary Member
Ross Povey	Ordinary Member
Catherine Sadler <sup>10</sup>	Ordinary Member

<sup>1</sup> Patricia Le Miere was appointed as a Senior Member 18 October 2022.

<sup>2</sup> Jack Mansveld retired as a Senior Member on 21 October 2022.

<sup>3</sup> Dr Eleanor Marillier was appointed as a Senior Member 18 October 2022.

<sup>4</sup> Rebecca Lee Bunney was appointed as an Ordinary Member 17 November 2022.

<sup>5</sup> Felicity Child was appointed as a part time Ordinary Member on 03 January 2023.

<sup>6</sup> Marie Connor was appointed as a part time Ordinary Member on 03 January 2023.

<sup>7</sup> Jeanette de Klerk was appointed as an Ordinary Member 17 November 2022.

<sup>8</sup> Naomi Eagling was appointed as an Ordinary Member 17 November 2022.

<sup>9</sup> Michelle East was appointed as an Ordinary Member 17 November 2022.

<sup>10</sup> Catherine Sadler was appointed as an Ordinary Member 17 November 2022.

For more information on Judicial and full time Members please refer to the SAT website.

## Appendix 4 – Sessional Members

### Sessional members – senior

Member	Areas of work/expertise
Dr Peter Adamson	Veterinary Surgeon
John Adderley <sup>1</sup>	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 <sup>1</sup>	Environmental Consultant
Donna Dean	Social Worker
Michelle Dean <sup>1</sup>	Lawyer
Hilton Dembo <sup>1</sup>	Lawyer
Dr Anne Donnelly	Medical Practitioner
Ross Easton <sup>1</sup>	Architect
David Ellis	Barrister
Dr Louise Farrell <sup>1</sup>	Medical Practitioner
John Fisher	Civil Engineer, Arbitrator and Mediator
Dr Alison Garton	Psychologist
Kate George <sup>1</sup>	Lawyer
Sue Gillett	Social Worker
Dale Hall <sup>1</sup>	Valuer
Linda Hamilton <sup>1</sup>	Building Project Manager
Dr Helen Hankey	Medical Practitioner
Malcolm Harford <sup>1</sup>	Lawyer
Mark Houlahan	Land Valuer
John James <sup>1</sup>	Psychologist
Katherine Jefferies <sup>1</sup>	Medical Practitioner
Jim Jordan <sup>1</sup>	Planner
Theo Lampropoulos <sup>1</sup>	Barrister
Karen Lang	Lawyer
Ian Lush <sup>1</sup>	Building Surveyor
Kevan McGill	Electrical Engineer
Peter McNab <sup>1</sup>	Lawyer
Isla McRobbie <sup>1</sup>	Lawyer
Jack Mansveld	Human Rights
Dr David Marshall <sup>1</sup>	Veterinary Surgeon
Jeffrey Mazzini <sup>1</sup>	Finance Broker
Dr Barry Mendelawitz <sup>1</sup>	Medical Practitioner (Retired)
David Moore <sup>1</sup>	Valuer
Dr Frederick Ng	Psychiatrist
Dr Christine Pears	Dentist

## Appendix 4 – Sessional members continued

### Sessional members – senior

Member	Areas of work/expertise
Karene Primrose <sup>1</sup>	Lawyer
Dr Steven Michael Resnick	Medical Professional - Neonatologist
Dr Jennifer Richardson	Veterinary Surgeon
Susan Richardson <sup>1</sup>	Lawyer
Julie Roberts <sup>1</sup>	Social Worker
Professor Bryant Stokes <sup>1</sup>	Medical Practitioner
Kirsty Sutherland <sup>1</sup>	Lawyer
Dr Anthony Vigano	Veterinary Surgeon
Mark Wiklund <sup>1</sup>	Physiotherapist
Dr Peter Winterton	Medical Practitioner
Angela Workman <sup>1</sup>	Medical Radiation Technician
Darianne Zambotti	Occupational Therapist
Armand Zurhaar	Chemist and Scientific Consultant

<sup>1</sup> Sessional members who retired or whose term or appointment expired on 31 Dec 2022.

## Appendix 4 – Sessional members continued

### Sessional members – ordinary

Member	Areas of work/expertise
Ms Adwoa Abban	Construction and Quantity Surveyor
Richard Adams	Debt Collector and Real Estate Agent
David Anderson	Painting and Decorating Inspector
Keith Bales	Lawyer (Retired)
Judith Bell <sup>1</sup>	Planner
Davina Bester	Architect
Kate Bingham	Valuer
Bruce Callow <sup>1</sup>	Architect and Builder
Ross Campbell	Electrical and Security
Chantal Caruso <sup>1</sup>	Social Planning Sustainability Policy Advisor
Dr Nadine Caunt	Psychiatrist
Ms Pearl Chaloupka	Human Rights
Dr Victor Cheng	Medical Practitioner - Psychiatry
Dr Abbey Chilcott	Chiropractor
Geoffrey Church	Accountant
Suzanne Churn <sup>1</sup>	Builder
Mary Ciccarelli	Teacher
Samantha Doheny <sup>1</sup>	Valuer
Damien Fraser	Builder
Wesley Gregory	Structural Engineer
Neville Harrison <sup>1</sup>	Builder

## Appendix 4 – Sessional members continued

### Sessional members – ordinary

Member	Areas of work/expertise
Barry Jenkins	Pharmacist
Hon Assoc Prof Bronwyn Jones	University Academic (Nursing)
Ms Tanya Lee Jones	Architect
Raymond Kershaw	Builder
Dr Lesley Kuliukas	Registered Nurse - Midwife
Hannah Leslie	Lawyer
Mr Patrick Lilburne	Valuer – Real Estate Agent
Dr Andrew Lu	Lawyer
Dr Dee-Anna Luong	Dentist
Ms Lee Michelle McIntosh	Lawyer – Environment and Heritage
Dr Jo-Anne Maire <sup>1</sup>	Chiropractor
James Malcolm <sup>1</sup>	Environmental Consultant
Christopher Marsh	Builder and Mediator
Paul Marshall <sup>1</sup>	Builder
John Martin	Valuer and Real Estate Agent
Dr Garry Middle	Planner – Urban and Regional
Domenic Morolla	Builder
Dr Penny Moss	Physiotherapist
Eileen O'Reilly	Social Worker
Mr John David Orr	Registered Builder
Elaine Pavlos <sup>1</sup>	Chief Executive Officer and Director of Nursing at a private hospital
Donna Pearson	Pharmacist
Helen Pedersen	Structural Engineer
Rodney Pember	Land Valuer
Elizabeth Perrella	Pharmacist
Leanne Potter	Specialist Teacher (Sign Language)
Mr Barry Pound	Real Estate and Conveyancing
Dr Peter Punch	Veterinarian (Retired)
Dr Janine Riksmen	Chiropractor/ Acupuncturist
Anne Seghezzi	Lawyer
Mr William Surridge	Consultant/Mediator in the Building Industry
Anthony Townsend <sup>1</sup>	Retired Motor Vehicle Dealer
Dr Mandy Vidovich	Neuropsychologist
Mr Adrian Vlok	Environmental Consultant
Shane Wallace <sup>1</sup>	Plumber
Barbara Webster	Human Resource Consultant in Health
Robert Woodforde	Builder
Xiadong (Eric) Yu	Chinese Medicine Specialist
Brian Zucal	Land Valuer

<sup>1</sup> Sessional members who retired or whose term or appointment expired on 31 Dec 2022.





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