

State Administrative Tribunal  
Town planning law - past, present and future  
Conference to mark 80 years of town planning law in Western Australia

**Background to the establishment of the State Administrative Tribunal of Western Australia**

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***The SAT and its foundation planning jurisdiction***

The State Administrative Tribunal of Western Australia (SAT) was established by the *State Administrative Tribunal Act 2004* (WA) and commenced operations on 1 January 2005. I was privileged to be the inaugural President of the Tribunal.

SAT was intended to be a new, comprehensive ‘super-tribunal’ in the image and likeness of tribunals such as the Victorian Civil and Administrative Tribunal (VCAT). Accordingly, the *State Administrative Tribunal (Conferral of Jurisdiction) Act 2004* (WA) conferred on the SAT a very broad original and review jurisdiction under numerous pieces of state legislation, including a range of legislation relating to the use, development and acquisition of land. See generally: Taskforce Report 2002; Barker 2005.

In this regard, jurisdiction was conferred on SAT under the following legislation (current at the end of 2004):

- *Town Planning and Development Act 1928* (WA)
- *Metropolitan Region Town Planning Scheme Act 1959* (WA)
- *Swan River Trust Act 1988* (WA)
- *East Perth Redevelopment Act 1991* (WA)
- *Subiaco Redevelopment Act 1994* (WA)
- *Midland Redevelopment Act 1999* (WA)
- *Hope Valley-Wattleup Redevelopment Act 2000* (WA)
- *Western Australian Planning Commission Act 1985* (WA)
- *Heritage of Western Australia Act 1990* (WA)
- *Land Administration Act 1997* (WA)
- *Valuation of Land Act 1978* (WA)
- *Strata Titles Act 1985* (WA)
- *Local Government Act 1995* (WA)
- *Local Government (Miscellaneous Provisions) Act 1960* (WA)

In 2005, soon after SAT commenced, the *Planning and Development Act 2005* (WA) became operational and conferred jurisdiction on the Tribunal in place of the *Town Planning and Development Act 1928*.

The SAT was also given jurisdiction in relation to resource allocation decisions arising under such legislation, current as at end of 2004, as:

- *Rights in Water and Irrigation Act 1914* (WA)
- *Soil and Land Conservation Act 1945* (WA)
- *Fish Resources Management Act 1994* (WA)
- *Water Services Licensing Act 1995* (WA)
- *Waterways Conservation Act 1976* (WA)

However, the Tribunal was not given jurisdiction in matters arising under the *Environmental Protection Act 1987* (WA). Consequently, review of decisions relating to environmental impact assessment and pollution control remained with the Environmental Protection Authority and the Minister for Environment under that Act.

To list the foundation jurisdiction of the SAT in this way emphasises that, in sponsoring the SAT Act, the government and, in passing the Act, the Parliament desired, amongst other things, to bring together in the one body all review jurisdiction relating to the use and development of land and related resources, with the exception of environmental assessment review and pollution control.

### ***History of planning appeals***

The creation of the SAT, and the conferral on it of a broad original decision-making and review jurisdiction, was the culmination of many years of policy debate and development in Western Australia. Along the way, planning appeals had their own tortured history!

When the *Town Planning and Development Act 1928* (TP Act) took effect in 1929, it was one of the first of its kind in Australia. Town planning was then a very new discipline. The world then, as now, no doubt was an exciting place. The new TP Act took its place in the 1928 statute book along with legislation dealing with such diverse topics as railways, dogs, forests, land tax, drugs (particularly opium) and road closures. It was squeezed in between the *Harbours and Jetties Act 1928* (WA) and the *Land Act Amendment Act 1928* (WA).

The TP Act followed the model of a 1926 New Zealand planning act, which in turn was modelled on a 1909 British Act. It provided for planning and development control to be achieved primarily through 'town planning schemes' prepared by local governments and approved by the Minister, though it did not then make scheme preparation compulsory. However, the Minister was empowered in certain circumstances to require a local government to make a scheme. Development control could also be achieved under Town Planning By Laws made under the TP Act.

The Act did not provide for a statutory appeal or review process in respect of development control decisions taken under a scheme, if a scheme were made, or under by laws. However, the TP Act did provide for Ministerial appeals against subdivision decisions of the Town Planning Board, which had the power to approve all subdivisions in the State.

But not many schemes were made early on, for a number of reasons, I suspect, not the least of them being a familiarity with the by law technique, a notable absence of persons in the State qualified or experienced in the drafting of schemes, and the lack of compulsion to make a scheme.

It was not really until after the Second World War, and the advent of the *Metropolitan Region Town Planning Scheme Act 1959* (WA) (MRTPS Act), that local planning schemes became common, indeed required for the effective operation of the new Metropolitan Region Scheme (MRS) made under the MRTPS Act.

After the Second World War, both in the United Kingdom and in Australia, town and regional planning grew apace (see Barker 2007). Indeed, the whole administrative state grew apace in these early years after the war. In the UK there was public disquiet about the extent to which persons affected by governmental decisions were entitled to fair procedures and independent and impartial review of decisions by various boards and tribunals. Some of this disquiet arose from the processes by which compulsory acquisition of land occurred. In the UK, the *Council of Tribunals Act 1958* (UK) was passed which was designed, amongst other things, to standardise the processes by which

administrative tribunals operated. The concept of 'administrative justice' was borne. (See generally, Barker 2005).

In 1947 the TP Act was amended (by *Amendment Act 29 of 1947*) to provide for an appeal to a judge of the Supreme Court of Western Australia against an order of a Minister obliging a local government to prepare or adopt a scheme. This provision indicates the fact that following the second war planning was actively encouraged by government, as occurred throughout Australia and in the UK as part of post-war reconstruction, and not left simply to the discretion of local government.

In 1953, (by *Amendment Act 79 of 1953*), the TP Act was further amended to provide in relation to those Ministerial appeals for which it made provision, that:

- The Minister may allow the appeal with or without conditions, affix further conditions, or reject appeal either in whole or in part.
- Where the appeal is allowed, the plan, transfer, conveyance, lease, mortgage shall be received, registered or deposited, subject to such conditions, if any as the Minister may direct.
- The decision of the Minister is final.

In 1955, with the MRS investigations of Professor Gordon Stephenson and Alistair Hepburn then underway, *Amendment Act 63 of 1955* added further provisions relating to appeals to the Minister. Section 7A provided for an interim development control in the metropolitan region pending the preparation of the MRS. Section 7A(6)(a) provided for a person who was "aggrieved" by the refusal of a permit or by the conditions attached to a permit, to appeal to the Minister within 60 days. That provision provided for the Minister to hear the appeal himself or herself or appoint a person or persons to hear the appeal and report to the Minister. The Minister was then empowered, after considering the report, if any, to make a decision and communicate it to the applicant. Again, the Minister's decision was stated to be final. Under s 7A(8)(a) enforcement orders were also able to be appealed to the Minister within a period of 30 days.

In 1961, following the introduction of s 28A of the TP Act, which provided for a subdivider of land to pay a proportion of the costs of a road onto which a subdivision road fronts, the subdivider was given a right to appeal the costs decision to the Minister within 14 days of a demand, if "aggrieved".

In 1962 (by *Amendment Act 45 of 1962*), s 7B extended interim development controls throughout the State pending the preparation of a local scheme. It provided a person aggrieved by the refusal of a permit or its conditions to appeal to the Minister within 60 days of that decision. Again, the decision of the Minister was stated to be final.

In 1959, the MRTPS Act was passed. In 1963 the MRS promulgated under it became operational.

Discontent with the general process of administrative review was, it seems, growing right through this post war period in Western Australia. John Wickham, then a barrister in practice in Western Australia (later the Honourable Justice Wickham of the Supreme Court of Western Australia), expressed his concerns in a paper entitled 'Power Without Discipline: The Rule of "No Law"' (1965 – 66) 7 UWALR 88. Mr Wickham argued for a more sophisticated and systematic administrative review system in Western Australia. He took particular aim at what he considered to be the unfair process relating to planning decisions made under the MRTPS Act.

In 1970, the TP Act was further amended (by *Act 117 of 1970*) to create a Town Planning Court to which planning appeals under schemes and subdivision appeals under s 26(1) could be made, as an alternative to Ministerial appeals. It seems Ministerial appeals concerning development control

decisions under schemes were, in this way, given statutory recognition for the first time, as the amendments defined an appeal to include an appeal in respect of “discretionary decisions under a scheme”. The Court which consisted of a president who was a judge of the Supreme Court appointed by the Chief Justice and two members, one appointed by each of the parties to the appeal, was however a dismal failure. However, the public failed to utilise the alternative appeal procedure. To the end of 1972, nearly 400 appeals were made to the Minister, but only *one* to the Court. The suggested reasons for the failure of the Court are numerous. Hiller, "Town Planning Appeals" (1971-72) 10 UWALR 144, lists customary practice, the usual "fair hearing" given by the Minister, the reduced import given to public concerns by the Minister, and costs, were the main reasons why the court was a failure. To that, one might add that the power given to the Minister under s 42, following the 1970 amendments to object to Court proceedings if he or she considered that in upholding an appeal "town planning principles" would be violated, and the power of the Governor in this event to stay court proceedings, must have contributed greatly to the instinctive reaction of appellants that they may as well appeal directly to the Minister.

Up until this point it seems the text of town planning by laws and local schemes could, and some did, provide for appeal to the Minister without any express statutory basis. Certainly this was the practice adopted in the UK before the Second World War under the 1932 UK planning legislation. In *Taylor v Brighton Borough Council* [1947] KB 736, Lord Greene MR, speaking for the English Court of Appeal considered such a Ministerial appeal provision fell under the general function of a scheme to ‘control’ development, but was not required as a matter of law. His Lordship commented however that it could be expected that the Minister would not approve a scheme unless that were a feature of the scheme.

In *Pearse v City of South Perth* [1968] WAR 130, D’Arcy J, who seems not to have been referred to this English decision, suggested that the power of a local government to make discretionary decisions under a scheme was an instance of such power being delegated by the Minister, who had the responsibility to approve the scheme under the TP Act. On this theoretical approach, a person could presumably appeal to the Minister who delegated the development control power in the first place, whether or not provision for an appeal was made in a scheme.

For my part, I think the English Court of Appeal decision provides the preferable legal analysis concerning the true maker of a scheme and source of a scheme Ministerial appeal provision. Either way though, the Ministerial appeal system was gradually put in place generally in relation to development control. Of course, at this time Ministerial appeals were a common feature of the British style of government including that operating in Western Australia. Courts and tribunals rarely exercised an appellate role in respect of administrative decision-making before the War.

In 1976, the TP Act was further amended by the *Town Planning and Development Amendment Act 1976* (WA), abolishing the Court and replacing it with a Town Planning Appeals Tribunal (TPAT). The new Tribunal was to be constituted by three persons: a legal practitioner, a person experienced in town planning, and a person experienced in public administration, commerce or industry. However, these amendments were not proclaimed immediately and the new tribunal did not in fact open its doors until 1980.

With the advent of the new TPAT, and a feared loss of control of the planning appeal system, the former power of the Minister to cause proceedings in the Court to be stayed was replaced with the power of the Minister to make submissions to the Tribunal on any appeal that "may be determined in a way which will have substantial effect on the future planning of the area" to which the appeal related. The Tribunal was required to have "due regard" to the Minister's submissions.

Mr DK Malcolm QC (later Chief Justice of Western Australia) was the first chairman of the new TPAT. At this time he was also chairman of the Law Reform Commission of Western Australia. In 1982, under the chairmanship of Mr Malcolm, the Law Reform Commission recommended a new administrative review system for Western Australia which was to be integrated with the existing court system. However, the Commission's recommendations were not immediately acted upon.

By this time the new TPAT had begun to establish itself, although not without some teething problems, which arose from a decision of the Tribunal that costs on the Supreme Court scale could be awarded against an unsuccessful party. This was exactly the sort of decision designed to give any tribunal a bad name. It certainly made local governments wary of actively participating in Tribunal proceedings. Amendments to the Act however soon remedied the problem so that it was thereafter ordinarily a costs free jurisdiction.

The TPAT reflected the type of appeals tribunals or courts that then existed and had existed for some years since the Second World War elsewhere in Australia. Western Australia therefore came to the independent review tribunal stage of planning control much later than most other Australian jurisdictions.

However, when the TPAT was established the pre-existing right of appeal to the Minister for Planning was retained, so that an applicant adversely affected by a planning authority's decision could choose to appeal either to the Minister or the TPAT. By the late 1980's, generally speaking, appeals ran at about 10:1 or more in favour of the Minister. The reasons why this was so were probably much the same as those Hiller had identified in relation to the failure of the old Court. Non-lawyer representatives of parties, by and large, were comfortable with it and believed the Ministerial appeal best served their clients' interests. At a more sophisticated level, they argued that the Ministerial appeal system best reflected the attributes of speed, flexibility and low cost. Users of it no doubt hoped that personal representations to the Minister or his or her delegate could enhance their prospects of success. There were always good grounds for thinking this when, under this system, the representations of contesting parties at one point were not disclosed to the other side for fear, apparently, of breaching the rules of natural justice. At this point *Kioa v West* (1985) 159 CLR 550 was handed down by the High Court of Australia and the notion of 'procedural fairness' began to replace this quaint view.

Critics of the Ministerial system, however, had long expressed dismay at its secretive processes. The advocates of a more formal review tribunal process tended to see its attributes as including a clear focus on town planning principles, consistent decision-making by experts, the publication of its decisions and the capacity to contribute, generally speaking, to the overall integrity of the planning system. In particular, they considered that a tribunal system would eliminate the possibility of unwarranted political influence over the planning appeals system or the appearance of such influence, and was more likely over time to produce better decisions.

In 1983, the TP Act was further amended (by *Act No 32 of 1983*) to, amongst other things, introduce s 8A which confirmed the right of an applicant under a town planning scheme to appeal to the Minister and, by extension, to TPAT.

Finally, in 2002, the Gallop Labor Government through the Planning Minister, Ms Alannah MacTiernan MLA, introduced a bill to remove the ministerial appeal system. This came to effect with the passage of the *Planning Appeals Amendment Act 2002* (WA) which amended the TP Act in a number of respects and introduced a newly empowered, full-time TPAT, which commenced in April 2003. The TPAT then became the sole review tribunal in Western Australia.

It had only taken about 75 years to establish a fully independent and impartial planning review body!

When the SAT was established relatively soon afterwards in 2005, the jurisdiction of the TPAT was effectively transferred to the SAT. The SAT from 1 January 2005 exercise the same jurisdiction under the TP Act as the TPAT had previously exercised prior to 1 January 2000.

The provisions of the TP Act as amended by the 2002 Act governing membership of the TPAT continued to apply to the appointment of members of the SAT, and were included also in the *Planning and Development Act 2005* (WA). As a result members of the SAT who dealt with review applications under the planning legislation must hold relevant qualifications.

***The concept of SAT as a tribunal, not a court***

As a lawyer, I became interested in planning and environmental law in the late 1970s, as part of a more general interest in administrative law. In 1978 – 79, I undertook postgraduate studies in law at York University, Toronto, Canada. My LLM thesis was on the topic of subdivision control in Western Australia and Ontario. At that time TPAT in Western Australia had not commenced operations. Ministerial and central government control of the planning system was highly evident. There was no independent and impartial review mechanism available in Western Australia in relation to planning and development decisions.

In the first part of the 1980s, as a lecturer in the Faculty of Law at the Australian National University in Canberra, I became familiar with the environmental planning legislation of New South Wales and the operation of the Land and Environment Court (LEC) of that state. The LEC operated as a traditional planning review tribunal but also exercised judicial review powers in respect of the non-observance of planning and environmental laws in that State. Additionally, it exercised a criminal enforcement jurisdiction. The LEC was a direct product of legislation that sought to bring together and harmonise planning and environmental controls. By making the LEC a court, and not a tribunal, it was considered that it would have the necessary power to deal with all civil and criminal aspects of environmental planning law. So far as the judicial review jurisdiction of the LEC was concerned "any person" was entitled to bring a proceeding to complain about the breach of any environmental planning law. In many quarters, the LEC was seen as something of a path-setter throughout the 1980's.

When I returned to Perth to recommence the practice of law in 1986, the first thing I did was complete a review of decisions of TPAT during its first five years (see Michael L Barker "Decisions of the Town Planning Appeals Tribunal 1980 – 86" (1986) 16 UWALR 361), and contribute an article to the "Western Planner" promoting the LEC appeal model. At that time the ministerial appeal system was still part of the appeal furniture. Part of my proposal was to remove the ministerial appeal system and introduce into the overall system of planning and environmental control a court in the likeness of the LEC. I also imagined that all relevant planning factors would be encompassed in the one piece of legislation and the Act would be considerably simplified.

I remained an advocate of the LEC model for some years. I am able to say, however, that I was not so ideologically committed to that model that I could not comprehend other review mechanisms when the occasion required it! In 1990, the Gallop Labor Government was elected in Western Australia. Soon after I was requested by the new State Attorney-General, Jim McGinty, to chair a Taskforce to advise the government on the implementation of one plank of its election platform, namely, the introduction of a civil and administrative review tribunal that reflected the 1999 recommendations of the Western Australian Law Reform Commission in relation to the civil and criminal justice system.

In that report the WALRC, under the chairmanship of Wayne Martin QC (now Chief Justice of Western Australia), recommended that a new civil and administrative tribunal along the lines of the

Victorian Civil and Administrative Tribunal be established in Western Australia. It will be appreciated that this recommendation reflected in many ways the concerns and suggestions initially put forward by Mr Wickham in the early 1960s and by the Law Reform Commission in its reports of the early 1980s. These 1999 recommendations gave new life to old proposals. The determination of the new government to see these proposals come to life, however, now made a significant difference. Unlike many Law Reform Commission proposals, this one saw life in the enactment of the *State Administrative Tribunal Act 2004*.

The Taskforce that I chaired into the establishment of the new tribunal took it as a given that there would be a tribunal with a comprehensive original decision-making and review jurisdiction along the lines of the Victorian VCAT. There was never any question that the new tribunal should be a court or that the planning jurisdiction should not be conferred on the new tribunal. We were simply tasked to bring together in the one tribunal, the various civil and administrative review mechanisms then available in myriad boards, tribunals, courts and public officials. Consequently, my earlier ideas and support for the establishment of a specialist land and environment court in Western Australia had been overtaken by these policy and political developments.

The task of the Taskforce was to identify all those bodies that make original decisions of an administrative nature and conduct reviews of administrative decisions and decide which of them should have their jurisdiction transferred to the new tribunal. The functions of the TPAT were identified in this process, as were those of other tribunals, courts and public officials that exercise administrative authority in respect of land, water, fisheries, compensation for compulsory acquisition land, heritage law and the like.

The Taskforce considered that in respect of land use and development and resource related matters, the new State Administrative Tribunal should become a "one-stop shop" (see Taskforce report 2002).

### ***The imagined mode of procedure in the SAT***

As noted above, town planning schemes, the TP Act and later the PD Act provided for "appeals" initially to the Minister and later to the TPAT. The Taskforce recommended the establishment of the SAT, but avoided the use of the word "appeal". Instead it opted for the expression "review". Henceforth there would be a review in the State Administrative Tribunal of administrative decisions taken by public officials including local governments. Furthermore, a review would countenance the merits of the decision under review.

The Taskforce Report recommended that the legislation governing the new SAT should be modelled on that which governed the Victorian Civil and Administrative Tribunal (VCAT). In the introduction to Chapter 5 of the Taskforce Report dealing with the structure, composition and operation of the SAT, the Taskforce recommended in that the SAT should be designed to achieve "a flexible, timely, fair and sensible disposition of applications coming before it".

It went on to emphasise that administrative tribunals are not intended to be courts. It made it clear that hearings need not be conducted strictly in accordance with the rules of evidence that govern court proceedings and that the usual trappings of the court and its formalities may often be dispensed with according to the circumstances and the kind of matter dealt with.

The Taskforce further emphasised in this chapter that the intention was that the new tribunal should be free to vary and adjust its procedures according to the circumstances of the case. It illustrated this proposition by referring, on the one hand, to a taxation, major town planning or disciplinary proceeding where the factual and legal issues may be complex and each party is legally represented, where normal court-like processes might well be appropriate, and, on the other hand, a case where a

party is unrepresented, the issues are not complex and a fair outcome might require the relaxation of formal procedures and rules. The Taskforce emphasised that the SAT should not adopt a one size fits all approach to decision-making, but rather do what fairness requires in each case.

The Taskforce further emphasised that in appropriate cases, the tribunal should adopt an “inquisitorial approach”. It explained that in some circumstances the tribunal should be able to take the initiative and assist a person to define issues and also assist by asking relevant questions or seeking relevant documents or information of its own initiative. The Taskforce in particular emphasised that the tribunal’s obligation should be to make the correct or preferable decision and that it should do what is necessary in order to achieve this end.

The Taskforce also emphasised the importance of compulsory conferences, mediation and settlement discussions as part of the operating procedures of the new tribunal.

The role of mediation in tribunal proceedings, in particular, was emphasised by me as the newly appointed President of the Tribunal from the outset.

In making these points, the Taskforce was acutely aware that some people would tend to see a tribunal as a court by another name, and was concerned to ensure, as far as possible, that any such misapprehension should not become a reality.

### ***The conduct of planning and related applications in SAT***

It is important to note, as I have above, that the Taskforce envisaged that the SAT should adopt flexible procedures in exercising the various jurisdictions conferred upon it, emphasising it saw itself as part of the broader system of public administration, and as a tribunal not a court.

From the outset, including in the Second Reading Speech of the SAT legislation in the Legislative Assembly of the Parliament of Western Australia, the Attorney-General, Mr McGinty, emphasised that mediation would be an important process in the new tribunal. That statement has been made good by the Tribunal’s practices.

In 1989 – to go back in time for a moment – I was appointed the President of the old Town Planning Appeals Tribunal, which position I held for four years. This was at a time when the Ministerial appeals system was still in place. At that time I had become an early adherent to the process of mediation. I considered it would be highly relevant to the resolution of planning and development disputes, amongst other land based and environmental disputes.

I held an early meeting in the Tribunal with representatives of government and the land development industry and a range of professionals to canvas views on the introduction of mediation procedures. There was considerable support at that time from the land development industry but, it must be said, less active support from the representatives of government departments, the Planning Commission and local governments. Subsequently, when Les Stein, as President of TPAT pushed the issue, mediation became a regular feature of the system and is to this day.

When the SAT commenced my personal experience belief in the value of mediation was great. I was an accredited mediator and had seen the practical and useful outcomes mediation could achieve. I strongly encouraged the use of mediation in the new SAT. I considered it could be developed in new ways for the benefit, especially of self-represented parties in Tribunal proceedings

David Parry in a subsequent presentation to this conference will discuss the current facilitated dispute resolution processes in the Tribunal. They are now well documented and their success is undoubted.

### ***Final reflections***

In February 2009, I ceased being President of the SAT and a judge of the Supreme Court of Western Australia, following my appointment as a judge of the Federal Court of Australia. As I look back now, with approaching a year's distance behind me, I consider that the development of the SAT as a generalist civil and administrative review tribunal in Western Australia has unarguably been a good thing. This view has recently been confirmed by the Standing Committee on Legislation of the Legislation Council of the State Parliament, following their inquiry into the jurisdiction and operation of the SAT (see Report 14 of Standing Committee on Legislation). The Committee found the SAT to be operating efficiently and effectively and was of the view that this positive result had been due to the considerable efforts and dedication of the members and staff of the SAT.

The Committee received evidence and submissions concerning, amongst other topics, the planning jurisdiction of the Tribunal. Generally speaking, the Committee endorsed the operation and practices of the Tribunal. In fact, it recommended that original decision-making and review functions concerning planning and development functions not already exercised by the Tribunal, be conferred upon the Tribunal. It also found that the Tribunal's mediation and compulsory conferences are effective. I would just add one comment. It is plain, and indeed it will always be the case, that different interest groups will often hold differing views as to how planning dispute resolution should be resolved. It seems for example that some local governments remain inexperienced and therefore uncomfortable with the art and practice of mediation. I have little doubt, however, that over time the processes of the Tribunal that include final determination at a hearing, but also resolution of proceedings through facilitative dispute resolution processes will continue to prove successful and local governments generally will seek to work with rather than against the process.

I also consider that, in time, the SAT should have conferred upon it a greater range of environmental and pollution control functions so that, to the largest extent possible, planning and environmental decision-making becomes an integrated decision-making process in the Tribunal. The Standing Committee on Legislation in its report in fact recommended that the *Environmental Protections Act 1986 (WA)* be amended to confer jurisdiction on the Tribunal in relation to pollution control matters. In my view, as I suggested to the Committee, this would be the sensible policy step forward.

Finally, I consider that inclusion of the planning jurisdiction in a generalist tribunal like the State Administrative Tribunal and not in a specialist court, has been a wise decision that is not only of benefit to the citizens of Western Australia, planning authorities and the general public, but also to the operation of the Tribunal itself. This is because the dynamic that helps to organise the resolution of planning issues in the Tribunal helps to make the Tribunal well suited to resolve an array of other, quite disparate issues in the Tribunal.

The SAT then is the latest, professionalised forum in which reviews of planning decisions are made in Western Australia. It has inherited the various practices and theories relating to planning appeals that were developed over the 80 years following the commencement of the TP Act in November 1929, and refined them into its own practices and theories for the benefit of the citizens of Western Australia in the early 21<sup>st</sup> century.

I wish the Tribunal well!

### ***References***

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