



SAT

State
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Tribunal

Western Australia

**TEXT OF THE SPEECH OF JUSTICE MICHAEL BARKER,
PRESIDENT OF THE STATE ADMINISTRATIVE TRIBUNAL,
ON LAUNCH OF THE TRIBUNAL BY THE ATTORNEY GENERAL,
MR JIM MCGINTY, 5 JANUARY 2005.**

On 1 January 2005 - just 4 days ago - the State Administrative Tribunal, of which I am honoured to be the first President, came into existence. We are assembled here today to acknowledge this significant development in law and public administration in Western Australia.

In doing so, I am pleased to acknowledge the Noongar people of Western Australia, the original inhabitants of the land on which the Tribunal has commenced its operations, as well as a number of persons distinguished in their public service of the people of this State, including the Chief Justice of Western Australia, the Hon David Malcolm, AC; the Attorney General for the State, Jim McGinty; the Chief Judge of the District Court, Her Honour Toni Kennedy; the Chief Judge of the Family Court, the Hon Michael Holden; the Hon Giz Watson MLC, member of the Legislation Committee of the Legislative Council; the Hon Cheryl Edwards MLA; Ms Sue Walker MLA; Mr Alan Piper, the Director General of the Department of Justice; and other distinguished guests.



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I am also pleased to welcome as judicial members of the Tribunal, Judge John Chaney and Judge Judith Eckert, both of the District Court; as Senior Members of the Tribunal, Murray Allen, David Parry, Clive Raymond and Jill Toohey; as Members, Tim Carey, Felicity Child, Marie Connor, Donna Dean, Bertus de Villiers, Jack Mansveld, Peter McNab, Belinda Moharich and Maurice Spillane; and a veritable contingent of sessional members.

Together, the judicial and non-judicial members bring a wonderful blend of relevant skills and experience, age, youth, youthful enthusiasm, wisdom and good humour to the Tribunal. I look forward to working closely with each of them.

The establishment of the Tribunal represents the fulfilment of proposals made over the past 40 years to develop and enhance administrative law and public administration in the State of Western Australia.

These proposals were articulated in such major reports to the Government of the State as: the Law Reform Commission of Western Australia's 1982 Report on Review of Administrative Decisions, chaired by David Malcolm QC, as the Chief Justice then was; the 1992 Report of the Royal Commission into Commercial Activities of Government and other Matters, made by Sir Ronald Wilson, Justice Geoffrey Kennedy, as he then was, and retired Justice Peter Brinsden QC; the 1996 Commission on Government Report No 4, chaired by Commissioner Jack Gregor; the 1996 Report on Tribunals to the then



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Attorney General the Hon Peter Foss QC MLC; and the Law Reform Commission's 1999 Final Report following its review of the State's Criminal and Civil Justice Systems, which was chaired by Wayne Martin QC.

The blueprint for the tribunal that has now been established, was laid out in the 2002 report of the Western Australian Civil and Administrative Review Tribunal Taskforce, which Taskforce I had the privilege to Chair.

For over a century, Tribunals and Boards of various types have been a feature of the system of government we inherited from the British. Over the years, they have grown enormously in number, 'a bit like Topsy', with differing practices and procedures and personnel, although with relatively limited resources.

At one level, the creation of the State Administrative Tribunal - with its 3 judicial members, 13 full time non-judicial members and contingent of sessional members - represents a major rationalization of their number and membership.

These changes are designed to ensure improvements in the capacity of the Tribunal to make timely decisions, encourage alternative forms of decision making, including mediation, and enhance consistent and high quality decision making.



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At another level, the Tribunal represents the creation of a single, well-resourced body dedicated to ensuring that the citizens of this State who are aggrieved by decisions of public officials and local governments that adversely affect their interests, are accorded administrative justice.

The creation of the Tribunal also ensures a further degree of scrutiny of the State's system of public administration to that provided by the Parliament and other public accountability agencies, in those areas of decision making that fall within the Tribunal's jurisdiction.

I should emphasize that the State Administrative Tribunal is an administrative tribunal, not a court. Under the *State Administrative Tribunal Act 2004* and related conferral of jurisdiction legislation, a person or body may apply to the Tribunal for the review, or making, of a range of decisions affecting personal, commercial and civil interests.

The Tribunal's jurisdiction is organized into 4 streams that encompass the fields of human rights, development and resources, commercial and civil interests, and vocational regulation.

These fields involve such matters as:

- guardianship and administration of the estates of vulnerable persons, mental health, equal opportunity and discrimination;



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- town planning, water rights, fisheries objections, land valuation and compensation for the compulsory taking of private land;
- strata titles and retirement villages disputes, commercial tenancies, credit agreements and State revenue objections; and
- the determination of applications referred by professional and occupational boards concerning the standards of conduct of persons engaged in more than 30 regulated walks of life. These trades and professions include doctors, lawyers, nurses, dentists, motor vehicle dealers, plumbers, finance brokers and real estate agents.

Our vision is to make the State Administrative Tribunal one of Australia'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.

In realizing its vision, the Tribunal aims to do all it can to make its services easily accessible to the people of the State, wherever they may live.

The SAT website is key to this process.

Members of the public can go to the website (www.sat.justice.wa.gov.au) and by using the SAT Wizard – a specially designed website program that helps users navigate through the application process – write an application to the Tribunal in minutes.



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The SAT Wizard makes applying to the Tribunal a straightforward process - and it is exactly the same process, no matter how simple or complicated the matter or the monetary sums involved.

The most important thing about making an application to the SAT is identifying the relevant enabling law.

By going to the Applications Menu and clicking on the SAT Wizard, users are taken through a step-by-step process to identify the right Section – Act - or enabling law for their particular matter.

Users will be asked a series of questions in boxes such as – "Do you know the relevant Act?" If not, then the Wizard will allow the user to browse through the list of Acts or conduct a search using key words applying to their particular matter, such as dog or town planning.

The Wizard guides the user through this process until the relevant Act, section or enabling law is identified.

Then the real genius of the program comes into play. The Wizard tailormakes an application form specifically for the applicant and their matter.

Long, wordy and complicated forms, which have the capacity to confuse a user, are not part of the SAT process.



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SAT's application forms only contain the questions and information relevant for that particular case and that particular applicant.

Applicants can fill in the forms on-line or print them out and complete them.

The next step for SAT is e-FILING: we'll soon be trialing a system which allows registered users to lodge applications directly with the Tribunal through the website.

And all the SAT's decisions will be on the website, as well as the decisions of former boards and tribunals which are now part of the SAT.

These processes have the real potential to make decision making in the Tribunal, easier, less costly and quicker than is presently possible in more traditional tribunals and courts.

A project as significant as the establishment of the State Administrative Tribunal does not happen by accident and does not happen overnight. In this case, I think it is fair to say it would not have happened at all, but for the clear-sighted commitment of the Attorney General, Jim McGinty, to make it happen. The Attorney accepted the substance of the reports I referred to earlier, which recommended the creation of such a body, and championed its establishment



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within Government and the Parliament. He is entitled to claim much of the credit for the establishment of the Tribunal.

It is also fair to say the Tribunal would not have been ready to start on 1 January had it not been strongly supported by the dedicated SAT project team set up by the Director General of the Department of Justice, Mr Alan Piper, and the Department's Executive Director-Courts, Mr Ray Warnes. To Andrew Marshall of the Department of Justice and the project team who worked with him so ably, I tip my hat!

In particular, I would like to mention a number of persons who contributed over the long haul to the getting up of the Tribunal ready for its start up on 1 January. They are: Andrew Marshall, Debbie van Hamersveld, Ross Elliott, Shane Wilkinson, Anthea Chambers, Mark Leske, Jennifer Pickworth, Liam MacNamara, Kylie Elston, Marie-Louise Sinclair, Tina Arthur, Phil Whyte, and last, but by no means least, my Associate, Shannon Chapman, Abigail Rogers and Jadranka Strbac who brought together the wonderful SAT Wizard.

In closing, may I say how much I and my fellow judicial and non-judicial members of the Tribunal are looking forward to advancing the vision of the Tribunal I have laid out today. We are encouraged by the support for the Tribunal by all sides in the Parliament. We appreciate very much the remarks of the Hon Mrs Cheryl Edwards in the Legislative Assembly on 10 November



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2004, when she said that "such a tribunal has been a long time coming in Western Australia" and that she wishes those who undertake the endeavour "all the very best"!

We are also very mindful of the responsibility the Attorney and his Government has assigned to us in undertaking this endeavour!

I now have great pleasure in inviting the Attorney General, Mr Jim McGinty to launch the State Administrative Tribunal.