



Government of **Western Australia**  
Department of the **Attorney General**

**Report on Cases in the  
State Administrative Tribunal  
of Western Australia  
2009/10 to 2013/14**

## Table of Contents

Case Lodgments .....	1
Commercial and Civil Stream Lodgments .....	2
Development/Resources Stream Lodgments .....	3
Human Rights Stream Lodgments .....	4
Vocational Regulation Stream Lodgments .....	5
Case Finalisations .....	6
Documents Lodged .....	7
Appendix--Definitions .....	8

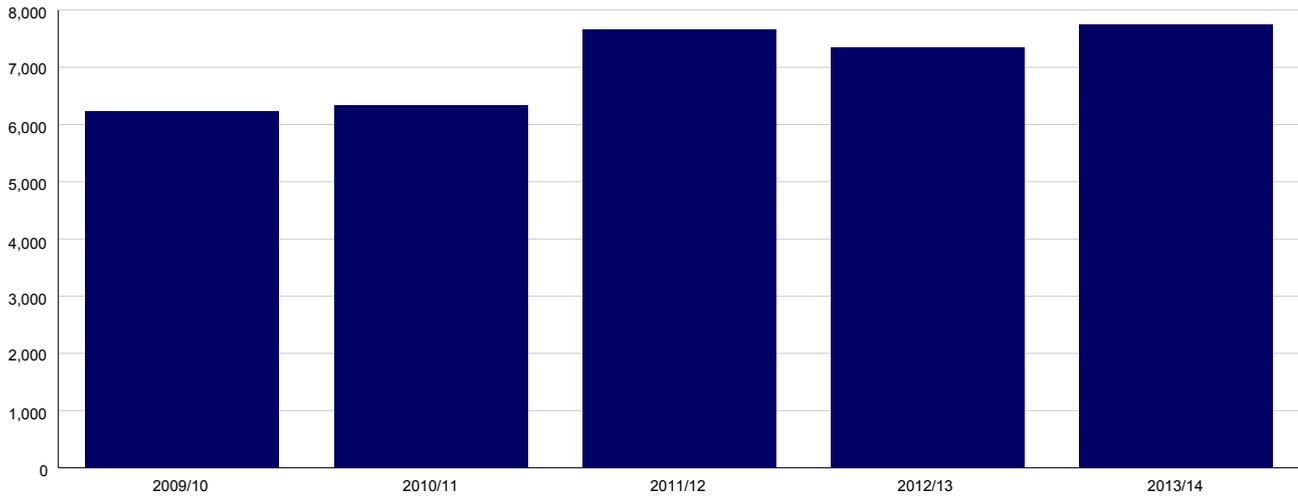
## About this Report

The purpose of this report is to provide information about the work carried out by the State Administrative Tribunal. Cases within the Tribunal are grouped into 'Streams' and are managed and adjudicated by specialist Tribunal members with expertise in the relevant field.

Within each stream, cases are further grouped into 'Case Types' based on the legislation under which the application has been laid.

Separate counting rules that best illustrate the work of the tribunal are utilised for each statistic. Please read the counting rules on each page to help interpret the data.

## Case Lodgments



## Cases Lodged

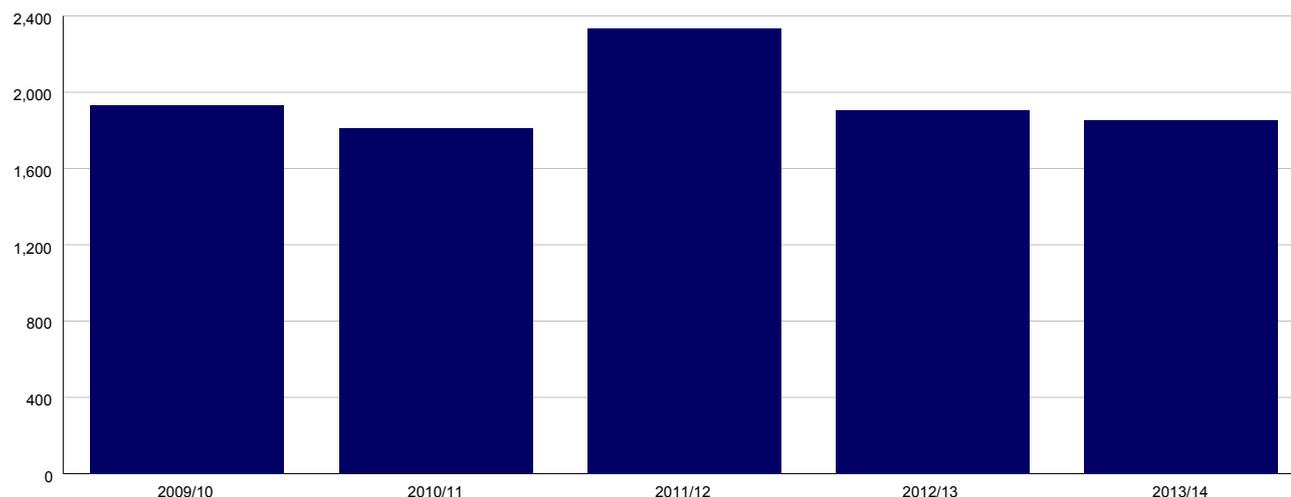
Stream	2009/10	2010/11	2011/12	2012/13	2013/14	% Change 1 Yr	% Change 5 Yr
Commercial and Civil	1,931	1,809	2,335	1,904	1,856	-2.5%	-3.9%
Development/Resource	446	452	510	421	457	8.6%	2.5%
Human Rights	3,601	3,818	4,604	4,795	5,214	8.7%	44.8%
Vocational Regulation	260	252	206	228	218	-4.4%	-16.2%
Review of application rejection/costs	3	1	1		3	n/a	n/a
<b>Total</b>	<b>6,241</b>	<b>6,332</b>	<b>7,656</b>	<b>7,348</b>	<b>7,748</b>	<b>5.4%</b>	<b>24.1%</b>

### Counting Rules:

(a) These are the number of cases lodged in the State Administrative Tribunal, broken down by stream.

(b) If 'n/a' is present in the % Change column, this indicates that the calculation is 'not appropriate' given that the values of the columns in the table being compared are less than or equal to 10. Comparing values this low is statistically meaningless.

## Commercial and Civil Stream Lodgments



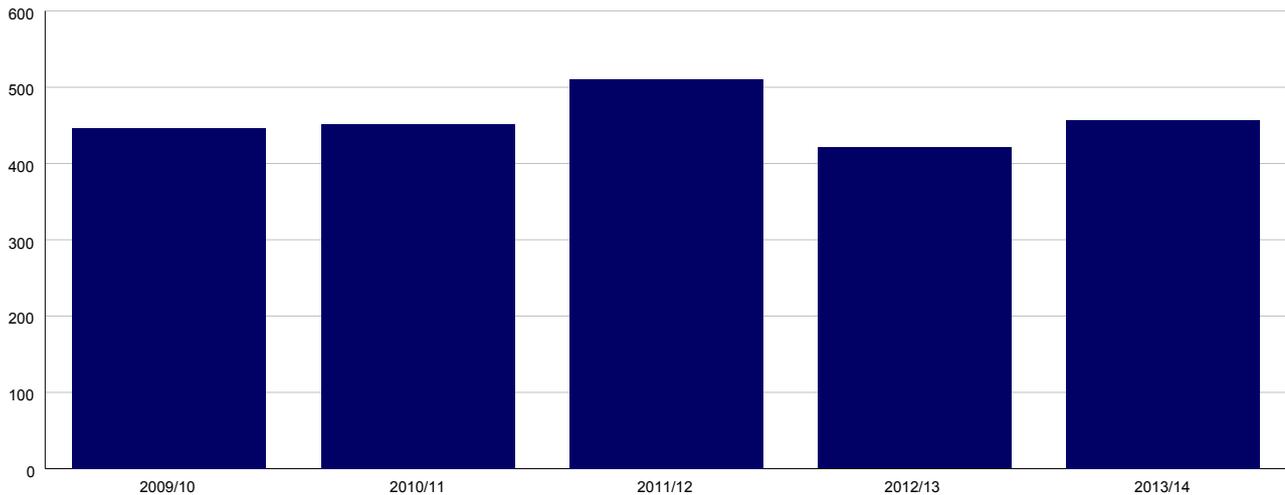
## Commercial and Civil Stream Cases Lodged

Case Type	2009/10	2010/11	2011/12	2012/13	2013/14	% Change 1 Yr	% Change 5 Yr
Builders Registration	42	33	34	5		n/a	n/a
Building Commission			563	339	190	-44.0%	n/a
Commercial Tenancy	52	57	69	46	44	-4.3%	-15.4%
Commercial Tenancy 13(7)	1,385	1,383	1,278	1,153	1,314	14.0%	-5.1%
Residential Parks Act	46	35	24	34	33	-2.9%	-28.3%
Retirement Villages	9	7	10	1	4	n/a	n/a
Strata Titles	132	128	137	140	130	-7.1%	-1.5%
Commercial and Civil - Other	265	166	220	186	141	-24.2%	-46.8%
<b>Total</b>	<b>1,931</b>	<b>1,809</b>	<b>2,335</b>	<b>1,904</b>	<b>1,856</b>	<b>-2.5%</b>	<b>-3.9%</b>

### Counting Rules:

- These are the number of cases lodged in the Commercial and Civil stream within the State Administrative Tribunal, broken down by case type.
- The unit of measure is the number of new cases commenced in the Tribunal during the reporting period.
- If 'n/a' is present in the % Change column, this indicates that the calculation is 'not appropriate' given that the values of the columns in the table being compared are less than or equal to 10. Comparing values this low is statistically meaningless.

## Development/Resources Stream Lodgments



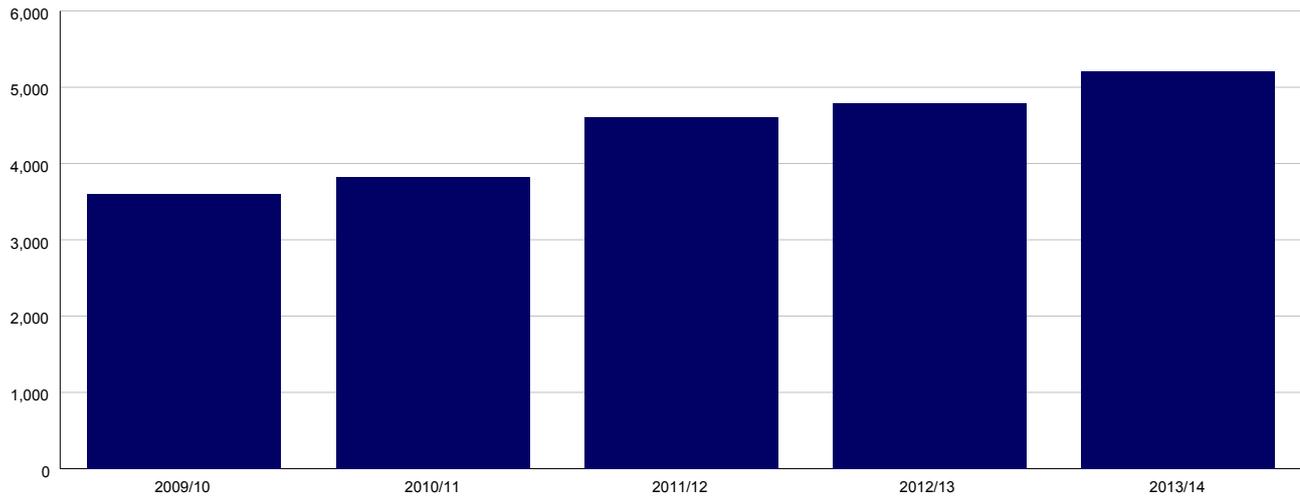
### Development/Resource Stream Cases Lodged

Case Type	2009/10	2010/11	2011/12	2012/13	2013/14	% Change 1 Yr	% Change 5 Yr
Aboriginal Heritage	1	6	4		1	n/a	n/a
Compensation for compulsory acquisition of land	6	11	10	11	8	n/a	n/a
Development	276	250	232	247	272	10.1%	-1.4%
Fisheries		12				n/a	n/a
Jetties			1			n/a	n/a
Land Valuation	16	17	56	10	15	n/a	-6.2%
Local Government non-planning applications	7	6	7	10	11	n/a	n/a
Local government notices	1	4	4	7	7	n/a	n/a
Ministerial referral of planning representations for report	1	1		1		n/a	n/a
Rating	8	4	30	11	10	n/a	n/a
Regulation of Local Government Councillors	2	9	8	1	12	n/a	n/a
Review by Judicial Member of planning determination	3	3	5	1	2	n/a	n/a
Subdivision	94	74	102	66	70	6.1%	-25.5%
Water	3	9	4	4	1	n/a	n/a
Development/Resources - Other	28	46	47	52	48	-7.7%	71.4%
<b>Total</b>	<b>446</b>	<b>452</b>	<b>510</b>	<b>421</b>	<b>457</b>	<b>8.6%</b>	<b>2.5%</b>

#### Counting Rules:

- (a) These are the number of cases lodged in the Development and Resources stream within the State Administrative Tribunal, broken down by case type.
- (b) The unit of measure is the number of new cases commenced in the Tribunal during the reporting period.
- (c) If 'n/a' is present in the % Change column, this indicates that the calculation is 'not appropriate' given that the values of the columns in the table being compared are less than or equal to 10. Comparing values this low is statistically meaningless.

## Human Rights Stream Lodgments



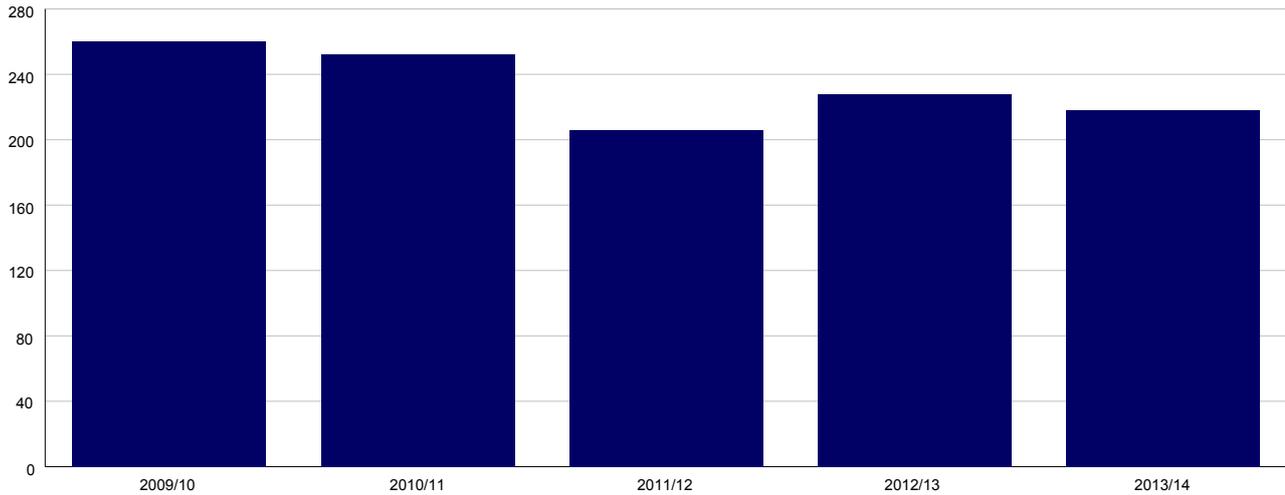
## Human Rights Stream Cases Lodged

Case Type	2009/10	2010/11	2011/12	2012/13	2013/14	% Change 1 Yr	% Change 5 Yr
Equal Opportunity Act	65	53	65	57	50	-12.3%	-23.1%
Guardianship and Administration Act	3,529	3,754	4,525	4,723	5,150	9.0%	45.9%
Mental Health Act	4	6	12	9	6	n/a	n/a
Human Rights - Other	3	5	2	6	8	n/a	n/a
<b>Total</b>	<b>3,601</b>	<b>3,818</b>	<b>4,604</b>	<b>4,795</b>	<b>5,214</b>	<b>8.7%</b>	<b>44.8%</b>

### Counting Rules:

- These are the number of cases lodged in the Human Rights stream within the State Administrative Tribunal, broken down by case type.
- The unit of measure is the number of new cases commenced in the Tribunal during the reporting period.
- If 'n/a' is present in the % Change column, this indicates that the calculation is 'not appropriate' given that the values of the columns in the table being compared are less than or equal to 10. Comparing values this low is statistically meaningless.

## Vocational Regulation Stream Lodgments



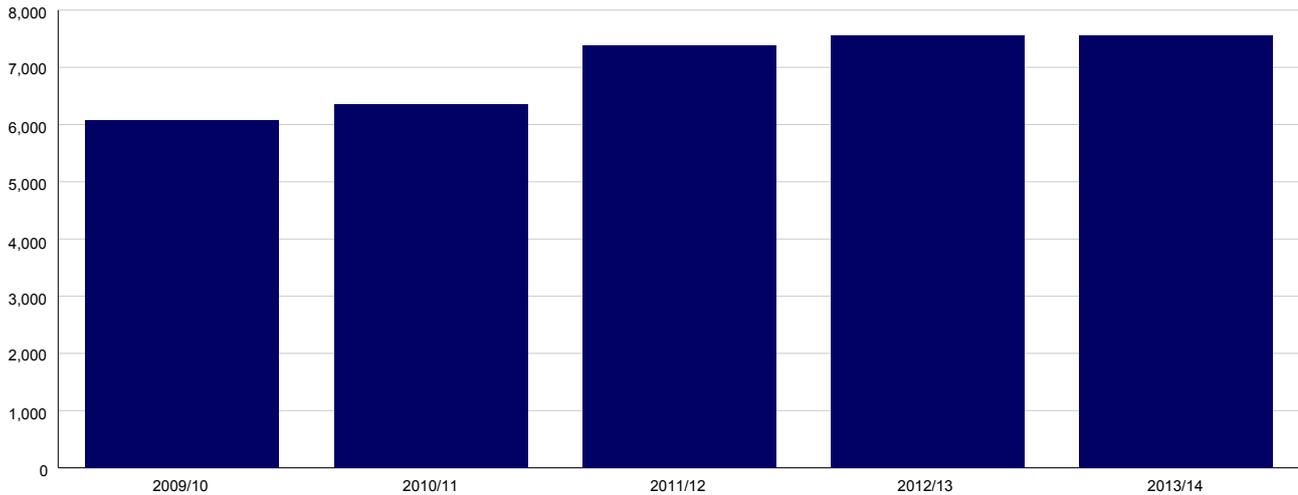
## Vocational Regulation Stream Cases Lodged

Case Type	2009/10	2010/11	2011/12	2012/13	2013/14	% Change 1 Yr	% Change 5 Yr
Builders Registration	23	26	2			n/a	n/a
Health Practitioners	49	38	15	12	6	n/a	n/a
Legal Practitioners	60	54	45	19	23	21.1%	-61.7%
Painters	5	4				n/a	n/a
Security Control	69	91	96	91	87	-4.4%	26.1%
Vocational - Other	54	39	48	106	102	-3.8%	88.9%
<b>Total</b>	<b>260</b>	<b>252</b>	<b>206</b>	<b>228</b>	<b>218</b>	<b>-4.4%</b>	<b>-16.2%</b>

### Counting Rules:

- (a) These are the number of cases lodged in the Vocational Regulation stream within the State Administrative Tribunal, broken down by case type.
- (b) The unit of measure is the number of new cases commenced in the Tribunal during the reporting period.
- (c) If 'n/a' is present in the % Change column, this indicates that the calculation is 'not appropriate' given that the values of the columns in the table being compared are less than or equal to 10. Comparing values this low is statistically meaningless.

## Case Finalisations



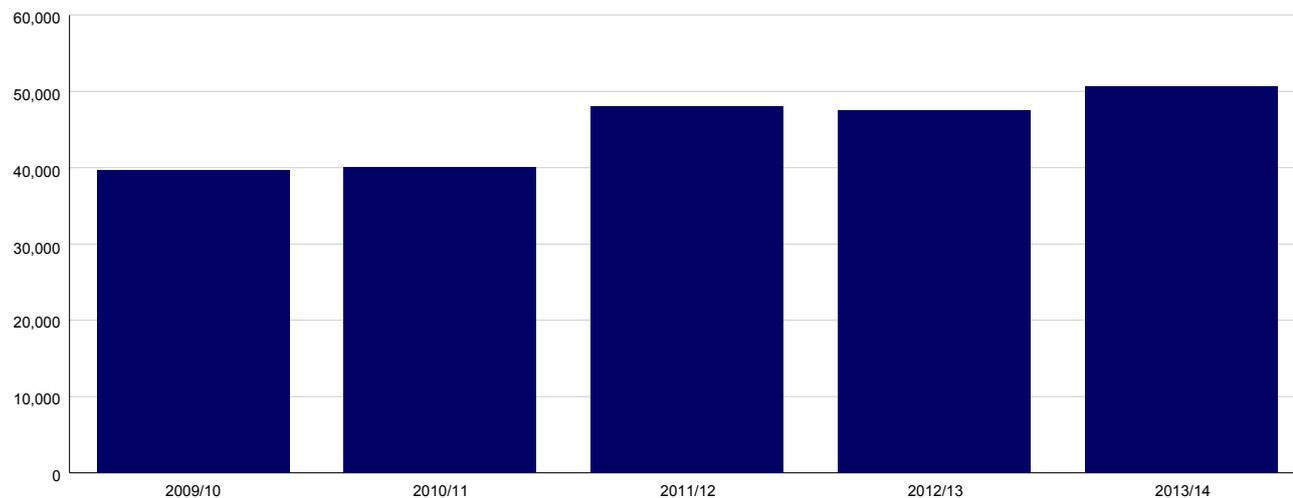
## Cases Finalised

Stream	2009/10	2010/11	2011/12	2012/13	2013/14	% Change 1 Yr	% Change 5 Yr
Commercial and Civil	1,921	1,827	2,204	1,976	1,853	-6.2%	-3.4%
Development/Resource	477	404	527	425	455	7.1%	-5.2%
Human Rights	3,445	3,859	4,416	4,930	5,031	2.0%	32.2%
Vocational Regulation	234	256	231	230	218	-5.2%	-7.0%
Review of application rejection/costs	4	1	1		2	n/a	n/a
<b>Total</b>	<b>6,081</b>	<b>6,347</b>	<b>7,379</b>	<b>7,561</b>	<b>7,559</b>	<b>0.0%</b>	<b>19.5%</b>

### Counting Rules:

- These are the number of cases completed in the State Administrative Tribunal, broken down by stream.
- The unit of measure is the number of cases that have been completed by the Tribunal during the reporting period.
- Only the initial finalisation of the case is counted here. Cases that have been previously finalised, reactivated and then refinalised are ignored.
- If 'n/a' is present in the % Change column, this indicates that the calculation is 'not appropriate' given that the values of the columns in the table being compared are less than or equal to 10. Comparing values this low is statistically meaningless.

## Documents Lodged



### Documents Lodged

Stream	2009/10	2010/11	2011/12	2012/13	2013/14	% Change 1 Yr	% Change 5 Yr
Commercial and Civil	9,257	8,867	13,399	12,122	10,131	-16.4%	9.4%
Development/Resource	7,804	7,111	8,732	6,594	7,675	16.4%	-1.7%
Human Rights	19,000	20,720	22,571	26,145	30,080	15.1%	58.3%
Vocational Regulation	3,616	3,398	3,314	2,638	2,716	3.0%	-24.9%
Review of application rejection/costs	23	6	3		3	n/a	n/a
<b>Total</b>	<b>39,700</b>	<b>40,102</b>	<b>48,019</b>	<b>47,499</b>	<b>50,605</b>	<b>6.5%</b>	<b>27.5%</b>

#### Counting Rules:

- (a) These are the number of documents lodged in the State Administrative Tribunal, broken down by stream.
- (b) If 'n/a' is present in the % Change column, this indicates that the calculation is 'not appropriate' given that the values of the columns in the table being compared are less than or equal to 10. Comparing values this low is statistically meaningless.

## Appendix--Definitions

The following are definitions of stream types and case types that are used within the State Administrative Tribunal.

### Stream Types

Cases lodged within the State Administrative Tribunal are classified by stream. The following definitions specify the differences between the streams used.

#### Commercial and Civil

Deals with strata title disputes, commercial tenancy reviews, retirement village disputes, credit reviews, taxation decisions, Commissioner of State Revenue decisions and other commercial and personal matters.

#### Development/Resource

Reviews decisions made by the Western Australian Government regarding planning, development and resources, and hears matters relating to land valuation and compensation.

#### Human Rights

Makes decisions that affect some of the most vulnerable people in our community in relation to guardianship, administration and discrimination, and reviews decisions of the Mental Health Review Board.

### Case Types

Within each stream, cases lodged within the State Administrative Tribunal are also classified by case type. The following definitions specify the differences between the case types used.

#### Aboriginal Heritage

Appeals against Ministerial decisions relating to the preservation of Aboriginal places and objects on behalf of the community.

#### Builders Registration

Cases related to the registration and regulation of building service providers.

#### Building Act

Applications under the *Building Act 2011* relating to permits for building and demolition work, and standards for construction and demolition.

#### Building Commission

The Building Commission handles the registration and licensing of registered practitioners – builders, painters, plumbers and building surveyors. The Commission also deals with compliance and dispute resolution. The Commission can refer matters to SAT.

#### Commercial Tenancy

Applications under the *Commercial Tenancy (Retail Shops) Agreements Act 1985*. Some of these matters can come straight to SAT, while others require a certificate from the Commissioner of the Small Business Development Corporation.

#### Commercial Tenancy 13(7)

Applications from landlords to include a provision in a retail shop lease under which the landlord may terminate a lease early.

#### Compensation for compulsory acquisition of land

Applications under the *Land Administration Act 1997* for compensation for land compulsorily acquired by the Western Australian Government.

#### Development

Reviews of decisions related to land use planning and development.

#### Vocational Regulation

Hears complaints concerning occupational misconduct and reviews decisions concerning licensing.

#### Review of application rejection/costs

Review administrative decisions made by the Executive Officer of the State Administrative Tribunal, as well as hear applications for costs

#### Development/Resources - Other

Reviews of other development and resources matters not fitting within other categories.

#### Dog Act

Applications under the *Dog Act 1976* relating to the control, ownership and registration of dogs.

#### Equal Opportunity Act

Cases referred by the Commissioner for Equal Opportunity where the Commissioner has been unable to resolve the complaint by conciliation or has been asked to refer a complaint because a complaint has been declined.

#### Firearms

Cases relating to the control and regulation of firearms and ammunition.

#### Fisheries

Appeals of decisions related to the management of fish resources under several fisheries acts.

#### Guardianship and Administration Act

Cases regarding orders for the appointment of guardians and administrators of people with what might be generally termed a decision-making disability, reviews of orders which have been made previously and applications for intervention into Enduring Powers of Attorney (EPA) and other applications in respect of EPAs.

#### Health Practitioners

Relates to the national registration and accreditation scheme for health practitioners.

#### Human Rights - Other

Cases under miscellaneous acts forming part of the Human Rights stream.

## Appendix--Definitions continued

### Case Types Continued

#### Jetties

Reviews of government decisions made under the *Jetties Act 1926* relating to the construction, maintenance and preservation of jetties.

#### Land Tax

Cases under acts regulating administration and enforcement by the Commissioner of State Revenue.

#### Land Valuation

Reviews of decisions made by Western Australian Government bodies under the *Valuation of Land Act 1978*.

#### Legal Practitioners

Cases related to the regulation of legal practice in Western Australia.

#### Local Government non-planning applications

Reviews of local government decisions which are not related to planning applications.

#### Local government notices

Appeals on decisions made by Local Governments under the *Local Government (Miscellaneous Provisions) Act 1960*. These are now covered by the *Building Act 2011*.

#### Mental Health Act

Appeals of decisions made by the Mental Health Review Board under the *Mental Health Act 1996*.

#### Ministerial referral of planning representations for report

Planning applications which the Minister directs should be referred for a ministerial decision under section 246 of the *Planning and Development Act 2005*.

#### Painters

Cases related to the regulation of painters which arose before the *Building Services (Registration) Act 2011* came into effect.

#### Rating

Rate payers can object to their Local Government regarding the rates to be charged for land and these decisions can be appealed to the Tribunal.

#### Regulation of Local Government Councillors

Applications to the Tribunal for a declaration of whether or not a member of a council is disqualified.

#### Residential Parks Act

Cases related to the relationship between the operators of residential parks and tenants who live in such parks for extended periods.

#### Retirement Villages

Cases related to the regulation of retirement villages and the rights of residents in such villages.

#### Review by Judicial Member of planning determination

Planning matters which are appealed within the Tribunal which is possible when the initial application was not heard by a member of the judiciary.

#### Security Control

Cases regarding the vocational regulation of the security, investigation, crowd control and similar industries.

#### Settlement Agents

Original applications and reviews of decisions regarding the licensing, regulation and supervision of settlement agents.

#### Strata Titles

A large range of applications made under the *Strata Titles Act 1985*.

#### Subdivision

Review of planning decisions made by a responsible authority requiring that a person subdividing land amend the drawings or specifications or both and comply with further conditions.

#### Vocational - Other

Cases relating to the regulation of various vocations not included in the more specific case categories.

#### Water

Reviews of government decisions relating to the construction, maintenance and management of works for the storage and distribution of water.

***As well as our Freedom of Information and annual reporting responsibilities, the Department of the Attorney General has now committed to regularly publishing a wide range of statistics relating to the operation of its various business areas.***

***The Department receives requests from media outlets on a daily basis for customised statistics, which may be beyond the scope of this statistics package.***

***All media requests for customised figures are considered individually and the Department will generally supply such information only where the***

- information is stored in a way that it is easily retrievable; and***
- amount of work required to compile and supply customised information is reasonable.***