



SAT

State
Administrative
Tribunal

Western Australia

Providing Access to Justice: Taking Tribunals to the Community

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Content

- ” Functioning of SAT
- ” On-site mediation: tips
- ” View as part of hearing: tips
- ” On-site hearing: tips
- ” Simplified processes



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Functioning of SAT

- “ Based in Perth with no regional offices
- “ Magistrates are ex officio members (not used)
- “ Regular attendance on site in regional towns and cities
- “ Volume does not justify a circuit or regular road trip
- “ Most frequent on-site: building; strata; planning but limited visits also for guardian and administration
- “ Extensive video and teleconference, but limited benefit when mediate



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On-site mediation: tips

- “ Change of power relationship from office to their territory (from member to mate)
- “ Practical issues of weather . rain, heat, terrain
- “ Place to meet . sit; stand; write
- “ Risk of break away meetings (member alone with party)
- “ Write-up of outcome; copies for parties
- “ Security and safety



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View as part of hearing: principles

- É View before, during or at conclusion of hearing
- É Typical cases: building, strata, valuation, planning
- É Parties present
- É Experts may also be present
- É No evidence taken
- É Demonstration, but parties should agree on what, how and when
- É Role of expert sessional member
- É Notes of observations ó read or typed on transcript
- É Useful quote in reasons: “I wish to emphasise that the view did not involve my taking further evidence. I have refrained from reaching any conclusion, or even an impression, as a result of the view. My findings and conclusions are based entirely on the evidence adduced at trial.” Templeman J in *Willshee v Westcourt Ltd* [2008] WASC 18 at par 8.



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On-site hearing: tips

- “ Typical jurisdictions: building, strata, planning, guardian and administration
- “ Ensure good reason to do so
- “ Recording equipment; witnesses and experts
- “ Exchange of documents; physical proximity; informality
- “ Venue for hearing
- “ Safety
- “ Professionalism maintained



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Simplified processes

- “ **Early Neutral Assessment (ENE)**
- “ Neutral expert assesses at request of Tribunal
- “ Provides non-binding opinion to parties
- “ **Tribunal Initiated Proposal (TIP)**
- “ German experience
- “ Presiding officer may at any stage of proceeding submit a proposed outcome to parties
- “ No submissions or exchange
- “ If not accepted hearing continues by same presiding officer