



Annual report

2014-2015

sacat.



Annual report

South Australian Civil and Administrative Tribunal

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No 1/2014-15

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 **sacat.** South Australian
Civil and Administrative Tribunal

The Honourable John Rau MP

Deputy Premier

Attorney-General

Minister for Justice Reform

Minister for Planning

Minister for Housing and Urban Development

Minister for Industrial Relations

Minister for Child Protection Reform

Dear Deputy Premier

I am pleased to submit the annual report for the South Australian Civil and Administrative Tribunal, for the year ended 30 June 2015.

This report has been prepared in accordance with the *South Australian Civil and Administrative Tribunal Act 2013*.

Yours sincerely

A handwritten signature in black ink, appearing to be 'GP', written in a cursive style.

Justice Greg Parker

President

South Australian Civil and Administrative Tribunal

30 October 201

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PRESIDENT'S OVERVIEW, JUSTICE GREG PARKER

SOME 40 YEARS AFTER THE LAW REFORM COMMITTEE RECOMMENDED THE CREATION OF A GENERAL ADMINISTRATIVE REVIEW TRIBUNAL IN SOUTH AUSTRALIA, THE SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (SACAT) COMMENCED OPERATION ON 30 MARCH 2015. THUS, EACH OF THE MAINLAND STATES AND TERRITORIES NOW HAS A “SUPER” TRIBUNAL.

The purpose of creating SACAT and also its governing ethos are expressed in section 8 of the *South Australian Civil and Administrative Tribunal Act 2013*. Section 8 requires SACAT to focus upon:

- ▶ the best principles of public administration including independence in decision making, natural justice and procedural fairness, high quality and consistent decisions, and transparency and accountability
- ▶ accessibility
- ▶ fast processing and resolution of disputes
- ▶ keeping costs to a minimum
- ▶ using straightforward language
- ▶ flexibility
- ▶ consultation with stakeholders.

Conferral of jurisdiction

The Government decided early in the planning stage that jurisdiction should be conferred upon SACAT progressively over several years. On 30 March 2015 SACAT commenced to exercise the jurisdiction previously held by the Guardianship Board, the Residential Tenancies Tribunal (RTT) and the Housing Appeals Panel. The jurisdiction of the District Court to hear appeals from the Guardianship Board and from the RTT was also transferred to SACAT at that time.

In addition, SACAT took responsibility for hearing appeals against the valuation of land for the purposes of the *Local Government Act 1999* and the *Valuation of Land Act 1971*, ie valuations for rating and taxing purposes. Valuation appeals were previously determined by the Land and Valuation Division of the Supreme Court. On 27 April 2015 SACAT was granted jurisdiction to review certain decisions of the Registrar-General under the *Real Property Act 1884*.

It is proposed that over coming months, jurisdiction will be conferred upon SACAT to review many additional classes of Government decisions. The first tranche of that jurisdiction is expected to be the work currently done by the Administrative & Disciplinary Division of the District Court in relation to appeals under the *Freedom of Information Act 1991* and by the Magistrates Court in relation to First Home Owner Grants.

Thereafter it is proposed that SACAT will receive the balance of the jurisdiction currently held by the Administrative & Disciplinary Division of the District Court to hear administrative reviews and appeals under a very wide range of statutes.

The decisions made under more than 100 different statutes affect the South Australian community at many levels. These reviews cover such diverse topics as the right to work in a variety of professions and trades or to conduct businesses, firearms licences, public sector superannuation entitlements and many more. Once SACAT receives that jurisdiction it will truly be a “super” tribunal with authority to review an enormous range of administrative decisions that directly affect citizens.

Facilities

SACAT took over the former RTT premises at 100 Pirie Street, Adelaide. That accommodation was substantially extended and refurbished prior to the opening of SACAT. In addition to providing more hearing rooms, several areas have been specifically designed for alternative dispute resolution conferences.

SACAT has continued to make use of the premises in the ABC Building at Collinswood formerly used by the Guardianship Board. Some minor enhancements have also been made to that accommodation.

While the location of SACAT at two sites several kilometres apart is far from ideal, the Collinswood premises do provide convenient access for elderly and disabled persons attending hearings relating to guardianship and administration orders. In the longer term SACAT would be best located at one site that provides ready access for those with special needs.

SACAT hearing and conference rooms have been fitted with audio visual equipment. So as to facilitate access to SACAT by all South Australians, arrangements have been made to conduct hearings by video conference to regional TAFE institutes and country health centres. SACAT members also conduct hearings in psychiatric facilities and travel to major regional centres and the APY Lands.

Appointment of members

Perhaps uniquely in Australia, the SACAT Act requires that members must be appointed on merit after a formal selection process. A committee recommends the selection criteria to the Attorney-General and then proposes the appointment of members after assessment against those criteria.

SACAT received many hundreds of applications for appointment as a member. Following the selection process 45 members were appointed in late 2014. About two thirds of those appointed had previously been a member of one of the tribunals subsumed into SACAT. That ensured that SACAT had available to it a vast store of experience and corporate knowledge. While the majority of members are legal practitioners, others have backgrounds in psychiatry, social work, nursing and community work. Members are to be appointed with “lived experience” of mental health issues, eg experience in assisting family members to cope.

Much effort was put into training members and staff in the new electronic case management system and in legal issues. That work is ongoing.

Alternative dispute resolution

The SACAT Act provides for the conduct of conferences and mediation with a view to settling disputes on a consensual basis. Those statutory provisions underpin the emphasis placed within SACAT upon alternative dispute resolution (ADR). ADR skills were a key consideration in the selection of members. More particularly, two deputy registrars have been appointed because of their specialist ADR skills and work full time in that role.

ADR techniques have been used across all SACAT jurisdictions with the exception of mental health. The ADR officers have had much success in resolving disputes, in particular those between landlord and tenant about the payment of compensation or the refund of bond money.

Start up issues

Most of the work necessary to establish SACAT was undertaken by an AGD project team with the assistance of some contractors. Key members of the project team worked long hours over many months.

At a very early stage it was decided that SACAT would operate in a “paper free environment” with all applications being made electronically. Approval for that approach was obtained from the State Records Council. I understand that SACAT was the first public sector body in South Australia to adopt an entirely electronic record-keeping system.

While I am confident that in the medium-term the change to an entirely paper-free environment will prove to be correct, as with most major changes

involving electronic systems, the changed approach has not been entirely pain-free. Regrettably, in the initial few months of SACAT's operation, problems were experienced with the case management system.

The most serious problems have been resolved with the assistance of extra staff and funding provided by AGD. Nevertheless, considerable work is still required by SACAT staff and by the contracted service provider to deal with the remaining problems with the system.

Fortunately, those difficulties have had only marginal effect on applicants and respondents dealing with SACAT. The burden has largely fallen on members and staff. I take the opportunity to thank them for the enormous efforts they have made to ensure that SACAT has speedily and effectively decided applications.

The difficulties caused by the case management system were compounded by the need to deal with a backlog of some 1500 matters transferred from the former RTT. That backlog was quickly overcome due to the enormous efforts of members and staff and funding assistance from AGD.

All applications to SACAT are made using the online application form. Because many of those who seek the assistance of SACAT lack computer proficiency or do not have ready access to a computer, SACAT staff assist with the completion of applications. SACAT has also made considerable efforts to educate regular users how to make best use of online access.

In addition to providing guidance and training in the use of the online processes, SACAT has devoted much time in informing key stakeholders about its work. Reflecting the diversity of the SACAT jurisdiction, the public information sessions have been addressed to groups as varied as the mental health sector, aged care providers, landlords and tenants and others.

While SACAT has only been operating for a few months I am very proud of the achievements of members and staff in overcoming some frustrations with the case management system and dealing with the inherited backlog of tenancy disputes, while continuing to meet the statutory obligation to provide speedy and fair resolution of disputes and the making of orders for the benefit of those in particular need of care and protection.

I am absolutely confident that SACAT will be just as successful in resolving the vast range of disputes about administrative decisions that are to become its responsibility in coming months and years.

I am absolutely confident that SACAT will be just as successful in resolving the vast range of disputes about administrative decisions that are to become its responsibility in coming months & years.





PRINCIPAL REGISTRAR'S FOREWARD, CLARE BYRT

I am immensely proud of the achievements made by our staff and members in the first three months of SACAT operations from 30 March to 30 June 2015. The decision to commence by first transitioning the two most high volume independent tribunals in the state, as well as a number of other administrative review functions meant we had to start in the 'fast lane'. There was little time for pause or reflection in the first few months and the efforts of all were directed to receiving, processing, listing, hearing and resolving the high volume of matters.

In this first report of SACAT it is important to acknowledge the significant contribution of the SACAT establishment project team, who under the auspices of AGD, worked tirelessly for more than 18 months to establish SACAT. They were assisted by some dedicated members and staff from the existing bodies, who for many months contributed their extensive knowledge and expertise guiding and developing SACAT, whilst at the same time continuing to undertake their existing functions. Their efforts and those of the presidential and senior members, and deputy registrars once appointed, have been inspiring. Collectively we have remained focussed on our core objectives of providing fair, informal, accessible, efficient, cheap, flexible and adaptable access to justice.

We commenced our registry operations with about 30 registry and business support staff that came from the existing bodies, some staff that carried

over from the project team, as well as five newly recruited Deputy Registrars (including two Dispute Resolution Officers). We organised our workload into three different streams: *Housing & Civil*, *Community*, and *Administrative & Disciplinary*, and allocated staff accordingly, with each stream being managed and directed by a deputy registrar. We established a Business Support Unit to manage our finance, human resources, legal, communications and stakeholder engagement and IT and facilities support functions.

For this first reporting period with the assistance of our project manager and additional assistance from AGD, we were able to staff a team of IT and business analysts to assist us to manage the initial problems with and the inevitable early changes needed to our electronic application and case management systems.

In the weeks prior to opening and in the first three months of operation we achieved a great deal including:

- ▶ providing induction and training for all staff and members in the new online case-management system as well as SACAT practices and procedures and the substantive law
- ▶ holding an internal launch of SACAT on 13 March 2015 where the Hon John Rau Deputy Premier and our President Justice Greg Parker celebrated our commencement and brought all

of our staff and members together for the first time

- ▶ establishment of our governance processes at the executive leadership level, for registry management across the streams and in the business support area
- ▶ the introduction of a case management approach to the management of our registry workload across all streams
- ▶ development and continued improvement of our modern and easy to use web site
- ▶ the delivery of extensive public information sessions to our vast range of stakeholders, helping them prepare for and understand our new on line environment and our practices and procedures
- ▶ the management and delivery of a significant number of early changes necessary for the improved operation of our case-management system
- ▶ considerable work on developing a range of policies and procedures necessary for our ongoing operation.

Like any significant organisational change we have had our fair share of challenges. These included:

- ▶ the early issues with the case management system coupled with the steep learning curve for staff and members becoming proficient with the system
- ▶ learning to do things in new ways
- ▶ managing the *Housing & Civil* backlog of 1500 matters including considerable customer dissatisfaction with the time it was taking to deal with these inherited matters

- ▶ operating across two sites whilst trying to develop a 'one SACAT' culture.

I look forward to working with our staff and members to meet the challenges of the future to ensure we provide improved customer service and access to fair and independent decision making.

However, through considerable effort, grit and determination we are now up and functioning as a 'super tribunal'. Given the challenges we faced we made significant progress. No doubt we will face new challenges particularly with the anticipated expansion of our jurisdiction in the administrative and disciplinary areas. I look forward to working with our staff and members to meet the challenges of the future to ensure we provide improved customer service and access to fair and independent decision making.



SNAPSHOT 30 MARCH – 30 JUNE 2015

OPENING

SACAT opened for business on 30 March 2015.

MARCH 2015

M	T	W	T	F	S	S
23	24	25	26	27	28	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

NEW APPLICATIONS

A total of 3797 new applications were received by SACAT.

HOUSING & CIVIL STREAM MATTERS

2694

new
matters

ADMINISTRATION & DISCIPLINARY STREAM MATTERS

27

new
matters

COMMUNITY STREAM MATTERS

1076

new
matters

EDUCATION AND INFORMATION

Around 750 persons have attended information sessions and presentations

WEBSITE AND ONLINE SERVICES

New website launched including an online application process

107 287 page views

18 734 visitors

1154 page views per day

3797



750
people
attended

1154
page
views
per day





OUR ORGANISATION

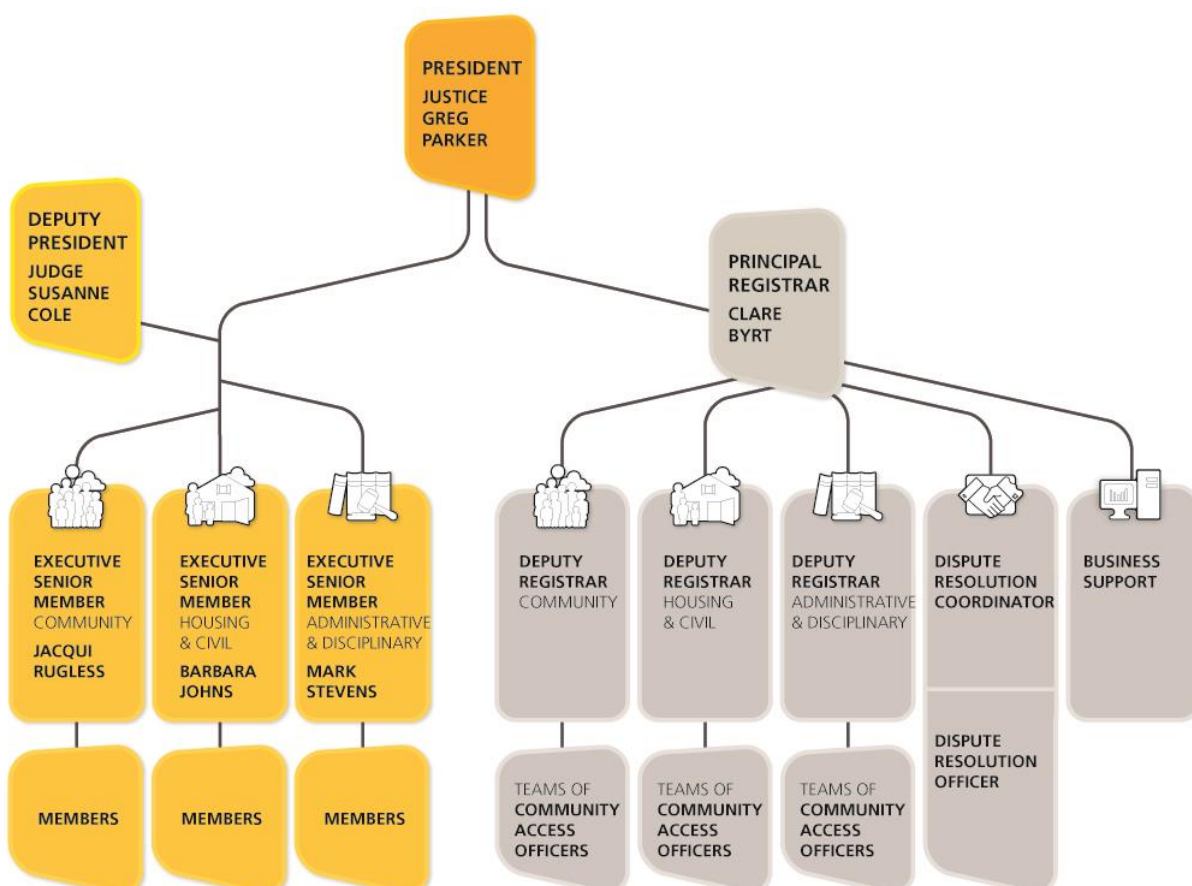
Role

SACAT is a state tribunal that helps people in South Australia to resolve issues within civil and administrative law, either through agreement at a conference, conciliation or mediation, or through a decision at a hearing. SACAT also conducts reviews of Government decisions.

SACAT strives to be accessible and responsive to user needs, and deals with cases in a range of areas (or jurisdictions). SACAT is an independent statutory authority that operates across the state of South Australia and is a key part of the state justice system.

Organisational structure

SACAT's organisational structure is established in law. SACAT is led by the President, Justice Greg Parker, who is a Supreme Court judge, and a Deputy President, Judge Susanne Cole, who is a judge of the District Court. As well as leading and guiding the operation of SACAT, and overseeing its operations, the President and Deputy President also conduct hearings on certain matters and reviews. The SACAT registry is led by the Principal Registrar, Ms Clare Byrt, who assists the President in the administration of the tribunal and its day-to-day business.



President

Justice Greg Parker was appointed as a judge of the Supreme Court and President of SACAT on 14 November 2013. He holds the dual roles of President of SACAT and judge of the Supreme Court.

Justice Parker's public sector career began in the Commonwealth Public Service in 1970. He was admitted as a practitioner of the Supreme Court of South Australia in 1990.

Justice Parker joined AGD as a solicitor in the Crown Solicitor's Office where he mainly practiced in administrative, constitutional and employment law. He undertook a number of key leadership roles including Managing Solicitor Advising and Deputy Crown Solicitor.

In February 2010, Justice Parker was appointed Crown Solicitor. He was awarded the Public Service Medal in June 2013 for outstanding public service in the provision of legal and industrial advice as Crown Solicitor.

Deputy President

On 14 February 2014 Judge Cole was appointed to the position of Deputy President of SACAT.

Judge Cole has been a judge of the District Court and the Environment Resources and Development (ERD) Court, and a member of the Equal Opportunity Tribunal, since 2002. In 2010 she became the Senior Judge of the ERD Court.

After her admission to legal practice in 1982, Judge Cole practised at the Crown Solicitor's Office, and at several Adelaide firms, principally in planning and environment, property, equal opportunity and general administrative law. She also lectured at the Flinders Law School for several years.

Principal Registrar

Clare Byrt is the Principal Registrar of SACAT, managing the business of the SACAT and its staff.

Clare Byrt joined SACAT following her role as the South Australian District Registrar of the Administrative Appeals Tribunal. Clare was also Chair of the Administrative Law Committee of the Law Society of South Australia.

Executive senior members

SACAT's executive senior members lead each of SACAT's streams and join the President, Deputy President and Principal Registrar in the leadership team. Information about our executive senior members can be found on the SACAT website.

Tribunal members

Members conduct hearings and conferences and ADR processes to resolve issues for members of the South Australian community. Their role is to uphold the law and the values of SACAT: respect for the law, fairness, independence, respect for persons, diligence and efficiency, integrity and accountability and transparency.

Reflecting the diversity of our community and the issues our users face, SACAT's Tribunal Members are from a range of professions and backgrounds. They include lawyers, psychiatrists, people with a social welfare or nursing background, people with a public sector background and accredited mediators. SACAT has members from non-English speaking backgrounds, and members that have experience with and knowledge of disability, mental illness and other barriers.

A full list of our members can be found on the SACAT website.

Housing & Civil Stream

Housing & Civil performs the work previously undertaken by the RTT. This includes applications concerning residential tenancies, rooming houses, retirement villages and residential parks. The largest volume of the work is in the area of tenancy disputes. Around 200 to 250 applications are lodged every week.

Administrative & Disciplinary Stream

Administrative & Disciplinary commenced with jurisdiction to hear public and community housing reviews, land valuation reviews and review of decisions of the Registrar-General under the Real Property Act. The stream is administratively responsible for arranging the hearing of internal reviews emanating from the other two streams. Members have also sat regularly to assist with the hearing of matters in the other two streams.

Community Stream

Community hears applications for guardianship and administration orders and related matters, and for certain orders under the Mental Health Act. It also reviews lower level treatment orders made by medical practitioners under this Act.

These matters were previously heard by the Guardianship Board of SA, prior to its abolition upon the introduction of SACAT. South Australia had abolished the Mental Health Review Tribunal in 2008 and transferred that work to the Guardianship Board of SA.

Business Support

The Business Support Unit (BSU) is lead by the Manager Business Support, providing support to SACAT in its daily operations. It is responsible for accommodation requirements, information communication and technology (ICT), finance, human resources, communications and risk management processes. The team also assists with the coordination of the delivery of contracted business service providers, and specifically has managed the SACAT online services implementation.

Felix Support

The Felix Support team, part of the BSU, is responsible for managing SACAT's internal case management system, better known as 'Felix'. The Felix system is central to the Tribunal's operations, underpinning every stage of the case management process electronically.

The team also manages SACAT's public-facing Online Services portal; providing individuals and organisations with an efficient and accessible way to apply, submit and track SACAT applications online.

During the first three months of operation, Felix Support focussed heavily on further improving and adapting the system to meet business needs, working closely with the systems' contractor McGirr to achieve this.

Felix Support services include helpdesk support, issues resolution, training and system administrator functions such as workflow configuration, system development and release management.

Education and communications

A stakeholder education program was implemented to help our customers understand SACAT processes and any changes in our systems that might affect them. Information sessions in both *Housing & Civil* and *Community* have been scheduled at least monthly and to a lesser extent in *Administration & Disciplinary*, and held in our metropolitan venues and a number of regional venues.

Additionally, regular meetings across all streams with stakeholders including peak bodies, community groups, and government and non-government organisations have also taken place.

A Communications and Engagement Officer was appointed on a temporary six month basis to manage stakeholder education and communications functions (website, media, e-newsletter, hardcopy and electronic publications, and the provision of strategic education and communications advice).

Accommodation and technology

Both City and Collinswood premises were refurbished before SACAT commenced operations. The results are modern, fit for purpose hearing and conference rooms at both venues. Significant investment was made on ICT and rooms have audio and video facilities, as well as suitable security technology.

Pirie Street has two public computer terminals, where applicants can use the facility, guided by a community access officer, to make their application. SACAT volunteers are on hand to assist people using the public access terminals.

Both premises have access facilities, baby change rooms, hearing loop and augmentation available and taxi phone service.

AGD and other services

SACAT's general ICT system operates through the AGD system. AGD, Department of Premier and Cabinet and Shared Services SA provide support to SACAT in the delivery of some corporate services eg payroll, corporate training, injury management and return to work services.

Legislation

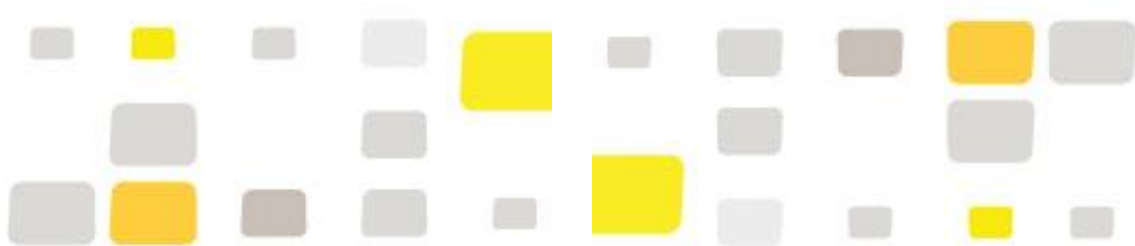
The laws that govern SACAT are:

- ▶ *South Australian Civil and Administrative Tribunal Act 2013*
- ▶ *South Australian Civil and Administrative Tribunal Regulations 2015*
- ▶ *South Australian Civil and Administrative Tribunal Consolidated Rules 2014*

The following legislation (and associated regulations) specifies the areas of law in which SACAT can operate and the cases SACAT handles in each jurisdiction:

- ▶ *Advanced Care Directives Act 2013*
- ▶ *Community Housing Providers (National Law) (SA) Act 2013*

- ▶ *Consent to Medical Treatment and Palliative Care Act 1995*
- ▶ *Guardianship and Administration Act 1993*
- ▶ *Local Government Act 1999*
- ▶ *Mental Health Act 2009*
- ▶ *Residential Tenancies Act 1987*
- ▶ *Residential Parks Act 2007*
- ▶ *Retirement Villages Act 1987*
- ▶ *SA Cooperative and Community Housing Act 1991*
- ▶ *South Australian Housing Trust Act 1995*
- ▶ *Valuation of Land Act 1971*





SACAT OBJECTIVES

SACAT'S STRATEGIC OBJECTIVES IN THE FIRST QUARTER OF OPERATIONS MIRRORED ITS LEGISLATIVE OBJECTIVES, WHICH EMPHASISE ACCESSIBILITY, EFFICIENCY AND FAIRNESS.

**BEST PRINCIPLES OF
PUBLIC ADMINISTRATION**

ACCESSIBILITY

**FAST PROCESSING &
RESOLUTION OF ISSUES**

COST EFFECTIVENESS

PLAIN ENGLISH

FLEXIBILITY

**CONSULTATION &
ENGAGEMENT**

ABOUT OUR OBJECTIVES

Objective 1

BEST PRINCIPLES OF PUBLIC ADMINISTRATION

- ▶ Independence in decision-making
- ▶ Natural justice and procedural fairness
- ▶ High-quality, consistent decision-making
- ▶ Transparency and accountability in the exercise of statutory functions, powers and duties

Objective 2

ACCESSIBILITY

- ▶ Easy to find
- ▶ Easy to access
- ▶ Responsive to parties, especially to people with special needs

Objective 3

FAST PROCESSING & RESOLUTION OF ISSUES

- ▶ Timeliness
- ▶ Dispute resolution through high quality processes
- ▶ Alternative dispute resolution

Objective 4

COST EFFECTIVENESS

- ▶ Keep costs to a minimum

Objective 5

PLAIN ENGLISH

- ▶ Straightforward language and procedures
- ▶ Simple standardised forms

Objective 6

FLEXIBILITY

- ▶ Conduct business flexibly
- ▶ Adjust procedures to fit circumstances
- ▶ Act with as little formality and technicality as possible

Objective 7

CONSULTATION AND ENGAGEMENT

- ▶ Consult with appropriate community and stakeholders about issue relating to the “Main objectives of the Tribunal” as defined in the SACAT Act.





PERFORMANCE INDICATORS

Initial performance indicators were set by AGD.

AGD performance indicator #1

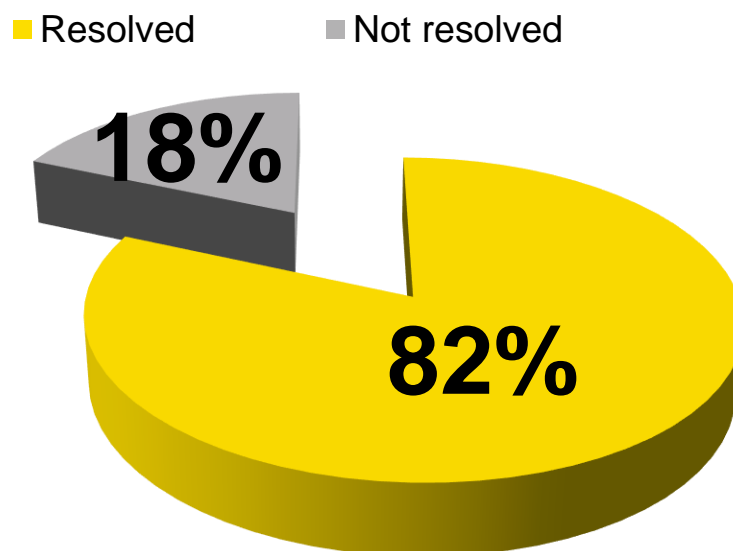
SACAT FINALISES 80% OF APPLICATIONS WITHIN 30 DAYS.

Due to data migration issues, inherited backlog of cases and system changes, it has been determined to report on this performance indicator in the 2015/16 Annual Report.

AGD performance indicator #2

SACAT RESOLVES 65% OF MATTERS REFERRED TO ALTERNATIVE DISPUTE RESOLUTION.

Matters referred to ADR - actual SACAT performance*



*SACAT has exceeded KPI #2 target of 65% by resolving 82% of matters by ADR



COMPLIANCE REPORTING

procedures, whilst dealing with an inherited backlog of matters.

Freedom of information (FOI)

For information about Freedom of Information, refer to the SACAT website.

In this reporting period, SACAT has had two FOI requests. Both of these applications have since been responded to in compliance under the *Freedom of Information Act 1991*.

For more information about FOI requests, please visit the SACAT website at <https://www.sacat.sa.gov.au/about-sacat/contact-us/freedom-of-information>

Alternatively, the AGD's FOI 'information statements' are published on the Department's website and can be accessed at <https://www.agd.sa.gov.au/about-us/data-reports/freedom-of-information>

Whistleblowers Protection Act disclosures

There have been no instances of disclosure of public interest information under the *Whistleblowers Protection Act 1993*.

Warrants issued under the Guardianship and Administration Act 1993

No warrants were issued for this financial year.

Public complaints

During the reporting period SACAT received 22 formal written complaints. The majority of complaints related to services and were received at a time when SACAT was introducing new tribunal

The new system and large backlog initially lead to some minor administrative errors and some delay in processing and listing matters. By the end of the reporting period SACAT had worked through the bulk of the backlog, and as a result the initial listing delays had been addressed.

As SACAT and its users became more familiar with the new procedures associated with its introduction, complaints dramatically reduced.

SACAT also answered four requests for information from Ministers' offices during the reporting period. These requests related to service access and procedures.

Table 1 Category of public complaints

Category of complaints by subject 2014-15	Number
Members	2
Staff	2

Services	18
Total	22

Overseas travel

There has been no overseas travel in the reporting period.

Workforce profile

For the purpose of annual reporting, SACAT employee data is captured within the AGD Annual Report.

Between March 30 and June 30, SACAT had the following statutory appointments (non-AGD employees).

This comprised of the SACAT leadership group, executive senior members, and ordinary (full and part time) and sessional members.

Table 2 Statutory appointments as at 30 June 2015

Statutory appointments	Number
President	1
Deputy President	1
Principal Registrar	1
Deputy registrars	5
Executive senior members	2.5
Full time members	2
Part time members	5
Sessional members	39
<p>* A full list of SACAT leadership and members can be found at https://www.sacat.sa.gov.au/about-sacat/who-we-are.</p>	

General compliance

Reporting on the following aspects of SACAT are contained within the AGD Annual Report 2014-15.

- ▶ Management of human resource information
- ▶ Employee numbers, gender and status (excluding statutory appointments)
- ▶ Executives
- ▶ Leave management
- ▶ Workforce diversity
- ▶ Voluntary flexible working arrangements
- ▶ Leadership and management development
- ▶ Employment opportunity programs
- ▶ Reporting against the Carers Recognition Act 2005
- ▶ Disability access and inclusion plans
- ▶ Asbestos management in government buildings
- ▶ Urban design charter
- ▶ Energy efficiency action plan reports
- ▶ Greening of Government Operations Framework
- ▶ Regional impact assessment statements
- ▶ Financial performance
- ▶ Fraud
- ▶ Consultants





OPERATIONAL REVIEW

SACAT establishment

SACAT was established under the South Australian Civil and Administrative Tribunal Act.

In addition to applications inherited from the subsumed tribunals/boards, applications were made to SACAT from 30 March 2015.

Digital challenges

The new digital case management system and online application process changed both internal and external processes significantly, and affected both SACAT operations and SACAT customers. Members and staff have been required to manage significant change since SACAT opened.

SACAT has moved from the paper-based environment to an electronic environment. The case management system (and online application form) were developed by McGirr, a vendor experienced in developing Case Management Systems for tribunals.

SACAT has faced challenges relating to the functionality of the system and its use by SACAT members, staff and members of the public. System functionality is being continuously developed and improved.

Training and direction

Significant training has been provided to SACAT members and staff on the use of the case management system.

SACAT conducted information sessions for stakeholders/public to introduce them to the new processes and the improvements that are being implemented. Feedback from these sessions was taken seriously, and changes to processes were made where necessary.

In addition to system change, the legislative framework for decision making has also changed. Previous members and new members alike were given training on legal and procedural issues.

New members were subject to further specialised training and were initially supervised by a person who was a member of a predecessor body.

By the end of this reporting period the training of most new members was complete and SACAT was able to more effectively utilise its membership to determine applications.

Management of backlog

Managing the backlog of matters inherited at transition provided significant challenges and resources were dedicated to rectifying this issue.

During the first six weeks of opening, the backlog and system issues resulted in delays to the average time taken to list an application, particularly in Housing & Civil matters, which resulted in an increased number of complaints from agents and property managers.

SACAT acted swiftly to improve processes, member and staff training, and system issues to remedy the cause of initial complaints. These improvements were communicated to stakeholders who responded positively.

From 15 June 2015, SACAT increased the number of members who could hear applications daily. This allowed scheduling to hear around 90 applications per day across all streams. The schedule was monitored and adjusted regularly to respond to the ebb and flow of the numbers and types of applications (a practice to continue going forward).

Alternative dispute resolution (ADR)

Resolution of disputes “through high quality processes and the use of mediation and alternative dispute resolution procedures wherever appropriate” (s.8(1)(c) of the SACAT Act) is one of SACAT’s main objectives.

ADR processes also contribute in large measure to a range of SACAT’s other objectives – procedural fairness, accessibility, responsiveness, timeliness, cost effectiveness, informality and flexibility.

Two deputy registrars have been designated as Alternative Dispute Resolution (ADR) specialists within SACAT. They are known as dispute resolution officers (DROs) and work across all streams of SACAT.

In their consultative, educative and promotional roles, the DRO’s have engaged with and observed a range of ADR processes within a number of State and Commonwealth courts and tribunals including:

- ▶ Environment, Resources and Development Court
- ▶ Housing Appeal Panel
- ▶ AAT (Commonwealth)
- ▶ VCAT (Victoria)
- ▶ SAT (Western Australia).

The DROs have current National Accreditation as Mediators and are members of the National ADR Network (NADRN), sharing experiences and best practice principles with ADR professionals from civil and administrative tribunals across Australia.

DRO stakeholder engagement has included presentations at SACAT customer information sessions, SA Law Society, member training and meetings with Housing SA and Mediation SA.

ADR is not a ‘one size fits all’ approach. It is a timely, flexible and responsive approach to dispute resolution that strives to make the process accessible to the greatest number of participants, and to accommodate their individual needs so that they are in the best position to resolve the dispute by agreement.

Different triage¹ and referral procedures are followed across SACAT streams:

Housing & Civil – Bond conferences are a high volume area in their own right. The inherited backlog meant that DROs applied the majority of

their time and resources to conducting conferences in this area.

The compulsory conference process was adapted from the conciliation process introduced three years ago by the RTT.

Bond disputes routinely had compulsory conferences scheduled and conducted by DROs and members. If the dispute was not resolved by agreement it was referred to a hearing.

Complex matters, often concerning conduct disputes between neighbours, only proceeded to a compulsory conference on referral from the presiding member.

WITHIN THE REPORTING PERIOD,
645 HOUSING & CIVIL MATTERS
WERE REFERRED TO A
COMPULSORY CONFERENCE AND
526 WERE RESOLVED BY
AGREEMENT (82%).

270 HOUSING & CIVIL
CONFERENCES WERE
CONDUCTED BY DROs AND 259
WERE CONDUCTED BY MEMBERS.

The vast majority of conferences related to disputed bond claims, with only a handful of complex matters relating to termination for unacceptable conduct being referred by members to the DROs.

Administrative & Disciplinary – Public housing disputes were triaged and matters deemed suitable for conferencing were referred to a DRO.

The DRO initially conducted a preliminary telephone conference and assessed the readiness to proceed to a compulsory conference. This involved assessing the needs of the parties and their capacity and willingness to participate including:

- ▶ the need for support or assistance
- ▶ that relevant documentation had been exchanged
- ▶ the attendance of persons with appropriate authority to resolve the dispute
- ▶ clarifying issues in dispute.

¹ “Triage” refers to the practice of reviewing the matter for its suitability to go to either conference or hearing.

Some parties prefer to present in person at SACAT, or other location for advocate assistance for preliminary conferences. Some matters resolve at the preliminary conference without proceeding to the subsequent 'face to face' conference.

The timing and location of the compulsory conference is based on the individual considerations given to each matter. Conferences have been held at Pirie St and at a number of regional offices of Housing SA.

ONLY A SMALL NUMBER OF ADMINISTRATION & DISCIPLINARY MATTERS WERE REFERRED FOR COMPULSORY CONFERENCES AND THEY ALL RELATED TO PUBLIC HOUSING APPEALS.

WITHIN THE REPORTING PERIOD, SEVEN ADMINISTRATION & DISCIPLINARY MATTERS WERE REFERRED TO THE DROs FOR A COMPULSORY CONFERENCE AND FOUR WERE FINALISED. OF THOSE FINALISED MATTERS, THREE WERE RESOLVED BY AGREEMENT.

Community – Guardianship and/or Administration disputes are referred by members having the conduct of matters. Generally they concern disputes between family members or between carers, family members and public bodies.

The ADR process is flexible and dependent on the stage and timing of the referral. Some referrals follow directions hearings and some occur where matters are part-heard.

Only two of the four matters referred to DROs for a compulsory conference were finalised within the reporting period. Both matters were resolved by agreement.

ADR in summary - In the short period of SACAT's operation, ADR successfully resolved disputes in an informal, accessible and approachable way that meets the needs of even the most vulnerable people. The flexibility of the process, and its adaptability to particular needs and circumstances, adds to its effectiveness in providing timely, fair and economical dispute resolution.

ADR processes allow parties to meet informally, in a safe and neutral environment, assisted by a DRO with some expertise in the subject matter, to discuss their issues of concern with a view to reaching agreement, maintaining ownership of the matter themselves and often preserving the relationship with the other party. Arguably, that is a better outcome than having a decision imposed upon the parties.

ADR PROCESSES HAVE BEEN PREDOMINANTLY USED TO RESOLVE BOND DISPUTES IN HOUSING & CIVIL, WITH A GREAT DEAL OF SUCCESS. EVERY MATTER RESOLVED AT A COMPULSORY CONFERENCE FINALISED AN APPLICATION, ON AVERAGE, SIX WEEKS EARLIER THAN IF IT HAD BEEN REFERRED TO A MEMBER FOR HEARING. ADR ALSO SAVED AN ADDITIONAL AVERAGE OF 1.5 HOURS OF MEMBER HEARING TIME PER MATTER.

ADR processes are set to expand within SACAT in future.

A number of members and registrars have National Accreditation in Mediation and others have expressed interest in ADR and gaining national accreditation in the near future.



Housing & Civil stream



At the time of writing this report, *Housing & Civil* listing times were generally within three weeks of lodgement (with urgent applications

listed more quickly). This is in line with listing target times.

The transition to SACAT resulted in some significant changes in *Housing & Civil*. This includes an increased number of hearing rooms available and a significant improvement in the quality of room facilities (eg video conferencing and audio recording). *Housing & Civil* now provides information about its role, practices and procedures on a website which was previously not done by the RTT.

The membership of *Housing & Civil* has been refreshed, with slightly under one third of its members being newly appointed. Members received extensive training and ongoing support.

There have been major changes in the way members are expected to perform their work. Members now access SACAT's electronic files themselves, either at the premises or remotely. They are no longer provided with clerks for their hearings and must produce their own orders. Members are expected to be able to utilise the case management system without the assistance of clerical staff. They have been provided with

extensive template orders and electronic resources to assist them with their day to day work. Members have been observably committed to tackling these changes.

There have also been changes for the *Housing & Civil* support staff. A new telephone system added to the challenges of transitioning to SACAT and inevitably staff needed to learn on the job, as administrative processes and procedures evolved, and opportunities for improvement were identified.

Housing & Civil has been gradually introducing the use of volunteers in its reception area. Registry staff and members work closely to achieve the strategic goals of the division.

Housing & Civil stream is a fast paced and intense work environment. Difficult decisions are made daily which have a resounding impact on peoples' lives. *Housing & Civil* culture is focused on achieving the objectives stated in the SACAT Act.

Applications & referrals

Since opening, SACAT has received a total of 2694 *Housing & Civil* applications.

The most common applications made were for vacant possession (54%) and bond and compensation claims (27%).

Additionally SACAT received 680 referrals of bond disputes from the Commissioner under the Residential Tenancies Act 1995.



Table 3 Housing & Civil applications by type, 30 March – 30 June 2015

Application type	No. of applications	%
Vacant possession (breach, end of lease or non-compliance)	1449	54
Bond or compensation claims	738	27
Vary or set aside a previous order	178	7
Termination and/or possession	112	4
Frustration	79	3
Hardship	78	3
Internal Review of Decision	44	2
Other	16	1
Total	2694	

Initial challenges

Approximately 1500 applications were transferred from the RTT SACAT at the time of opening.

In addition to extra staffing resources being provided by the AGD and increasing the number of matters heard each week. SACAT registry staff implemented a system to monitor incomplete applications, ensuring that they could be listed and finalised. A number of SACAT fact sheets were also produced to assist applicants complete their applications faster.

Approximately 90% of the active applications inherited by SACAT were finalised by the end of June.

Listing timeframes

During the reporting period, SACAT took an average of 18 days to list *Housing & Civil* applications and 35 days in total to hear these applications (from the date of lodgement).

Once a matter was listed, parties were generally given 1-2 weeks' notice to ensure that they had sufficient time to prepare (unless SACAT considered the application to be urgent).

The listing timeframes were negatively affected by:

- ▶ the backlog of matters inherited by SACAT
- ▶ a significant number of applications where the required documentation was not received
- ▶ the required fee not being paid by the applicant.



Table 4 Average timeframes for Housing & Civil listing and hearing by application type, 30 March – 30 June 2015

Application type	Average time to list (in days)	Average time to hearing (in days)
Vacant possession (breach, end of lease or non-compliance)	18	35
Bond or compensation claims	26	52
Vary or set aside a previous order	8	13
Termination and/or possession	18	31
Frustration	15	28
Hardship	12	18
Internal Review of Decision	6	10
Total	18	35

Hearings

A total of 2604 conciliation conferences and hearings were held to determine *Housing & Civil* applications since SACAT opened. Conciliation conferences and other alternative dispute resolution processes comprised just over a quarter of the total hearing figures (654 of 2604).

In most instances, a single conference or hearing was sufficient to deal with an application. However, in some circumstances, SACAT adjourned the application for a further hearing.

Table 5 Housing & Civil conference and hearings by application type, 30 March – 30 June 2015

Application type	No. of hearings/conferences	%
Vacant possession	1406	54
Bond or compensation claims	872	33
Vary or set aside a previous order	124	5
Termination and/or possession	100	4
Frustration	36	1
Hardship	29	1
Internal Review of Decision	24	1
Other	13	0
Total	2604	

* These figures do not include hearings which were scheduled but adjourned, not attended or cancelled prior to the date of the hearing.

Orders made

A total of 2949 *Housing & Civil* orders were made during the reporting period.

In addition to making orders pursuant to hearings, SACAT also made orders based on the documentation provided without requiring a hearing to be scheduled and attended by the parties. For example where the applicant requested that their application be withdrawn.

The most common orders made by SACAT in this area were orders:

- ▶ requiring a tenant to enter into a payment plan (20%)
- ▶ providing vacant possession (18%)
- ▶ made for withdrawal (16%)
- ▶ made by consent (14%)
- ▶ concerning a tenancy bond and compensation (13%)



Administrative & Disciplinary stream



Administrative & Disciplinary will eventually handle an extremely wide range of matters. However a strategic decision was made that these various jurisdictions will be

conferred on SACAT in a number of stages. In contrast to *Community and Housing & Civil* which both took on larger portfolios from the time of opening, the start for *Administrative & Disciplinary* has been more modest.

People appearing before SACAT in *Administrative & Disciplinary* varied from the disadvantaged to the sophisticated. This has provided a good opportunity to refine our processes to ensure fairness and accessibility for all persons, as well as efficiency and quality of decision-making. We have had considerable success in resolving matters by the use of alternative dispute resolution, particularly in the public and community housing area.

A significant amount of work has been done to prepare the SACAT computer systems and programmes for the new jurisdictions to be conferred on *Administrative & Disciplinary* in the future. It is expected that the next 12 months will see significant expansion for the stream.

Administrative & Disciplinary will hear reviews of government decisions under a large number of Acts of Parliament. It will also hear vocational disciplinary matters relating to many occupations and professions. The stream will exercise a varied jurisdiction in the area of administrative law.

Applications

During the reporting period SACAT received a total of 27 applications in *Administrative & Disciplinary*.

Table 6 Administrative & Disciplinary applications by type, 30 March – 30 June 2015

Application type	No. of applications	%
Public or community housing review	27	100
Review of land valuation	0	0
Review of the decision of the Registrar-General	0	0
Total	27	

Listing timeframes

SACAT took an average of eight days to list *Administrative & Disciplinary* applications received by it and 31 days in total to hear these applications.

In general, parties were given 21 days' notice prior to the hearing to ensure that the respondent had the time to provide all documentation required for consideration in the decision-making process.

Exceptions to this may have been where SACAT considered the application to be urgent, eg where the applicant sought review of a community housing provider's decision not to renew a lease.

Table 7 Average timeframes for listing and hearing for Administration & Disciplinary by application type, 30 March – 30 June 2015

Application type	Average time to list (in days)	Average time to hearing (in days)
Public or Community Housing Review	8*	31
Review of land valuation	0	0
Review of the decision of the Registrar-General	0	0
Total	8	31
* Timeframes are based on the first listing made by SACAT		

Hearings

In *Administrative & Disciplinary* matters, applications were generally initially scheduled for a conference.

A total of 22 conferences and hearings were held to determine *Administrative & Disciplinary* applications in the reporting period.

In most instances, a single conference or hearing was sufficient to deal with an application. However, in some circumstances, SACAT may have adjourned the application for a further hearing.

Table 8 Administrative & Disciplinary conference and hearings by application type, 30 March – 30 June 2015

Application type	No. of hearings	%
Public or Community Housing Review	22	100
Review of land valuation	0	0
Review of the decision of the Registrar-General	0	0
Total	22	
* The above figures do not include hearings which were scheduled but adjourned, not attended or cancelled prior to the date of the hearing.		

Orders made

A total of 19 *Administrative & Disciplinary* orders have been made in the reporting period. Of these:

- ▶ 7 adjourned the application (with or without directions)
- ▶ 6 affirmed the decision under review
- ▶ 2 varied or set aside the decision under review
- ▶ 3 dismissed the application for want of jurisdiction
- ▶ 1 referred the decision under review back to the original decision maker for reconsideration under s 36(2) of the SACAT Act.

In addition to making orders pursuant to hearings, SACAT may have, in certain circumstances, made orders based on the documentation provided without requiring a hearing to be scheduled and attended by the parties. For example, where the applicant requested that their application be withdrawn.

Community stream



In addition to guardianship and administration matters the Community Stream of SACAT incorporates the work performed in other jurisdictions by a

specialised Mental Health Review Tribunal.

To accommodate the specific requirements of the two different areas of work *Community* separates its matters into two lists: the guardianship and administration list and the mental health list. The composition of panels and the structure of hearings for applications in each area are tailored to the specific requirements of the cases in each list.

Guardianship and administration: the largest proportion of the work undertaken during the reporting period was hearing applications for, and reviews of, guardianship and administration orders. Hearings in this list also related to applications and referrals under the Advance Care Directives Act. Since opening, SACAT has heard applications:

- ▶ to cancel advance care directives based on the wishes of the person when the person is no longer competent
- ▶ to review (or revoke) advance care directives in order to replace substitute decision-makers who are ineligible, no longer willing to act or have been negligent in the exercise of their duties
- ▶ for declarations and directions about issues and disputes that have arisen under advance care directives.

SACAT will usually only make a declaration about an issue arising under an advance care directive if the Public Advocate has declined to mediate or has previously tried to resolve the matter. A small number of applications are also made to SACAT in this list under the Consent to Medical Treatment and Palliative Care Act.

Mental health: In this list *Community* makes and reviews compulsory treatment orders for persons suffering from a mental illness under the Mental Health Act.

SACAT is an essential safeguard in this area, ensuring that the rights and dignity of people with mental illness are respected. The processes adopted by SACAT in this list reflect the concept of 'therapeutic jurisprudence'. The proceedings quite

often take place in approved treatment centres and are conducted sensitively and informally with a particular focus on the wellbeing of the patient.

The main function of SACAT in this area, when making an order, or on review, is to determine if the criteria for making compulsory mental treatment orders, as set out in the Act, apply to the person. Compulsory treatment orders can only be made when there are no less restrictive ways of ensuring that a person gets the appropriate treatment.

Hearings, registry processes and decisions

Matters in *Community* are not adversarial in nature. They are an inquiry into the circumstances of a person suffering from either a mental incapacity, a mental illness or impaired decision-making capacity. Individuals who are the subject of these applications are amongst the most vulnerable in society. They include people living with disabilities, the elderly, and people with severe physical and mental illnesses.

When a vulnerable person appears in a *Community* hearing, they are often unwell, distressed, anxious and confused. Emotions may be running high amongst interested family members and friends. A great deal of care and consideration is required in the management of each hearing and it is necessary to adopt flexible and relatively informal procedures. Tribunal members are not bound by the rules of evidence or procedure, lawyers do not generally appear for parties, and evidence is usually not taken on oath. A full-time, experienced security officer is situated at our Collinswood premises to sensitively manage any security issues that may arise. Our experienced volunteers provide a reassuring 'meet and greet service' and a friendly introduction to *Community* hearings.

The compositions of panels for each *Community* hearing are tailored to the nature of the jurisdiction. Many new guardianship and administration applications and mental health first instance reviews are heard by multi-disciplinary panels comprising two members from a diverse range of professions including: lawyers, social workers, nurses, mental health workers, psychiatrists and community members with experience in the disability sector.

Community also incorporates flexibility around hearing venues and the taking of evidence. Hearing loops and interpreters are provided when required. If a person is too frail or incapable of

appearing, SACAT will often arrange for a member to visit them in their home, hospital or residence, to obtain evidence about their wishes and attitude to the application.

Hearings are often conducted by videoconference facilities or via telephone conference, particularly to country hospitals and nursing homes. In June 2015 the Executive Senior Member of *Community* and two other members travelled to the APY Lands for a week to conduct mental health hearings. This was a service first introduced by the Guardianship Board and it continues to be much appreciated by the indigenous communities and the visiting psychiatrists and dedicated mental health staff situated on the Lands.

Given the nature of the jurisdiction in *Community*, it is important that prompt but judicious decision-making occurs. Most decisions are delivered immediately at the end of each hearing with brief verbal reasons being provided to the parties. Orders are typed up by members at the end of each hearing and in most cases sent to parties instantly via email.

The *Community* Deputy Registrar, assisted by a Team Leader, manages the registry. The registry staff work collaboratively with the Executive Senior Member and other members of SACAT to provide valuable registry and member support services. A focus of the registry staff is to provide an efficient but client-focussed case management approach. A triaging system has been introduced to streamline the management of cases, and informal telephone directions hearings are now conducted to manage some pre-hearing processes.

Some issues of concern

There are concerns about non-reporting by private administrators to the Public Trustee and SACAT, as required under the Guardianship and Administration Act.

Community continues to see concerning cases of 'elder abuse', particularly the financial abuse of vulnerable, incapacitated pensioners.

SACAT has introduced steps to conduct directions hearings and early reviews of administration orders in such cases for the purpose of considering whether to direct the appointed administrator to take steps to report, or to consider whether the appointment should continue.

Applications

During the reporting period SACAT received 1076 *Community* applications.

The most common applications were administration or guardianship orders (35%) and level 2 community treatment orders under the Mental Health Act (24%).

In addition SACAT received 6754 mental health treatment forms and conducted mandatory reviews of existing orders under section 57 of the Guardianship & Administration Act.



Table 9 Community applications by type, 30 March – 30 June 2015

Application type	No. of applications	%
Administration and/or Guardianship Order (with/without Special Powers)	374	35
Vary or revoke Administration and/or Guardianship Order	100	9
Special Powers	57	5
Consent for Electro-Convulsive Therapy	33	3
Request for purchase or sale of real estate	25	2
Request for advice, direction or approval	24	2
Review of Level 1 Community Treatment Order	6	1
Level 2 Community Treatment Order	263	24
Vary or revoke Level 2 Community Treatment Order	4	0
Review of Level 1 Inpatient Treatment Order	16	1
Review of Level 2 Inpatient Treatment Order	67	6
Level 3 Inpatient Treatment Order	57	5
Vary or revoke Level 3 Inpatient Treatment Order	16	1
Internal Review of Decision	19	2
Other	15	1
Total	1076	

Listing timeframes

From 29 March 2015 to 30 June 2015, SACAT took an average of eight days to list *Community* applications received, and 20 days to hear these applications.



Table 10 Average timeframes for listing and hearing for Community by application type, 30 March – 30 June 2015

Application type	Average time to list (in days)	Average time to hearing (in days)
Administration and/or guardianship order (with/without special powers)	9	24
Vary or revoke administration and/or guardianship order	7	22
Special powers	8	15
Consent for electro-convulsive therapy	2	8
Request for purchase or sale of real estate	8	11
Request for advice, direction or approval	3	15
Review of Level 1 community treatment order	6	13
Level 2 community treatment order	10	27
Vary or revoke Level 2 Community Treatment Order	5	18
Review of Level 1 Inpatient Treatment Order	1	7
Review of Level 2 Inpatient Treatment Order	1	8
Level 3 Inpatient Treatment Order	5	17
Vary or revoke Level 3 Inpatient Treatment Order	1	6
Internal Review of Decision	13	17
Other	6	14
Total	8	20

Hearings

A total of 879 conferences and hearings were held to determine *Community* applications in the reporting period (see Table 11, page 31).

In most instances, a single conference or hearing was sufficient to deal with an application, however, in certain circumstances, SACAT may have adjourned the application for a further hearing.

Orders made

A total of 1791 *Community* orders were made during the reporting period.

In addition to making orders pursuant to hearings, SACAT may have also made orders based on the documentation provided without requiring a hearing to be scheduled and attended by the parties. For example for a non-contentious application or where SACAT conducted a mandatory review of orders as required under section 57 of the Guardianship & Administration Act.

The most common orders made by SACAT in this area were:

- ▶ orders withdrawing the application (13%)
- ▶ level 2 Community Treatment Orders (11%)
- ▶ adjournment orders (9%)
- ▶ administration orders (8%)
- ▶ guardianship orders (7%).

Table 11 Community hearings by type, 30 March – 30 June 2015

Hearing type	No. of hearings	%
Administration and/or guardianship order (with/without special powers)	348	40
Vary or revoke administration and/or guardianship order	88	10
Special powers	42	5
Consent for electro-convulsive therapy	25	3
Request for purchase or sale of real estate	5	1
Request for advice, direction or approval	8	1
Review of Level 1 community treatment order	4	0
Level 2 community treatment order	232	26
Vary or revoke Level 2 Community Treatment Order	1	0
Review of Level 1 Inpatient Treatment Order	9	1
Review of Level 2 Inpatient Treatment Order	53	6
Level 3 Inpatient Treatment Order	49	6
Vary or revoke Level 3 Inpatient Treatment Order	4	0
Internal Review of Decision	7	1
Other	4	0
Total	879	
<p>* The above figures do not include hearings which were scheduled but adjourned, not attended or cancelled prior to the date of the hearing.</p>		



SACAT engagement and education

Initial engagement activities were conducted by AGD during the project phase of SACAT. Stakeholders involved in early consultation indicated that engagement should be ongoing. Extra engagement sessions were conducted with *Community* stakeholders by SACAT staff prior to March 30.

Between opening and 30 June SACAT staff delivered a number of information sessions – both off-site in response to requests, and at SACAT premises. At least one metropolitan public session per month for both *Housing & Civil* and *Community* have been conducted since opening, with sessions also in regional areas.

Sessions have targeted people working in the housing and community sectors, both commercial and non-commercial sectors, and public officers in state government agencies.

The Principal Registrar, executive senior members and deputy registrars have responded to invitations and contributed to forums and conferences across the State.

The sessions have focussed on the differences between the previous tribunals and SACAT, an introduction of key personnel, the new online application and case management processes, and answering questions about operations and approaches.

Around 750 people attended SACAT information sessions/presentations held over the reporting period. Feedback from the sessions has been positive.

Media

The President took part in several media interviews on the lead-up to opening and since 30 March. Initial interviews covered the change over from previous tribunals to SACAT and were complemented by a SACAT news release. Media work since the opening has been in response to residential tenancy concerns over listing timeframes.

Website

SACAT has a new website www.sacat.sa.gov.au that is written in plain English and covers all areas of our operations. It contains easy to find information and is simple to use. The online application service and the stakeholder events/booking service are accessed through the website.

Since the website went live on 30 March 2015, there have been approximately 107 287 page views from over 18 734 users (an average of around 1154 page views per day). On average the website was visited by 201 individuals per day.

www.sacat.sa.gov.au



GLOSSARY

"Administrative & Disciplinary"	The SACAT stream which conducts reviews of some Government decisions, including public housing appeals, land valuation matters and freedom of information appeals; as well as some professional and occupational disciplinary matters.
ADR	Alternative dispute resolution – a process which might also be called a conference, conciliation conference, settlement conference or mediation. In each case the parties will be assisted by a mediator to help explore options for reaching agreement.
AGD	Attorney-General's Department
Appeal	An application to SACAT to review a previous tribunal or other government decision
Applicant	The person who applies/brings a matter to SACAT
Application	The method of applying to have a case resolved by SACAT.
"Community"	The SACAT stream which deals with mental and physical health related matters such as guardianship and administration orders, advance care directives, consent to medical treatment and mental health treatment orders.
Conference	The process for people (called parties) involved in a dispute to meet face to face, where possible, and discuss the issues with a view to reaching agreement.
DRO	Dispute Resolution Officer
Executive senior members	SACAT's executive senior members lead each of SACAT's streams and join the President, Deputy President and Principal Registrar in the leadership team.
Felix	SACAT's electronic (paperless) case management system
FOI	Freedom of Information
Hearing	A hearing is a process used to resolve an issue in dispute. A full hearing will occur when a dispute has not resolved at a conference, or has been set down for a hearing by SACAT. The decision made at a hearing is binding on all parties and may be enforced.
"Housing & Civil"	The SACAT stream which deals with landlord/tenant and similar housing or residential matters, including residential parks and retirement village disputes.
Jurisdiction	The range or area of legal authority.
Listing	When the matter in dispute is scheduled for a hearing or conference.
Matter	The issue(s) which is in dispute by the parties.

Member	Members are independent statutory officers who hear and determine SACAT applications in accordance with the law and the evidence presented by the parties.
Parties	People who are in a dispute.
RTT	The former Residential Tenancies Tribunal.
SACAT	South Australian Civil and Administrative Tribunal www.sacat.sa.gov.au
“Super tribunal”	A tribunal which is referred to as a super tribunal due to its size and breadth of decision-making terrain
“the Tribunal”	Refers to SACAT in this report
Triage	The process of examining a matter and then determining its suitability for ADR or full hearing. It may also include its prioritising in some instances, or deciding the number and type of members to hear the matter.
Warrant	A written authority to apprehend a person under the Guardianship and Administration Act (s. 69) and take them to a psychiatrist, psychologist or medical practitioner nominated by SACAT for examination and assessment.





APPENDICES

Appendix 1, Guardianship Board numbers by application type*

* SACAT is not required to report on Guardianship Board operations over the 2014-15 financial year, however the following figures are provided to ensure accessibility to this information.

**Table A1 Guardianship Board numbers by application type,
1 July 2014 to 28 March 2015**

Guardianship Board application type	Number received
Level 2 Community Treatment Order	517
Section 57 Administration Review	501
Guardianship & Administration	378
Appeal of Inpatient Treatment Order (S81)	290
Administration Order	279
Section 57 Guardianship & Administration Order Review	257
Section 57 Section 32 Review	229
Review of Administration Order	212
Section 32 Powers	187
Review of Guardianship & Administration Order	182
Guardianship Order with potential S32 special powers	154
Section 57 Guardianship Order Review	145
Approval for Electro-Convulsive Therapy	118
Directions & Advice pursuant to Section 74	117
Guardianship Order	114
Withdrawal G&A Act	110
Administration & Guardianship Order with potential S32 special powers	101

Review of Guardianship Order	92
Permission for Sale of Property	87
Level 3 Inpatient Treatment Order	79
Level 3 ITO with Section 79 Review	78
Section 57 Guardianship Order with Section 32 Powers review	67
Review of Guardianship Order with Section 32 Powers	59
Revocation of Mental Health Orders	52
Level 1 CTO review & Level 2 CTO	50
Interim Guardianship Order	46
Variation of Order (G&A Act)	40
Level 1 CTO Review	40
Variation of Order (PT Administrator)	32
Review of Section 32 Powers	31
Appeal of ITO with Section 79 Review	16
Level 2 CTO, Level 3 ITO	13
Review of Administration Order (failed to report)	10
Withdrawal MH Application	7
Revocation of G&A Act Order	5
Permission to Purchase Property	5
Section 79 Review of Inpatient Order	5
Approval for Medical Procedure	4
Appeal of Level 1 CTO (28 days)	4
Dismissal of Guardianship & Administration Application	3
Permission for Auction	3
Approval for Medical Treatment and Palliative Care	3
Request for Sterilisation	2
Dismissal Mental Health Application	1
Death extension for Administration Order	1
Total	4726

Appendix 2, Guardianship Board orders made by application type*

* SACAT is not required to report on Guardianship Board operations over the 2014-15 financial year, however the following figures are provided to ensure accessibility to this information.

**Table A2 Guardianship Board orders made by application type,
1 July 2014 to 28 March 2015**

Guardianship Board order made	Number granted
Level 2 Community Treatment Order	466
Section 57 Administration Review	437
Administration Order	298
Review of Administration Order	207
Revocation of G&A Act Order	206
Guardianship & Administration	199
Withdrawal G&A Act	178
Section 57 Guardianship & Administration Order Review	176
Adjournment of Application (G&A Act)	157
Section 32 Powers	157
Section 57 Section 32 Review	155
Review of Guardianship & Administration Order	139
Adjournment of Application (MH Act)	125
Guardianship Order	119
Directions & Advice pursuant to Section 74	115
Guardianship Order with potential S32 special powers	108
Approval for Electro-Convulsive Therapy	107
Section 57 Guardianship Order Review	98
Dismissal of Guardianship & Administration Application	88
Permission for Sale of Property	85
Review of Guardianship Order	80
Level 3 Inpatient Treatment Order	59
Revocation of Mental Health Orders	58
Level 3 ITO with Section 79 Review	50

Section 57 Guardianship Order with Section 32 Powers review	50
Withdrawal MH Application	50
Adjournment of Review	49
Level 1 CTO review & Level 2 CTO	47
Review of Guardianship Order with Section 32 Powers	45
Interim Guardianship Order	44
Administration & Guardianship Order with potential S32 special powers	42
Variation of Order (PT Administrator)	30
Section 79 Review of Inpatient Order	29
Level 1 CTO Review	23
Variation of Order (G&A Act)	23
Review of Section 32 Powers	21
Dismissal Mental Health Application	16
Level 1 CTO revocation	16
Permission for Auction	16
Mediation Agreement	8
Approval for Medical Procedure	4
Permission to Purchase Property	4
Approval for Medical Treatment and Palliative Care	3
Record of Outcome	3
AAC Directive	1
Death extension for Administration Order	1
Dismissal of Review Request	1
Total	4393



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