



# Annual report

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2015-16

**sacat.**

# Annual report

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South Australian Civil and Administrative Tribunal

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**No 2/2015-16**

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

The Honourable John Rau MP  
*Deputy Premier*  
*Attorney-General*

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 2016.

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

31 October 2016



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## PRESIDENT'S OVERVIEW

### JUSTICE GREG PARKER

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The year 2015/16 was the first full year of SACAT's operations. During that period, SACAT dealt very effectively with the approximately 22,000 applications, reviews and referrals it received. It did so despite having an inadequate budget and insufficient staff.

The past year has been largely a period of consolidation and refinement of existing operations. Great progress has been made in overcoming the initial operational difficulties that I referred to in my first annual report. There have also been other significant developments.

References are made elsewhere in this report to the time elapsed before an application is listed for hearing. While the waiting times remain a little above what I consider desirable, very careful management and juggling of resources is required to maintain them at their current level. Moreover, during the course of a year it is inevitable that waiting times will fluctuate to some degree. SACAT waiting times compare very favourably with equivalent tribunals in other Australian jurisdictions. While SACAT will continue to give high priority to keeping waiting times under control and aims to reduce them where possible, a major reduction is not possible without more funding.

#### *Housing & Civil Stream*

From December 2015 the *Housing & Civil Stream* took on the very important function of resolving the complex tenancy issues that can be triggered by domestic violence. The high level of commitment shown by the head of the *Housing & Civil Stream*, Barbara Johns, and her members and staff resulted in this sensitive and often difficult work being performed very effectively from the outset. The key elements of the SACAT approach were

the attention paid to training of members and staff and close engagement with key stakeholder groups.

#### *Community Stream*

The Australian community has recently become increasingly aware of the problem of elder abuse. The *Community Stream* of SACAT plays a key role in addressing the risk of elder abuse by making guardianship and administration orders where necessary. These orders appoint an appropriate substitute decision-maker, preferably a family member but often the Public Advocate and the Public Trustee, to make decisions on behalf of persons who lack the capacity to manage their own affairs effectively.

An important part of the work of the *Community Stream* is to periodically review guardianship and administration orders and to take action where private administrators have failed to meet their statutory duty to report annually to the Public Trustee about the finances of a protected person. The head of the *Community Stream*, Jacqui Rugless, and her team have made enormous efforts over the past twelve months to eliminate the backlog of statutory reviews and to investigate why some private administrators have failed to lodge financial reports. Some troubling cases have been uncovered. The greater rigour applied by SACAT to this important work should serve to reduce the incidence of elder abuse in the State. SACAT has worked closely with the Public Trustee on these issues.

#### *Operational issues*

Last year in my overview to the SACAT Annual Report I referred to a number of operational difficulties experienced in the early months of operation. Due to a great deal of hard work by staff and members those difficulties have largely been

overcome. The teething problems that SACAT initially experienced with the operation of its sophisticated case management system have largely been eliminated by progressive refinement of the system, with the assistance of the contracted supplier. Of course, staff have also become more skilled in the use of the system and, where necessary, the development of “work arounds”. While further development of the case management system is required, it no longer detracts from the efficiency of SACAT.

## Volunteers

During the course of the year the *Housing & Civil Stream* also negotiated with the Welfare Rights Centre to provide advocacy services on a weekly basis to assist tenants better present their case. I have been greatly impressed by the quality of the advocacy services provided by the Welfare Rights volunteers. Their work complements the assistance provided by Anglicare SA to tenants participating in conferences about refund of a bond or payment of compensation.

Persons attending SACAT at both its Pirie Street and Collinswood sites are offered assistance by a pool of volunteers (separate to the Welfare Rights and Anglicare personnel). Their contribution is of particular help to those who find it difficult to deal with the tribunal (albeit that SACAT operates with relatively little formality and simple processes).

## Jurisdiction received from courts

During 2015/16 SACAT received 50 applications relating to the valuation of land. That work was formerly done by the Supreme Court. No doubt because of the cost, less than a handful of applications were made each year to the Court. Clearly, the low fee structure and the fact that SACAT is ordinarily a “no costs” jurisdiction has served to make review rights more accessible. Of course, that was one of the key goals in establishing SACAT.

The same may be said about the right of appeal that formerly lay to the District Court from decisions of the Guardianship Board and the Residential Tenancies Tribunal. That appeal right has been replaced by applications for internal review within SACAT. In the *Housing & Civil Stream* the number of internal review applications has increased almost fourfold over the number of appeals to the District Court. The increase in the *Community Stream* has been much less pronounced but is still significant. The increase from both Streams reflects greater accessibility rather than the quality of decision making.

## New jurisdiction and funding

Last year I was optimistic about the pending conferral of extensive additional jurisdiction on SACAT. Much to my disappointment, the only additional jurisdiction conferred upon SACAT during 2015/16 was under the *Lobbyists Act 2015*.

The delay in conferring additional jurisdiction has arisen for two inter-related reasons. First, the Government was clearly concerned to ensure that the transitional operational problems to which I referred in my last report were substantially

resolved before SACAT broadened its functions. These issues cannot be fully resolved without sufficient funding. Second, quite apart from that problem, SACAT does not have the financial resources, at present, to take on a significant volume of additional work.

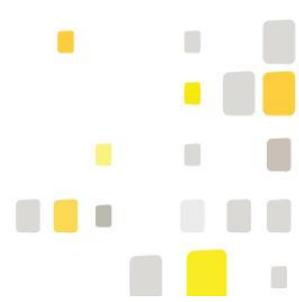
I am very confident that the case management system as it now stands will enable SACAT effectively to process applications received under the proposed new jurisdictions. Upon the enactment of the necessary legislation, most of the proposed new jurisdiction will arise from the transfer of functions from the Administrative and Disciplinary Division of the District Court. The likely number of applications will be very much less than in existing areas of work. However, that work will be more legally complex than much of the existing SACAT jurisdiction. Thus, while applications will require, on average, a heavier commitment of member time, the demands on the case management system will be very much less in terms of both volume and complexity.

Most of the changes to the case management system and the online application form required to accommodate this proposed new work have already been made. The head of the *Administrative & Disciplinary Stream* (which will receive this work), Mark Stevens, and staff have also done much to prepare the way for acceptance of the additional jurisdiction. However, the nature of the further work now required is such that additional funding will be needed. Of course, sufficient funding will also be needed to pay sessional members to conduct hearings in the new jurisdictions and to provide a small number of additional administrative staff.

In October 2015 I expressed my concern to the Government about the shortfall in SACAT funding. That resulted in the engagement of the consultancy firm, KPMG, to conduct a review. The KPMG report confirmed the need for additional funding. That has not yet been provided but I am optimistic that some additional funding may be provided in coming months.

Until that occurs, it will not be practicable for SACAT to extend its jurisdiction significantly in the manner that has been proposed over the past several years. Nevertheless, due to the operation of the two year commencement rule in section 7 of the *Acts Interpretation Act 1915*, from early December 2016 SACAT will receive jurisdiction to conduct reviews under the *Freedom of Information Act 1991* and the *First Home and Housing Construction Grants Act 2000*. It is likely that SACAT will also receive jurisdiction under the *Firearms Act 2015* in coming months.

I am confident that provided adequate funding is available, SACAT will very capably fulfil the objects it was established to meet over a very wide range of jurisdictions potentially affecting most South Australians at some point. In short, those objects are to provide an accessible, cheap, fair and independent body to resolve disputes about administrative issues, make important decisions about individual rights and resolve certain private disputes



## PRINCIPAL REGISTRAR'S FOREWORD

### CLARE BYRT

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SACAT's members and staff have achieved much in 2015-16, our first full year of operation since opening on 30 March 2015. There have been many highlights and achievements. Everyone at SACAT has worked hard to achieve our objectives to ensure access to independent, fair, efficient and timely decisions and dispute resolution for our many and diverse Tribunal users.

As a start-up organisation we have focused on building a strong foundation for SACAT to operate now and to continue to expand in the future. We have set up and consolidated our governance structures, our internal management and business and IT support systems.

A significant focus in the establishment of SACAT was the transition from a predominantly paper based system of operation of our predecessors to reliance on modern technology and digital systems. Over this 12 months many of the early problems have been ironed out and system capability has improved for staff, members and users. SACAT's comprehensive electronic system provides for an online application process for all matters; direct access to an electronic portal for regular users; the ability to communicate with users electronically where possible; and a digital case management system which also provides members with the functionality to quickly and efficiently produce basic orders and decisions. Our e-services approach still remains ahead of many of the rapidly improving electronic systems of interstate counterparts that face challenges with outdated legacy systems.

There are improvements and enhancements that are still needed (particularly with the anticipated growth in jurisdiction) and we will focus on seeking feedback to ensure our systems continue to grow and improve to better meet the needs of those who use SACAT. We are also careful to ensure we provide appropriate access for those unable, for

whatever reason, to use the digital systems and strive to remain responsive to those with special needs.

As the application and hearing statistics show SACAT is a high volume, fast paced multi-function tribunal dealing with people from all walks of life (many with considerable vulnerabilities), businesses and government departments. Training has been provided for our Members to enhance understanding of people with mental health issues, in relation to hearing room craft, aspects of procedural fairness and on the substantive law. Staff have received training on communications and registry procedures.

In March 2016 an additional 10 sessional Members (supplementing the existing pool of members) were recruited and trained. Triage protocols have been refined to ensure matters are dealt with in the most appropriate and flexible way. We have had considerable success in resolving appropriate matters through alternative dispute resolution (ADR) without the need for a hearing.

Amidst the highlights challenges remain. The most significant has been limited staff, member and other resources. We are doing the best we can to improve business processes, make prompt system changes, engage with stakeholders, train and develop Members and staff and manage listing time frames to limit the impact on our users.

We have many plans for the year ahead the most significant being the roll out of the transfer of additional jurisdiction to SACAT (subject to government decisions about timing and funding). Other plans include establishing user feedback framework, continuous improvement of the website, implementing a Member appraisal programme and establishing more relevant KPIs for the processing and finalisation of the variety of

matters. We are also hopeful of some minor legislative changes to improve our efficiency in some areas.

As a high volume Tribunal with limited resources, we continue to explore opportunities that enhance cohesiveness and that define and strengthen our culture. There are plans to come together again shortly with leadership, Members and staff representatives to discuss and define our values to help build a strong SACAT culture to assist to meet SACAT objectives.





# SNAPSHOT 1 JULY 2015 – 30 JUNE 2016

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## NEW APPLICATIONS

A total of 14,060  
new applications were  
received by SACAT

## NUMBER OF HEARINGS AND CONFERENCES

Hearings 16,874  
Conferences 3,213  
Total 20,087

## HOUSING & CIVIL STREAM MATTERS

**9,977**  
new matters

## COMMUNITY AND STAKEHOLDER ENGAGEMENT

Around 1,878 persons have attended information  
sessions and presentations

## COMMUNITY STREAM MATTERS

**3,622**  
new matters

## WEBSITE AND ONLINE SERVICES

365,069 page views  
58,495 visitors  
1000 page views per day

## ADMINISTRATION & DISCIPLINARY STREAM MATTERS

**113**  
new matters

## NUMBER OF BAILIFF ASSISTED EVICTIONS

**990**

## INTERNAL REVIEW MATTERS

**348**  
new matters

## NUMBER OF COMMUNITY STREAM AUTOMATIC REVIEWS INITIATED BY THE TRIBUNAL

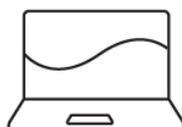
**2,683**



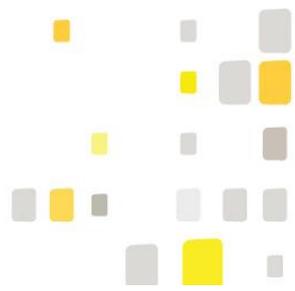
14,060 new  
applications



1,878 people  
attended information  
sessions



365,059 total page views  
1000 page views per day



# OUR ORGANISATION

## Role

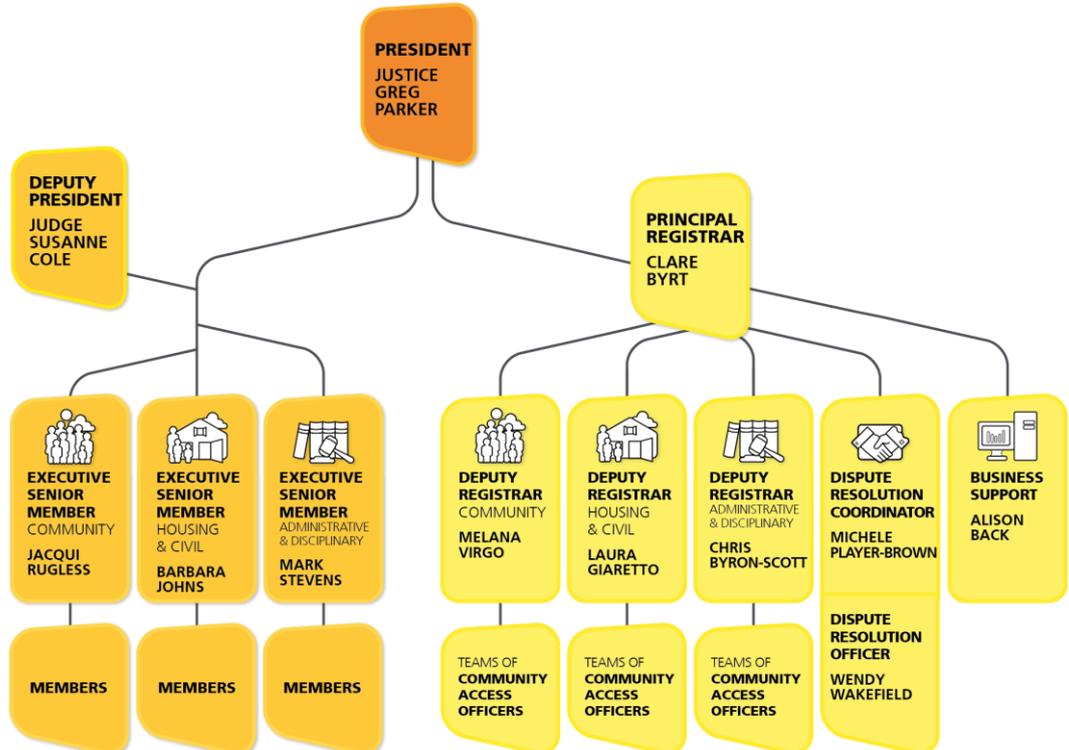
SACAT is a state Tribunal that helps people in South Australia to resolve issues within civil and administrative law, either through agreement at a conference, conciliation or mediation, or through a decision at a hearing. SACAT also conducts reviews of Government decisions.

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.

SACAT has established three Streams to manage the diverse range of matters that are currently dealt with by the Tribunal and which are planned to be referred in future: *Community, Housing & Civil* and *Administrative & Disciplinary* Streams.



## Members

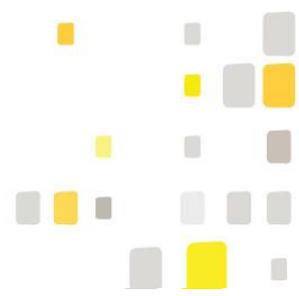
Reflecting the diversity of our community and the issues our users face, SACAT's Tribunal Members are from a range of professions and backgrounds. They include lawyers, psychiatrists, people with a social welfare or nursing background, people with a public sector background and accredited mediators. SACAT has Members from Indigenous and non-English speaking backgrounds, as well as Members that have experience with and knowledge of disability, mental illness and other barriers. We have two Members located in regional South Australia; we conduct a regular circuit to the APY Lands; conduct numerous hearings via video link or phone throughout South Australia; and hold hearings in outer regional and select country locations where appropriate.

A full list of our salaried and sessional Members can be found on the SACAT website.

## Volunteers

In addition to volunteers based at SACAT's Collinswood premises, volunteers were introduced during 2015-16 to the reception and hearing room area on Level 4, 100 Pirie Street, Adelaide. In line with the Tribunal's objectives of accessibility, efficiency and fairness, our skilled volunteers provide assistance and support to users who attend SACAT's premises at Adelaide and Collinswood.





# SACAT STRATEGIC PLAN

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## SACAT vision

To provide accessible, fair, high quality decision-making and dispute resolution that is timely, efficient and embraces technology.

## Our people

Building capabilities and resilience to ensure excellence while embracing diversity

Our aim is to have valued, skilled and capable staff and Tribunal Members who work in a positive environment and respect one another. We will develop a performance appraisal process for Members and continue to develop our staff's understanding of SACAT's legal framework.

## Our users

Commitment to improve user experience

Our aim is that users are treated with respect, listened to and experience a fair process. We will establish a user feedback framework and identify improvements to our online form.

## Our processes

Continuous improvement of Tribunal operations

Our aim is to improve our processes and systems so we are more efficient and capable of expanding. We will develop and refine performance indicators for key SACAT outcomes. We will develop an implementation framework for the expansion of our jurisdictions.

## 2015-16 Performance Indicators

- ✓ 1. SACAT finalises 80% of applications within 30 days
- 

It has been acknowledged that this broad key performance indicator is not an appropriate target due to SACAT's diversity of jurisdictions and legislative requirements. We will consult with stakeholders over 2016-17 and develop a framework of performance indicators for measuring Tribunal outcomes.

- ✓ 2. SACAT resolves 65% of matters referred to alternative dispute resolution services
- 

The target has been exceeded.

80% of matters referred to alternative dispute resolution processes in 2015-16 were resolved.



# OPERATIONAL REVIEW

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## SACAT establishment

SACAT was established under the *South Australian Civil and Administrative Tribunal Act* (SACAT Act). Much work was done by AGD during the establishment phase and SACAT opened to the public on 30 March 2015.

## 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 Rules 2014*
- ▶ *South Australian Civil and Administrative Tribunal Practice Directions*

The following legislation (and associated regulations) specifies the areas of law in which SACAT operated during this reporting period:

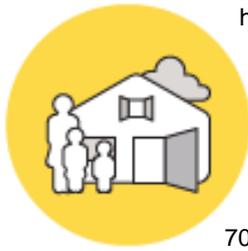
- ▶ *Advance Care Directives Act 2013*
- ▶ *Community Housing Providers (National Law) (South Australia) Act 2013*
- ▶ *Consent to Medical Treatment and Palliative Care Act 1995*
- ▶ *Guardianship and Administration Act 1993*
- ▶ *Lobbyists Act 2015*
- ▶ *Local Government Act 1999*
- ▶ *Mental Health Act 2009*
- ▶ *Real Property Act 1886*
- ▶ *Residential Parks Act 2007*
- ▶ *Residential Tenancies Act 1995*
- ▶ *Retirement Villages Act 1987*
- ▶ *South Australian Housing Trust Act 1995*
- ▶ *Valuation of Land Act 1971*

## SACAT Streams

The diverse jurisdiction of SACAT is managed across the three Streams: *Housing & Civil*, *Administrative & Disciplinary* and *Community* Streams. The Internal Review jurisdiction is currently also managed by the *Administrative & Disciplinary* Stream.

Detailed reports on the work of each Stream for 2015-16 are set out below.

## Housing & Civil Stream



SACAT's *Housing & Civil* Stream hears and resolves a wide range of tenancy disputes relating to residential tenancies, residential parks and retirement villages. It is the busiest of SACAT's three Streams and accounted for just over 70% of all new applications

received by the Tribunal during the reporting period

The work in *Housing & Civil* is organised into three lists:

1. Vacant possession applications;
2. Bond/compensation applications; and
3. Other urgent/complex matters.

The vacant possession list is the biggest accounting for 53% of the work in the *Housing & Civil* Stream and about 38% of the Tribunal's work overall.

The second list is comprised of applications relating to bond refunds and claims for compensation as well as bond disputes referred by the Commissioner for Consumer Affairs under section 63 of the *Residential Tenancies Act*, and comprises 31% of the work of the *Housing & Civil* Stream.

The third list covers many diverse applications types and decisions, including retirement village and retirement park disputes, applications to vary or set aside a previous Tribunal order, and applications to terminate a tenancy based on:

- ▶ hardship;
- ▶ domestic abuse;
- ▶ tenant's unacceptable conduct;
- ▶ the agreement having been frustrated (eg property destroyed by fire).

The membership of *Housing & Civil* was boosted during the reporting period with the appointment of three new sessional Members. All Members receive extensive training and ongoing support and education to perform their functions efficiently and effectively.

Registry staff have worked extremely hard to assist and support the Members of the Stream. Many of the practices, processes and procedures used in the former Residential Tenancies Tribunal have been adapted to the new SACAT environment and

electronic case management system. This continues to be a 'work in progress', with a review and update of the Registry Manual planned to be undertaken in 2016-17.

## Applications and referrals

During the reporting period, the *Housing & Civil* Stream received 9,977 new applications (see **Table 1 Housing & Civil applications by type, 1 July – 30 June 2016**, page 11) and 4,273 referrals of bond disputes from the Commissioner for Consumer Affairs.

Applications made under the *Residential Tenancies Act* comprised the bulk of the Stream's work (9,946 applications or 99.7%); this included 116 applications made in relation to rooming house disputes and 510 applications to vary or set aside a previous Tribunal order (see **Table 1 Housing & Civil applications by type, 1 July – 30 June 2016**, page 11). There were 15 applications received under the *Residential Parks Act* and 16 under the *Retirement Villages Act* (see **Table 1 Housing & Civil applications by type, 1 July – 30 June 2016**, page 11).

## Timeframes for listing and decisions

The *SACAT Act* requires the Tribunal to decide applications "as quickly as possible". In the *Housing & Civil* Stream, orders are generally issued within one day of the close of all evidence and submissions. In more complex matters, orders are expected to be made within 21 days of the close of all evidence and submissions.

Listing times and targets are measured from the time that all requisite documents have been filed and the application fee paid. Vacant possession applications were generally listed within three to four weeks, bond/compensation applications within four to six weeks, and more urgent applications were listed more quickly. This is in line with the Stream's listing targets.

Orders on vacant possession applications were generally made on the day of the hearing. This means that, in *Housing & Civil*, more than 5,000 application per year (or about 100 per week), were finalised within three to four weeks.

**Table 1 Housing & Civil applications by type, 1 July – 30 June 2016**

<b>Application type</b>	<b>No. of applications</b>	<b>Total</b>
<b>Residential Parks</b>		
Bond or compensation claim	4	
Frustration	6	
Termination and/or possession (conduct, illegal use of premises or abandonment)	1	
Vacant possession (breach, end of lease or non-compliance)	3	
Vary or set aside a previous order	1	15
<b>Residential Tenancy</b>		
Bond or compensation claim	3044	
Frustration	321	
Hardship or domestic violence	347	
HIA order, exemption from the Act, database (eg TICA) or mortgage in possession	24	
Return of goods	37	
Termination and/or possession (conduct, illegal use of premises or abandonment)	250	
Vacant possession (breach, end of lease or non-compliance)	5297	
Vary or set aside a previous order	510	9830
<b>Retirement Villages</b>		
Resolution of dispute between resident and administering authority	8	
Retirement Village Rules	1	
Review of fees and charges	3	
Termination and/or possession	3	
Vacant possession (breach or other)	1	16
<b>Rooming House</b>		
Bond or compensation claim	61	
House rules	10	
Termination and/or possession (conduct, illegal use of premises, hardship or abandonment)	21	
Vacant possession (breach, end of lease or frustration)	22	
Vary or set aside a previous order	2	116
<b>Grand Total</b>		<b>9977</b>

## Hearings and conferences

In addition to hearings, the Stream uses alternative dispute resolution processes (compulsory conferences) to resolve specific types of applications and, in particular, bond/compensation matters. Eighty percent of matters that go to compulsory conference are resolved without being referred to a full hearing, thereby providing all parties with a simple, fair and cost-effective process to resolve disputes (see **Table 11 Matters referred for ADR**, page 22). This means that approximately 25% of *Housing & Civil* applications each year achieve an outcome by agreement.

Throughout 2015-16, Anglicare SA provided on-site support and assistance to tenants participating in conferences in respect of bond/compensation applications. Anglicare SA participated in 345 conferences in total. Members in the *Housing & Civil* Stream also regularly referred tenants in financial difficulty to Anglicare SA for financial counselling and assistance.

More than 13,000 hearings and compulsory conferences were held to determine *Housing & Civil* applications during the reporting period ( see **Table 2 Housing & Civil conference and hearings by application type, 1 July – 30 June 2016**, page 12).

**Table 2 Housing & Civil conference and hearings by application type, 1 July – 30 June 2016**

Application type	Percentage breakdown
Vacant possession	51%
Bond or compensation claims	35%
Vary or set aside a previous order	4%
Termination and/or possession	3%
Frustration	3%
Hardship	3%
Other (includes complex matters)	1%
<b>Total</b>	<b>100%</b>

## Orders made

A total of 12,279 orders were made in the *Housing & Civil* Stream in 2015-16.

The most common orders made:

- ▶ related to a claim for a tenancy bond and/or compensation (25.4%)
- ▶ provided vacant possession (23.5%)
- ▶ required a tenant to enter into a payment plan (22.9%)
- ▶ were made by consent (13%)
- ▶ dismissed the application (6.7%).

In addition to final orders, the Stream also made 1,975 interlocutory orders including various directions regarding the preparation for and conduct of hearings (applications for adjournment, change of parties, joining of matters, confidentiality) and where the applicant requested the application

be withdrawn. The Stream made 41 orders in relation to applications involving claims of domestic violence in the reporting period.

## Legislative amendments

On 10 December 2015 amendments to the *Residential Tenancies Act* came into effect to provide greater protections to victims of domestic violence.

The changes aimed to better support victims of domestic violence to feel safe and live in an environment free from violence, and also provided SACAT with broader and more flexible powers to deal with applications from tenants in situations of domestic abuse (under section 89A of the *Residential Tenancies Act*).

From 10 December 2015 to 30 June 2016, the *Housing & Civil* Stream received 62 applications involving claims of domestic violence. The overwhelming majority of applicants were female however, in a small number of matters, the Tribunal

received cross-applications from both the male and female co-tenants.

Approximately 60% of applicants had a police issued intervention order in support of their application, compared to 17% who had an intervention order confirmed by a Court. Children were involved in almost 60% of the matters.

SACAT has worked closely with the Women's Domestic Violence Court Assistance Service (WDVCAS) to modify our practice and procedures to better accommodate these often complicated and sensitive matters.

## Community and stakeholder engagement

One of the Tribunal's main objectives is to be accessible by being easy to find and easy to access, and being responsive to parties, especially those with special needs. In line with this objective, the *Housing & Civil* Stream during the year conducted:

- ▶ 16 stakeholder information sessions, including three sessions dedicated to the domestic violence amendments and four sessions in regional South Australia (in Whyalla, Mount Gambier, Berri and Port Lincoln); and
- ▶ three presentations to groups of property managers, including a major presentation to approximately 200 members of the Real Estate Institute of South Australia at their annual conference and in-house presentations to property managers within LJ Hooker and the Professional Property Management Group.

Meetings took place with representatives from the following stakeholder organisations:

- ▶ Anglicare SA;
- ▶ Community Housing Limited;
- ▶ Consumer and Business Services;
- ▶ Junction and Women's Housing;
- ▶ Landlords' Association;
- ▶ Office of the Public Advocate;
- ▶ South Australian Housing Trust;
- ▶ Tenancy Information and Advisory Service (TIAS) (SYC-HYPA);
- ▶ Women's Domestic Violence Court Assistance Service;
- ▶ Welfare Rights Centre.

Additionally the Executive Senior Member was actively involved in consultations and provided written submissions in regards to proposals for law reform and legislative change relevant to the Stream.

## Projects and innovations

### VP bulk lodgement/listing project

Vacant possession applications are the highest in volume (>50%) of all applications received in the *Housing & Civil* Stream of SACAT. They are

applications based on a simple breach by a tenant (generally for failure to pay rent, water or to provide access). An application will be made after a notice has been served on the tenant requiring the tenant to remedy the breach and the tenant fails to do so. This work needs to be dealt with quickly and efficiently.

There are some *Housing & Civil* applicants who lodge a number of these applications weekly. *Housing & Civil* introduced an initiative for applications concerning a breach for rent by which those users can have all of their applications listed consecutively on the same day each week and for shorter hearing times. The Stream's more experienced Members deal with these lists.

This initiative has been particularly well received because of the certainty it provides to those users about when their matters will be listed, the fact that the applicants are not required to attend the Tribunal on a number of different days each week and the quick turn-around in hearing times.

In the next 12 months, the *Housing & Civil* Stream plans to expand the use of the bulk lodgement/listing format to cover other breaches (such as failure to pay water invoices) and to list matters simultaneously. There will be a pilot project in early 2017, and if that project is successful, then we will look at introducing those changes on a long term basis.

### Country listings

The majority of *Housing & Civil* hearings were conducted at the Tribunal's CBD location at 100 Pirie Street, Adelaide. Hearings, particularly for more complex applications, were also regularly conducted in regional locations, including in Berri, Kadina, Mount Gambier, Murray Bridge, Port Pirie, Port Augusta, Port Lincoln and Whyalla. These hearings were in addition to hearings conducted by telephone and video-conferencing. The Tribunal is grateful for the use of TAFE and regional court facilities.

### Consent orders

For some time, the *Housing & Civil* Stream has permitted parties to apply for an order to be made by consent, without requiring a hearing, subject to the application and all relevant documents being reviewed by a Tribunal Member and the Member deciding that an order in the terms sought is appropriate. Although there is information on the SACAT website, the process is under-utilised. This may be because it is not well understood and not widely known about.

There are a number of benefits to this process: it is quicker than the usual listing times, it is more efficient for the parties and the Tribunal as no hearing is required and it means that the parties can "take ownership" of the outcome by forming their own agreement.

In the latter half of 2016 the Stream will be embarking on a programme to remind and inform agents about this process, including a stakeholder information session at which this process will be discussed.

## Welfare Rights Centre - Housing Legal Clinic

In the first half of 2016, the *Housing & Civil* Stream commenced negotiations with the Welfare Rights Centre of South Australia for an expansion of its Housing Legal Clinic service as the Tribunal had identified an increasing need for advice and advocacy services to assist people with a range of financial, social and other issues and, more particularly, those facing the prospect of eviction and possible homelessness.

Agreement was reached for a trial arrangement to commence in July 2016 for a period of six months, which was formalised in a Memorandum of Understanding. The Tribunal developed and implemented new protocols and procedures for the referral of vulnerable and at-risk clients to the service.

### Bailiff assisted evictions

In South Australia, a landlord who wishes to evict a tenant from a residential property must first obtain an order for possession from the *Housing & Civil* Stream of SACAT. Where the Tribunal has made

an order that a tenant must give up possession of a property (be evicted) then the order can only be enforced by a Tribunal bailiff within 14 days of the day on which the order takes effect (section 99 of the *Residential Tenancies Act*).

In 2015-16 the Tribunal employed the services of seven bailiffs, with three based in the Adelaide metropolitan area and four in regional locations.

The Tribunal bailiffs enforced **990** orders for possession – 860 in the greater Adelaide metropolitan area (from Gawler in the north to Aldinga in the south) and 130 in regional SA.

The highest concentration of bailiff assisted evictions in the greater Adelaide metropolitan area was in the outer northern suburbs, with postcodes 5112, 5113 and 5114 accounting for approximately 13% of all metropolitan evictions. In regional SA, the most significant proportion of bailiff assisted evictions occurred in Whyalla, with postcodes 5600 and 5608 accounting for about 21% of all evictions carried out in regional SA.



## Community Stream

The *Community Stream* hears applications under the *Guardianship and Administration Act 1993*, the *Advance Care Directives Act 2013*, the *Consent to Medical Treatment and Palliative Care Act 1995* and the *Mental Health Act 2009*. The proceedings in this Stream are not adversarial in nature but are rather in the nature of an inquiry into the circumstances of a person suffering from either a mental incapacity, a mental illness or impaired decision-making capacity.



The work in the *Community Stream* is organised into two lists:

1. Guardianship and administration applications; and
2. Mental health applications.

The *Community Stream* is the second largest Stream in SACAT currently, with the guardianship and administration list being the busiest area.

The composition of the Tribunal panel for each *Community Stream* hearing is 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, accountants, social workers, nurses, mental health workers, psychiatrists and community members with experience in the disability sector.

The *Community Stream* 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.

Given the nature of the jurisdiction in the *Community Stream*, 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 issued by Members at the end of each hearing and in most cases sent to parties instantly via email.

A number of new sessional Members commenced in the *Community Stream* this year. Training and in-hearing support has been undertaken and member resources are being developed. Regular information updates are provided to Members by

the Executive Senior Member by way of email bulletins. Members of the Stream have attended the national Australian Guardianship and Administration Council (AGAC) and Council of Australasian Tribunals conferences to keep abreast of national and international developments in tribunal decision-making, incapacity assessments and substitute and supported decision-making practices.

A 'community focus' is also reflected in registry practices where a registry staff member has the allocated management of a matter from the filing of an initial application to the hearing and beyond. This ensures that there is one consistent 'point of contact' for users.

**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.

In addition the Tribunal deals with applications for sterilisation and termination of pregnancy relating to people with mental incapacity.

Hearings in this list are also related to applications and referrals under the *Advance Care Directives Act* namely:

- ▶ 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, have been negligent in the exercise of their duties or where there has been a change of circumstances, and
- ▶ for declarations and directions about issues and disputes that have arisen under advance care directives.

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 the *Community Stream* makes and reviews compulsory treatment orders for persons suffering from a mental illness under the *Mental Health Act*.

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.

## Applications

During the reporting period SACAT received 3,622 *Community Stream* applications (see **Table 3**)

**Community applications by type, 1 July 2015 – 30 June 2016**, page 16).

The most common applications were for administration and/or guardianship orders (31%), Level 2 community treatment orders under the *Mental Health Act* (23%) and reviews of inpatient treatment orders (9%).

In addition SACAT received 10,580 mental health treatment forms and conducted mandatory reviews of 2,450 existing orders under section 57 of the *Guardianship and Administration Act* (see **Table 5 Automatic reviews**, page 18).

**Table 3 Community applications by type, 1 July – 30 June 2016**

<b>Guardianship and Administration</b>	<b>No. of applications</b>
Administration and/or Guardianship Order with/without Special Powers	1138
Application for Section 32 A Powers	1
Request for advice, direction or approval	108
Request for Extension of Administration Order on death	5
Request for Variation or Revocation	112
Recommendation of disallowance of item of expenditure by the Public Trustee	2
Request for approval to pay above the prescribed limit for accommodation	2
Request for authority to disclose the contents of a will or testamentary provision	2
Request for purchase of real estate	7
Request for remuneration of an Administrator	8
Request for sale of real estate	114
Request for variation or revocation of Administration Order	207
Request to pay maintenance to child or grandchild above the prescribed limit	7
Request to pay premium above the prescribed limit for entry to a retirement village	1
Request for variation or revocation of Guardianship Order	8
Request for variation or revocation of Special Powers	28
Special Powers (Residence and/or Detention and/or Treatment)	195
<b>Mental Health</b>	
Consent for Electro-Convulsive Therapy	120
Level 2 Community Treatment Order	817
Level 3 Inpatient Treatment Order	187
Vary or revoke a Level 2 Community Treatment Order	34
Vary or revoke a Level 3 Inpatient treatment Order	82
<b>Mental Health Review</b>	
Review of a Level 1 Community Treatment Order	10
Review of a Level 1 Inpatient Treatment Order	52
Review of a Level 2 Inpatient Treatment Order	325
<b>Advance Care Directives</b>	
Revoke an Advance Care Directive	3
Revoke appointment of substitute decision-maker	4
Seek a declaration or direction	7
Vary or revoke a declaration or direction	2

<b>Advance Care Directives Review</b>	
Review a matter dealt with by the Public Advocate	2
<b>Consent to Medical Treatment and Palliative Care</b>	
Consent to medical treatment or dental treatment	29
Seek a declaration or direction	1
<b>Prescribed medical treatment</b>	
Request for sterilisation	2
<b>Total</b>	<b>3622</b>

## Hearings and conferences

A total of 6,039 hearings were held to determine *Community* Stream applications in the reporting period (see Table 4 *Community* hearings by type, 1 July 2015 – 30 June 2016, page 17). In most instances, a single hearing was sufficient to deal with an application, however, in certain

circumstances, SACAT may have adjourned the application for a further hearing. Listing times are generally within three to four weeks of a completed application being received. Urgent matters are dealt with almost immediately during and after business hours.

Some matters in the *Community* Stream were also referred to compulsory conferencing.

**Table 4 *Community* hearings by type, 1 July – 30 June 2016**

Hearing type	No. of hearings	%
Guardianship and Administration	3760	62.3
Mental Health	1866	30.9
Mental Health Review (Section 81)	388	6.4
Advance Care Directives	13	0.2
Consent to Medical Treatment and Palliative Care	12	0.2
<b>Total</b>	<b>6039</b>	<b>100</b>

## Orders made

A total of 9,259 *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 an automatic review of orders as required under s 57 of the *Guardianship and Administration Act*.

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

- ▶ guardianship and/or administration orders (43%)
- ▶ Level 2 Community Treatment Orders (7%)

**Table 5 Automatic reviews**

<b><i>Guardianship and Administration Act</i></b>					
Reviews pursuant to s 57		2450	Orders made		
<b><i>Mental Health Act</i></b>					
MR90B Level 1 Community Treatment Order	188				
MR90C Level 1 Inpatient Treatment Order	43				
MR90D Confirmation/Revocation Level 1 Treatment Order	2	233	Forms requiring automatic review		
	<b>Total</b>	<b>2683</b>			

## Community and stakeholder engagement

One of the Tribunal's main objectives is to be accessible by being easy to find and easy to access, and being responsive to parties and interested persons, especially those who are vulnerable or have special needs. In line with this objective, the *Community Stream* conducted:

- ▶ 18 stakeholder information sessions, including sessions at each of the major metropolitan hospitals and at various community mental health services across the State;
- ▶ Presented to the Royal Australian and New Zealand College of Psychiatrists on Electro-Convulsive Therapy; and
- ▶ Convened specialist stakeholder group meetings in relation to guardianship and administration, and mental health.
- ▶ Presented to the Legal Services Commission of SA
- ▶ Met with representatives from the Victorian Civil and Administrative Tribunal about legislative reforms and registry procedures regarding the *Advance Care Directives Act*.

Regular meetings took place with our major stakeholders:

- ▶ Office of the Chief Psychiatrist;
- ▶ Office of the Public Advocate; and
- ▶ The Public Trustee.

Meetings took place with representatives from the following stakeholder organisations:

- ▶ Community Mental Health Services;
- ▶ SA Health; and
- ▶ South Australian Aboriginal Advisory Council.

In addition to this the Executive Senior Member participated in a number of interstate meetings of the AGAC and the Heads of Mental Health Tribunals.

The *Community Stream* of SACAT is also involved in collating and contributing information to the 'National project on sterilisation data collection practices', a project completed on behalf of AGAC with funding from the federal Attorney-General's department. This project aims to introduce consistency in decision-making in the area of decisions about sterilisation procedures for people with mental incapacity and provides relevant statistical information.

The Executive Senior Member was also actively involved in consultations and provided written submissions in regard to proposals for law reform and legislative change relevant to the *Community Stream*, in particular the *SA Mental Health Act*.

## Projects and innovations

### Non-Reporting Private Administrators

Every private administrator appointed under an administration order is required to report to the Public Trustee's financial examiner's branch annually to account for the management of the funds of the subject person. In late 2015, SACAT undertook a project focused on 252 private administrators who had not reported to the Public Trustee in accordance with the conditions of their

appointments. Letters were sent to all 252 non-reporting private administrators reminding them of their reporting obligations and requesting that reports be filed. In matters where private administrators still failed to comply, directions hearings were held and directions were made for the filing of reports and the listing of matters. If required, matters were then listed for early review hearings.

In approximately 34 cases the hearing outcome was that the private administrator was removed from this role and the Public Trustee was appointed. In some cases the Tribunal also recommended in its orders that the Public Trustee take immediate action to protect a person's assets or to refer the matter for investigative action.

New SACAT processes now ensure that non-reporting administrators are addressed promptly at the end of each financial year when the Public Trustee completes the auditing of accounts and reports to SACAT. In hearings, Tribunal Members now emphasise the reporting obligations to each private administrator when they are appointed. New fact sheets detailing these obligations have been prepared by SACAT, and appointees are referred to information sessions regularly run by the Public Trustee and to the Public Trustee's website.

### Public Trustee Visitation Scheme

A collaboration with the Office of the Public Trustee has resulted in an officer from the Public Trustee now being on site at SACAT's Collinswood venue on a weekly basis. On this day SACAT aims to list bulk applications where the Public Trustee may be appointed as the administrator. This enables the Public Trustee Officer to be involved in the hearing and to meet with the person, their family and other interested persons following the hearing to explain the Public Trustee's role and what will happen next. The aim of this exercise is to assist in providing personal contact with the Office at an early stage and in clarifying the role of the Public Trustee as the administrator of a person's estate.

### Review of listing practices

The Executive Senior Member and Deputy Registrar are continually reviewing and refining listing guidelines to ensure adequate time for hearings is allocated, that applications are adequately prepared and that matters are listed in a timely manner. The new processes have assisted in meeting the *Community Stream's* listing timeframe target of 28 days from the filing of completed new applications. All matters are triaged, and in complex matters directions hearings have been introduced to streamline the hearing process, reducing the need for unnecessary adjournments.

### Hearings in the APY Lands

In June 2016, three Tribunal Members from the *Community Stream* travelled to the APY Lands for a week to conduct mental health hearings. This was a service first introduced by the SA Guardianship Board and it continues to be much appreciated by the indigenous communities, the visiting psychiatrists and the dedicated mental health staff situated on the APY Lands. The annual visit by SACAT members to the lands is important as these hearings are particularly difficult to run by video conference, given the mental health needs of the people involved, the sensitive cultural issues that need to be respected, and the need for interpreters to be utilised. SACAT's visit to the APY Lands was particularly appreciated by the mental health professionals this year following the recent tragic death of a Community Mental Health Nurse.

### Some issues of concern

In addition to a significant number of matters involving the financial abuse of elderly or incapacitated persons, the Tribunal also sees cases involving the psychological and emotional abuse and manipulation of elderly or incapacitated people and, in some cases, physical abuse.

## Administrative & Disciplinary Stream



The *Administrative & Disciplinary Stream* will eventually handle an extremely wide range of matters. They will include reviews of government decision-making, and professional and occupational disciplinary proceedings.

A strategic decision was made that jurisdictions will be conferred on SACAT in a number of stages.

During the reporting period the *Administrative & Disciplinary Stream* heard applications for review of decisions under the *South Australian Housing Trust Act*, *Community Housing Providers (National Law)(South Australia) Act*, *Valuation of Land Act*, *Local Government Act* and the *Real Property Act*. Jurisdiction under the *Lobbyists Act* was conferred on SACAT in April 2016. Further jurisdictions are due to commence in December 2016 and early 2017.

## Applications and matter finalisation

During the reporting period SACAT received a total of 113 applications in the *Administrative & Disciplinary Stream* (see **Table 6 Administrative & Disciplinary applications by type, 1 July – 30 June 2016**).

The Tribunal used both hearing and conference processes to resolve disputes received in the *Administrative & Disciplinary Stream*. The conference process is run in accordance with s 50 of the *SACAT Act*. Of the 35 *Administrative & Disciplinary* matters referred for a conference, 31 were resolved without a hearing (89% resolution rate).

During the reporting period 61 matters were finalised. Of those 61 matters the most common orders made were affirm decision under review (33%), application dismissed (30%), vary decision under review (23%) and set aside and substitute decision 15%).

For the matters finalised during the reporting period, the median time taken to finalise a matter was two months from the date of lodgement.

**Table 6 Administrative & Disciplinary applications by type, 1 July – 30 June 2016**

Application type	No. of applications	%
Review of the decision of South Australian Housing Trust	51	45
Review of land valuation	50	44
Review of the decision of the Registrar-General	2	2
Review of the decision of a Community Housing Provider	10	9
<b>Total</b>	<b>113</b>	<b>100</b>

**Table 7 Administrative & Disciplinary hearing types, 1 July – 30 June 2016**

Hearing type	No. of Hearings
Conferences	139
Hearings	95
<b>Total</b>	<b>234</b>

## Internal reviews

The introduction of SACAT saw the establishment of an Internal Review jurisdiction where, at the request of a party to proceedings, the Tribunal can internally review a decision made in its original jurisdiction. Internal reviews are heard by Presidential or Senior Members of SACAT.

Although an internal review will be available from all decisions made in its original jurisdiction, its

immediate sphere of operation has been to replace the right to appeal the decisions of the Residential Tenancies Tribunal and the Guardianship Board, to the District Court of South Australia.

The Tribunal is required to carry out a merits review, based upon the evidence or material before the Tribunal at the original hearing, together with any additional evidence that the Tribunal allows to be called on review.

**Table 8 Internal review applications by type, 1 July – 30 June 2016**

Application type	No. of applications
Internal review of decision under the <i>Residential Tenancies Act</i>	196
Internal review of decision under the <i>Mental Health Act</i>	79
Internal review of decision under the <i>Guardianship and Administration Act</i>	72
Internal Review of review of decision under the <i>Advance Care Directives Act</i>	1
<b>Total</b>	<b>348</b>

**Table 9 Internal Review hearing types, 1 July – 30 June 2016**

Hearing type	No. of Hearings
Hearings (including directions and preliminary hearings)	538
Conferences	2
<b>Total</b>	<b>540</b>

## Lodgement comparison with the District Court

When compared to the District Court of South Australia, the introduction of the internal review application has seen a marked increase in parties exercising their right to review a decision.

The increase is thought to be due to the accessibility of the Tribunal, as the parties are already familiar with the forms and processes used by the Tribunal, the requirements around the receipt and presentation of evidence are less prescriptive, and the cost to parties is far lower.

**Table 10 Lodgement comparison, 1 July – 30 June 2016**

Court/Tribunal	District Court 2013-14	SACAT 2015-16	Percentage difference
RTT Appeals - (IRs)	44	196	346% increase
GB Appeals – (IRs)	122	152	25% increase

## Internal reviews arising from the *Housing & Civil Stream*

Internal review applications that arose from decisions made in the *Housing & Civil Stream* of the Tribunal all involved disputes arising from the *Residential Tenancies Act*.

Eighty-seven percent of applications for internal review were made by the tenant, with 13% of applications made by or on behalf of the landlord.

The most commonly reviewed orders were orders for vacant possession of a tenancy (61%), bond or compensation (21%), tenant conduct, illegal use of premises or abandonment (8%), hardship (5%) and frustration (5%).

When determining applications for internal review, the most common orders made were *affirm decision under review* (39%), *vary decision under review* (22%), *dismissal of application* (14%) and *set aside decision under review and substitute decision* (12%).

In 38% of applications received, the Tribunal had already determined an application to vary the original orders prior to dealing with the internal review application.

For the matters finalised during the reporting period, the median time taken to finalise a matter was 8 days from the date of lodgement.

## Internal reviews arising from the *Community Stream*

The Tribunal received applications under the *Mental Health Act*, *Guardianship and Administrative Act* and the *Advanced Care Directives Act*.

Approximately 70% of applications were lodged by the person the subject of the order, with the remainder being lodged by people with an interest in the matter, most commonly by relatives of the protected person.

The most commonly reviewed orders were Administration and/or Guardianship Orders (43%), Level 2 Community Treatment Orders (23%) and Level 2 In-patient Treatment Orders (18%).

When determining applications for internal review the most common orders made were dismissal of application (57%), affirm decision under review (25%), vary decision under review (5%) and set aside decision under review and substitute decision (3%).

For the matters finalised during the reporting period the median time taken to finalise a matter was two months from the date of lodgement.

## Alternative dispute resolution (ADR)

One of SACAT's objectives is to provide high quality dispute resolution processes including ADR procedures wherever appropriate. Compulsory conferences are conducted by Tribunal Members and two dedicated Dispute Resolution Officers.

**Table 11 Matters referred for ADR<sup>1</sup>**

Stream	No. referred to conference	No. resolved by conference	Resolution rate
<b>Community</b>	8	4	50%
<b>Administrative &amp; Disciplinary</b>			
Public housing	27	24	89%
Community housing	2	1	50%
Land valuation	5	5	100%
<i>Real Property Act</i>	1	1	100%
<b>Housing &amp; Civil</b>			
Bond disputes	2369	1898	80%
Other disputes	15	10	66%
<b>TOTAL</b>	<b>2427</b>	<b>1943</b>	<b>80%</b>

<sup>1</sup> Includes conferencing associated with Internal Review matters. The numbers in this table are reflective of the number of matters referred, not number of conferences held. Some matters require more than one conference.

## Community and stakeholder engagement

Stakeholder consultation is one of the key objectives of SACAT and a statutory requirement found in s 8(2) of the *SACAT Act*. Over the past 12 months, SACAT has continued to build on its relationship with all stakeholders. We have held over 90 information sessions, meetings and presentations. This has included six sessions in regional areas.

As well as meeting with long standing partners in the real estate and health sectors, SACAT has also widened its scope of engagement this year to include women's domestic violence and welfare groups and Aboriginal support services.

The sessions conducted with our stakeholders have covered a variety of topics. For those groups new to SACAT, the focus has been on providing general information sessions and how we may work together to achieve positive outcomes for their clients. For our long standing stakeholders, information sessions have been conducted covering topics such as changes to legislation and the alternative dispute resolution service provided by SACAT.

SACAT has also focused on the ongoing education of its own staff, with stakeholders providing training on the operation of their own systems and how these work together with SACAT.

Interest has continued to be high from professional and educational bodies for SACAT to present or meet with their members. In the past 12 months SACAT Members have presented sessions for the Law Society of South Australia, the SA Bar Association and also met with a delegation from the University Kebangsaan, Malaysia to specifically discuss SACAT's use of alternative dispute resolution.

Meetings also took place between SACAT representatives and interstate stakeholders, the Tasmanian Department of Justice and the Victorian Civil and Administrative Tribunal.

SACAT has an ongoing commitment to continue to strengthen its relationship with stakeholders so that we can continue to deliver positive outcomes for everyone using its services.

With the assistance of a staff member from the Attorney-General's Department, SACAT conducted a detailed analysis of the resources required for the Tribunal to receive new jurisdictions. The process included meeting with around 20 organisations to ascertain the projected number of lodgements, the type of dispute resolution processes which would be appropriate to each application type, and the need for any special arrangements which the Tribunal will need to put in place to deal with particular application types.

## Website

SACAT has enhanced its website over the last year with information about new jurisdictions and stakeholder events. During the reporting period, there were approximately 365,069 page views with 58,495 visitors averaging 3.01 minutes per visit. The SACAT online application lodgement system recorded approximately 14,002 completed transactions with an average time taken to complete an application of 16 minutes. The SACAT website and online lodgement systems are both optimised for use with a mobile phone or tablet.

## Publications

SACAT significant decisions are now published on AustLII (<http://www.austlii.edu.au/au/cases/sa/SACAT/>).

These decisions can also be found on BarNet Jade (<https://jade.io>).

The publication of significant reasons for decisions:

- ▶ provides a way for the community to understand tribunal decisions
- ▶ promotes the quality and consistency of tribunal decisions
- ▶ enhances the openness and accountability of public administration
- ▶ is in the interests of open justice.

Only decisions in significant cases will be published online. Most cases decided in SACAT will be straightforward and will not need to be published.

If information in the reasons is subject to a non-publication order or publication is prevented by a legislative requirement (e.g. the identity of adults in guardianship matters) reasons are published in a de-identified manner or in a way that protects the relevant information.

## Accommodation and technology

Our City and Collinswood premises were refurbished before SACAT commenced operations. The results are modern, and the hearing and conference rooms at both venues are fit for purpose. Significant investment was made on ICT, with hearing and conference rooms fitted with audio and video facilities, as well as suitable security technology. Security services are provided at all SACAT premises by SAPOL Protective Security Services and security is also provided for our regional hearings located in TAFE colleges.

Pirie Street has two public computer terminals, where applicants can make online applications, with the guidance of a Community Access Officer or volunteer.

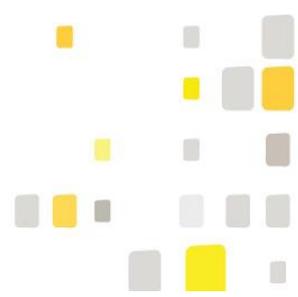
To further improve accessibility a public access computer terminal has recently been provided at Collinswood, where SACAT volunteers are on hand to assist people using the online application form.

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

### Attorney-General's Department and other services

SACAT's general ICT system operates through the Attorney-General's Department (AGD) system. AGD, Department of the Premier and Cabinet and Shared Services SA provide support to SACAT in the delivery of some corporate services e.g. payroll, high level human resource (HR) support for our AGD staff, corporate training, facilities support, and injury management and return to work services.





# COMPLIANCE REPORTING

## Freedom of information (FOI)

In this reporting period, SACAT received seven FOI applications. These applications have since been determined, in compliance with the *Freedom of Information Act 1991*. One of these FOI determinations was also internally reviewed by the President.

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 statement is published on the Department’s website and can be accessed at <https://www.agd.sa.gov.au/about-us/data-reports/freedom-of-information>

## Warrants issued under the *Guardianship and Administration Act*

No warrants were issued during the reporting period.

## Public complaints

In this reporting period, SACAT received 31 formal written complaints, including complaints made to Members of Parliament, the Ombudsman and the Office of Public Integrity. The majority of complaints related to services.

The feedback received through public complaints assists SACAT in improving its service. This feedback has led to SACAT amending existing practices and procedures, and developing new policies. Complaint information is also used in new member and staff training.

During the reporting period SACAT developed two policies in relation to managing complaints and unreasonable complainant conduct. Those policies can be accessed at

<https://www.sacat.sa.gov.au/about-sacat/contact-us/feedback-and-complaints>

Table 12 Category of public complaints

Category of complaints by subject 2015-16	Number
Members	
Delay in providing decision	3
Other	7
Practice and procedure	4
Services	16
Staff	1
<b>Total</b>	<b>31</b>

## Overseas travel

There has been no overseas travel in the reporting period.

## Workforce profile

SACAT is staffed by a combination of AGD employees and statutory appointees. AGD employee data is captured within the AGD Annual Report.

During the year ended 30 June 2016, 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 13 Statutory appointments as at 30 June 2016**

Statutory appointments	Number
President	1
Deputy President	1
Principal Registrar	1
Deputy Registrars	5
Executive Senior Members	2.5
Full time Ordinary Members	1
Part time Ordinary Members	5
Sessional Members	44
Members can be found at: <a href="https://www.sacat.sa.gov.au/about-sacat/who-we-are">https://www.sacat.sa.gov.au/about-sacat/who-we-are</a>	

## General compliance

Reporting on the following aspects of SACAT are contained within the AGD Annual Report 2015-16.

- ▶ 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
- ▶ *Whistleblowers Protection Act 1993* disclosures



# GLOSSARY

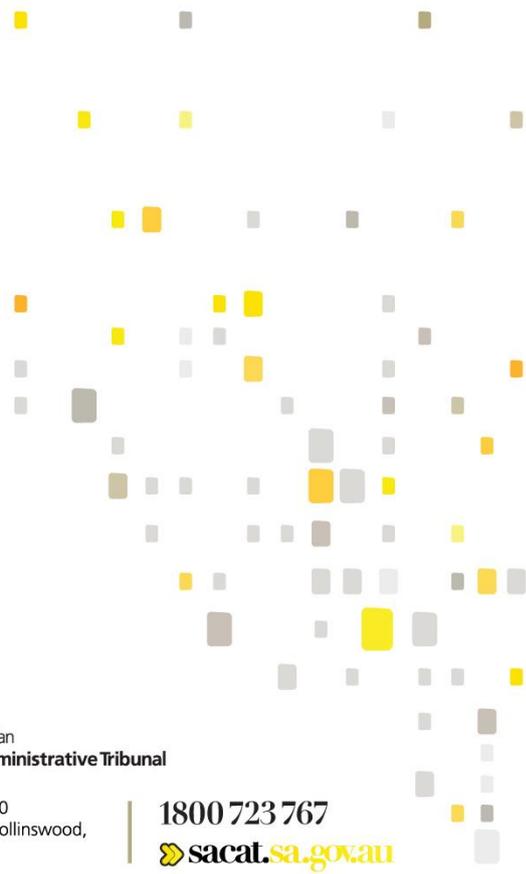
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<i>“Administrative &amp; Disciplinary”</i>	The SACAT Stream which conducts reviews of some Government decisions, including public housing appeals, land valuation matters and freedom of information appeals; as well as some professional and occupational 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.
<i>“Community”</i>	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.
<i>“Housing &amp; Civil”</i>	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 schedule for a hearing or conference.
Matter	The issue(s) which is in dispute by the parties.

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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.
SACAT	South Australian Civil and Administrative Tribunal <a href="http://www.sacat.sa.gov.au">www.sacat.sa.gov.au</a>
“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 s 69 of the <i>Guardianship and Administration Act</i> and take them to a psychiatrist, psychologist or medical practitioner nominated by SACAT for examination and assessment.





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

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