



# South Australian Civil and Administrative Tribunal

## 2016-17 Annual Report

South Australian Civil and Administrative Tribunal

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To:  
John Rau

Attorney-General  
Minister for Justice Reform  
Minister for Planning  
Minister for Industrial Relations  
Minister for Child Protection Reform  
Minister for the Public Sector  
Minister for Consumer and Business Services  
Minister for the City of Adelaide

This annual report is presented to Parliament to meet the statutory reporting requirements of *South Australian Civil and Administrative Tribunal Act 2013* and meets the requirements of Premier and Cabinet Circular *PC013 Annual Reporting*.

This report is verified to be accurate for the purposes of annual reporting to the Parliament of South Australia.

Submitted on behalf of the South Australian Civil and Administrative Tribunal by:

Justice Judy Hughes

SACAT President



31 October 2017

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Signature

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Date

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## **Section A: Reporting required under the *Public Sector Act 2009*, the *Public Sector Regulations 2010* and the *Public Finance and Audit Act 1987***

### **Agency purpose or role**

SACAT is a state Tribunal that helps people in South Australia to resolve matters within civil and administrative law, either through agreement at a conference 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), such as residential tenancies, mental health, guardianship & administration and a wide range of administrative decisions made by other areas of Government. SACAT is an independent statutory authority that operates across the state of South Australia and is a key part of the state justice system.

### **Objectives**

- In the exercise of its jurisdiction, to promote the best principles of public administration
- To be accessible by being easy to find and easy to access, and to be responsive to parties, especially people with special needs
- To ensure that applications are processed and resolved as quickly as possible while achieving a just outcome
- To keep costs to parties involved to a minimum insofar as is just and appropriate
- To use straightforward language and procedures
- To act with as little formality and technicality as possible
- To be flexible in the way in which the Tribunal conducts its business
- In relation to the above objectives, to consult and engage with appropriate agencies and organisations

### **Key strategies and their relationship to SA Government objectives**

<b>Key strategy</b>	<b>SA Government objective</b>
Develop, refine and embed performance indicators for key Tribunal outcomes	Target 23 - Social participation Target 32 – customer and client satisfaction with government services
Prepare for and implement new jurisdictions assigned to SACAT	Target 23 - Social participation Target 32 – customer and client satisfaction with government services

Continue to improve online application process and case management system	Target 23 - Social participation Target 32 – customer and client satisfaction with government services
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### Agency programs and initiatives and their effectiveness and efficiency

Program name	Indicators of performance/effectiveness/efficiency	Comments
Alternative Dispute Resolution (ADR)	Percentage of matters referred to alternative dispute resolution processes that are resolved without the need for a hearing was 85%. (The generally accepted target nationally in similar organisations is 65%)	A high resolution rate through timely, flexible and informal ADR processes serves the public well. Participants are assisted in resolving disputes by reaching their own agreements.
Housing & Civil matters	Percentage of vacant possession applications to be listed within 3 weeks of receipt of a completed application was 96%. (This exceeded the target of 90%)	This assists landlords and tenants by providing them with quick access to justice
Guardianship & Administration matters	Percentage of completed applications for a Guardianship and/or Administration Order that are heard and determined within 30 days was 83%. (This exceeded the target of 75%)	Hearing and finalising matters about Guardianship and/or Administration in a timely manner protects vulnerable members of our community
User Feedback Mechanisms	SACAT aims to acknowledge all feedback within 3 days and to respond in full within 10 business days of receipt	The public receive prompt responses and resolution to any feedback

### Legislation administered by the agency

*South Australian Civil and Administrative Tribunal Act 2013*

### Organisation of the agency

SACAT is headed by a President, Justice Judy Hughes (appointed on 4 July 2017), who is a Supreme Court judge. From 14 November 2013 until his resignation was effective on 4 July 2017 Justice Greg Parker performed this role on a part-time basis. The President is assisted by a Deputy President, Judge Susanne Cole, a judge of the District Court (Judge Cole resigned effective of 29 August 2017). 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. The Tribunal’s alternative dispute resolution and hearing work is performed by members and statutory officers who are either sessional or salaried.

SACAT is organised into three streams to manage the range of matters handled by the Tribunal:

Housing & Civil Stream

Community Stream

Administrative & Disciplinary Stream

In addition there is a corporate services area which supports the Tribunal through provision of financial, systems and administrative support.

A copy of the SACAT org chart is available at <https://www.sacat.sa.gov.au/about-sacat/who-we-are>

**Other agencies related to this agency (within the Minister’s area/s of responsibility)**

Nil

**Employment opportunity programs**

<b>Program name</b>	<b>Result of the program</b>
Program name	Refer to AGD annual report for details of employment opportunity programs
Program name	Result of the program – max four lines

**Agency performance management and development systems**

<b>Performance management and development system</b>	<b>Assessment of effectiveness and efficiency</b>
ELMO (Performance management system)	62% of staff met requirement to complete and document 2 performance reviews during the year, a minimum of one in the first half, and one in the second half

### Occupational health, safety and rehabilitation programs of the agency and their effectiveness

<b>Occupational health, safety and rehabilitation programs</b>	<b>Effectiveness</b>
See AGD Annual Report for details	

### Fraud detected in the agency

Category/nature of fraud	Number of instances
See AGD Annual Report for details	Select or type a number

### Strategies implemented to control and prevent fraud

See AGD Annual Report for details

Data for the past five years is available at: <https://data.sa.gov.au/data/dataset/attorney-generals-department-annual-report-data-fraud>

### Whistle-blowers' disclosure

Number of occasions on which public interest information has been disclosed to a responsible officer of the agency under the *Whistle-blowers' Protection Act 1993*

See AGD Annual Report

Data for the past five years is available at: <https://data.sa.gov.au/data/dataset/whistle-blower-defences>

### Executive employment in the agency

Executive classification	Number of executives
See AGD Annual Report for details. SACAT exec equivalents are statutory appointees and not employed by AGD but are included in the AGD Annual Report	

Data for the past five years is available at: <https://data.sa.gov.au/data/dataset/annual-report-data-executive-employment>

For further information, the [Office for the Public Sector](#) has a [data dashboard](#) for further information on the breakdown of executive gender, salary and tenure by agency.

## Consultants

The following is a summary of external consultants that have been engaged by the agency, the nature of work undertaken and the total cost of the work undertaken.

Consultants	Purpose	Value
See AGD Annual Report for details		
<b>Consultancies above \$10,000 each</b>		
None	N/A	
<b>Total all consultancies</b>		\$ Value

Data for the past five years is available at: <https://data.sa.gov.au/data/dataset/annual-report-data-consultants>

See also <https://www.tenders.sa.gov.au/tenders/index.do> for a list of all external consultancies, including nature of work and value. See also the Consolidated Financial Report of the Department of Treasury and Finance <http://treasury.sa.gov.au/> for total value of consultancy contracts across the SA Public Sector.

## Financial performance of the agency

Data on financial performance of SACAT is included in the AGD Annual Report

## Other financial information

Nil to report

## Other information requested by the Minister(s) or other significant issues affecting the agency or reporting pertaining to independent functions

In March 2016, the Government engaged Hon David Bleby QC to conduct the statutory review of SACAT required under its enabling legislation. That review was completed following the end of the financial year and will direct various projects for the 17/18 year. SACAT welcomed the opportunity of the review as an early stock-take of progress towards the original vision. The anticipation of receiving new jurisdiction remains a motivating prospect for staff and members. SACAT welcomed additional once-off funding towards assuming new jurisdiction and staffing for business improvement projects to occur in 17/18.

## Section B: Reporting required under any other act or regulation

<p><b>Name and date of act or regulation</b></p> <p><b>South Australian Civil and Administrative Tribunal Regulations 2015</b></p>
<p><b>12—Annual report</b></p> <p>Pursuant to section 92(3) of the Act, a report under section 92 of the Act must include the following particulars of all warrants issued by the Tribunal under the <i>Guardianship and Administration Act 1993</i> during the financial year to which the report relates:</p> <ul style="list-style-type: none"> <li>(a) the number of warrants issued during the financial year;</li> <li>(b) the status of the applicants for the warrants;</li> <li>(c) the age, sex and details of the mental incapacity of the persons to whom the warrants related;</li> <li>(d) the grounds on which the warrants were issued;</li> <li>(e) the action taken under the warrants.</li> </ul>
<p>No such warrants were issued during the year so there is nil to report.</p>

## Section C: Reporting of public complaints as requested by the Ombudsman

### Summary of complaints by subject

Public complaints received by SACAT	
Category of complaints by subject	Number of instances
Process and Procedure	36
Member Conduct	27
Decision	19
Service Quality/Delivery	15
Other	10
Delay	3
<b>Total</b>	<b>110</b>

Data for the past two years is available at: <https://www.sacat.sa.gov.au/about-sacat/contact-us/feedback-and-complaints>

### Complaint outcomes

Nature of complaint or suggestion	Services improved or changes as a result of complaints or consumer suggestions
Process and Procedure	<p>Explanation provided to complainant and areas for reform continuously monitored</p> <p>The 36 complaints received in relation to process and procedure are in the context of the 19,332 applications received during the year.</p>
Member Conduct	<p>Explanation provided, conduct discussed with member where appropriate and/or complainant informed of their right to appeal.</p> <p>Complaints are considered as part of the member performance appraisal process.</p> <p>The 27 complaints were received from a total of 18,927 hearings and conferences held during the year.</p>
Decision	Complaints in relation to the decision outcome of the Tribunal.

<b>Nature of complaint or suggestion</b>	<b>Services improved or changes as a result of complaints or consumer suggestions</b>
Service Quality/Delivery	<p>Apology to complainant and staff counselled and provided ongoing training</p> <p>A total of 15 complaints regarding service quality/delivery were received from a total of 19,332 applications received during the year.</p>
Delay	<p>Apology to complainant and continuous efforts made to improve listing times</p> <p>The 3 complaints made on the grounds of delay are out of a total of 19,332 applications received and processed during the year.</p>
Other	<p>Complainant either referred to the appropriate body or agency, or complaints that do not fall in the other categories.</p>

## **Appendix: Audited financial statements 2016-17**

**Not included here as included in the AGD Annual Report**