



BUILDING NOTE

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STATE ADMINISTRATIVE TRIBUNAL

Background

The *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Act 2004* and the *State Administrative Tribunal Act 2004*, will come into operation on 1 January 2005.

This legislation provides for statutory decisions made by local governments, under Part XV of the *Local Government (Miscellaneous Provisions) Act 1960* and Section 26 of the *Strata Titles Act 1985*, to be reviewed by the State Administrative Tribunal (SAT).

Division 18A – ‘Appeals to the Minister’; and Division 19 – ‘Referees for the determination of appeals, disputes and other matters’, of Part XV of the *Local Government (Miscellaneous Provisions) Act 1960*, are repealed. Consequently, the *Local Government (Appeals to Minister) Regulations 1961*, and the *Local Government (Appeals to Building Referees) Regulations 1961* will be repealed. All appeals currently with the Department of Housing and Works, pursuant to the *Local Government (Miscellaneous Provisions) Act 1960* and *Strata Titles Act 1985*, will be forwarded to the State Administrative Tribunal for determination from 1 January 2005.

Also, from 1 January 2005, all new appeals against the decision of a local government, under the *Local Government (Miscellaneous Provisions) Act 1960*, are to be made by lodging an application for review with the State Administrative Tribunal at 12 St Georges Terrace, Perth. Application forms for the State Administrative Tribunal can be obtained from the Tribunal's website: www.sat.justice.wa.gov.au

The following Sections of Part XV of the *Local Government (Miscellaneous Provisions) Act 1960* have been amended:

- 374: Plans of buildings to be approved by local government
- 374A: Demolition licences
- 377: No materials to be deposited on streets without licence
- 378: Hoardings erected and materials deposited otherwise than permitted by licence may be removed or sold
- 380: While building is in progress footpath to be covered
- 389: Settlement of difference between building and adjoining owners
- 392: Security to be given by building and adjoining owners
- 395: Disputed account
- 399: Buildings, partitions, ceilings and verandahs of inflammable materials prohibited except under certain conditions
- 401: Notice of required alterations
- 401A: Stopping unlawful work
- 403: Survey to be made of dangerous buildings
- 404: Notice to owner, etc., in case of danger
- 408: Removal of neglected buildings
- 409: Power to compel renovation of dilapidated buildings
- 409A: Uncompleted buildings
- 411: When local government may demolish buildings and sell materials and recover expenses

- 413: Fire escapes
- 417: Inflammable buildings may be ordered to be removed and compensation assessed
- 418: In default of compliance with notice, justice may order the removal
- 419: Compensation to be paid from general revenue

The following Section of the *Strata Titles Act 1985* has been amended:

- 26: Appeals against local government decision

Local governments seeking Minister's consent or approval for encroachment pursuant Section 400, of *Local Government (Miscellaneous Provisions) Act 1960*, must continue to refer these applications to the Department of Housing and Works.

Please refer to the additional information provided by the State Administrative Tribunal attached to this Building Note.

If you require further information, please contact:

State Administrative Tribunal: Paul Scalzi on 9219 3111 (from 1-1-2005);

SAT@justice.wa.gov.au;

Building Codes and Regulation Branch of Department of Housing and Works at buildingcontrol@dhw.wa.gov.au;

Paul Scalzi, Building Advisory Officer on (08) 9440 2349.



Peter Gow

EXECUTIVE DIRECTOR OFFICE OF POLICY AND PLANNING

Building Notes are produced by the Department of Housing and Works (DHW) primarily to inform building surveyors and the building industry. The information contained in this Note is intended for general guidance only and must not be relied upon in any particular set of circumstances. To ascertain your precise rights and obligations, you should consult a building surveyor or other appropriate professional or refer to the applicable legislation.

Copies of Building Notes may be obtained from the DHW at 108 Adelaide Terrace, East Perth or by accessing the Department's web-site at www.dhw.wa.gov.au.

STATE ADMINISTRATIVE TRIBUNAL

BACKGROUND BRIEFING

Introduction

The launch of the State Administrative Tribunal (SAT) represents an historic reform of the State's administrative justice system. It constitutes the most significant reform of a State administrative system anywhere in Australia.

The new tribunal is clearly independent and has extensive and comprehensive original, review and disciplinary jurisdictions.

The SAT will take Western Australia from an antiquated system to a modern and efficient system of administrative decision-making that is at the forefront of administrative law reform.

The SAT amalgamated some, or all, of the review, civil and disciplinary functions of nearly 50 industry and public sector boards and tribunals and a number of courts, creating one of the most comprehensive administrative jurisdictions in Australia.

The tribunal consolidates more than 900 decisions and appeal rights arising under 137 Acts.

The entire functions of 13 boards and tribunals, including the Equal Opportunity Tribunal, Guardianship and Administration Board, Commercial Tribunal, Legal Practitioners Disciplinary Tribunal and the Town Planning Appeals Tribunal, have been transferred to the SAT.

Operation

Given its broad jurisdiction, SAT matters are divided into four streams that enable procedures to be adapted to suit the type of matter and the needs of different people who use the SAT. The streams are:

Human Rights

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

Resources and Development

Reviews decisions made by government agencies and local governments regarding planning, development and resources, and hears matters relating to land valuation and compensation.

Vocational Regulation

Hears complaints concerning occupational misconduct and reviews decisions concerning licensing.

Commercial and Civil

Deals with strata title and retirement village disputes, commercial tenancy, credit and state revenue decisions and other commercial and personal matters.

Accessibility

A key theme of SAT is the use of modern technology to improve the public's access to the administrative justice system.

- The SAT will accept applications in the 650 main areas of application across its varied jurisdictional range, but most applicants will be required to fill in just one simple form that is individually tailored to the particular piece of legislation they are applying under.
- Potential applicants, lawyers and other representatives and researchers will have access to the full procedures database, which will inform them of the exact procedural requirements for each of the 650 main areas of application.
- The majority of SAT's staffing will be devoted to supporting applications in a seamless manner, from lodgement of an application to the issuing of orders/decisions.
- In many matters before the SAT legal representation will not be required.
- New technology and tribunal processes will ensure matters are dealt with expeditiously. Targets will be set for the time it takes for an applicant to come before a decision-maker for the first time.
- Web-based technology will allow the tribunal to reach out to the community and have a much more informative approach, such as posting listings and decisions on its website.
- Members of the tribunal will have access to unprecedented levels of information to support their decision-making.

Procedures

The State Administrative Tribunal has an emphasis on efficiency.

- Many applications will be referred to mediation or compulsory conferences. Other decisions will be made based on documents only, without hearings.
- Using portal technology, sessional members will be paid by the hour instead of by the day or half-day. This is expected to save the State some \$500,000 a year.
- Video conferencing will be used wherever possible - allowing the tribunal to deal with matters in regional areas.
- Modern purpose-built hearing rooms, all in the same location and with centralised reception, scheduling and record keeping functions, will improve efficiency and reduce cost.

Direct e-FILING of applications will be trialled – initially with a number of institutional applicants – but will be extended to lodgement of all documents electronically by registered users in the not too distant future.