OVERVIEW OF THE STATE ADMINISTRATIVE TRIBUNAL OF WESTERN AUSTRALIA

Judge David Parry*

The State Administrative Tribunal of Western Australia was established on 1 January 2005 as a comprehensive and cohesive civil and administrative review tribunal for the State. The Tribunal replaced or took over work from approximately 50 courts, tribunals, boards, ministers and other adjudicators. The Tribunal exercises jurisdiction under approximately 150 Acts and Regulations, as well as under subsidiary legislation, such as planning schemes and local laws, in areas including building disputes, firearms licensing, strata titles, revenue, town planning, land compensation, land valuation, guardianship and administration, equal opportunity, and vocational regulation

'A cohesive new jurisdiction'

When commending the legislation that established and conferred jurisdiction on the State Administrative Tribunal (SAT or Tribunal) to the WA Parliament, the Attorney General Hon Jim McGinty MLA described SAT as 'a cohesive new jurisdiction' and the fulfillment of an important commitment to the people of the State 'to establish a modern, efficient and accessible system of administrative law decision-making across a wide range of areas'.[1]

SAT commenced on 1 January 2005 and replaced or took over work from approximately 50 courts, tribunals, boards, ministers and other adjudicators. SAT exercises broad review and original jurisdiction under approximately 150 State Acts and Regulations, as well as under subsidiary legislation, such as planning schemes and local laws. SAT's work involves:

- the review of the vast majority of administrative decisions made by State and local government authorities and officials, in respect of which administrative review (formerly known as 'appeal') rights are conferred, such as firearms, State revenue, town planning, land valuation, and mental health matters;
- vocational regulation, involving disciplinary proceedings concerning allegations of misconduct or incompetence, and licensing disputes, in relation to most professions, occupations and trades which are licensed under State law; and
- original jurisdiction in relation to specialist civil matters, such as building disputes, commercial tenancy, strata titles, land compensation, guardianship and administration, and equal opportunity proceedings.

The Tribunal has 20 full-time members consisting of a President,[2] two Deputy Presidents,[3] five legally-qualified senior members[4] and 12 ordinary members, including six lawyers, two town planners, an architect, a social worker/lawyer, a social worker/accountant and a social worker.[5] The Tribunal also has more than 80 sessional members, including builders, architects, town planners, an environmental scientist, engineers, surveyors, land valuers,

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social workers, medical practitioners, lawyers and members of other vocations regulated by SAT.

Because of the breadth of SAT's jurisdiction, and in order to make appropriate use of the knowledge and experience of members, each of the enabling Acts conferring jurisdiction on the Tribunal is allocated to one of four 'streams', namely:

- commercial and civil;
- development and resources;
- human rights; and
- vocational regulation.[6]

While SAT is modeled on the Victorian Civil and Administrative Tribunal (VCAT), there are two important differences. First, whereas VCAT comprises 'divisions', SAT comprises 'streams' which are, as that title implies, more flexible administrative arrangements. Second, whereas VCAT members are appointed to one or more specific divisions and therefore do not hear matters in other divisions, in SAT members are appointed to the Tribunal as a whole and then principally allocated by the President to one or more streams. Members are therefore able to sit and mediate across streams.

SAT's main statutory objectives, powers and procedures

Section 9 of the *State Administrative Tribunal Act 2004* (WA) (*SAT Act*) sets out the Tribunal's main objectives as follows:

(a) to achieve the resolution of questions, complaints or disputes, and to make or review decisions, fairly and according to the substantial merits of the case;

(b) to act as speedily and with as little formality and technicality as is practicable, and to minimise the costs to the parties; and

(c) to make appropriate use of the knowledge and experience of Tribunal members.

The Supreme Court of Western Australia has recognised that the Tribunal has 'specialist expertise in the areas of jurisdiction which it administers and by s 9 of the *SAT Act* is required to discharge that jurisdiction by reference to the objectives that are specified'.[7] The Court observed that it would be 'hazardous to the achievement of those objectives if the Supreme Court were to be too ready to impose its view on SAT as to the procedures of SAT and as to case management decisions that are made by SAT within its specialist areas of jurisdiction and which are taken for the achievement of the objectives set out in s 9 of the *SAT Act'*.

Consistent with its s 9 objectives, the Tribunal:

- is bound by the rules of natural justice;[8]
- is not bound by the rules of evidence and is to act 'according to equity, good conscience and the substantial merits of the case without regard to technicalities or legal forms';[9]
- is to generally conduct hearings in public;[10]
- is to ensure that parties understand the nature of the assertions made in the proceeding and the legal implications of those assertions and is to explain to the parties, if requested to do so, any aspect of procedure or any decision;[11]
- may inform itself on any matter as it sees fit;[12]

- is to ensure that all relevant material is disclosed to it;[13]
- in administrative review proceedings, has all functions and discretions corresponding to the original decision-maker in making the reviewable decision;[14]
- may conduct all or part of a proceeding entirely on the basis of documents without an oral hearing;[15]
- is required, in administrative review proceedings, to produce 'the correct and preferable decision at the time of the decision upon the review';[16]
- is required to give reasons for final decisions including findings on material questions of fact, referring to the evidence or other material on which those findings are based;[17] and
- if it reserves a decision, is required to give the decision within 90 days of the day on which it is reserved.[18]

The Tribunal has adopted practices and terminology that reflect its statutory objectives and character as a civil and administrative tribunal, rather than a court. Parties, legal practitioners, agents and other persons attending a hearing do not stand or bow when the member or members (including a judicial member) enter or leave the hearing room. Parties, legal practitioners, agents and other persons attending a hearing do not bow when entering the hearing room during a hearing. Parties, legal practitioners and agents do not stand when examining or cross-examining a witness or when addressing the Tribunal.

The Tribunal has an 'executive officer', who performs functions under the *SAT Act* and assists in the administration of the Act, rather than a 'registrar', as in courts. The Tribunal has an 'office' at which documents are filed, rather than a 'registry', as in courts. SAT decisions are cited as [Applicant] and [Respondent], rather than as [Applicant] v [Respondent], as in courts.

The nature of SAT proceedings and their general character is fairly consistent and relatively informal, in comparison to courts and some tribunals, and could be described as a hybrid inquisitorial/adversarial approach to dispute resolution, under which the parties may generally (subject to the Tribunal's objectives in s 9 of the *SAT Act* and the practices and procedures which have been developed in light of those objectives) present their cases as they wish, but in which SAT adopts an active and inquisitorial approach to the resolution of the dispute.

Commencement and management of proceedings

Proceedings are commenced by filing a simple document, known as an 'application', which is generated on the SAT web site[19] using the 'SAT Wizard'. This programme has a drop down menu with each of over 900 enabling provisions that confer jurisdiction on the Tribunal. When an applicant selects the relevant enabling provision, the programme creates the application form and identifies the documents that must accompany the application.

Other than in guardianship and administration proceedings (which are listed for a final hearing within 8 weeks) and certain commercial tenancy proceedings (which are determined on the documents), all proceedings are listed for a first directions hearing before a member within two to three weeks of the filing of the application and are then actively case managed by the member. The directions hearing is not simply a case management tool. Rather, it involves a proactive and interactive process conducted by a member to identify the key issues in dispute and to begin developing options to achieve the resolution of the matter. Proceedings are often resolved through facilitative dispute resolution at the directions hearing itself. Otherwise, there is a presumption that cases will be referred from the directions hearing for mediation or listed for a compulsory conference.

The member conducting the directions hearing tailors directions to maximise the prospects of success of the mediation or compulsory conference. The member conducting the directions hearing considers which member or members should be listed to conduct the mediation or compulsory conference, having regard to the issues in dispute and the qualifications and experience of members. Where appropriate, the parties are told the professional background of the member or members who will conduct the process. The member also considers the location where the mediation or compulsory conference should most appropriately be held, having regard to the issues in dispute and the convenience of the participants. Mediations are often held on-site or include an on-site meeting. In addition, the member considers whether any third parties should be invited to attend the mediation or compulsory conference. For example in town planning cases, the Tribunal may invite the mayor or president of the local government respondent to attend and/or to nominate one or more councillors to attend the mediation or compulsory conference.

Identification of issues in dispute and relevant documents

Where a matter is referred to mediation or a compulsory conference, the Tribunal usually orders the parties to produce points for mediation or in administrative review cases requires the respondent to produce a statement of issues for mediation or, in some complex cases, a statement of issues, facts and contentions. This document usually provides the agenda for the mediation or compulsory conference.

Where a matter is listed for final hearing or determination on documents, the Tribunal usually orders:

- the applicant in original proceedings and the respondent in review proceedings to produce a statement of issues, facts and contentions; and
- the other parties to produce their own responsive statements of issues, facts and contentions, setting out whether the party accepts or rejects each issue, fact or contention and any other issues, facts and contentions it says are relevant.[20]

Section 24 of the *SAT Act* requires the original decision-maker in review cases (the respondent) to provide to the Tribunal, in accordance with the SAT Rules:

- a statement of the reasons for the decision; and
- other documents and other material in its possession or under its control which are relevant to the Tribunal's review of the decision.

These documents are commonly referred to as 'the s 24 documents'. The rules specify that the respondent must provide the s 24 documents to the Tribunal in accordance with any order made by the Tribunal.[21] The rules also enable the Tribunal to order the respondent to provide a copy of these documents to the applicant or any other party.[22] In order to minimise costs, the Tribunal's usual practice is to only order the respondent to file and provide the s 24 documents to the other parties if the proceeding is listed for final hearing or determination on documents.[23] As discussed below, across the Tribunal, other than in guardianship and administration proceedings, approximately two-thirds to three-quarters of proceedings are resolved by facilitative dispute resolution, without the need for a final hearing or determination on documents. The s 24 documents (and the applicant's bundle of documents) are not generally required to be produced in those cases.

In original proceedings, when a matter is listed for final hearing, the applicant is usually required to file and serve a bundle of documents, followed by the respondent. The Tribunal also has power under s 35 of the *SAT Act* to order third parties to produce documents and may issue summonses under s 66 of the *SAT Act*.

Facilitative dispute resolution

The Tribunal has adopted the term 'facilitative dispute resolution' (FDR) to refer to a suite of non-adjudicative dispute resolution processes that it employs. Across the Tribunal, other than in guardianship and administration and commercial tenancy proceedings, approximately two-thirds to three-quarters of proceedings are resolved by facilitative dispute resolution, without the need for a final hearing or determination on documents. In addition, FDR processes are regularly used to reduce the scope of the dispute in cases that require Tribunal adjudication.

Specifically, in SAT, FDR processes involve:

- directions hearings in which issues are identified, options are developed and, in certain types of applications, alternatives to the proposal are discussed;
- mediations;
- compulsory conferences; and
- in review proceedings, invitations by the Tribunal to respondents to reconsider their decisions under s 31 of the *SAT Act*, often in light of further information or clarification provided, or modifications or amendments made, by applicants through the other FDR processes.[24]

The FDR processes are applied in SAT in a co-ordinated and determined fashion, one leading to another, in order to achieve a non-adjudicative result, if at all possible. Thus, a review proceeding in SAT is typically resolved through the combination and progression of:

- a directions hearing; leading to
- one, two or three mediation sessions; leading to
- consent orders or the withdrawal of the application; or
- in review proceedings, an invitation by SAT to the respondent to reconsider its decision; leading, if necessary[25], to
- a further directions hearing or mediation session to resolve any outstanding aspect of the varied or substituted decision, such as a disputed condition of approval.

Expert evidence

As the Tribunal has said in its pamphlet *A guide for experts giving evidence in the State Administrative Tribunal* published in 2007:

> The quality and presentation of expert evidence is important in assisting the Tribunal to make reliable and correct decisions in the many areas of its jurisdiction.[26]

Consistent with its objectives, and in order to maximise the value of evidence given by expert witnesses to the Tribunal, SAT has adopted a model for expert evidence comprising the following four principal elements:

- Articulation of expert witnesses' obligations to the Tribunal.
- Written statements of expert witnesses' evidence.
- Conferral and joint statement of expert witnesses.
- Concurrent evidence of expert witnesses at the final hearing.

The pamphlet *A guide for experts giving evidence in the State Administrative Tribunal* states:

> Experience shows that, when expert witnesses understand and observe their obligation to bring to proceedings an objective assessment of the issues within their expertise, their evidence is of great assistance. When expert witnesses are not objective, and assume the role of advocate for a party, their credibility suffers.

With these observations in mind, SAT has articulated expert witnesses' obligations to the Tribunal in identical or similar terms to other tribunals and courts:

- An expert witness has an overriding duty to assist the Tribunal impartially on matters relevant to the expert's area of expertise.
- An expert witness' paramount duty is to the Tribunal and not to the party engaging the expert.
- An expert witness is not an advocate for a party.[27]

The pamphlet recognises that an expert may have been engaged by a party before the proceedings were commenced or may have been engaged by a party in another capacity, for example, as an advocate, in addition to being engaged to give expert evidence. Nevertheless, as stated in the pamphlet:

> When the expert is giving evidence in the Tribunal, he or she must appreciate and acknowledge the obligations set out above.

Where a matter that is likely to involve expert evidence is listed for final hearing or determination on documents, the Tribunal usually orders:

- each party to give any expert witness it retains a copy of the pamphlet and a copy of the programming orders;[28] and
- each expert witness to acknowledge in his or her statement of evidence that he or she has read the pamphlet and agrees to be bound by the expert's obligations stated in that document.[29]

Parties in SAT proceedings are generally required to file and exchange experts' witness statements by a specified date, usually two weeks before the final hearing.[30] Except in cases where the expense involved would be disproportionate to the subject matter of the proceeding or where it would not be productive, the Tribunal usually makes the following programming orders:

> By [specified date usually 7 days before the hearing date] the expert witnesses in each field of expertise must confer with one another in the absence of the parties and their representatives and must prepare a joint statement of:
>
> (a) the issues arising in the proceeding which are within their expertise;
> (b) the matters upon which they agree in relation to those issues;
> (c) the matters upon which they disagree in relation to those issues; and
> (d) the reasons for any disagreement.
>
> The expert witnesses much each sign the joint statement at the conclusion of their conference. If the statement is in handwriting the expert witnesses must appoint one of them to generate a typed version of it and each must sign the typed document. The expert witnesses must file the joint statement with the Tribunal and give copies of it to the parties by [specified date usually 5 days before the hearing date].[31]

The pamphlet states that it will 'usually be desirable for the experts to meet face to face and to work through the issues together', although, 'in some cases, where the issues are

relatively narrow, it may be adequate for them to confer by telephone'. The pamphlet also states:

> It is expected that, consistently with their obligations to the Tribunal, the experts will make a genuine attempt to identify the matters of agreement between them and to clearly state their respective reasons for disagreement. ... An expert must exercise his or her independent professional judgment in relation to the conferral and joint statement and must not act on any instructions or request by a party ... to withhold or avoid agreement.

Expert witnesses in each field of expertise are generally required to give evidence concurrently at the hearing. Concurrent evidence involves the witnesses:

- sitting together as an expert panel;
- being asked questions by the Tribunal, generally on the basis of the joint statement;
- being encouraged to respond directly to each other's evidence;
- being given an opportunity to ask each other any questions they think might assist the Tribunal; and
- being asked questions by the parties or their representatives.[32]

Usually after discussion with the parties, the Tribunal nominates the topics and then leads what has been correctly described by the New South Wales Law Reform Commission as 'a structured professional discussion between peers in the relevant field.'[33] The process is akin to the way in which issues involving expertise are analysed and resolved in the 'real world'.[34]

Conduct of hearings

Due to the Tribunal's success in the use of FDR processes, in most areas of the Tribunal's jurisdiction, only 20% to 30% of cases need to be listed for a final hearing or determination on documents. When a matter is listed for final hearing or determination on documents the member usually makes programming orders based on the standard orders in relation to:

- identification of issues in dispute and relevant documents;[35]
- requirements for the presentation of documents;[36]
- expert evidence;[37]
- filing and exchange of witness statements;[38]
- conferral and joint statement of expert witnesses;[39]
- concurrent evidence of expert witnesses;[40] and
- filing and exchange of draft 'without prejudice' conditions of approval in refusal and deemed refusal review cases.[41]

The member may also schedule a further directions hearing to review preparation for the final hearing at an appropriate point in the process.[42]

Oral hearings are flexible and relatively informal. The primary evidence of both lay and expert witnesses is in the form of written witness statements that are filed and exchanged prior to the hearing. The Tribunal usually allows the party calling a witness to ask the witness questions to explain key evidence or in response to other evidence. The Tribunal also often asks questions and the other party is entitled to cross-examine.

Other than in disciplinary proceedings, in order to minimise the formality of hearings, evidence is generally not given on oath or affirmation, unless there is a material dispute as to fact or credit.[43] Also, for this reason, there is no standing or bowing in any Tribunal hearings.

Most final hearings take one day or less.[44] The length of hearings is minimised by the use of FDR to reduce the scope of disputes and by the conferral and joint statements and concurrent evidence of expert witnesses.

Determinations on documents

The Tribunal may conduct all or part of a proceeding entirely on the basis of documents without an oral hearing.[45] Determinations on documents minimise costs to the parties and may therefore appear attractive. However, a self-represented party may have greater difficulty in presenting their case in writing. In deciding whether to list a matter for determination on documents, the member would usually consider:

- Whether any party may be disadvantaged by not having an oral hearing.
- Whether the issues for determination are sufficiently limited and/or identified for determination on documents.
- Whether there is likely to be a material dispute as to facts.
- Whether any difference of expert opinion can be resolved satisfactorily without oral evidence.
- Whether it would be more cost effective to deal with the matter on the papers.

Costs

Section 87(1) of the *SAT Act* provides that, unless otherwise specified in that Act, the enabling Act or an order of the Tribunal under s 87, parties bear their own costs in Tribunal proceedings. It is apparent from the terms of this section that the starting proposition in the Tribunal is that parties bear their own costs in proceedings. However, s 87(2) of the *SAT Act* confers discretion on the Tribunal to make an order for the payment by a party of all or any of the costs of another party unless otherwise specified in an enabling Act.[46] Sections 87(1) and 87(2) of the *SAT Act* together indicate that there is a presumption that there will not be an award of costs in the Tribunal except in special circumstances. This presumption is desirable because it promotes access to civil and administrative justice through the Tribunal.[47] SAT can therefore be characterised as a generally 'no costs' or 'costs-neutral' jurisdiction.[48]

In exercising its discretion as to costs under s 87(2) of the *SAT Act*, the Tribunal has regard to policy considerations relevant to the particular type of proceedings in question. The Tribunal has developed and established practices in relation to the exercise of its discretion as to costs in various areas of its jurisdiction. In review and most other areas of jurisdiction, the Tribunal's established practice is that normally each party should bear its own costs of the proceedings.[49] As Barker J observed, SAT was established with its review jurisdiction as part of the system of public administration of the State to ensure that citizens and other entities may seek administrative justice in relation to decisions that affect their personal, proprietary and financial interests.[50] An applicant should not be discouraged from seeking administrative justice by the prospect of having to pay the decision-maker's costs if they do not succeed. Conversely, an applicant is not entitled to award of costs if they succeed.

Endnotes

1 *Hansard*, 24 June 2003, p 9104.
2 The President must be a Judge of the Supreme Court of WA: *State Administrative Tribunal Act 2004* (WA) (*SAT Act*) s 108(3).
3 The Deputy Presidents must be Judges of the District Court of WA: *SAT Act* s 112(3).
4 Senior members must have at least eight years' legal experience or extensive knowledge of, or experience with, any class of matter involved in the exercise of the Tribunal's jurisdiction: *SAT Act* s 117(4).

5 Ordinary members must have at least five years legal experience or extensive knowledge of, or experience with, any class of matter involved in the exercise of the Tribunal's jurisdiction: *SAT Act* s 117(3).
6 The streams are not prescribed or referred to in the SAT legislation, but are established by the President as part of the administration of the Tribunal.
7 *Dalton v Commissioner of Police* [2009] WASC 9 at [28] *per* Martin CJ. See also, to the same effect, *Commissioner of State Revenue v Artistic Pty Ltd* 2008] WASCA 24; 2008 ATC ¶20-004; (2008) 70 ATR 818 at [16] *per* Martin CJ with whom Buss JA (at [37]) and Newnes AJA (at [38]) agreed.
8 Except to the extent that the enabling Act conferring jurisdiction in the matter authorises a departure from those rules: *SAT Act* s 32(1).
9 *SAT Act* s 32(2).
10 *SAT Act* s 61, other than a compulsory conference (s 52(4)) or a mediation (s 54(6)) which are conducted in private unless SAT determines otherwise.
11 *SAT* Act s 32(6).
12 *SAT* Act s 32(4).
13 *SAT Act* s 32(7)(a).
14 *SAT* Act s 29(1).
15 *SAT* Act s 60(2).
16 *SAT* Act s 27(2).
17 *SAT* Act s 77. Reasons for final decisions can be oral although a party may request written reasons for any decision which must be provided within 90 days of the request or within an extension of that period given by the President: *SAT Act* s 78.
18 *SAT Act* s 76. The President can grant an extension of this period: ibid.
19 http://www.sat.justice.wa.gov.au.
20 *Standard orders made at directions hearings, mediations and compulsory conferences*, standard orders 11(a) and 12 (original proceedings) and 7(a) and 9 (review proceedings), http://www.sat.justice.wa.gov.au/_files/standard_orders.pdf.
21 *State Administrative Tribunal Rules 2004* (WA) (SAT Rules) r 12.
22 SAT Rules r 12.
23 *Standard orders made at directions hearings, mediations and compulsory conferences*, note 20, standard order 7(b).
24 See DR Parry, 'The Use of Facilitative Dispute Resolution in the State Administrative Tribunal of Western Australia – Central Rather than Alternative Dispute Resolution in Planning Cases' (2010) 27 EPLJ 113.
25 The Tribunal's practice is to schedule a directions hearing shortly after the date by which the respondent has been invited to reconsider its decision. However, applicants usually write to the Tribunal following reconsideration seeking leave to withdraw the application and respondents usually write to the Tribunal consenting to leave being granted to withdraw the application. The Tribunal then vacates the directions hearing and issues an order allowing the withdrawal without attendance by either party. The Tribunal's leave to withdraw an application is required by s 46(1) of the *SAT Act*.
26 *A guide for experts giving evidence in the State Administrative Tribunal* http://www.sat.justice.wa.gov.au/_files/Expert_Evidence_Brochure.pdf.
27 The obligations are stated in *A guide for experts giving evidence in the State Administrative Tribunal* and are based on expert witness' general obligations articulated by the NSW Land and Environment Court in its *Practice Direction: Expert Witnesses*, Sch 1.
28 *Standard orders made at directions hearings, mediations and compulsory conferences*, note 20, standard order 41.
29 *Standard orders made at directions hearings, mediations and compulsory conferences*, note 20, standard order 42.
30 *Standard orders made at directions hearings, mediations and compulsory conferences*, note 20, standard order 43.
31 *Standard orders made at directions hearings, mediations and compulsory conferences*, note 20, standard orders 46 and 48. In appropriate cases, the Tribunal will list a compulsory conference in order for a member to chair the expert witness' conferral: see standard order 47. If the member conducted a mediation in the matter, the compulsory conference can only take place before the member with the parties' agreement: *SAT Act* s 54(10).
32 *Standard orders made at directions hearings, mediations and compulsory conferences*, note 20, standard order 49.
33 New South Wales Law Reform Commission, *Expert Witnesses*, NSWLRC Report 109 (NSWLRC, Sydney, 2005) http://www.lawlink.nsw.gov.au/lawlink/lrc/ll_lrc.nsf/pages/LRC_r109toc [6.56].
34 See DR Parry, 'Concurrent Expert Evidence' (*Brief* Vol 37 No 7 August 2010 pp 9 - 12).
35 *Standard orders made at directions hearings, mediations and compulsory conferences*, note 20, standard orders 7 – 10.
36 *Standard orders made at directions hearings, mediations and compulsory conferences*, note 20, standard orders 39 and 40.
37 *Standard orders made at directions hearings, mediations and compulsory conferences*, note 20, standard orders 41 and 42.
38 *Standard orders made at directions hearings, mediations and compulsory conferences*, note 20, standard orders 43 – 44.

39 *Standard orders made at directions hearings, mediations and compulsory conferences*, note 20, standard orders 46 – 48.
40 *Standard orders made at directions hearings, mediations and compulsory conferences*, note 20, standard order 49.
41 *Standard orders made at directions hearings, mediations and compulsory conferences*, note 20, standard orders 50 and 51.
42 *Standard orders made at directions hearings, mediations and compulsory conferences*, note 20, standard order 55.
43 Witnesses are sometimes reminded that knowingly giving false or misleading information to the Tribunal is an offence: *SAT Act* s 98.
44 For example, in the development and resources stream in 2009-2010, 82% one day or less, 97% two days or less and 100% three days or less and in 2010-2011, 83% one day or less, 96% two days or less, 97% in three days or less and 100% in four days or less.
45 *SAT Act* s 60(2). See *Standard orders made at directions hearings, mediations and compulsory conferences*, note 20, standard orders 35 – 38.
46 *Citygate Properties Pty Ltd and City of Bunbury* [2005] WASAT 53; (2005) 38 SR (WA) 247 at [28]; see also *Springmist Pty Ltd and Shire of Augusta-Margaret River* [2005] WASAT 143 (S); (2005) 41 SR (WA) 219 at [32] and *Uniting Church Homes (Inc) and City of Stirling* [2005] WASAT 341 at [12].
47 *Pearce & Anor and Germain* [2007] WASAT 291 (S) at [17].
48 *Clifford and Shire of Busselton* [2007] WASAT 89 (S); (2007) 44 SR (WA) 174 at [39]; see also *Chew and Director-General of the Department of Education and Training* [2006] WASAT 248; (2006) 44 SR (WA) 174; *Summerville and Department of Education and Training* [2006] WASAT 368 (S).
49 *Citygate Properties Pty Ltd and City of Bunbury* [2005] WASAT 53; (2005) 38 SR (WA) 246; *Shark Bay Tuna Farms Pty Ltd and Executive Director, Department of Fisheries* [2005] WASAT 206; *Aydogan and Town of Cambridge* [2007] WASAT 19; (2007) 48 SR (WA) 239.
50 *Shark Bay Tuna Farms Pty Ltd and Executive Director, Department of Fisheries* [2005] WASAT 206 at [36].