



Tips and Tricks for SAT Proceedings

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Pro Bono?



Introduction

- Class 1 and 2 applications, see *10 (1). State Administrative Tribunal Regulations*
- *State Administrative Tribunal Act 2004; section 27 – nature of hearing*
- Part 14 of the *Planning & Development Act 2005*

Perspectives on mediation

- Facilitative dispute resolution
- Who should attend?
 - Expert or agent?
 - Don't send a messenger
- Approximately 75% of all matters end with mediation

Perspectives on mediation

- Clarify or narrow the issues.
- Resolution normally involves additional information and/or changes to the proposal.
- Are mediated outcomes always good planning outcomes?

Expert Evidence

- Witness statements should be relevant and concise.
- You are an expert, not an advocate – your view not the party's.
- Hearing: short, considered responses; don't avoid the questions

The Hearing

- Opening submissions
- Questions for examinations and cross-examination
- Closing submissions
- Conflict of both roles:
Evidence “I think...”
Agent “the Respondent submits that...”

Case Precedent



KERRIGAN and THE BIG EVIL AIRPORT CORPORATION [1997], HIGH COURT OF AUSTRALIA, is the most famous town planning and land development case in Australia.

SAT database

<http://decisions.justice.wa.gov.au/SAT/SATdcsn.nsf>

Cases mentioned in this presentation:

SNOOK and WESTERN AUSTRALIAN PLANNING COMMISSION [2012] WASAT 38

DUNBAR and CITY OF STIRLING [2006] WASAT 331

MELVISTA PARK and WAPC [2009] WASAT52

The Future

- LG amalgamation
- Third Party appeals

Concerns/improvements

- Applicant's being self-represented
- New class of appeals for minor applications?
- Going back to mediation at a hearing
- Conferral & joint statements
- Oral decisions – not published

Final Thoughts

- Be prepared
- Be honest
- Don't be aggressive/melodramatic
- The 'Human Element'