



ANNUAL REPORT 2021-2022

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TASMANIAN CIVIL &
ADMINISTRATIVE TRIBUNAL

Phone

1800 657 500

Postal address

GPO Box 1311, Hobart TAS 7001

Location

38 Barrack Street, Hobart Tas 7000

tascat.tas.gov.au

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We welcome your feedback.



Laparuna by Emma Robertson

ACKNOWLEDGEMENT OF COUNTRY

In recognition of the deep history and culture of this Island, we acknowledge Tasmanian Aboriginal people, the original and continuing Custodians of the Land, Sea and Sky. We acknowledge and pay our respects to all Tasmanian Aboriginal Communities, all of whom have survived invasion and dispossession, and continue to maintain their identity, culture and Aboriginal rights.

Biography of artist:

Emma Robertson is a proud trawlwoolway woman and mixed media artist. She has a strong connection to country and loves the opportunity to express herself through photography, shell necklace making, kelp work or contemporary pieces.





The Hon. Elise Archer
Attorney-General
Minister for Justice

7 October 2022

Dear Attorney

Tasmanian Administrative and Civil Tribunal Report 2021-2022

I am pleased to present the Annual Report for the Tasmanian Civil and Administrative Tribunal in accordance with Section 143 of the *Tasmanian Civil and Administrative Tribunal Act 2020*, for the year 5 November 2021 to 30 June 2022. The operational data from 1 July 2021 to 4 November 2021 of the separate Tribunals prior to amalgamation has been included in the overall data to report on that duration of their operations.

Following the tabling of the report in Parliament, it will be available for public access on the Tribunal's website.

Yours sincerely

Malcolm Schyvens
President

MESSAGE FROM OUR PRESIDENT

When the newly established Tasmanian Civil and Administrative Tribunal (TASCAT) officially opened its doors on 5 November 2021, many years of work to improve access to justice in Tasmania was realised.

With the opening of TASCAT, Tasmania joined all other Australian states and territories in implementing a Civil and Administrative Tribunal (CAT). As such we, have had the benefit of learning from experience in other jurisdictions and I am confident that the approach we have taken in Tasmania draws together the best elements of the models in place elsewhere and adapts them to meet our local context. I am honoured to have been appointed as the inaugural President of TASCAT.

At our official opening conducted by the Attorney-General of Tasmania, the Hon Elise Archer MP, we as a Tribunal, embraced being welcomed onto country by Aboriginal elder, Aunty Brenda Hodge. On that day nine existing Tribunals and Boards became one entity. Together we cover a wide range of jurisdictions, hearing matters such as planning appeals, challenges to certain Government decisions, resolving workers compensation disputes, and deciding the need for treatment or protective orders for people living with mental illness or impaired decision-making capacity. The 106 Members and 38 registry staff of the previous Tribunals and Board all automatically transferred across to TASCAT. We were fortunate to be starting out with such experienced Tribunal Members and registry staff, and bringing them all together is just one of the ways TASCAT will enhance the administration of justice for the Tasmanian community.

As I stated when TASCAT commenced, my vision for TASCAT is that our entire team will all work together to ensure that we provide an accessible Tribunal service for our diverse community, a service which aims not only to provide fair and timely decision making in the matters that come before us, but which also uses plain English to be transparent in explaining why we make the orders we do. Our approach should generally be less formal than the courts and tailored to meet the specific needs of those who appear before the Tribunal, many of whom are in stressful circumstances and/or may experience difficulty communicating their views.

This philosophy extends to our state-of-the-art premises at 38 Barrack Street, Hobart, which have been especially designed to meet the needs of the Tribunal and our clients and has drawn heavily on technology to improve our operations. I am not aware of any like CAT around the country which has had the immense benefit of starting out on day one in purpose-built premises. Needless to say, our services extend across the whole of Tasmania and one of our focuses in the period ahead will be ensuring that we are sitting where we need to across the state and in appropriate premises.

The formation of TASCAT provides the perfect opportunity to review the practice and procedure of each of the amalgamated former bodies and to introduce underlying principles which harmonise our operations. In this regard we have gained much in utilising the tools provided in the 'Tribunal Excellence Framework' issued by the Council of Australasian Tribunals (COAT), a framework which poses, and then answers, this important question:

“What is an excellent tribunal?”

An excellent tribunal resolves disputes in a fair, accessible and efficient manner within a reasonable timeframe. When determining disputes and deciding cases, excellent tribunals interpret the law consistently, impartially and independently protecting the rights of the community the tribunal serves.”

The framework usefully provides eight measurable areas of Tribunal excellence: independence; effective leadership and management; fair treatment; accessibility; professionalism and integrity; accountability; efficiency and client needs and satisfaction. Not unsurprisingly, these units of measure are very similar to the main objectives of the Tribunal as prescribed in the TASCAT Act. You will note that the framework has been used to structure this, our first annual report.

Similarly, the framework is an integral part of our Tribunal Member code of conduct and our professional development programme. We recognise that the orders we make often have significant ramifications upon people's lives.



Accordingly, it is only appropriate that our decision-makers' performance is of the highest standard. To promote such standards, TASCAT has implemented a Member professional development programme. The programme consists of appropriate induction training and mentoring for all newly appointed Members, ongoing professional development opportunities for all Members, and an ongoing performance appraisal process which will provide guidance as to recommendations for reappointment to the Tribunal.

A significant amount of work has been undertaken since TASCAT commenced to promote accountability and efficiency. Pleasingly numerous stakeholder groups accepted my invitation to be part of the Tribunal's Consultative Forum. The forum, which has met twice since the Tribunal commenced, provides an appropriate vehicle for the Tribunal to receive critical feedback on the accessibility of our practice and procedure. It also allows us to share information as to our performance and efficiency. We are gradually developing key performance indicators and the ability to gather statistics across all streams which allows for comparative analysis. This has proved challenging given the different ways in which each amalgamated body previously reported collated statistics and the varying case management systems employed.

Looking to the future, we have much to do as a Tribunal. The ongoing review and harmonisation of practice and procedure engaged upon in each stream will continue. A completely new website with interactive functions is planned to be completed in the next period. We will continue to solidify the final leadership/membership structure of the Tribunal – an important step in this process was achieved at the conclusion of the reporting period with the appointment of Mr Richard Grueber as a Deputy President and the first Division Head (General Division) appointed since TASCAT was formed. All of this will need to occur whilst we also prepare for the introduction of new jurisdictions which the government has indicated will be transferred to TASCAT.

Endeavouring to thank all of those who have contributed to the formation, and now operation of, TASCAT in this initial period is fraught with danger. So many have contributed that I run the risk of causing offence by failing to name all involved. Nonetheless, I do wish to acknowledge and thank the Attorney-General for her leadership and vision in leading the legislative reforms that led to TASCAT being established.

Thank you also to all of those who have provided support from the Department of Justice, particularly, Ginna Webster, Kristy Bourne, David Sealy and Petr Divis. The legislation required to bring the amalgamation into effect was one of the largest pieces of drafting to ever come before the Parliament of Tasmania – thank you to Chief Parliamentary Counsel Robyn Webb.

I am most grateful to each of the Heads of the jurisdictions that were amalgamated into TASCAT. The experience would no doubt have been a much more challenging exercise if it were not for the good grace and collaborative efforts of Yvonne Chaperon, Alison Clues, Marica Duvnjak, Rowena Holder, and Keyran (Cas) Pitt KC, each of whom remain in their respective roles with the Tribunal except Marica who was appointed as a Magistrate in late 2021.

I would like to thank all of the Members and registry staff of TASCAT. The adaptation from 9 separate bodies to one Tribunal occurred during a global pandemic. Given the disruptions to "normal business" that both of these events have had during the period, it is testament to the Members and staff that the amalgamation was completed, and that hearings and determination of matters continued unabated throughout the period. My executive assistant, Hilary Harris, has been of significant personal support. I thank her for her patience and assistance.

Finally, I wish to thank our Principal Registrar, Jarrod Bryan. Jarrod's management ability, his understanding of the workings of government, his longstanding connection to the amalgamation project, and his genuine care and concern for our Members and staff, were all integral to the formation of TASCAT. It is difficult to imagine how TASCAT would have commenced, and as smoothly as it has, without Jarrod's involvement.

Malcolm Schyvens
President TASCAT

MESSAGE FROM OUR PRINCIPAL REGISTRAR

The commencement of the Tasmanian Civil and Administrative Tribunal on 5 November 2021 was the culmination of years of work leading up to that moment.

It started in 2015 when I completed a Discussion Paper for the formation of a Civil and Administrative Tribunal at the request of the Department of Justice (by the then Deputy Secretary, and now Secretary, Ginna Webster) and the then Attorney-General, the Honourable Vanessa Goodwin. A great deal of work has taken place in the following six years arising from the continued support of Secretary Ginna Webster and the constancy and dedication of the Attorney-General the Honourable Elise Archer in seeing this reform through.

The Discussion Paper of 2015 referenced a thesis by Rachel Bacon¹ which identified six key factors for success in undertaking amalgamation of Tribunals. One of the most important factors was political commitment to the reform:

“Political commitment: those responsible for proposing and planning an amalgamation need to provide appropriate funding and support for the process and for the establishment of an autonomous, self-directed tribunal.”²

It is clear the TASCAT will continue to expand into the future and as such the provision of appropriate funding will be critical to ensure it is able to meet the statutory obligations that are conferred upon it and in a manner that advances the objectives of the Tribunal under Section 10 of its enabling legislation. The Tribunal is progressing important digitisation reforms with investment in its case management system and website development to both significantly improve the efficiency of its internal work processes and to provide clients of the Tribunal with accessible, easy to use and efficient means of engaging with the Tribunal.

The Tribunal will also need to look to appropriate venues in regional Tasmania to properly provide access to justice to all Tasmanians given it is a state-wide jurisdiction. And as further jurisdictions are conferred upon it, the registry will need to grow to manage the additional work those proceedings will generate.

Strategic Plan

The Tribunal adopted a Strategic Plan for the first two years of its operations (2021-2023). The contents of that plan are set out in Appendix A with the milestones achieved so far and the required steps for the next financial year. As can be seen from the plan, these early years of the Tribunal are focussed upon establishing a unified Tribunal. This entails consolidating supporting technology such as case management systems and a new website; regularising statutory provisions and processing systems where possible; and developing feedback and data reporting processes for the new single Tribunal. We are also looking for opportunities to have our staff and members develop knowledge and skills across the different jurisdictions that have been brought together. This is to reduce a ‘siloes’ approach to work and reduce key-person dependencies that were prevalent in the smaller Tribunals before amalgamation.

Covid-19

Like other jurisdictions around Tasmania and the country, TASCAT had to manage its operations in the ever-changing and challenging circumstances of the Covid-19 pandemic.

The TASCAT was fortunate that the Tribunals scheduled for amalgamation had relocated to fit for purpose premises in July 2020, shortly after the pandemic had started. The Tribunal’s premises had all its hearing rooms equipped with state of the art, integrated video conferencing and recording facilities.

¹ Bacon, R “Amalgamating Tribunals: A recipe for optimal reform”, Faculty of Law, University of Sydney, April 2004

² Ibid, at Abstract



As such, the Tribunal was able to conduct much of its work remotely with minimal disruption to hearing schedules. The Tribunal conducted many of its proceedings remotely up until 30 March 2022 when it resumed the hearing of matters in person in the General Division. The Tribunal scheduled the return of in person hearings in the Protective Division for 1 July 2022. Parties and members are still able to access remote attendances via the video conferencing facilities of the Tribunal on a case-by-case basis where it is appropriate or necessary.

While staffing shortages due to illness presented challenges, the Tribunal is fortunate that it has not incurred the same magnitude of backlogs that other jurisdictions experienced arising from the adjournment of hearings or proceedings. The clearance rates of the streams of the Tribunal are provided in this report.

The Tribunal continued to maintain and observe its Safety Plan developed with the Department of Justice as part of managing Covid-19 at its premises. Details of the plan can be located **here**. (<https://tascat.tas.gov.au/news/important-covid-update-hearings-at-the-tribunal>)

Members and staff

I would like to thank all the Deputy Presidents, full time members and registry staff of the Tribunal for their dedication and adaptability in a year of considerable change. The Tribunals who were amalgamated had the benefit of co-location in July 2020 prior to amalgamation. That co-location allowed for the development of working relationships that supported us all in the considerable work and challenges that the amalgamation posed.

Each Deputy President, full time member and staff member not only maintained the necessary workflows of the Tribunals but were able to provide their support to a broad range of tasks that were needed to bring TASCAT into being. I have listed all the registry staff of the Tribunal who worked at the Tribunal during this financial year in Appendix C to formally record their names in this first annual report of the Tribunal. Without the contribution of each and every one of them, along with the Deputy Presidents and full time members, the TASCAT would not have been able to commence on time and with such success. I extend my sincere thanks to them all.

I would like to specifically thank the following Deputy Registrars of the Tribunal during 2021-2022, some of whom have either concluded their tenure at the Tribunal or are on secondment: Ross Thomas, Jane Cook, Rebecca Irwin, Sam Christensen, Victor Stojcevski and David Sealy. Their leadership, expertise and support were crucial to the success of the reform.

There are also a great many people to thank for their work and contribution to the formation of the TASCAT leading up to the amalgamation on 5 November 2021, but I would like to specifically thank the following people:

Members of the Agency Executive of the Department of Justice including: Ginna Webster (Secretary); Kristy Bourne (Deputy Secretary); Gavin Wailes (Director of Finance); Chris Eickhoff (Manager of Property and Procurement); Stewart Johnson (Director of Projects); Tracey Mulcahy (Director of Human Resources), Joyce du Mortier (Organisational Change Lead), the team from the Strategic Legislation and Policy Unit including Brooke Craven (Director) and Petr Divis (Senior Project Officer), Bradley Wagg (Project Manager for the TASCAT Reform) and Robyn Webb (Chief Parliamentary Counsel) who was crucial to ensuring the parent Act of the Tribunal was completed in a timely and effective way.

Finally, I would like to thank the President Mr Malcolm Schyvens for his leadership and expertise in leading the formation of TASCAT and its continued operations. My active involvement in implementing the final amalgamation process commenced at the start of July 2021 with the required completion date of 5 November 2021. In the four months available, I could not have hoped to complete such a task without the vision, wisdom, expertise, good humour and focus of the President. I am honoured to have been able to take an active role in this reform, and I am honoured to serve as the President's Principal Registrar.

Jarrold Bryan BA/LLB, MEnvPIg
Principal Registrar TASCAT

INAUGURAL OPENING OF THE TRIBUNAL

TASCAT commenced operations on 5 November 2021.

Due to Covid-19 restrictions, the occasion was marked with an informal event with a limited number of invited guests. The Tribunal was welcomed onto country by Auntie Brenda Hodge and the Attorney-General, the Hon Elise Archer MP, addressed the attendees.



Welcome to Country by Auntie Brenda Hodge *Principal Registrar Jarrod Bryan, Auntie Brenda Hodge, Attorney-General the Hon Elise Archer, President Malcolm Schyvens*



Members of Consultative Forum and other guests invited to inaugural opening



President Malcolm Schyvens





Woven Basket and Shell Necklace Display by Emma Robertson

Welcome to country speech by Auntie Brenda Hodge – Aboriginal Elder

ya pul-in-inya mil-ay-deena mana mupali-tu
Welcome to all of you here on our land.

I am a proud descendant of Mannalargenna, and the pairrebeenne people from tebrakunna in Northeastern Tasmania.

I show respect to my Elders – past, present, and emerging, and to the many Aboriginal people who did not make elder status.

I respectfully acknowledge the traditional custodians of this land on which we gather today – the muweneena people, who belong to the oldest continuing culture in the world and who roamed this land for more than 60,000 years.

Nipaluna (Hobart) was their Country and they called our mountain kunanyi.

It is a privilege to stand on their Country.

Mu-we-neena lay-kara mil-ay-deena kip-li mool-aka
It was here that the muweneena hunted for food.

Mil-ay-deena-ta nay-uppi nara mupali,
mil-ay-deena-ta cracka-paka nara mupali
They gave birth on Country, they died on Country.

Loomi ning -impi-mana mupali nung -umpi-mana mupali,
lurini waranta mapiya winani nara mupali,
Our ancestors are still here, we feel them all around us.

Waranta nin-ina nara-mupali paywoota neekara
They give us our dreaming.

waranta takara mil-ay-deena nara mupali takara
We walk where they once walked.

Mil-ay-deena nika – this is our Country.

Mil-ay-deena mana – this Country is us.

Waranta palawa mil-ay-deena neeka – we are this Country.

With pride, and on behalf of our ancestors, I welcome each of you to Aboriginal land, nipaluna, Hobart, lutriwita, Tasmania.

Nayri nina-tu – thank you.



INTRODUCTION

‘The first task for any organisation aspiring to be excellent is to define or describe the concept of excellence to which it aspires’.

–
Australian and New Zealand Tribunal Excellence Framework, COAT June 2017, p. 3.

This annual report is structured by reference to the eight areas set out in the Australia and New Zealand Tribunal Excellence Framework (June 2017) published by the Council of Australasian Tribunals (COAT).

The eight areas are:

- Independence
- Leadership and Effective Management
- Fair Treatment
- Accessibility
- Professionalism and Integrity
- Accountability
- Efficiency
- Client Needs and Satisfaction

Specific information concerning each Division of the Tribunal is contained in the Divisional Reports. Finally, detailed information concerning certain aspects of the Tribunal’s functions and operations is provided in the appendices.





INDEPENDENCE

‘Impartiality is essential for the determination of just, predictable decisions and the acceptance of those decisions by the community’.

– Justice Iain Ross, AO, Chair of COAT, Australia and New Zealand Tribunal Excellence Framework, COAT, June 2017, p. 11.

Legislation

The Tasmanian Civil and Administrative Tribunal is a statutory independent body established through the *Tasmanian Civil and Administrative Tribunal Act 2020* (“the TASCAT Act”)

There are various provisions under this enabling Act that create and maintain the independence of the Tribunal:

- Part 3, Divisions 2, 3 and 4 of the Act which establish the appointment, tenure, disciplinary and removal powers of the Tribunal. These provisions establish membership of the Tribunal and its office holders to be separate from the legislation and executive arms of government.
- Part 3, Division 5 of the Act which establishes provision of administrative support of the Tribunal through appointment of staff under the supervision of the Principal Registrar.
- Part 11 of the Act which confers upon members the same immunity from suit as a judge of the Supreme Court.
- And most importantly, under the objectives set out in Section 10(1)(a)(i) of the Act that states in the exercise of its jurisdiction the Tribunal is to promote the best principles of public administration including – independence in decision-making.

Members

Part 3 of the TASCAT Act, sets out the requirements for appointment to the Tribunal as the President, a Deputy President or member. This includes qualifications and expertise requirements.

Members of the Tribunal are categorised as Senior or Ordinary and there are various appointment options for those members including full time, part time, sessional and supplemental membership. The tenure timeframes of these appointments are also set out in these provisions. Most members of the Tribunal are appointed for a period of 5 years by the Governor of Tasmania. Supplemental members may be appointed for a period of not more than 2 years by the Minister.

As at 30 June 2022, the Tribunal had 101 members including the President, Deputy Presidents, Senior Members and Ordinary Members. The details and expertise of these members can be reviewed in Appendix B where all members have provided a summary biography of their areas of expertise.

Administrative Support

The Tribunal receives administrative support from the staff of the Tribunal under the supervision of the Principal Registrar and Deputy Registrars. Staff are located at the TASCAT registry at 38 Barrack Street, Hobart. As at 30 June 2022, the Tribunal had registry staff equivalent to 31.1 FTE.

The staffing profile of the TASCAT has been undergoing considerable change as the Tribunal transitions from nine separate Tribunals into a single amalgamated Tribunal. This has included the commencement of recruitment of new positions which began towards the end of the financial year and the gradual reform of statements of duties for positions to better reflect the unified Tribunal structure. These reforms including working towards a less siloed work structure, to a more flexible and broader capability for staff to work in other jurisdictions that fall within the TASCAT.

Training opportunities for staff included National Accreditation in ADR for staff who undertake mediation and conciliation in the Tribunal; Trauma Informed Service Delivery for both decision makers and staff of the registry; and specific courses related to IT systems for staff regularly undertaking those duties.

Budget

The TASCAT's budget is made up of:

- Recurrent funding through the Tasmanian Treasury
- Retained revenue from filing and other fees received by the Tribunal allowed under the *Tasmanian Civil and Administrative Tribunal Regulations 2021* and other Acts.
- Funding from other agencies for cost recovery of work performed. Examples include:
 - Work Cover Board (Workers Rehabilitation and Compensation jurisdiction in the Personal Compensation stream)
 - AHPRA (Health Practitioners stream)

The TASCAT Expenditure for the 2021-2022 financial year is set out below:

2021-2022 TASCAT Expenditure	\$000
Salaries and Wages	4775
Sessional Member Salaries	1082
Other Employee Related Expenditure	158
Information Technology	307
Materials, Supplies and Equipment	174
Asset Purchases	53
Travel and Transport	75
Property Expenses	922
Other Expenditure	418
Professional Services	10
TOTAL	7974

TASCAT officially commenced on 5 November 2021 and consolidated a number of separate Tribunals. The financial summary above incorporates the costs of TASCAT from 5 November 2021 to 30 June 2022 and the costs of the individual Tribunals consolidated into TASCAT from 1 July 2021 to 31 October 2021.

The TASCAT had been allocated \$6M in 2021-2022 as part of the Justice Connect project **Astria** (<https://www.astria.tas.gov.au/>). The Tribunal agreed to relinquish those funds to assist the project to progress other important aspects of its work. For reasons related to urgent statutory reform in the Guardianship stream in particular, the Tribunal is progressing investment in its existing case management systems to improve its operations and meet new statutory requirements, whilst awaiting outcomes of the Justice Connect project.

Towards the end of the Fourth Quarter of 2021-2022 the Department received confirmation it had been allocated a recurring additional \$1.9M to fund the TASCAT operations commencing in the financial year 2022-2023. This funding is crucial to address: pre-existing structural deficits reported by previous individual Tribunals prior to their amalgamation; the increased costs of the relocation of the Tribunal to new fit-for-purpose premises; and the funding of new and mandatory positions of the Tribunal. With the likely increase in scope of jurisdictions of the TASCAT, a cost model is being developed by the Tribunal to assist in providing an accurate estimate of additional funding that will be required to accommodate new jurisdictions.



LEADERSHIP AND EFFECTIVE MANAGEMENT

‘Strong leadership within a tribunal requires the creation of a highly professional management group which is able to focus on innovation and continuous improvement as well as anticipate changes in society which may influence demands within the tribunal.’

– Australia and New Zealand Tribunal Excellence Framework, COAT, June 2017, p. 14.

Leadership Group and Structure

The Tribunal’s structure is governed by the statutory provisions of the *Tasmanian Civil and Administrative Tribunal Act 2020*.

The TASCAT Act 2020 establishes two (2) Divisions, the Protective Division and the General Division, from which stem seven (7) streams. The following table sets out the Divisions and streams:

General Division	Protective Division
Anti-Discrimination stream	Guardianship stream
Health Practitioners stream	Mental Health stream
Personal Compensation stream	
Resource and Planning stream	
Forestry Practices stream	

The legislation provides for the business of each Division of the Tribunal to be managed by a Division Head. However, initially the Tribunal during 2021-2022 was governed by the President who assumed the role of both Division Heads with the assistance of the Deputy Presidents.

The Tribunal’s establishment consists of the following:

Full time Members	Registry staff
9 FTE (Full Time Equivalent) positions	31.1 FTE (Full Time Equivalent) positions

President

Mr Malcolm Schyvens was appointed as the inaugural President of the Tasmanian Civil and Administrative Tribunal and commenced his role on 17 May 2021. The functions of the President are described in s14 of the TASCAT Act 2020, which include having primary responsibility for the administration of the Tribunal and providing general leadership and guidance.

Division Heads/Deputy Presidents/Senior Members/ Full Time Members

During the financial year Deputy President Marica Duvnjak was appointed a Magistrate of the Magistrates Court of Tasmania. In the Fourth Quarter of 2021-2022 Mr Richard Grueber was appointed Division Head (General Division) and Deputy President.

By the conclusion of the financial year, the membership of the full-time members of the TASCAT was as follows:

Name	Title
Mr Malcolm Schyvens	President of the TASCAT
Mr Richard Grueber	Division Head (General Division) Deputy President
Ms Alison Clues	Deputy President
Ms Yvonne Chaperon	Deputy President
Ms Rowena Holder	Deputy President
Ms Lucinda Jack	Senior Member
Ms Virginia Jones	Ordinary Member
Ms Rebecca Irwin	Ordinary Member
Mr Hamish Locke	Ordinary Member

Principal Registrar and Deputy Registrars

The Principal Registrar and Deputy Registrars assist the President and Deputy Presidents in the leadership and management of the Tribunal. They also exercise statutory and other functions conferred by the TASCAT Act and other legislation.

Mr Jarrod Bryan is the Principal Registrar. Mr Ross Thomas and Ms Jane Cook are Deputy Registrars.

Governance

TASCAT Executive Group

The Tribunal's Executive Group consisting of the President, Deputy Presidents and Registrars meet on a monthly basis to discuss and determine matters related to the management and operation of the TASCAT.

Rules Committee

The Rules Committee of the Tribunal is established by s91 of the *Tasmanian Civil and Administrative Tribunal Act 2020*. It comprises the President, Deputy Presidents, Senior Member and Registrars. The initial Rules were promulgated by the President on 5 November 2021. Those Rules were then amended during 2021-2022 as set out below:

A new rule (Statutory Rule 20A) has been added to the existing Tasmanian Civil & Administrative Rules 2021. This rule sets out provisions related to expenses and allowances of persons who are required to appear at the Tribunal as a result of a summons being issued to them. Section 104(6) of the *Tasmanian Civil & Administrative Tribunal Act 2020* authorises the rules to make provisions for allowances and expenses of this nature and the Rules Committee issued a rule to address those circumstances during 2021-2022.

Additional Committees

The Tribunal formed sub-committees to:

- Oversee the preparation of the Annual Report for the TASCAT.
- Co-ordination of the upgrade of the MCMS case management system.

Disclosure of Information

In addition to the Annual Report, the Tribunal regularly discloses performance information regarding the Tribunal at meetings of the TASCAT Consultative Forum that meets twice yearly.



FAIR TREATMENT

‘A fair hearing involves the opportunity for each party to put their case – the right to be heard – and have the case determined impartially and according to law. It involves identifying the difficulties experienced by any party, whether due to lack of representation, unfamiliarity with the law, language, culture, disability or any other matter, and finding ways to assist parties through the tribunal process.’

– Australia and New Zealand Tribunal Excellence Framework, COAT, June 2017, p. 16.

Appeals

To 30 June 2022, there were the following numbers of appeals to the Supreme Court with respect to the different Divisions and streams of the Tribunal. These numbers include any appeals that were lodged from 1 July 2021 related to decisions of the various Tribunals that formed TASCAT prior to their amalgamation on 5 November 2021.

Stream	Number
Resource and Planning stream	2
Personal Compensation stream	3
Anti-Discrimination stream	2
Guardianship stream	1
TOTAL	8

Service Charter

At the commencement of the Tribunal on 5 November 2021, the Tribunal adopted a Service Charter setting out the following:

- The purpose of the Tribunal: To provide a fair, independent, transparent and accessible Tribunal to all Tasmanians by meeting our statutory objectives contained under Section 10 of the *Tasmanian Civil and Administrative Tribunal Act 2020*.
- The values of the Tribunal and how those values are implemented in the service delivery of the Tribunal and the services that can and cannot be delivered.

For more information see **Service Charter** (<https://www.tascat.tas.gov.au/about/service-charter>) and Appendix D.

Procedures and processes

The Tribunal undertook considerable work to review and publish new material at the commencement of the TASCAT on 5 November 2021. New fact sheets, practice directions and transition guides were prepared to assist the public in understanding the Tribunal's processes and to assist them in understanding the operation of the new legislation and its impact upon existing statutory provisions.

Representation before the Tribunal

Representation before the Tribunal varies from stream to stream. The TASCAT Act 2020 establishes an automatic right to legal representation as a default statutory position, however, some streams require leave for parties to be represented.

The Tribunal must ensure accessibility and efficiency in the resolving of disputes having regard to statutory controls to limit unnecessarily adversarial proceedings. Consequently, many persons who appear before the Tribunal are self-represented.

The following table sets out representation data for each stream.

Protective Division

Guardianship stream:

Representation	Total for 2021-2022	% Percentage
Self-represented	1326	96.4%
Separate representation	0	0%
Tasmanian Legal Aid	16	1.2%
Advocates	19	1.4%
Private practitioner/advocate	15	1%

Mental Health stream:

Representation	Total for 2021-2022	% Percentage
Self-represented	1135	84.2%
Separate representation	0	0%
Tasmanian Legal Aid	204	15.15%
Advocates*	9	0.65%
Private practitioner/advocate	0	0

*Only one organisation was in this category during the financial year for the MHS: Advocacy Tasmania

General Division

Please note these figures relate to persons who appear at final hearings of the Tribunal. It does not include representation through appeals that are resolved through ADR or withdrawn.

Resource and Planning stream:

Representation	Total for 2021-2022	% Percentage
Self-represented	5	8%
Private practitioner/advocate	58	92%

Forestry Practices stream:

Representation	Total for 2021-2022	% Percentage
Self-represented	2	100%
Private practitioner/advocate	0	0

Anti-Discrimination stream:

Representation	Total for 2021-2022	% Percentage
Self-represented	11	84%
Private practitioner/advocate	2	16%

Data for the Personal Compensation stream and Health Practitioners stream is not available at this time, however, the vast majority of proceedings are represented.



Separate Representatives

The Tribunal may make an order to appoint a Separate Representative under ss 98(4)(c) and 98(5)(b) of the *Tasmanian Civil and Administrative Tribunal Act 2020*. Such appointments were not legislated for prior to amalgamation.

A separate representative may be appointed where there is a need to represent the best interests of a person who is incapable of representing themselves, or incapable of instructing a legal practitioner due to disability, mental illness, incapacity or age.

A separate representative does not act on instructions of the person, but is to present where possible the views and wishes of the person as to the proceedings, to the Tribunal. A separate representative is able to make submissions to the Tribunal based on the evidence and the law as to what is in the best interests of the person.

The Tribunal may make an order that a person be separately represented in any proceeding however such orders will most commonly be made in the Protective Division of the Tribunal. The Tribunal is currently liaising with Tasmania Legal Aid and it is hoped an appropriate scheme allowing for the appointment of separate representatives will commence early in the next period.

Interpreter Services

The Tribunal provides interpreter services to parties before the TASCAT on request, or where the Tribunal determines it is appropriate and necessary.

During 2021-2022 the Tribunal engaged interpreter services 24 times.

The President is a member of the Cultural Diversity Justice Network auspiced by the Judicial Council on Cultural Diversity, such Council having issued the National Standards for Working with Interpreters in Courts and Tribunals.

Trauma Informed Service Delivery

The Tribunal engaged training for Trauma Informed Service Delivery during 2021-2022 for all full-time decision makers and a significant proportion of the registry staff.

The training was provided by the Sexual Assault Support Service (SASS) of Tasmania. The content of the training included:

- SASS overview and referral pathways
- Awareness raising of information about sexual harm
- Overview of trauma informed practice principles
- Socio-cultural factors that drive sexual harm
- How trauma impacts the brain
- Child sexual abuse and institutions
- How to respond to disclosures of sexual harm
- Grounding techniques
- Self-care strategies

Further work for the development of a Fact Sheet and additional training provided by the SASS will occur in the following financial year.

Legal Aid and Advocacy Representation

The Mental Health stream and Guardianship stream provide statistics in relation to the representation of parties by Tasmania Legal Aid or other bodies. These streams provide contact details and referrals to various bodies that provide assistance and support to persons who appear in these streams. The Tribunal commenced a substantial review and update of referral services and advice providers.

ACCESSIBILITY

‘Access to justice is a fundamental human right and a core principle of the rule of law. Tribunals as well as courts have an obligation to provide the community they serve with access to a fair hearing.’

– Australia and New Zealand Tribunal Excellence Framework, COAT, June 2017, p. 17.

Accessing TASCAT services including online

The Tribunal provides a wide range of information documents in the form of booklets, fact sheets and guides. These documents are available on the Tribunal website and many are sent in hard-copy form directly to parties in the Protective Division.

The Tribunal’s interim website has brought together separate websites into a consolidated format. All content was reviewed and reformed prior to the Tribunal commencing on 5 November 2021.

The Tribunal receives applications in person, by post and electronically, with the majority of proceedings filed electronically.

Tribunal premises

The Tribunals who were amalgamated as TASCAT had been housed in new, fit-for-purposes premises since July 2020. The premises have fully integrated IT/AV systems with video conferencing facilities in all hearing rooms. These premises have been critical to the operations and success of the Tribunal in continuing its hearing processes during the pandemic and providing appropriate accessibility and flexibility for attendances at hearings.

Additionally, the Tribunal premises were designed to ensure its physical layout and systems provided appropriate access and support to persons living with a disability. The premises were designed to include:

- The premises have level access throughout. There are parking spaces for persons living with a disability located immediately outside the front doors as well as on the Liverpool Street side.
- The front reception desk has been designed at an appropriate height to allow a person in a wheelchair to be able to complete forms.
- All doors installed in the premises are wider than standard doors to allow ease of access of powerchairs/mobility vehicles and wheelchairs. All hearing rooms are sound proof to ensure privacy, and in addition there are two sound proof consultation rooms at the reception area. These rooms are available for clients to meet and discuss matters with their representatives or family members. Those rooms are also sound proof not only for privacy but to provide a quiet space for persons who may have considerable sensitivity to noise. The light in those rooms can also be dimmed for persons with light sensitivity.



- All hearing rooms of the Tribunal have infra-red hearing loops as shown in the photos of hearing rooms attached (they are the small box above the TV monitors suspended from the ceiling). Additionally, the entire IT/AV systems are fully integrated to the recording systems/video conference and phone conferencing systems and all noise of proceedings is broadcast by speakers in the ceiling to ensure all persons present can hear the proceedings. The Tribunal has multiple hearing loop units at reception for use of any persons who come to the Tribunal. In addition, there are sound amplification units that link into the AV systems of the room that people can wear if they don't have hearing aids but require additional hearing support.
- All hearing rooms have also been designed to ensure appropriate circulation space to allow persons with powerchairs/mobility vehicles and wheelchairs to be able to turn and leave a room in a forward direction. Tables are designed at a height to allow a person in a wheelchair to be seated at the bar table. Hearing rooms for the Protective Division have semi-circular designed tables to create a less formal space for hearings to occur.
- The Tribunal has bathroom facilities that have been designed for persons living with a disability. An adult changing facility is a significant improvement in the provision of services for clients of the Protective Division. It includes hoist and change table as well as large toilet areas.
- There are several toilets for persons living with a disability or diverse mobility needs and all bathroom facilities are all gender facilities.
- The Tribunal also has a toileting area for guide dogs and support dogs on the roof of the premises, accessible by an elevator.



Accessible adult change facility



All gender facilities



Hearing room entry doors

Hearing Locations

The Tribunal convenes in person hearings around the state. The Tribunal's primary registry is at 38 Barrack Street in Hobart and the Tribunal has a hearing room at 111 St John Street in Launceston. The Tribunal's hearing rooms in the Hobart registry and Launceston hearing room both support video conferencing with fully integrated IT/AV systems. This has allowed remote attendance to parties and representatives, as well as members.

In addition to the hearing rooms of the Tribunal, hearings are convened at: the Launceston General Hospital; Millbrook Rise Centre; Risdon Prison Complex, North West Regional Hospital; Royal Hobart Hospital; Roy Fagan Centre, Worksafe Burnie; Wilfred Lopes Centre, Devonport Adult Community Mental Health Service, Launceston Community Adult Mental Health Service, Community Corrections hearing rooms in Devonport and Burnie.

The Tribunal ordinarily conducts hearings during normal business hours, however, urgent hearings are convened outside these hours as required. Emergency hearings are convened in the Guardianship stream on a regular basis.

Website

An interim website was launched on 5 November 2021 that brought together the nine different Tribunals into a single website. Information provided on the website was reviewed and revised in the months leading up to the commencement of TASCAT with the inclusion of additional information guides related to the transitional provisions of the TASCAT Act 2020.

The Tribunal began scoping and developing a brand new website with work scheduled to commence in 2022-2023.

Fees and Charges

The vast majority of proceedings before the Tribunal do not require payment of fees. The only proceedings or services which do require payment of fees are set out in Appendix E. The Tribunal is given power to waive, reduce or refund fees if satisfied paying a fee would cause a person financial hardship (*Tasmanian Civil and Administrative Tribunal Regulations 2021*, SR 10).

Fees payable to the Tribunal are regulated by the *Fee Units Act 1997*. Fees payable increased in accordance with the operation of that Act and those fee increases are gazetted each year.

Payment options include cash, cheque, credit card and eftpos.

Practice Directions, Policies and Procedures

The Tribunal has issued Practice Directions in some streams under Section 93 of the TASCAT Act 2020. Those Practice Directions can be found on the TASCAT Website under each of the relevant streams that have issued Practice Directions.

The Tribunal has also issued a broad range of fact sheets, guides and information documents to assist people in understanding and participating in Tribunal processes. These are also found on the TASCAT website under each of the streams that have issued them. A centralised reference page is located **here** (<https://www.tascat.tas.gov.au/publications/fact-sheets>).

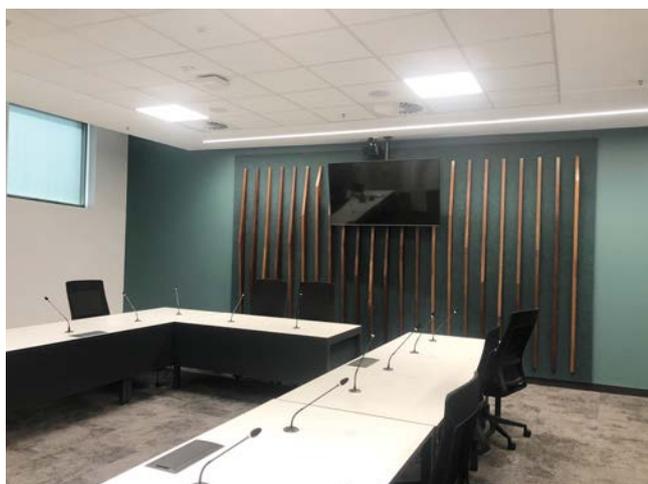
Cultural Diversity Justice Network

The President of the TASCAT is a member of the national Cultural Diversity Justice Network. His involvement in this network provides the TASCAT with resources and information to improve its service delivery, particularly in relation to resources for working with interpreters and other matters to enhance accessibility for CALD members of our community.

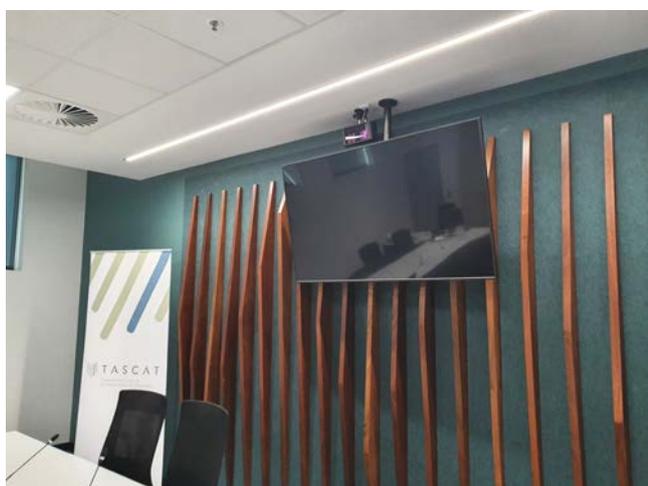


Transition Guides

The President prepared and issued a significant paper related to the transition of the individual Tribunals into the TASCAT. The document can be located **here** (https://www.tascat.tas.gov.au/___data/assets/pdf_file/0008/637298/TASCAT-Website-Paper-Transition-to-TASCAT.pdf). The Tribunal also issued a range of transition guides to the public and practitioners to assist them in managing the transfer of each individual jurisdiction to the TASCAT. Those transition guides are located on the website under each of the streams that issued them.



Hearing room



Infrared Hearing Loop installation above screen

Telephone Enquiries

As of March 2022, the Tribunal has been able to collate information regarding volume of calls to the different streams of the Tribunal through the Interactive Voice Response (IVR) telephone system of the Tribunal.

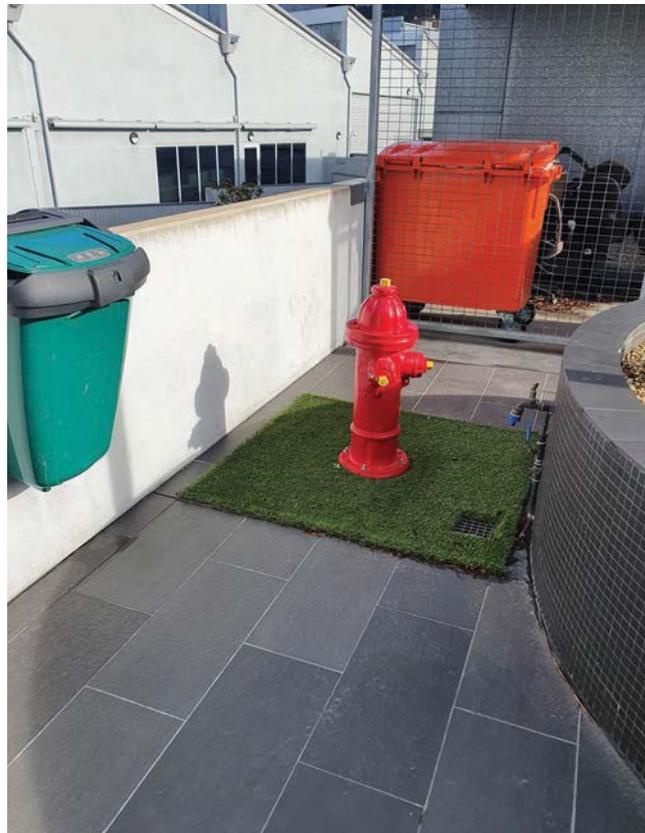
The Protective Division of the Tribunal receive a significant proportion of incoming calls with Guardianship receiving the most.

From March 2022 - June 2022 the Tribunal received 3,446 calls through the IVR system.

Below the percentages of calls that went through to the different streams of the TASCAT.

Guardianship stream	59%
Mental Health stream	14%
General Division and other inquiries	27%

** Not all streams of the Tribunal rely upon the IVR for managing calls. Some require direct telephone contact to some registry staff for particular matters. Those calls are not captured in this data.*



Facility for Guide and Support Dogs

PROFESSIONALISM AND INTEGRITY

‘The necessity for tribunal Members and staff to be honest with strong moral principles is linked to the values of independence and fair treatment (to deal with users and decide cases fairly and free from influence).’

– Australia and New Zealand Tribunal Excellence Framework, COAT, June 2017, p. 20.

Member Code of Conduct

The Member Code of Conduct is issued by the President of the Tasmanian Civil and Administrative Tribunal pursuant to section 68 of the *Tasmanian Civil and Administrative Tribunal Act 2020* (the TASCAT Act). It applies to all members of the Tribunal, including supplementary members. This Code seeks to provide guidance to members in the performance of their statutory functions as members of the Tribunal and to assist members in identifying and resolving ethical issues as they may arise.

The Code of Conduct does not stand alone but forms part of the accountability framework within which both the Tribunal and the members operate. It is complementary to the Tribunal’s procedures and policies, including the member professional development framework and the Tribunal’s complaints process.

Details of the Member Code of Conduct can be found **here** (<https://www.tascat.tas.gov.au/about/code-of-conduct>) and is included as an Appendix F to this report.

Member Qualifications

The Tribunal has a total of 101 members as at the 30 June 2022. The members of the Tribunal are appointed for their expertise and knowledge across a broad range of fields and professions. Brief biographic summaries of the members of the Tribunal are appended in Appendix B to this report.

Professional Development and Training

All members of the existing nine Tribunals and Board that were amalgamated were provided induction training on the new TASCAT including training regarding the transitional provisions of the legislation. These training sessions occurred on 18 October (North and Northwest members) and 20 October (South members). In addition to these, individual streams of the Tribunal convened their own specific training for members. Guardianship members were trained in Restrictive Practices sessions following the induction training for all members.



The Guardianship stream also conducted training for its members on 15 November 2021. The Mental Health stream convened Dual Disability training on 11 April 2022. Deputy President Chaperon also issues monthly topic information to MHS members.

Full time members and Registrars of the Tribunal also:

- Attended the Council of Australasian Tribunals Conference in June 2022.
- Received training in Trauma Informed Service Delivery.

The President and Principal Registrar issue updates to members regarding reforms and other news related to the Tribunal. The Principal Registrar provides weekly updates to staff of the registry regarding Tribunal operations and pending reforms.

Staff of the registry have had opportunities to attend training including Trauma Informed Service Delivery, Nationally Accredited Mediation for case officers and Registrars, and additional training courses for targeted aspects of the registry's functions such as IT skills development.

Performance Appraisal and Professional Development of Members

Section 14 of the *Tasmanian Civil and Administrative Tribunal Act 2020* confers a range of functions upon the President of the Tribunal including the development and implementation of performance standards and setting benchmarks for the Tribunal, and responsibility for the training, education and professional development of members of the Tribunal.

The President issued a Professional Development Plan and Mentoring Scheme for Tribunal members in October 2021. The member Professional Development Plan applies to all full time and part time members. It also applies to the majority of sessional members of the Tribunal in that it applies to all members who are listed on proceedings on a regular basis.

The Plan establishes three key elements for professional development including induction training upon a member being appointed; professional development activities such as seminars, conferences and online training; and appraisal of members' performance.

The Plan provides greater detail as to the nature of each element such as induction and training. Performance appraisal is assessed by reference to the main objectives of the Tribunal (Section 10 of the TASCAT Act) and core values Tribunals should hold as identified in the Australia and New Zealand Tribunal Excellence Framework issued by the Council of Australasian Tribunals (COAT: 2nd Edition 2017). Those core values are:

1. Knowledge and technical skills
2. Fair treatment
3. Communication
4. Conduct of proceedings/hearings
5. Evidence
6. Decision making
7. Professionalism and efficiency.

The Plan also sets out the process of evaluation including self-assessment, observation of hearings and monitoring of requirements such as attendance at Performance Development Sessions; availability for listings and meeting time expectations for production of reasons where applicable.

ACCOUNTABILITY

‘Tribunals serve the public through the provision of accessible, fair and efficient dispute resolution services. In delivering that service they are accountable to the public.’

– Australia and New Zealand Tribunal Excellence Framework, COAT, June 2017, p. 22.

Open Hearings

The Tribunal ordinarily hears cases in public unless the Tribunal directs otherwise or if legislation requires private hearings. The Tribunal has published a complete list of all open and closed hearings as part of its Media Inquiries and Protocols to assist the media and members of the public in understanding which jurisdictions are open or closed to the public. The list can be located **here** (<https://www.tascat.tas.gov.au/contact/media-inquiries-and-protocols>).

Publication of Decisions

The Tribunal publishes a range of decisions and determinations across its various streams. These decisions can be accessed at the AUSTLII website **here** (<http://www8.austlii.edu.au/cgi-bin/viewdb/au/cases/tas/TASCAT/>). The Tribunal issues de-identified reasons in the Protective Division and in addition, publishes determinations made under the *Mental Health Act 2013* which had not occurred prior to amalgamation.

A common template has been developed to enhance the consistency of look and style of decisions across each of the streams of TASCAT.

Since TASCAT commenced the Tribunal has published a total of 97 decisions. The number of published decisions by reference to streams is set out below. The number in brackets are decisions published by the relevant Tribunals prior to amalgamation on 5 November 2021 from 1 July 2021 - 5 November 2021.

The total number of decisions issued:

Stream	Number
Resource and Planning stream	30 (6)
Personal Compensation stream	32 (18)
Anti-Discrimination stream	9 (5)
Health Practitioners stream	4 (1)
Forest Practices stream	1
Guardianship stream	15 (3)
Mental Health stream	6

Consultative Forum

When the TASCAT commenced in November 2021, it established a Consultative Forum of key representative bodies and office holders across all the streams of the Tribunal. The Tribunal issued Terms of Reference for the Consultative Forum. The Consultative Forum is to provide a mechanism for consultation with external stakeholders on how the TASCAT is operating and to monitor user satisfaction with services. The focus of the consultation forum is relating to operational and policy issues such as: accessibility and user needs; conduct of proceedings; changes to TASCAT forms, guidelines or rules; service delivery issues; proposed service initiatives or procedural changes and fees and charges.

The Tribunal invited a range of peak representative bodies to become members of the Forum and the current membership of the Forum is located in Appendix G.

The Forum met twice during the year 2021-2022 on 14 December 2021 and 10 May 2022. The Forum meets twice yearly to present information about the Tribunals operations and to receive feedback from members of the Forum.





EFFICIENCY

‘Tribunals should provide an efficient dispute resolution service in the sense that the tribunal is affordable and resolves disputes in an appropriate and timely way.... Timeliness reflects a balance between the time required to properly obtain, present and weigh the evidence, law and arguments, and unreasonable delay due to inefficient processes and insufficient resources.’

– Australia and New Zealand Tribunal Excellence Framework, COAT, June 2017, p. 24.

Key Performance Indicators

The Tribunal has produced an annual tabulation of key performance indicator data it collates to monitor its operations across the streams of the Tribunal. The Table below sets out the 2021-2022 KPIs for the TASCAT. These statistics have incorporated the data from each relevant Tribunal prior to their amalgamation on 5 November 2021, to cover the reporting period of 1 July 2021 - 30 June 2022. Additional statistics related to each stream are located in their individual reports.

Flexibility of processes

The TASCAT Act 2020 has a range of provisions that grant the Tribunal a broad discretion and flexibility across many of its functions. Some examples include:

- Section 79 establishes principles governing proceedings;
- Section 84 grants the Tribunal broad discretion to issue directions to ensure expeditious and fair conduct of proceedings;
- Section 102 grants the Tribunal broad powers to develop its own ADR processes.

Case Management System

The amalgamation of nine Tribunals in November 2021 presented a range of challenges related to different systems used for the processing of proceedings in each Tribunal. Two significant Tribunals (the Mental Health Tribunal and the Workers Rehabilitation and Compensation Tribunal) had existing case management systems with considerable investment in their configuration having already occurred. The product is the CRMS case management system developed by McGirrs. The other Tribunals either had no case management systems or systems that were no longer fit for purpose.

In April 2022, all streams of the Tribunal transitioned to the CRMS case management system as the first step towards a more uniform and centralised approach to the processing of proceedings in the registry. This transition will assist in improving efficiency of registry processes and allow for staff to develop the same skills and knowledge that will be transferrable across the streams of the Tribunal.

Member recruitment

The Tribunal conducted a recruitment process during the year for the appointment of the Division Head for the General Division which concluded in June 2022. Mr Richard Grueber was appointed as Deputy President and Division Head of the General Division of the TASCAT. The Tribunal also commenced recruitment processes during 2021-2022 for the appointment and re-appointment of sessional members.

Cross – Assignments of Members

Where members of the Tribunal possess the relevant expertise, they are assigned to more than one stream of the Tribunal. This allows for members to hear and determine matters across the different streams of the Tribunal building up members skills and experience across the various jurisdictions of the Tribunal. The Tribunal has published in Appendix B the stream allocations of all members as part of their biographical summaries.

Cross Jurisdictional Development of registry staff

Where opportunities arise, staff of the Tribunal are being encouraged to work across the different streams of the Tribunal to learn about the different proceedings managed by the registry. Over the year, multiple staff have had the opportunity to work in different streams and develop their knowledge and skills in the management and processing of proceedings. Senior staff have undertaken training and experiences of ADR across different streams as well. This development of staff skills across the different streams assists in reducing key-person dependency and increases efficiency and capacity of the Tribunal to manage its work.

Protective Division:

KPI		Guardianship	Mental Health
1	Applications Received	1603	1058
2	Determinations Issued	1838	1348
3	Clearance Rates %	114.6%	100%*
4	Hearings Held (no)	1376	1591

*This percentage refers to compliance with statutory timeframes. There are no backlogs in the Mental Health stream.

General Division:

KPI		Resource Planning	Workers Comp	Motor Accident	Asbestos	Anti Discrimination	Health Practitioners
1	Applications Received	174	1373	18	0	37	13
2	Applications finalised	148	1289	26	1	35	3
3	Clearance Rates % New files in vs matters completed	85%	94%	144%	0%	95%	25%*
	Matters pending	65	387	12	0	33	12

*Given this increase in applications, statistically this has resulted in a clearance year to resolve due to the number of steps that need to occur from the date the application is received to finalisation. These steps include, exchange of documents, obtaining expert reports, preparing witness statements as well as statements of facts, issues and contentions, attending conciliation and then a hearing and finally the issuing of a written decision.





CLIENT NEEDS AND SATISFACTION

‘Public trust and confidence in the administration of justice are essential for the acceptance by users of an individual decision that affect them.’

–
Australia and New Zealand Tribunal Excellence Framework, COAT, June 2017, p. 26.

Service Charter

The Tribunal has published a Service Charter (at Appendix D) that aims to give direction and guidance as to how the Tribunal implements its Objectives under s10 of the TASCAT Act 2020, and to provide guidance to clients as to service they may expect.

Complaints Management

The TASCAT has implemented an integrated complaint and feedback process to provide a consistent, transparent and co-ordinated approach to resolving complaints and gathering feedback. Details about the Tribunal’s complaint and feedback policy are located on the Tribunal’s website **here** (<https://tascat.tas.gov.au/about/complaints-and-feedback-policy>).

Online forms are provided by the Tribunal on the TASCAT website to assist people.

During 2021-2022 the Tribunal received 15 complaints. The majority of complaints related to dissatisfaction with final decisions or legal procedural issues, and the remainder regarding member conduct. Responses to complaints included clarification of Tribunal procedures, providing information about appeal rights and contact details for support services for advice.

Consultative Forum

When the TASCAT commenced in November 2021, it established a Consultative Forum of key representative bodies and office holders across all the streams of the Tribunal. The Forum met twice during the year 2021-2022 on 14 December 2021 and 10 May 2022. The Forum meets twice yearly to present information about the Tribunals operations and to receive feedback from members of the Forum.

Stakeholder Engagement

The TASCAT through its President, Deputy Presidents and Registrars has undertaken a range of training and educational engagements to a broad range of audiences. The list of engagements is set out in Appendix G of this report.

These engagements are important opportunities for the Tribunal to explain its processes and operations as well as providing the community with the opportunity to provide feedback, ask questions and better understand the role and function of the Tribunal.

PROTECTIVE DIVISION GUARDIANSHIP STREAM (GS)

What the Guardianship stream does

The Guardianship stream operates within the Protective Division of the Tribunal, protecting and promoting the human rights of people living with decision making disability. The primary functions of the Guardianship stream are established by the *Guardianship and Administration Act 1995* which grants the Tribunal power to hear and determine applications for guardianship and administration. These orders are regularly reviewed, to consider whether they need to be continued, varied, or revoked because there is no longer a need for an order or the person has regained capacity. The Tribunal can consent to medical and dental treatment and review or revoke enduring guardian appointments. The Tribunal must keep a public register of enduring guardian appointments and it performs a compliance function of auditing reports from public and private guardians and administrators.

Additionally, under the *Powers of Attorney Act 2000* the Tribunal has power to review an enduring power of attorney and under the *Disability Services Act 2011* can approve the use of personal and environmental restrictive interventions. Under the *Wills Act 2008* the Tribunal can order the execution of a statutory will.

Many decisions made by the Guardianship stream significantly impact a person's right to make their own decisions. Section 6 of the *Guardianship and Administration Act 1995* sets out guiding principles to be observed by the Tribunal and anyone exercising functions under the Act, which focus on the person's rights. These principles are adopting the means which is the least restrictive of a person's freedom of decision and action; promoting the best interests of the person and carrying into effect as far as is possible the wishes of the person.

Accessibility

Due to the Covid-19 pandemic and the vulnerabilities of many of the people who take part in hearings in the Guardianship stream, nearly all hearings during the reporting period took place by Microsoft Teams, telephone, or a hybrid of both, resulting in limited delay or disruption to parties.

The Guardianship stream registry staff endeavour to contact the person whom the application is about to encourage their participation and attendance at hearing and identify how the person can best participate in the proceedings so their wishes, where possible, can be ascertained. Registry staff also make contact with the person once an application has been received, providing relevant Fact Sheets about the application, the hearing process, information as to legal and other supports, and sends them a copy of hearing papers.

The Guardianship stream conducts hearings from Monday to Friday and is able to hear and determine urgent matters in or outside of normal business hours, promptly and efficiently. Where urgency exists, the Tribunal can make an order to ensure the protection of the person from significant risk of abuse, exploitation or neglect.

Prior to November 2021, Requests for an Emergency Order were determined without a formal hearing, as permitted under section 65(4) of the *Guardianship and Administration Act 1995*. The Guardianship stream has changed its process so that Emergency Requests are now determined by a formal hearing. This process also applies to out of hours Requests. The Tribunal has taken this step to allow for the direct involvement of the person where possible, and the involvement of family or other supports.

The Guardianship stream as part of its continuous improvement and ensuring accessibility of information, created new, or reviewed many of its existing Fact Sheets, Handbooks, Application Forms and administrators and guardians reporting forms.



Workload

The Guardianship stream experienced a decrease in applications of 15.5%, which is surprising given the continued increase in workload over the last 6 years. The decrease is seen primarily in applications for guardianship and/or administration. Numbers for statutory reviews of administration orders have remained stable and there has been an 8% increase in review of guardianship orders. There has been a significant increase in applications for the use of a restrictive intervention under the *Disability Services Act 2011* being 67%, which is likely to be due to ongoing education within the disability sector and the NDIS reporting requirements.

During 2021-2022 the Guardianship stream:

- received 1603 applications and finalised 1838 matters with a clearance rate of 114.6%.
- conducted 1376 hearings across the State and 3.6% of persons subject of a hearing were represented.
- 100% of applications were completed within the statutory timeframes.
- received 282 Guardianship applications and determined 264 applications. Of the appointments made, 43% were private guardians, 56% the Public Guardian, and 109 applications were dismissed or withdrawn.
- received 242 Administration applications and determined 228 applications. Of the appointments made, 57.6% were private administrators, 42.4% the Public Trustee, and 44 applications were dismissed or withdrawn.
- received 130 applications for Statutory Review of Guardianship Order. Of those renewed, 49% were private guardians and 51% the Public Guardian. Of the appointments varied, 29.5% were private guardians and 70.5% the Public Guardian.
- received 413 applications for Statutory Review of Administration Orders. Of the appointments renewed, 32.4% were private administrators, 67.5% the Public Trustee. Of the applications varied, 39.7% were private administrators and 60.3% the Public Trustee.
- issued 41 statements of reasons.
- experienced a 47% increase in the registration of enduring guardian instruments.

Members

In most cases hearings are conducted by a three-member-panel consisting of a legal member, usually a health professional member and another member who has professional or personal experience with people with disabilities or other relevant experience. The multi member panel allows the Tribunal to draw on the collective knowledge, skill and experience of members in the hearing of and determination of applications.

Members in the Guardianship stream received training on TASCAT legislation and TASCAT processes and procedures and also on the use of restrictive practices in aged and disability settings.

Staff

Since March 2022 when data became available, the Guardianship stream staff responded to 60% of all telephone enquiries to the Tribunal. Staff respond to a variety of telephone enquiries, give procedural information to parties and interested persons, and follow up the person and parties to facilitate their attendance at the hearing.

Staff have benefited from a new case management system in the Guardianship stream which became operational on 1 April 2022 and replaced a twenty plus year old system. The case management system has created efficiencies and allowed for the improved collection of data.

Consultation and Education

In response to the Tasmanian's Government's Independent Review into the Public Trustee, the Tribunal engaged with the Reviewer on a number of occasions, to clarify Tribunal processes and procedures and the compliance functions of the Tribunal. A final report into the Review of the Public Trustee was released in December 2021, and made two recommendations relating to the Tribunal, which the Tribunal had implemented prior to the Report being published. These recommendations were for in-person hearings for emergency requests and updating an Administrator's reporting requirements to address how the administrator has acted in the best interests of the person during the reporting period.

In response to the Government's review of the *Disability Services Act 2011*, the Tribunal provided written submissions on matters of policy.



TASCAT reception

The Guardianship stream was invited to and presented on 20 separate occasions education to stakeholders groups and various groups of professionals, throughout the reporting period. The Guardianship stream values the opportunity to provide clarity on its processes and procedures and respond to any community misinformation about the role of guardianship.

Acknowledgements

I take this opportunity to thank the President of TASCAT, Mr Malcolm Schyvens for his support of the Guardianship stream and his leadership.

I extend my sincere thanks to the Guardianship stream members for their dedication in ensuring the Tribunal meets its statutory functions and for their professionalism, hard work and expertise.

I express my gratitude to Deputy Registrars, Mr David Sealy, Mr Victor Stojcevski and Ms Jane Cook, for their commitment in ensuring the successful day-to-day operation of the stream.

I also extend my thanks to registry staff in the Guardianship stream for their dedicated work. I note their efforts have continued against a background of change, heavy workloads and the ongoing refinement of processes.

Rowena Holder
Deputy President



CASE STUDY

81 year old mother living in a secure residential aged care unit

CBE lives in secure unit within a residential aged care facility. CBE has Alzheimer's dementia described as severe, and Parkinson's. CBE's disabilities affect her capacity to make reasonable judgments in respect to all matters of personal decision making. CBE lives in a secure unit, locked by a coded keypad. CBE is unable to operate the keypad and sometimes wants to leave the facility.

THE FACTS

CBE has not been given the passcode to the keypad in the secure unit. CBE is unable to leave the secure unit unaccompanied. If CBE left without supervision she would be at risk of falls, becoming lost, and risk of being injured in traffic. CBE often gets agitated in the afternoon and wants to leave the facility but never has a plan when wanting to leave. CBE is otherwise happy and settled in the facility.

An application for guardianship was made by the residential care manager of the aged care facility where CBE resided, seeking the appointment of CBE's daughter, DTU, as guardian with a restrictive practices power. This was on the basis CBE was being restrained by the use of a coded keypad in a secure unit.

A Behaviour Support Plan (BSP) for CBE identified her wandering from home as a behavioural concern creating a risk for CBE leaving the facility unassisted. The only preventative response stopping BSP from leaving the facility identified in the BSP, was the proposed keypad lock.

THE DECISION

The Tribunal considered the oral evidence of the Applicant and DTU and the Public Guardian's oral and written submission; the Commonwealth's *Aged Care Act 1997* and *Aged Care Principles*; common law authorities on false imprisonment and on the *parens patriae* jurisdiction; and Part 4 of the *Guardianship and Administration Act 1995*. The Tribunal concluded that the use of a keypad lock in a secure unit that CBE cannot operate and which is CBE's only means of exit from the facility restrains her freedom of movement and could amount to a false imprisonment. The Tribunal appointed DTU as CBE's guardian with the authority to consent to or withhold consent to the use of the keypad lock on the front door of the facility.

CASE STUDY

HSC

HSC is a 75 year old lady with multiple sclerosis dementia. HSC resides in a residential aged care facility. HSC has the Public Guardian as her guardian. HSC's son is her power of attorney. HSC, after making enquiries with her bank, has a genuine concern her son has taken a substantial sum of money from her bank accounts.

THE FACTS

The Public Guardian made application to the Tribunal for an emergency administration order. HSC was present at the hearing and spoke of her concerns that multiple withdrawals from her savings account had been made and a lump sum of \$200,000 had also been withdrawn from her bank accounts. The Guardian stated HSC's residential aged care fees were in arrears by \$7100. HSC's son was not contactable and did not attend the hearing. HSC had not had contact with her son for a few months and the guardian and residential aged care facility had not been able to contact him. HSC's wish was that the Tribunal appoint the Public Trustee as her administrator, to protect and manage her estate and to investigate whether the attorney had been taking her funds.

THE DECISION

The Tribunal was satisfied that urgent circumstances existed and that HSC was at risk of financial abuse. The Tribunal suspended the power of attorney for 28 days and appointed the Public Trustee as administrator of HSC's estate for that period.



Needwonnee Walk - Melaleuca by Emma Robertson



CASE STUDY

KHB's wish to remain living in his own home

KHB has dementia and depression and wants to continue living in his own home. KHB's medical condition is unlikely to improve further and his existing needs will continue or increase.

THE FACTS

KHB had been very unwell and required hospitalisation. Decisions as to what medical treatment KHB should receive and where KHB was to live on discharge from hospital were needed to be made. The Tribunal appointed the Public Guardian as KHB's guardian with a power to decide where he is to live, what services he needs and to make medical treatment decisions for KHB.

On discharge from hospital the Guardian made the decision that KHB live and be cared for in a residential aged care facility. KHB was very distressed by being in the facility and this distress continued for some months. KHB's health improved. The Guardian made a decision that KHB return to live in his home. The Guardian was able to gain the support of KHB's administrator to have improvements and cleaning to his property completed, prior to his return home. The Guardian organised home care services for KHB.

KHB remains living in his home, which is in accordance with his wishes.

THE DECISION

At a review of Guardianship Order hearing the Tribunal heard that KHB is a heavy consumer of alcohol, is in regular conflict with family members, his general practitioner and home care providers on issues concerning his safety and wellbeing. The Guardian sought the Guardianship Order be renewed given a need for ongoing advocacy and decision making for KHB. KHB wanted the Public Guardian to continue as his guardian. The Tribunal found there was an ongoing need for a guardian for KHB and continued the guardianship order. The Tribunal concluded that KHB's wishes and rights have been preserved by having a guardian in place, because of the fragility of his health and living situation.

PROTECTIVE DIVISION MENTAL HEALTH STREAM (MHS)

Overview

This report provides an outline of the purpose, key activities and performance during the current period of the Mental Health stream (MHS) of the Tribunal.

The MHS operates within the Protective Division of the Tribunal. The MHS' primary function is to authorise and review the treatment of people with mental illness and who lack decision-making capacity to provide informed consent for treatment. The MHS provides a vital level of safeguard, protecting the rights and dignity of people being involuntarily treated for mental illness by making and reviewing treatment orders for involuntary patients (civil) and determining matters for forensic patients.

The *Mental Health Act 2013* (the Act) enables individuals with capacity to make their own treatment choices, while facilitating treatment for individuals who lack decision-making capacity and who need treatment for their own health or safety, or for the safety of others. The Act balances consumer rights with the need for treatment, while also recognising the important role played by carers and family members of people with a mental illness.

Key features of the Act are:

1. decision-making capacity is a key threshold criterion for determining whether or not the Act will apply. On this basis the legislation does not enable a person with decision-making capacity to be assessed, treated or detained against their will;
2. establishment of a single independent Tribunal with authority to make decisions about treatment and authorising treatment settings, in an approved facility (hospital) and/or community;
3. a streamlined and simplified treatment pathway and clarified protective custody, assessment and treatment pathways;
4. all treatment orders made by the independent Tribunal are required to be regularly reviewed within mandated timeframes.

The MHS has always focused on holding hearings face to face with the patient, the treating team, carers and support people. Prior to the Covid-19 outbreak the MHS conducted its hearings at eleven (11) different venues around Tasmania including hospitals and community health facilities. Ongoing Covid-19 restrictions during the reporting period has meant that the MHS has continued to hold hearings via video conference and teleconference mediums with a view to returning to face to face hearings in the near future.

The MHS holds scheduled hearings four days a week, all year round, in three regions, with a morning and afternoon session of up to five matters each session. Additional sessions are required from time to time, and these sessions are scheduled to run simultaneously with the other regular sessions. During the Easter and Christmas periods the MHS continues to hold scheduled hearings and a single member of the Tribunal determines applications for treatment orders on public holidays throughout the year.

Workload

As has been the trend over previous years, aspects of the MHS' workload continue to increase. This reporting period, of the 1058 applications the stream received, 585 were treatment order applications (up 2.09% from the previous reporting period) and 338 were applications for renewal of treatment orders (up 5.6% from the previous reporting period). The Tribunal held 1591 three member panel hearings and 1743 single member hearings, representing an increase of 5.20% on the last reporting period.

1135 (84.2%) of patients at hearings before the Mental Health stream were not represented by a lawyer or advocate. Of those who were represented, Tasmania Legal Aid represented 204 patients (15.15% which is an increase from 13% in the previous reporting period) and Advocacy Tasmania advocated for 9 patients (0.65% which is a decrease from 1% of patients in the previous reporting period).



The Tribunal prepares a statement of reasons on request of a party or as a Tribunal own motion. In this reporting period the MHS issued 62 civil statement of reasons and 14 forensic statement of reasons. Six decisions were published.

Legislative Review

In response to the *Review of the Act's Operation, Outcomes Report* a Review Implementation Project Steering Committee was formed. The Tribunal is a stakeholder on this body. The scope of the project is to implement the 29 approved recommendations from the outcomes report with the three broad reform areas being: legislative; education and training; and documentation and process. The targeted outcomes for the project are: the amendment of the Act to ensure it remains contemporary in line with the review outcomes; amendments to the approved forms of the Office of the Chief Psychiatrist and other relevant documentation to simplify where appropriate and possible, making them easier to interpret and use; and finally, that clinicians, consumers and people with lived experience have a clear understanding of the Act's amendments.

These activities have been divided into two tranches, with Tranche 1 delivery timeframe by end of December 2022 and Tranche 2 delivery timeframe by end of December 2023.

Members

MHS hearings for determining applications, reviewing treatment orders, supervision orders and restriction orders consist of a panel of three Tribunal members – a legal member, a psychiatrist member and an ordinary member who has either a mental health background or other relevant skills and experience. The Tribunal also holds single member hearings to determine interim treatment order and variation to treatment order applications.

All members are expected to participate in training and attend meetings from time to time. In the last reporting period Members attended training relating to the TASCAT legislation which was implemented on 5 November 2021 and training on processes and procedures under TASCAT. Members also contribute to the MHS online professional development and the presiding members also participated in training via video conference.

During the last reporting period the MHS has experienced an increase in workload, and in particular, the number of applications and as a consequence, an increase in the number of hearings being scheduled.

I would like to acknowledge and thank MHS members and registry staff for their continued dedication to their roles and continued focus on Tribunal outcomes in what has been at times a challenging year.

Yvonne Chaperon
Deputy President



Petroglyph print by Emma Robertson



CASE STUDY

An example of the forensic role of the Mental Health stream of the Tribunal

The MHS has an important role in reviewing forensic orders made under the *Criminal Justice (Mental Impairment) Act 1999* (the CJ {MI} Act) and in overseeing the treatment and management of forensic patients under the *Mental Health Act 2013* (the MHA). The case study below illustrates this important role in practice.

BACKGROUND

XG, a then 52 year old man, was charged with murdering his mother by strangulation in April 2012. The matter went to trial at the Supreme Court of Tasmania. The evidence heard was that XG had no previous history of contact with Mental Health Services. Expert psychiatric opinion at the time of the trial was that XG had demonstrated a variety of psychotic symptoms for a number of years prior to the index offence. The opinion noted that in the period prior to the offence he experienced an exacerbation of symptoms, in the form of hallucinations and delusions, and a diagnosis of paranoid schizophrenia was made. On 22 March 2013 the jury returned its verdict. The jury found that XG had committed the act charged, but was not guilty on the ground that he was insane at the time so as not to be responsible according to law. The same day the Honourable Justice Wood made a Restriction Order under section 21(1)(a) of the CJ {MI} Act requiring XG to be admitted and detained in a secure mental health unit, until the order was discharged by the Supreme Court. As a result of the Restriction Order XG was detained at the Wilfred Lopes Centre (WLC), the only secure mental health unit in Tasmania.

Involvement of the Mental Health stream of the Tribunal

Under section 37 of the CJ{MI} Act, the MHS (then the Mental Health Tribunal {MHT}), is required to review a Restriction Order within 12 months of the order being made and at least every 12 months thereafter. Under section 78 of the MHA the Tribunal has authority to grant a leave of absence for a person on a Restriction Order for clinical or personal reasons.

REVIEW OF RESTRICTION ORDER

The Tribunal conducted yearly reviews of XG's Restriction Order from March 2014 until March 2018. The reviews involved hearing evidence from the treating psychiatrists at the WLC about how XG was being treated and managed. At these reviews Tribunal found that the Restriction Order was still warranted and the conditions remained appropriate.

In November 2018, XG requested a further review of his Restriction Order. A hearing was held at which the evidence was that the mental health symptoms that XG had at the time of the offence were not present currently and had not been present for years. The evidence was further that, while XG's response to his leave program was exemplary, the WLC lacked the resources for proper rehabilitation of XG and this would be appropriately and better managed in the community by Forensic Mental Health Services. As a result of this review hearing the Tribunal determined that the Restriction Order was no longer warranted, and that a certificate should be issued so that XG could apply to the Supreme Court to request that his Restriction Order be dismissed and a Supervision Order be made in its place. The Tribunal conducted further yearly reviews in March of each year from 2019 to 2021. At each of these reviews the Tribunal again found that the Restriction Order was no longer warranted and a certificate should issue.

REVIEW OF LEAVE

A key factor in the clinical rehabilitation of a forensic patient to transition from the secure mental health unit back into the community is a program of leave. In February 2016 the Tribunal received an application from XG's treating psychiatrist to commence a program of leave. In brief, the proposed program involved a graduated leave schedule where XG was supervised at all times. Risk assessments and mental state evaluations would be completed prior to each instance of leave. The Tribunal must, under the Act, check the Victims Register for victims. This check indicated that there were no registered victims for XG's offence, therefore, the hearing proceeded without input of a victim. In the few days prior to hearing XG's mental state changed. As a result of that application the Tribunal determined that until such time as XG's current mental health status was confirmed, leave may pose a greater risk to the community and hence the leave was refused.

In December 2016 the Tribunal received a further application for leave. Further evidence as to XG's mental state was provided. As a result of that application the Tribunal granted a graduated and supervised program of leave to commence in April 2018 for one year. The Tribunal continued to periodically determine further applications and extensions for XG's leave from the WLC over the next few years.

APPLICATION TO THE SUPREME COURT OF TASMANIA

On 9 March 2022 the Tribunal reviewed the Restriction Order for a final time. The Tribunal heard evidence that XG diagnosis of schizophrenia had been revised over the years to diagnosis of a persistent delusional disorder, with the development of an acute psychotic episode around the time of the offence. While XG had stayed symptom free for years without medication he commenced treatment in September 2019 for prophylactic treatment of psychosis in preparation for transition into the community. For the past year XG's extensive leave program had been successfully transitioning him towards living in the community. As a result of that hearing the Tribunal found that the Restriction Order was no longer warranted, and that a certificate should be issued so that XG could apply to the Supreme Court to request that his Restriction Order be dismissed and a Supervision Order be made in its place. The Tribunal provided a statement of reasons for this determination, see the published decision at: **XG (Restriction Order) [2022] TASCAT 53 (30 March 2022)** (https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/tas/TASCAT/2022/53.html?context=1;query=stream%20w/5%20mental%20health;mask_path=au/cases/tas/TASCAT).

With the certificate issued by the Tribunal, XG instructed his lawyer to apply to the Supreme Court to request that his Restriction Order be dismissed. On 13 April 2022, after hearing his application, the Honourable Justice Wood determined that XG's Restriction Order be discharged and a Supervision Order be imposed so that XG would be able to live in the community under the direction and supervision of the Chief Forensic Psychiatrist. Under section 37 of the CJ {MI} Act) the Tribunal will continue to review XG's Supervision Order at least every 12 months.



GENERAL DIVISION PERSONAL COMPENSATION STREAM (PCS)

The Work of the PCS

The Personal Compensation stream (PCS) hears and determines disputes arising under the *Workers Rehabilitation and Compensation Act 1988* (WRC Act), the *Asbestos-Related Diseases (Occupational Exposure) Compensation Act 2011* (ARDC Act) and the *Motor Accidents (Liabilities and Compensation) Act 1973* (MA Act).

The majority of the claims in PCS arise under the WRC Act involving a wide variety of disputes between workers, employers and the employers' insurers. They can vary from primary or ongoing liability for a claim, to the amount of compensation to be paid by way of weekly payments or assessment of a worker's whole person impairment.

In the ARDC Act, the claims primarily relate to whether the applicant has a fatal asbestos-related disease and whether the applicant is a person entitled to compensation under the ARDC Act. For the reporting period there were no referrals lodged under the ARDC Act.

Under the MA Act, the claims primarily relate to a claimant who has been involved in a motor vehicle accident, being "aggrieved" by a refusal or failure by the Motor Accidents Insurance Board not to pay a "scheduled benefit" e.g. a medical expense or a disability allowance, on the basis that it is not reasonably and necessary as a result of any injury the claimant suffered in the subject motor vehicle accident that gave rise to the claim. There were 18 referrals lodged involving disputes under the MA Act.

The vast majority of the referrals in the PCS arise under the WRC Act. Under this legislation there was an increase in referrals from 1295 in 2020-2021 to 1373 in 2021-2022. Of the 1373 referrals received, 1289 were finalised, giving a clearance ratio across the stream of 94%.

The total number of primary claims disputed (pursuant to s81A of the Act) remained steady at 690 in 2020-2021 and 686 in 2021-2022. Of the 686 original claims disputed 350 were psychological injuries, 83 were back injuries and 49 were shoulder injuries.

With respect to claims where disputes arose during the claim 100 were psychological injuries, 96 were back injuries and 68 were shoulder injuries.

Due to the complexity and financial ramifications that are often involved in PCS matters, most of the parties who appear in this stream are legally represented.

KPI	Workers Comp
Hearings including substantive, s81As, directions, interlocutory, pre-hearing (anything involving a DP or member in a hearing room)	77
Teleconferences (registry staff)	2572
Conciliations (registry staff)	280
Resolved at teleconference or conciliation	438
Written Reasons for Decision – including substantive, s81As, interlocutory matters, ex parte, s132A orders	257

Conciliation

During the reporting period 438 referrals were resolved during conciliation.

Conciliations are conducted by five registry staff members:

1. Ross Thomas, Deputy Registrar;
2. Andrew Cooper, Senior Executive Officer;
3. Eve Marriott, Executive Assistant;
4. Nicholas Mackey, Senior Case Officer; and
5. Sally Bridge, Senior Case Officer.

The conciliation process comprises two stages. In the first stage, the registry staff conduct teleconferences with the parties or their legal representatives during which, the issues in dispute are identified, discovery of relevant documents is made, the parties agree to timeframes in which any necessary investigations such as medical assessments are to be undertaken and the parties discuss whether there can be any agreement with respect to facts, law or procedure. In the second stage, the matter then proceeds to formal conciliation.

If a referral does not resolve at conciliation, the matter can be set down for hearing without undue delay. Any delays associated with the resolution of claims in PCS often relate to the availability of doctors to undertake medical assessments, provide reports and give evidence at a hearing.

Hearings

During the reporting period 13 matters proceeded to hearing. In that period 3 decisions of the Tribunal were appealed to the Supreme Court; one was dismissed, one withdrawn and one was returned to be redetermined by a differently constituted Tribunal.

All hearings were conducted by Deputy President Alison Clues and Senior Member Lucinda Jack.

All determinations and reasons for decisions arising from formal hearings in the PCS are in writing and published on Austlii. The average time taken for a written decision to issue in PCS was 26 days.

Miscellaneous

Apart from amendments made to the relevant legislation to enable TASCAT to commence, there were no significant legislative amendments to the relevant Acts.

Covid-19 has not adversely impacted upon the operation of the PCS.

The Members of the PCS continue to meet with for the purpose of providing education to and obtaining feedback from stakeholders and the regular users in relation to the operation of the PCS.

Alison Clues
Deputy President



SIGNIFICANT DECISION

Alasi-Jones v State of Tasmania [2021] TASFC 13

In this case, the worker made a claim for workers compensation on the basis of stress. He was certified as unfit for work from 14 December 2020. The employer accepted he was initially totally incapacitated for work.

The employer arranged for the worker to be examined by a psychiatrist in February 2021. The psychiatrist opined that the worker had been totally incapacitated for work until 18 January 2021 and then partially incapacitated for a limited time, but by the time he was examined the worker had wholly or substantially recovered from the effects of any work injury he had suffered.

If an employer disputes liability to pay compensation, it may within 84 days of receiving the claim for compensation, serve the worker with written notice of dispute, inform the worker of the reasons for disputing liability and refer the matter to the Tribunal (see s81A(1) of the *Workers Rehabilitation and Compensation Act 1988* (the Act)).

Since 2008, the Tribunal had allowed employers to use the dispute process under s81A, not just when the employer disputed liability from the outset, but also when the employer disputed liability to pay compensation after a particular date falling within the 84 day time limitation period imposed by s81A(1) of the Act.

The Full Court of the Supreme Court held that s81A was not to be used in those circumstances and that the Tribunal did not have jurisdiction to deal with the employer's purported s81A referral.

The Full Court accepted that the words "liability to pay compensation" in s81A, taken literally would appear to refer not just to liability to commence payments of compensation, but also to liability to continue paying compensation. However, taking into account the context, history and purpose of s81A, the Full Court concluded that these words refer only to liability to commence paying compensation.

As a result of the Full Court ruling s81A can only be used by an employer if it disputes primary liability to commence paying compensation or when it disputes liability to recommence weekly payments where there has been a gap between medical certificates of more than 14 days.



CASE STUDY

Worker gets compensation for injury suffered after using laundry facilities provided by his employer whilst working at a remote location.

The worker worked at a remote mine. At the time of his injury he was working a 3 week on, 1 week off rotation. He worked about 12-13 hours per day and started work at around 6am.

Whilst working at that mine the employer arranged for the worker to be accommodated at a village near the mine. The village included 35 separate cabins, a laundry facility, a gym, a recreation room and a mess room. On the evening before the injury, the worker put his washed clothes into the dryer in the laundry facility. Early the following morning prior to work he went to the laundry to collect his clothes but they were still wet. He turned the dryer on again and headed back to his cabin. He slipped on a grassed area and suffered his injury.

The Tribunal found that during a 3 week working rotation it was incontrovertible that the worker would use the laundry facilities at the village on several occasions.

The Tribunal found that taking into consideration the general nature, terms and circumstances of the workers employment, his injury occurred during an interval between actual periods of work, whilst he was engaged in an activity in which he had been induced or encouraged to engage in by the employer. As a result the Tribunal determined that the worker's injury arose in the course of his employment and that the employer was liable to pay compensation to the worker.



Fort Direction South Arm by Emma Robertson



GENERAL DIVISION ANTI-DISCRIMINATION STREAM (ADS)

The Work of ADS

Pursuant to the *Anti-Discrimination Act 1998* (the Act) the ADS of TASCAT has responsibility for:

1. Reviewing decisions of the Anti-Discrimination Commissioner (ADC) to reject or dismiss a complaint under the Act;
2. Reviewing decisions made by the ADC as to applications for exemptions;
3. Conduct inquiries on matters referred by the ADC.

During the reporting period, there were 37 applications to TASCAT, one more than 2020-2021. There were 6 reviews of rejection, 3 reviews of dismissal, 1 review of exemption and 27 enquiries.

The ADS finalised 35 referrals in the 2021-2022 year, giving a clearance ratio of 95%.

KPI	Anti-Discrimination
Hearings including substantive, directions, interlocutory, pre-hearing (anything involving a DP or member in a hearing room)	45
Teleconferences (registry staff)	75
Conciliations (registry staff)	11
Resolved at teleconference or conciliation	25
Written Reasons for Decision – including substantive and interlocutory matters	21

Conciliation

During the 2021-2022, 25 applications were resolved during conciliation. Most inquiries are referred to conciliation. Some reviews of dismissal are referred to conciliation if the parties consent. Reviews of rejection are not appropriate for conciliation because the respondent is unaware of the matter at that stage.

The conciliation process provides an avenue for the parties to achieve an acceptable outcome without the risks and costs associated with a formal hearing. It provides the opportunity for parties to settle on terms that the Tribunal may not have the power to order. Conciliation is held in private whereas a hearing is open to the public.

Hearings

The ADS conducted 13 hearings in the report period. There were two appeals to the Supreme Court, both are pending.

Representation

If a party wishes to be legally represented at a hearing they must seek leave of the Tribunal. In many cases the Tribunal is assisted by the party being legally represented. However, the Tribunal has the power to withdraw legal representation. The Tribunal will always ensure that the unrepresented party understands procedure and any legal arguments that arise during the course of a hearing.

The Tribunal is prepared to take reasonable measures to ensure that all parties appearing before it feel safe and listened to.

Members

Two or more members can be appointed to constitute a panel for hearing and determining a matter however, in the reporting period all hearings were conducted by a single panel member.

The Tribunal conducts hearings in Hobart and Launceston.

All determinations and reasons for decision arising from a formal hearing in the ADS are in writing and apart from reviews of rejection, the majority decisions are published on AUSTLII.

Miscellaneous

Apart from amendments made to the relevant legislation to enable TASCAT to commence, there were no significant legislative amendments to the Act.

Covid-19 has not adversely impacted upon the operation of the ADS.

Alison Clues
Deputy President

SIGNIFICANT DECISION

Citta Hobart Pty Ltd v Cawthorn [2022] HCA 16

In this case, the first respondent was the developer of Parliament Square in Hobart on land owned by the second respondent. One of the entrances to the development only provided access by way of stairs. The complainant, who relies on a wheelchair for mobility, made a complaint to Equal Opportunities Tasmania that this entrance constituted direct and indirect disability discrimination under the *Anti-Discrimination Act 1998 (Tas)* (the State Act). The respondents raised as part of their defence, that parts of the State Act were inconsistent with the *Disability Discrimination Act 1992 (Cth)* (the Commonwealth Act) as well as a standard made under the Commonwealth Act. The respondents argued that the provisions of the State Act were inconsistent with the Commonwealth Act with respect to disability access and that, as a result of this inconsistency, the provisions of the State Act were rendered inoperative because of s109 of the Constitution.

The matter was referred to the Tribunal for inquiry. Applying the High Court decision of *Burns v Corbett* (2018) 265 CLR 304, the Tribunal formed the opinion that if it determined the complaint it

would be exercising judicial power and, as it was not a court of the State, it did not have jurisdiction to hear the matter because the constitutional defence arose under the Constitution or arose under a law made by the Commonwealth Parliament. Accordingly, without considering the merits of the constitutional defence, the Tribunal dismissed the complaint for want of jurisdiction.

The Full Court of Tasmania, on appeal, addressed the merits of the constitutional defence and rejected it.

The High Court held that the Tribunal had reached the correct conclusion on the primary issue of its jurisdiction. The Tribunal exercises judicial power when hearing and determining a complaint under the State Act.

The High Court found that the constitutional defence had been genuinely raised by the respondents in answer to the complaint in the Tribunal and, whatever its merits, it was not incapable of its face of legal argument. On that basis, the Tribunal was correct to order that the complaint be dismissed for want of jurisdiction.



CASE STUDY

A complainant who was sexually harassed at work received \$45,000.00 in damages including a component of \$20,000.00 in the nature of aggravated damages.

In this matter, the Tribunal found that the respondent had engaged in conduct that constituted sexual harassment contrary to the *Anti-Discrimination Act 1998 (Tas)* (the Act).

The conduct is summarised as follows:

1. That the respondent engaged in behaviour towards the complainant that could properly be regarded as favouring her. He would ask after her when she was not at the store and enquire when she was next working. He would try and engage her to deal with his deliveries even when other staff were available to do so;
2. The respondent referred to the complainant on up to six occasions as “Juicy Lucy”;
3. The respondent asked the complainant how her boyfriend was on numerous occasions;
4. The respondent made comment to the complainant about her clothing, specifically stating “nice pants” before slapping her on the bottom without her consent as she bent over to inspect a box he had delivered.

The complainant’s employer complained to the respondent’s employer about his conduct towards the complainant, without her knowledge. That led to an investigation. The respondent was made aware of the complaint. He consulted a solicitor. That solicitor sent the complainant a letter that was referred to throughout the proceedings as the “defamation letter”. In that letter the solicitor asserted that the complainant had defamed the respondent, and demanded that she do the following things within 28 days:

1. Deliver a written apology, which
 - retracts your statement and defamatory imputation; and
 - acknowledges that your statement and defamatory imputation therein are untrue.

2. Publish the letter of apology by providing a copy to the respondent care of his solicitor.
3. Pay the respondent the sum of \$30,000.00 that being the compensation for the economic loss the respondent has suffered directly has a result of your defamatory statement.

The Tribunal awarded \$25,000.00 as compensation for the consequences of the respondent’s sexual harassment. The Tribunal awarded a further \$20,000.00 in the nature of aggravated damages, commenting that the principle aggravating feature was the sending of the defamation letter.

In relation to the award of \$45,000.00 as compensation, the Tribunal stated that:

1. Such an award is reflective of the need to advance the public policy behind the Act and discourage breaches of its provisions.
2. It also recognises the extent of the injury incurred by the Complainant, particularly as a consequence of the aggravating conduct engaged in by the Respondent (by sending the defamation letter) subsequent to his behaviour being exposed to his employer.

The respondent appealed the Tribunal’s decision to the Supreme Court on the basis that an award of aggravated damages in the amount of \$20,000.00 was manifestly excessive.

Although this award for aggravated damages was higher than any award previously made by the Tribunal, the Supreme Court found the award of \$20,000.00 in the nature of aggravated damages was clearly proportionate to the suffering contributed to by the various aggravating circumstances and that it was not manifestly excessive.

The Supreme Court’s decision has been appealed to the Full Court.



TASCAT hallway



GENERAL DIVISION HEALTH PRACTITIONERS STREAM (HPS)

The Work of HPS

The Health Practitioners stream (HPS) hears and determines matters arising under the *Health Practitioner Regulation National Law (Tasmania) Act 2010*, which provides for the regulation of prescribed health professions which include:

1. Medical practitioners;
2. Nurses and Midwives;
3. Dentists;
4. Pharmacists;
5. Psychologists;
6. Physiotherapists; and
7. Other health professionals.

One of the primary functions of the HPS is to protect the public by ensuring that only those health professionals that are competent and appropriate to practice, do so.

During 2021/22, the HPS received 13 applications. This is a significant increase from previous years. For example, in 2020/21 there were 3 applications filed. The majority of applications in the HPS are professional disciplinary proceedings against medical practitioners.

KPI	Health Practitioners
Hearings including substantive, directions, interlocutory, pre-hearing (anything involving a DP or Member in a hearing room)	27
Conciliations (registry staff)	2
Written Reasons for Decision – including substantive and interlocutory matters	6

Conciliation

There is no provision in the relevant legislation for conciliation. However, the parties may agree with the consent of the Tribunal that conciliation is an appropriate means of reaching some agreement in relation to the issue/s to be determined by the Tribunal, facts to be found and/or the documents to be tendered.

Any agreement reached at conciliation with respect to the resolution of a matter, must be considered and if appropriate, approved by the Tribunal before any formal determination can be made. Determinations in relation to the nature of the health professional's conduct, any sanction to be imposed and/or any conditions to be placed upon their registration cannot be made by consent and can only be made by the Tribunal.

Hearings

Since the commencement of TASCAT, the Tribunal can be constituted by:

1. The President, Deputy President or a Senior Member sitting alone;
2. The President, the Deputy President, Senior Member and two professional Members;
3. The President, the Deputy President or a Senior Member and one professional Member and one community Member.

During the reporting period, the Attorney-General approved an updated list of professional Members and community Members for the HPS.

During the reporting period there were 4 hearings. There was only one hearing where the Tribunal was constituted by a panel of three, comprising the Deputy President, one professional Member and one community Member. The balance of the hearings were conducted by Deputy President Alison Clues and Senior Member Lucinda Jack.

The majority of the parties who appear in the HPS are legally represented.

Published Determinations

All determinations of the HPS are in writing and are published on AUSTLII and the hearings are open to the public, unless there is a specific suppression order. Five decisions were published in the reporting period. None of the decisions were appealed to the Supreme Court.

Three of the published decisions relate to one medical practitioner. That medical practitioner was found to have breached professional boundaries with respect to two patients, failed to display genuine insight or remorse, posed a continuing risk to female patients - in particular vulnerable female patients - and had prior notifications and dealings with the Medical Board. That medical practitioner was reprimanded and his registration as a practitioner was cancelled.

In the same period a medical practitioner providing psychiatric care with a vulnerable patient commenced an intimate sexual relationship with her. The Tribunal reprimanded the medical practitioner and cancelled his registration.

Alison Clues
Deputy President



TASCAT signage



GENERAL DIVISION RESOURCE AND PLANNING STREAM (RPS)

What the RPS does

The Resource and Planning stream (RPS) of the Tribunal is conferred with a broad scope of jurisdictions across twenty-four statutes (see Schedule 2, Part 8, Clause 3 of the *Tasmanian Civil and Administrative Tribunal Act 2020*). This represents the largest scope of proceedings of all the streams of the Tribunal with significant variation between the nature of each of those proceedings due to their different statutory provisions. These statutes confer upon the RPS both review and originating application proceedings including civil enforcement proceedings. The most common matters that are heard and determined in this stream are planning determinations made under the *Land Use Planning and Approvals Act 1993*.

Work within the RPS

The majority of proceedings in the RPS comprise reviews or appeals against determinations of Planning Authorities in relation to planning permit applications. The stream also hears appeals against enforcement notices issued by Planning Authorities to persons who are alleged to have breached permits or planning schemes.

The stream also hears appeals related to the lease or sale of public land determinations by Councils under the *Local Government Act 1993*; decisions of the Recorder of Titles with respect to disputes under the *Strata Titles Act 1998*; enforcement notices issued under the *Environmental Management and Pollution Control Act 1994*; and some determinations made by decision makers under the *Building Act 2016*.

Originating applications are most commonly seeking orders under the *Neighbourhood Disputes About Plants Act 2017* regarding alleged nuisance plants.

The matters heard in this stream are frequently complex and require considerable hearing time. Parties are often represented by legal practitioners, urban planners or other professional representatives given the subject matter of the proceedings. The cumulative value of the subject matter of proceedings in the RPS is of a high amount and can regularly reach hundreds of millions of dollars each year.

Workload

During 2021-2022 the stream received a total of 174 proceedings which represented an increase of 15% from the previous year 2019-2020 (151 matters). It also represents an increase of 19% over the previous two years (2018-2019 and 2019-2020 both of which recorded 146 and 144 matters respectively).

The ADR and mediation processes of the stream remain an important part of the resolution of proceedings. As can be seen from the information below 69% of substantive decisions of the Tribunal are consent determinations made by the parties to proceedings. The remainder (31%) arise from hearings of the Tribunal.

Timeliness

This table sets out the number of appeals where the 90 day timeframe mandated by Section 16(1)(f) of the *Resource Management and Planning Appeal Tribunal Act 1993* and now Clause 9(1), Section 8, Schedule 2 of the *Tasmanian Civil and Administrative Tribunal Act 2020*, fell due. It also identifies the proportion of matters which exceeded the 90 day limit and whether the reason for exceeding was due to the Tribunal or parties to proceedings.

Members and Mediators

Senior Case Managers and Registrars of the Tribunal undertake directions hearings and ADR in the management of proceedings in this stream. For the year 2021-2022 those mediators were Sally Bridge, Nick Mackey, Jane Cook and Jarrod Bryan. They are delegated relevant powers under the *Tasmanian Civil and Administrative Tribunal Act 2020* (for example, Section 102(2)) to convene ADR. These staff are trained mediators and set the listing dates and directions for the matter to proceed through the appeal process. They will also undertake pre-mediation review of the dispute for its suitability to proceed to further mediation and, if suitable, undertake that mediation process. A significant proportion of matters undergo mediation in the RPS which may either resolve the dispute or reduce the number of issues in dispute.

Consent agreements reached through ADR must be reviewed by the Tribunal before they are ratified as a decision of the Tribunal and may be declined. If a consent agreement to resolve proceedings cannot be reached between the parties, the proceedings will continue to full hearing by a Tribunal panel.

The composition of the Tribunal panels who hear and determine these matters will vary based on the issues in dispute and the required expert Members of the Tribunal to assess those issues in a hearing. The Tribunal has a large range of expert Members available for these hearings and their expertise can be reviewed in Appendix B.

Legislation

The most significant changes during the year 2021-2022 was the repeal of the *Resource Management and Planning Appeal Tribunal Act 1993* and the transferral of important statutory provisions from that Act to Schedule 2 of the *Tasmanian Civil and Administrative Tribunal Act 2020* to appropriately preserve the policy settings of the nature of proceedings under that regime in the newly amalgamated Tribunal. A range of consequential amendments to a broad range of statutes were also undertaken to give effect to the amalgamation of the Resource Management and Planning Appeal Tribunal into the TASCAT.

Jarrold Bryan
Principal Registrar

Richard Grueber
Deputy President

	Appeals Due	Within timeframe	Outside timeframe	Extension required due to Tribunal	Extension required due to parties
Number of Files where 90 day time limit fell due in Fin Year	150	67	45%	83	55%
				8	10%
					75
					90%

This table sets out how many files were closed during the period and the average number of days for the completion of those files.

Timeframe	Number of Files Closed	Average number of days
Financial Year 2021-2022	148	103

Percentage of Substantive decisions

	Year to Date 2021-2022	% of decision
Consent	72	69%
Final Decision - Published	32	31%
TOTAL	104	100%



CASE STUDIES

R Mason v Kingborough Council [2022] TASCAT 34

Mr Mason's family owned a large block of land in a small town for more than 80 years. On the block was the family home and a well-known long-standing local store. Mr Mason applied to the Council to subdivide the land into two lots to create separate titles for the store and the residence. The Council approved the subdivision subject to conditions. One condition was that the Mr Mason pay the Council 3.5% of the land value in lieu of providing 5% of the land to the Council for public open space, in accordance with the Council's policy on public open space. Mr Mason appealed the condition. He thought that it was unreasonable because the subdivision would not create any new development and not generate any additional need for public space. In particular, it would not create a new vacant building lot or a new residence. The Council contended that simply creating an extra lot would in itself generate additional need because the subdivision would make it easier for future additional dwellings to be built on the house lot, which was large enough to permit multiple dwellings. If this happened without further subdivision the Council would not be able to require a contribution to public open space. The Tribunal found that the Council's policy did not require a contribution in respect to all subdivisions. It applied a Supreme Court authority that contribution for public open space is restricted to additional demand specifically created by the subdivision not wider planning considerations. The Tribunal determined that the subdivision would not create any need for public open space. The permit was varied to remove the condition requiring Mr Mason to make the payment.

Example of Mediation assisting parties to resolve an appeal

A planning authority on the East Coast of Tasmania issued a permit to land holders to build retaining walls and undertake landscaping on their property. Adjoining land owners filed an appeal with the Tribunal against the approval raising concerns about the management of stormwater. A Tribunal mediator convened an onsite mediation between the parties and through mediation the parties reached a consent agreement regarding discharge of stormwater and the timeframe for completion of works. The Tribunal was satisfied the agreement should be ratified as a decision and a decision in the terms agreed was issued. A party to the proceedings thanked Senior Case Officer Sally Bridge for her help in working with the parties who were under pressure and for helping everyone see each other's point of view when it first seemed impossible.

SIGNIFICANT DECISIONS

D & L Plumb v Clarence City Council [2022] TASCAT 60

This case involved the Tribunal's first consideration of issues arising from proceedings to enforce a planning scheme under a particular provision of the Land Use Planning and Approvals Act. The Appellants obtained approval for a home extension by a self-contained building joined to their existing residence by a walkway. They constructed the building but not the connecting walkway. The Council asserted that without the walkway the building constituted a second dwelling on the site, which was prohibited under the planning scheme, and issued an enforcement notice requiring certain steps to comply with the scheme. The Appellants appealed the issue of the notice. The Tribunal determined that the hearing was a hearing de novo and that it had a discretion whether or not to affirm the notice. It considered what constituted a reasonable belief to ground the issue of a notice and determined that it required sufficient evidence of breach of the scheme, but did not require proof on the balance of probabilities. The Tribunal found that issue of the notice should be confirmed.

Department of State Growth v Northern Midlands Council [2022] TASCAT 5 and Department of State Growth v Northern Midlands Council [2022] TASCAT 12

The Appellant applied for a permit for road upgrades which included a truck parking area with a shelter, tables and exercise equipment. The Council issued a permit which included conditions removing the truck parking area and requiring the Appellant to construct a bike and pedestrian pathway. The Tribunal found that the approval was not valid because it was significantly different to what had been applied for, and that in any event the condition for the path was not for a proper planning purpose directly connected to the proposal. Because the permit was invalid the Council did not determine the application within the statutory time and it was deemed to be approved. The Council was directed to issue a permit. Normally a failure to determine an application would result in the Council having to pay the Appellant's costs, however in this case the Council was not required to do so because it had made a decision within the time, albeit an invalid one.

Sunset Rock Investments Pty Ltd v Hobart City Council and Fragrance Tas-Hobart Pty Ltd [2022] TASCAT 35

In 2019 the Council issued a planning permit to the Second Respondent for a hotel development. In 2021 the Council approved a minor amendment sought by the Second Respondent. The appellant, who owned an adjacent office building, appealed the approval of the amendments on the basis that the original permit affected its land because of drainage and right of way easements and so its approval was required, and also that the changes to the façade of the proposed hotel would result in a detriment to workers in its building and to the public. The Tribunal found that the Appellant's consent was not required and that there would be no relevant detriment to any person or the public.





GENERAL DIVISION FORESTRY PRACTICES STREAM (FPS)

What the FPS does

The Forest Practices stream hears and determines appeals that arise under the *Forest Practices Act 1985*.

Work within the FPS

The FPS does not receive a significant number of matters. For the financial year 2021-2022 it received only two appeals and issued one decision.

Members

The previous Chairman of the Forest Practices Tribunal, Mr KAM Pitt KC has been appointed a Senior Member of the TASCAT and assigned to this stream by the President. The Tribunal has other expert members of the TASCAT assigned to this stream and information regarding all members of the TASCAT can be found in Appendix B.

Jarrood Bryan
Principal Registrar

APPENDIX A STRATEGIC PLAN

GOAL and TIMEFRAME	Year 2021-2022	Year 2022-2023
<p>Tranche 3 Legislative Reforms:</p> <p>To review the operations of the new TASCAT Act 2020 and subordinate legislation.</p> <p>To compile and index any required reforms to improve the operation of the legislative regime.</p> <p>To review the policy settings of the relevant legislation of all Tribunals across the amalgamation and regularise disparate provisions where possible.</p>	<p>The Tribunal has created and maintained a schedule of all provisions that may benefit from review and reform.</p> <p>The Tribunal is awaiting advice from the Department and Government as to the timeframe for progressing Tranche 3 reforms.</p>	<p>To implement Tranche 3 reforms.</p>
<p>Other Legislative Reforms:</p> <p>To actively engage in appropriate consultation regarding any new reforms and additional jurisdictions being considered for conferral upon the TASCAT.</p>	<p>The Consumer Building and Occupational Services division of the Department of Justice commenced consultation regarding reforms to several statutes (including the <i>Residential Building Work Contacts and Dispute Resolution Act 2016</i>) to confer jurisdiction on the TASCAT residential building dispute matters. The reforms are scheduled to be implemented in 2022-2023.</p>	<p>To continue to engage in proposed reforms.</p>
<p>Technology:</p> <p>To upgrade the Tribunal's existing case management systems to improve service delivery and work flows.</p> <p>To construct a new website for the TASCAT with high level functionality and appropriate measures to improve access to justice for all users of the Tribunal services.</p>	<p>Case Management System: Two of the major streams of the Tribunal have had the CRMS product deployed to them during the financial year. The RPS previously had no case management system and the GS had a case management system that was no longer fit for purpose. The other two major streams have had their versions of the CRMS updated to the latest version deployed to the RPS and GS.</p> <p>Website: Scoping of the design of the website has occurred with registry staff.</p>	<p>To refine and improve on the configuration of the CRMS product across all streams to improve workflows and service delivery.</p> <p>The Tribunal was notified towards the end of the financial year 2021-2022 that the required funding to install a Portal Module to the case management system to enable the implementation of the Advanced Care Directive Reforms would be progressed. The Portal Module will also permit a range of improved services and workflows for the staff and clients of the Tribunal.</p> <p>To implement the Portal Module within Q2/Q3 of the financial year, configured to support the ACD reforms.</p> <p>To have the new website of the Tribunal constructed and operational within Q2 or Q3 of 2022-2023.</p>



Operations, Business Processes and Reporting:

To implement data recording and reporting systems to provide detailed information about TASCAT operations.

To implement cost expenditure reporting systems to better track overall expenditure related to Member fees.

To review existing forms and processes to provide more uniform and consistent processes for staff and clients where possible.

To review and increase staffing levels of the Tribunal to ensure appropriate resourcing and supporting workflows and service delivery.

To provide appropriate training opportunities to staff and Members of the Tribunal.

To provide appropriate professional development and feedback to Members.

To provide feedback and complaint processes and actively seek feedback from members of the public who engage with Tribunal processes.

The Tribunal has developed Key Performance Indicator data collection and reporting systems that now provide monthly internal reports to track operations.

The Tribunal has established cost code systems to provide more detailed data reporting on expenditures.

The Tribunal has implemented several internal protocols for the management of Supreme Court appeals, media and ministerial inquiries and movement of files and information internally.

The Tribunal provided the following training during 2021-2022 to staff and Members:

- Trauma Informed Service Delivery (registry and full time Members)
- National Accreditation ADR training to 5 members of registry staff
- Induction training to all full time and sessional Members of the TASCAT upon commencement of the Tribunal
- IT training in various courses to members of the registry staff

The Tribunal President implemented a Code of Conduct pursuant to Section 94 of the TASCAT Act 2020 for the commencement of the Tribunal in November 2021.

The Tribunal has implemented a feedback and complaint policy and system.

To continue to refine and improve the data reporting systems for both financial and KPI information.

To form subcommittees within the Tribunal to review and reform business processes and forms to provide more streamlined services where possible.

Recruitment processes commenced in the Q4 of 2021-2022 for the appointment of 10 permanent positions at the TASCAT which are due to conclude in Q1 or Q2 of 2022-2023.

To provide further training opportunities for staff and Members including:

- Vicarious Trauma training
- Induction and Professional Development
- Training for Sessional Members
- Additional Trauma Informed Service
- Delivery training for registry staff
- Additional ADR training for registry staff

To implement and commence Member performance appraisals starting in Q1 of 2022-2023 and continue throughout the year.

To review and develop additional methods of obtaining feedback from clients such as individual surveys at the conclusion of proceedings or other processes adopted by other jurisdictions.

APPENDIX B

MEMBER BIOGRAPHIES

ADS	Anti-Discrimination stream
FPS	Forestry Practices stream
GS	Guardianship stream
HPS	Health Practitioners stream
MHS	Mental Health stream
PCS	Personal Compensation stream
RPS	Resource & Planning stream

President:

Mr Malcolm Schyvens BCom LLB

Malcolm Schyvens was appointed as the inaugural President of the Tasmanian Civil and Administrative Tribunal (TASCAT) and commenced in the role in May 2021. Prior to commencing in this role, Mr Schyvens was a Deputy President of the NSW Civil and Administrative Tribunal (NCAT), and Head of NCAT's Guardianship Division. He has also held a variety of related roles in both NSW and Tasmania including President, (2011-2013) and Deputy President (2008-2011) of the former Guardianship Tribunal of NSW, Legal Member of Tasmania's former Guardianship and Administration Board (2003-2008) and former Forensic Tribunal (2007-2008). Prior to this, he completed his university studies and commenced his career in legal practice in Tasmania at Dobson Mitchell and Allport. He was subsequently Managing Partner of Ogilvie Jennings. He is also a former President of the Law Society of Tasmania (2007-2008), and for many years was the Chair of Cosmos Inc. (now Mosaic Support Services).

Up until his appointment as President of TASCAT, Mr Schyvens was Chair of the Australian Guardianship and Administration Council (AGAC), Convenor of the NSW Chapter of the Council of Australasian Tribunals (COAT), and a Member of the Elder Law and Succession Committee of the Law Society of NSW. He is currently the Secretary of the Council of Australasian Tribunals (COAT) and a Member of the Cultural Diversity Justice Network auspiced by the by the Judicial Council on Cultural Diversity. [Assigned to all streams]

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Deputy Presidents:

Grueber, Richard LLB, GradDipBus

Richard Grueber was appointed as Deputy President and Division Head of the General Division of TASCAT on 20 June 2022. Richard graduated from the University of Tasmania with a law degree in 1986 and has a post graduate qualification in business and administration. Richard initially worked in commercial and local government law before specialising in civil litigation in 1994, with particular interests in workers compensation, personal injury and industrial law. From 1998 to 2022 he was a partner and director in the firm Ogilvie Jennings. Prior to the establishment of TASCAT Richard chaired hearings in the Resource Management and Planning Appeal Tribunal and the Guardianship and Administration Board and was the Deputy President of the Mental Health Tribunal. [Assigned to all streams]

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Chaperon, Yvonne LLB RN

Yvonne Chaperon was admitted to practice as a solicitor in Tasmania in 1999 and is also a Registered Nurse graduating in Melbourne in 1991.

Previously Yvonne worked in private practice at Wallace Wilkinson and Webster in Hobart and Ryan Carlisle Thomas in Melbourne. Yvonne was also Deputy Secretary of the Australian Nurses and Midwifery Federation both in Melbourne and federally.

In 2014 Yvonne was appointed President of the Mental Health Tribunal and is currently the Deputy President responsible for the Mental Health stream. [Assigned to all streams]

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Clues, Alison BA/LLB

Alison Clues has previously worked in private practice and was a partner of Dobson Mitchell Allport from 1999 until 2013 and Page Seager from 2019 until 2020. Alison practised in the area of Insurance Litigation including Workers Compensation, Motor Vehicle Accidents, Public Liability and Professional Negligence. Alison also managed the professional indemnity insurance claims made against the legal profession on behalf of the Law Society of Tasmania from 2013 until 2019.

In February 2020, Alison was appointed for the position of Chief Commissioner of the Workers Rehabilitation and Compensation Tribunal and the Asbestos Compensation Tribunal as well as the Chairperson of the Motor Accidents Compensation Tribunal, the Health Practitioners Tribunal and the Anti-Discrimination Tribunal.



Following the establishment of TASCAT on 5 November 2021 Alison was appointed as Deputy President of the Tribunal and is responsible for the Personal Compensation stream, the Health Practitioners stream and the Anti-Discrimination stream. [Assigned to all streams]

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Holder, Rowena BA LLB

Rowena Holder graduated in Arts and Law from the University of Tasmania in 1995. Presently, she is a Deputy President of the Tribunal responsible for the Guardianship stream. Rowena was President of the Guardianship and Administration Board from 9 August 2016 to 4 November 2022. Prior to this Rowena was a member of the Board from 2009 to 2016, until her appointment as President. In 2014 Rowena was appointed as a member of the Mental Health Tribunal. Previously Rowena worked in private practice in the areas of criminal and civil litigation and family law and then as a manager of advice and legal services at the Legal Aid Commission of Tasmania. Rowena is a nationally accredited mediator and has a graduate certificate in Family Dispute Resolution and was accredited as a Family Dispute Resolution Practitioner. [Assigned to all streams]

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Senior Members:

Jack, Lucinda, LLB

Lucinda Jack was admitted as a barrister and solicitor in Tasmania in 1992 and worked in private practice for a number of years following her admission.

Lucinda was appointed as a Senior Member when TASCAT commenced in November 2021, and immediately prior to that she held the appointment of Commissioner of the Workers Rehabilitation and Compensation Tribunal of Tasmania, which role also included appointments as, variously, Commissioner, Deputy Chair and Member of the Asbestos Compensation Tribunal, the Motor Accidents Compensation Tribunal, the Health Practitioners Tribunal and the Anti-Discrimination Tribunal. Lucinda had also been appointed as a member of the Resource Management and Planning Appeal Tribunal in 2020.

Before Lucinda was appointed as Commissioner in early 2017, she was Principal Crown Counsel with the Office of the Solicitor General (Litigation) and had worked as a legal practitioner with Crown Law in the Office of the Director of Public Prosecutions (Civil Division), and then the Office of the Solicitor General (Litigation), conducting civil litigation on behalf of the State of Tasmania, mostly in the areas of workers compensation and medical negligence, since 1998.

Ms Jack has been a member of the Executive of the Council of Australasian Tribunals since 2019. [Assigned to all streams]

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Pitt, Keyran KC

Keyran Pitt KC has formerly held appointments as Chairman of the Resource Management and Planning Appeal Tribunal; the Planning Appeals Board; the Mental Health Review Tribunal; the Medical Complaints Tribunal; and as a coroner. He was also the Deputy Chairman for the Building Appeals Board and the Environmental Protection Appeal Board. Mr Pitt KC is a former President of the Bar Association of Tasmania and Medico-Legal Society of Tasmania. He actively supported the legal profession in Tasmania as a former Council Member of the Law Society of Tasmania and Bar Association of Tasmania. Mr Pitt KC worked as a Barrister until 30 June 2022. He currently works as an Arbitrator.

He is the Chairperson of the Legal Profession Board of Tasmania, and President of the Property Agents Tribunal. He is an Honorary Fellow of the Royal Planning Institute of Australia. [RPS, FPS]

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Verney, Matthew BA LLB

Matthew Verney graduated with a combined Art and Law Degree in 1993 from the University of Tasmania. He commenced his own firm in 2003 and was then called to the Bar in 2021. His main area of practice is Family Law. He served on the Council of the Law Society of Tasmania for 10 years including 2 years as President of the Law Society from 2014 until 2016. He served as a Director of the Law Council of Australia for 2 years from 2016 until 2018. In 2020 he was appointed as Commissioner of the Legal Aid Commission of Tasmania (now Tasmania Legal Aid).

He was appointed to the former Mental Health Tribunal in 2013 and the former Guardianship and Administration Board in 2019 and later the same year was appointed as the Deputy President. He is presently a Senior Member of the Tasmanian Civil and Administrative Tribunal. [GS, MHS]

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Full Time Members:

Irwin, Rebecca

Rebecca Irwin graduated from the University of Tasmania with a Bachelor of Laws in 2007. She was accepted in the Commonwealth Attorney-General's Department Graduate Program in 2008 and was admitted to practice as a lawyer in the Australian Capital Territory (ACT) in 2009.

Ms Irwin's legal experience also includes working as an International Humanitarian Law Officer for the Australian Red Cross in the ACT, as the Mental Health and Disability Lawyer for Tasmania Legal Aid and as a solicitor for the Women's Legal Service Tasmania.

Ms Irwin also has experience in the community sector having worked as a Caseworker for the Australian Red Cross' Migrant Support Program and as a Community Liaison Officer for the Partners in Recovery Mental Health Program. [GS, MHS]

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Jones, Virginia

Ms Jones was admitted as a legal practitioner in Tasmania in 1999. She has degrees in Science and Law.

Previously, Ms Jones worked as a Judges Associate (1999 - 2001) before moving into private practice as a legal practitioner at Murdoch Clarke (2001 - 2003) and Shields Heritage (2004). She practised in civil and criminal litigation.

In late 2004 Ms Jones returned to government as a legal practitioner for Tasmania Police where she conducted prosecutions of defendants charged with family violence offences, as well as other offences in the Magistrates Court.

In 2005 Ms Jones was employed as Crown Counsel with the Office of Director of Public Prosecutions. She acted and appeared on behalf of the State of Tasmania in criminal matters in the Magistrates and Supreme Courts for over 15 years.

In 2017 Ms Jones was appointed as a member of the Guardianship and Administration Board, and reappointed in 2020, and continues as an ordinary member of the Tasmanian Civil and Administrative Tribunal. [GS, MHS]

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Locke, Hamish BA LLB

Hamish Locke was admitted to practice law in 2001 and has 20 years' experience in Government and the community legal sectors. He is currently a solicitor at the Bridgewater Office of the Hobart Community Legal Service and Senior Legal Officer of the TASCAT.

Mr Locke was previously State Manager and Principal Solicitor of the Tasmanian Aboriginal Community Legal Service and Deputy Managing Lawyer of the Central Highlands Office of Victoria Legal Aid. [GS, MHS]

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Ordinary Members:**Ansell, Jane BA LLB**

Jane Ansell graduated in Arts and Law from the University of Tasmania and commenced practicing in 2002. Initially working within private practice (four years), before commencing at the Office of the Director of Public Prosecution as Crown Counsel within the Criminal Division. Whilst at the ODP, Jane prosecuted a variety of matters as well as appearing as Counsel assisting the Coroner in the Magistrates Court, Coronial Division. Since 2021, Jane has been working as a Criminal Injuries Compensation Commissioner. [GS]

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Baird, Margaret

Margaret Baird has nearly four decades of experience and practice in town and regional planning, including in State government, local government and the private sector. She also has broad knowledge and practice in relation to heritage conservation and assessment.

As part of her extensive career in independent review and decision-making, Margaret serves as a Member of the Tasmanian Civil and Administrative Tribunal, and was also a Member of the former Tasmanian Resource Management and Planning Appeals Tribunal. Margaret is also a Senior Member of the Victorian Civil and Administrative Tribunal. She has served on VCAT since 1998, including as Deputy Head of the Planning and Environment List from 2017 to 2021.

Margaret is a current Member of the Heritage Council of Victoria and Victorian Geographic Place Names Advisory Panel. She has previously been a Member of Planning Panels Victoria. [RPS]

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Bakas, Dr Joanna

Dr Joanna Bakas has worked as a Consultant Psychiatrist for over two decades. She trained in NSW and attained her Fellowship of the Australian and New Zealand College of Psychiatrists in 2000. She attained the Royal and Australian College of Psychiatrists Advanced Certificate in Old Age Psychiatry in 2002. She has worked in the public and private systems in NSW and in Tasmania. She has been pleased to contribute as a member of the Tasmanian Branch of the Royal Australian and New Zealand College of Psychiatry. [HPS, MHS]

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Ball, Michael BA Arch (USA)

Town and Country Planner – Ordinance 4 NSW LGA

Michael Ball practiced as a consultant town planner in NSW for 40 years – specialising in planning litigation. Mr Ball moved to Tasmania in 1994 and was appointed a member of the former Resource Management & Planning Appeal Tribunal in 2008. [RPS]

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Barratt, Annette MBBS, FRACGP, Grad Dip FM, M Leadership.

Dr Annette Barratt graduated from UTAS in 1982 and has practiced as a general practitioner since 1986, including 26 years in Bridgewater/Gagebrook. She worked as GP Liaison Officer at the RHH until 2021.

She is currently working part time at the Afterhours Doctors, GP Assist, Voluntary Assisted Dying Commission and Professional Services Review Tribunal as well as serving on TASCAT. [GS, HPS]

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Bishop, Steven LL.B (Tas), GDAFL (Mel).

Steven Bishop was admitted in 1976 and was a founding partner of Bishops Barristers and Solicitors. He was a Member of the former Anti-Discrimination Tribunal of Tasmania; Member of the Local Government Code of Conduct Panel; a Law Society approved Arbitrator; a Qualified Mediator (LEADR); a Lecturer at the University of Western Sydney.



He has appeared as Barrister in Full Court appeals; acted as Solicitor in numerous areas of the law. He has held positions as Senior Vice President of the Launceston Chamber of Commerce; Board Member, Tasmanian Chamber of Commerce and Industry; Company Director; Managing Director of a Responsible Entity holding a Financial Services Licence; Chair of various Compliance Committees; Property Developer (Residential, Retail & Commercial) and been a member of various professional organisations such as The Institute of Arbitrators Australia, The Australian Institute of Family Law Arbitrators and Mediators, the Australian Institute of Company Directors, the Family Law Section of the Law Council of Australia, Council of the Law Society of Tasmania, and the Taxation Institute of Australia. [MHS]

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Breen, Juanita A/Prof BPharm (Syd) GradDip CommPracPharm (SA), MSc (Keele, UK), PhD (Tas)

Juanita Breen is an accredited Pharmacist and academic. She has extensive experience over many years in academia, government and non-government organisations ensuring appropriate medication management and training of aged care staff. Specialises in research on psychotropic use in older people, especially those living with dementia.

In 2018 Juanita was awarded 'The Mental Health Services' (TheMHS) award of Australia and New Zealand for education, training and workforce development and Outstanding Achiever at the Tasmanian Community Awards. Testified at Royal Commission into safety and quality in aged care. [GS, HPS]

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Brereton, Raymond BSc(Hons)

Mr Brereton's role in the Forestry Practices stream is as a conservation scientist (flora and fauna). He has served as the Chair of the Scientific Advisory Committee (threatened species) for six years from 2011 to 2016 established under the *Threatened Species Protection Act 1995*. Raymond is currently Team Leader, of the Environment and Planning team with Entura which is a part of Hydro Tasmania. He has over three decades of experience in the field of fauna and flora survey and environmental impact assessment. He was the Senior Ecologist, Water and Environment at Entura from April 2002 to 2018) and still practices as a Senior Ecologist in his current role.

He was also the Senior Zoologist, Forest Practices Board between July 2002 and March 2003 and worked as the Threatened Species Zoologist in the Department of Primary Industry, Water and Environment, Tasmania between December 1999 and June 2002. [FPS]

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Brown, Charlotte

Charlotte Brown is a registered Psychologist with 20 + years of experience working across the Education, Health (Child Development and Mental Health) and Disability sectors with specialist skills and knowledge in relation to neuro-developmental disorders and co-morbid mental health. As a long-term resident of the NW coast of Tasmania, she is committed to equitable access to services in rural and remote settings.. She has sat as a community member on TASCAT (formerly the Mental Health Tribunal) since 2013; sits currently sit as a Board member for Laurel House non-for-profit sexual assault support service that operates across the North, North-East and North-West Tasmania); provides supervision for provisionally registered psychologists as an AHPRA Board Approved Supervisor and has owned and operated a small tourism hospitality business venture in Stanley since 2005. [MHS]

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Child, Kym

Kym Child was admitted to practice in the Supreme Court of Tasmania in 2008. Kym has also completed a Bachelor of Nursing with First Class Honours in 1998 before completing a post graduate certificate in Paediatric Nursing and a post graduate diploma in Emergency Nursing. She also holds a Certificate IV in Government Investigations and is a current non-executive Director of Corumbene, Board Member of the Arthritis Board of Tasmania and a current member of the Australian Institute of Company Directors (AICD). She is currently studying the AICD Company Director Course.

Previously Kym has sat on the National Therapeutic Goods Administration (TGA) Advisory Committee on Complementary Medicines, the Tasmanian Pharmacy Authority (TPA) and as a Lawyer on the Tasmanian Human Research and Ethics Committee. [GS, MHS]

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Clippingdale, Elizabeth BA LLB

Elizabeth Clippingdale was admitted as a solicitor in 1997. Currently an Inspector with the Fair Work Ombudsman. From 2017 - 2018, Tutor and Unit Coordinator, University of Tasmania. 2013 - 2017, Solicitor, Launceston Community Legal Centre. 2012 - 2013 Solicitor, Legal Aid Commission of Tasmania. Previously Solicitor with State Trustees Ltd (Melbourne) and overseas legal experience. [GS]

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Code, Geoffrey LLB (Hons), BTRP

Geoff Code is a current member of the Victorian Civil & Administrative Tribunal (VCAT) and is a Member of TASCAT.

He has held roles as Principal Solicitor, Victorian Government Solicitor's Office and Town Planner, policy officer and legislation officer, Department of Planning (Victoria) [RPS]

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Cohen, Amber BA LLB, Graduate Certificate in Legal Practice (UTAS)

Amber Cohen was admitted to practice in 2003 and has practised at Rae & Partners, Lawyers, a Tasmanian firm, since admission, with some time undertaking legal and contract management roles in London in 2008-2009. Amber practised primarily in litigation and employment law and currently holds the position of Principal. Amber is also a professional trustee for the WD Booth Charitable Trust and a Member of the Local Government Code of Conduct Panel. Amber has been on the Council of the Law Society of Tasmania since 2019. Amber has been a Member of TASCAT and its predecessor tribunal, the Mental Health Tribunal, since 2018. [MHS]

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Creak, Kim BSc (For) ANU

Kim has over 35 years operational and executive experience in Tasmania as well as a science degree in forestry (ANU) with post graduate studies in Forest Engineering (Oregon State U) and Strategic management (UTAS, UNSW & Melbourne Business School). This includes operational and senior executive roles in both the public and private sector. Also serving on Boards in both those areas.

His career roles have enabled him to gain significant working exposure to national and international forestry operations in a number of locations around the world including New Zealand, USA, Canada, PNG/Solomons, Europe, Scandinavia, Laos, China, Japan, Vietnam and Indonesia.

Kim's recent experience has included operating a Resource and Strategic management consultancy and advisory business with Tasmanian forestry contractors. This has included working in the forest directly on operational activities around forest practices compliance. [FPS]

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Cripps, Peter Dip. Arch. HTC

Peter Cripps has over 40 years' experience as an architect joined the former Resources Management & Planning Appeal Tribunal as a member in 2012 with specialist experience in architecture and heritage. He has held positions on the Tasmanian Heritage Council and the former Building Appeals Board as well as being involved in many community organisations providing service as an Honorary Architect. [RPS]

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Cuthbertson SC, Kate BA LLB(Hons)

Kate Cuthbertson SC practices as barrister in general litigation and criminal law. She commenced practice as a barrister in 2010 and was appointed Senior Counsel in 2022. In her former life, she was a Barrister and Solicitor with the Legal Aid Commission of Tasmania for 10 years practising predominantly in criminal law. Previously, Kate was a Member of the Anti-Discrimination Tribunal, having held that role from 2012 until the commencement of TASCAT. She was also previously a member of the Mental Health Tribunal. In addition to her private practice and role at TASCAT, Kate is also Chairperson of the Tasmanian Racing Appeal Board, Member of the Parole Board and a Criminal Injuries Compensation Commissioner. [ADS, HPS]

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Dagleish, Elizabeth – BA. LLB.

Elizabeth was admitted as a solicitor in 1992. Held different legal roles including working for ASIC, the Legal Aid Commission of Tasmania- (1995-2012) and the Guardianship and Administration Board (TAS) as senior investigator (2012-2017).

Elizabeth was appointed as a Legal Member of the Guardianship and Administration Board (2003-2016) and to the Mental Health Tribunal/TASCAT protective stream 2013- ongoing. Currently working as a Risk Assessment Officer for Registration to Work with Vulnerable People. [MHS]

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Dargaville, Tanya RN LLB (Hons) MHLth & MedLaw (Melb)

Private legal practice following graduation. Works as a medico-legal advisor at a tertiary hospital. Prior to a legal career, Tanya trained as a Registered Nurse and worked predominantly at the Royal Children's Hospital in Melbourne. [MHS]

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Denehey, Dr Sigrid, DPsych (Clin/Neuro), BA (Hons).

Dr Sigrid Denehey – clinical neuropsychologist and clinical psychologist specialising in the assessment, diagnosis and treatment of neurological conditions. Dr Denehey is a member of the Australian Psychological Society (APS), the International Neuropsychological Society (INS) and the Australian Society for Study of Brain Impairment (ASSBI) and is also Fellow of the College of Clinical Neuropsychologists.

Dr Denehey has worked within the Tasmanian Health Service for many years in the fields of community rehabilitation, disability advisory and assessment and in the Launceston General Hospital, as well as in Private Practice. [GS, HPS]

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Dibley, Gerard (Ged)

Gerard Dibley was first appointed to the former Guardianship and Administration Board in February 2005. Mr Dibley has extensive experience in public sector programs that support people with disabilities. He was a Company Director of PDF Management Services, a Board member of Nexus Inc Residential Services and a member of the Australian Society for the Study of Intellectual Disability for many years. Over the course of his career he also held a range of senior positions within the State Government across the areas of Disability Services, Children's Services, Housing and Aged Care support. [GS]

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Dodson, Caroline BSW, MBA.

Caroline Dodson has experience working in the non-government sector and within government in a range of human service agencies including accommodation and vocational services for people with an intellectual disability and coordinating community services to adults and children with a disability and their families. Senior Guardian NSW Office of the Public Guardian, Clinical/Case Management lead coordinating services for people living with complex needs and challenging behaviour. [HPS, MHS]

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Ederle, Frank GAICD

Frank Ederle has in excess of twenty years' experience in professional regulation and has held the position of Chief Executive Officer of the Legal Profession Board, the principal regulator of the legal profession in Tasmania, since 2008.

Significant experience in national health practitioner regulation and has served as a Board member for both the Chiropractic Board of Australia and the Psychology Board of Australia (Regional Board). Other Board positions including the Australian College of Midwives, Podiatry Registration Board of Tasmania and Architects Board of Tasmania. Past senior management positions include; General Manager, Supreme Court of Tasmania and State-wide Client Services Manager for the Public Trustee. [HPS, MHS]

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Fasnacht, Dr Matthew

Dr Matthew Fasnacht graduated from medicine at the University of Tasmania in 2001 and has been a consultant psychiatrist since 2010. He now is an Old Age Psychiatrist and works primarily in the Older Persons Mental Health Service as a clinician and as Clinical Director, and for the Huntington's Disease Service. He has interest and experience in a range of neuropsychiatric conditions and treatments, and experience and awareness of the effect of the conditions on individuals, carers, and families. He is interested in the often competing issues when considering dignity, autonomy, safety, and wellbeing, and how the protective jurisdictions balance those. [GS, HPS]

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Fuller, Dr Jane MBBS

Dr Fuller was appointed to TASCAT in 2021, shortly after she retired after nearly 40 years as a general practitioner. As a GP she was exposed to a wide range of people from all socio economic backgrounds, with a diversity of health needs and ability and to navigate the health care system. She had a particular interest in aged care and is on the board of Masonic Care Tasmania. [GS]

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Gilfedder, Louise

Louise was appointed as an expert member of the former Forest Practices Tribunal in 2005. She has extensive experience as an independent ecological consultant and was rewarded in 2012 with her work in the area of conservation and the environment with an Order of Australia. [FPS]

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Goodman, Gina

Gina holds a Bachelor of Arts, Bachelor of Laws, Graduate Diploma in Environmental Planning and was admitted as a legal practitioner of the Supreme Courts of Tasmania and New South Wales in 2006. She has extensive experience as a land use planner in local government, the Tasmanian Planning Commission, Transend Networks Pty Ltd, TasNetworks Pty Ltd and having spent several years in legal practice specialising in planning law. She has extensive experience in the management and delivery of significant infrastructure projects. She was a member of the former Resource Management and Planning Appeal Tribunal [RPS]

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Gott, Anne, LLB

Anne Gott was appointed to the then Guardianship and Administration Board as a legal member in 2019, and brings over 30 years' experience in private practice to the Tribunal. She has considerable experience in the area of wills and estate planning, administration of estates and conveyancing and has spent her career working in Tasmania's north-west. She has served on the Board of Melaleuca Home for the Aged in Devonport, and been a Director of St Giles Society Inc. in Launceston. [GS]

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Greig, Ken

Ken Greig is a former business owner that operated in the fields of Hydraulic and Mechanical Services contracting for 30 years.

He was previously an Accredited Building Services Designer in Hydraulic and Mechanical Services design and was a licensed Plumbing Practitioner (Certifier). He served on the Tasmanian Government's Building Regulation Advisory Committee (BRAC) for 15 years and has served for 5 years as the AMCA delegate to the Australian Building Codes Board's (ABCB) Plumbing Codes Committee. [RPS]

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Hale, Marion

Marion's career has spanned education, crisis support, counselling, community development, policy development and population health.

Marion was the Women's Health Policy Officer in state government for 10 years and her commitment to gender and health was rewarded in 2012 when she was awarded a Churchill Fellowship to visit programs around the world, that support women to become smoke free in pregnancy. Marion was elected to be the President of the International Network of Women Against Tobacco in 2015 and is serving her second term as President.

Marion is in her second term with TASCAT in the Mental Health stream, was a Consumer Representative on The College of Emergency Medicine, Panel Member the Alcohol Advertising Review Panel, in her third term as a Community Member of Psychology Board of Australia and has been a Lay member on the Legal Professions Board of Tasmania since 2019. [MHS]

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Handbury, Chris, BDS, MPH, FICD, FPFA

Chris Handbury graduated from Sydney University in 1977. Twenty-five years as principal, private practice in the Snowy Mountains.

Clinical Director and Program Manager Northern Territory Oral Health Services 2003-2013. Clinical Director Oral Health Services Tasmania 2013-2021. In 2014 elected as a fellow of the International College of Dentists. In 2015 elected as a fellow of the Pierre Fauchard Academy. Clinical focus within the public sector has been disease prevention and providing better services to the disadvantaged. Holds a certificate in mediation.

Author of the Oral Health chapter in the guidelines for Rheumatic Heart Disease Australia, and Co-writer for the Indigenous section of the National Oral Health Plan. [GS, HPS]

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Heath, Nick

Nick Heath was the former General Manager of the City of Hobart, Tasmania's capital city council and the state's largest Council for 12 and a half years.

Nick is a qualified lawyer. Nick was responsible for overseeing the process for developing the City's Vision leading to the Council adopting a 10 Year strategic plan and a strong community accountability structure. Nick has also worked closely on developing key policies for the Council and providing high level advice to elected members.

Nick is a Life Member of the Local Government Association of Tasmania.

Nick is presently a member of the Tasmanian Planning Commission and Chair of the Derwent Estuary Program. Nick is past Chair of The Hutchins School Board of Management and was the inaugural President of the Tasmanian Branch of the Risk Management Institute of Australia. [RPS]

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Hogue, Sandra

Sandra Hogue has over 30 years' experience in the private and public sectors. She is currently Manager Urban Futures at the City of Hobart where she is focused on strategic and precinct structure planning that ensures the significant growth being experienced results in livable communities while retaining the qualities valued by residents and visitors alike.

Sandra has qualifications in Town Planning, Economics and Law and is a Fellow of the Planning Institute. She has held senior positions at Hydro Tasmania and the Tasmanian Planning Commission including being a Commissioner for 10 years and Executive Commissioner. She was a member of the former Resource Management and Planning Tribunal from 2007 to 2021, the planning expert on the Sullivans Cove Design Advisory Committee for five years and a member of the Heritage Council. [RPS]

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Howlett, Roger

Roger is a Life Fellow of the Planning Institute of Australia

Roger Howlett has over 50 years' experience in town and land use planning in the United Kingdom, New South Wales and Tasmania

He has been a member of the Planning Appeal system in Tasmania for 35 years, being first appointed to the Planning Appeal Board in 1987 then subsequently to the former Resource Management and Appeals Tribunal.

Roger has extensive experience in statutory land use planning in Tasmania, having been the Director of Planning and Development at Clarence City Council from 1989 to 1993 and then General Manager till 2003.

He is a Commissioner on the Tasmanian Planning Commission and has been directly involved over the last 10 years in the introduction of Planning Directive #1 and the implementation of the Tasmanian Planning Scheme and the Local Provision schedules for Planning Authorities. [RPS]

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Hughes, Anna BA LLB

Anna Hughes was admitted as a practitioner of the Supreme Courts of NSW and Tasmania in 2006. She practiced in criminal and civil litigation in private practice before moving to the Tasmanian Government Sector. Over 10 years' experience in Government administrative law in the Department of Justice. Former Senior Legal Officer of Mental Health Tribunal Former IAMA accredited mediator. Former sitting member of the Tasmanian NPL (soccer) Tribunal. Currently provides legal and policy guidance for Government in the child protection and youth justice spaces and investigates civil negligence claims against the State. [MHS]

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Jans, Peter, LLB (Hons), University of Melbourne, 1971 Grad. Dip. (Ancient History), UQ, 2003, MA., UQ, 2004

Peter has over 45 years of legal practice, either in private practice (1972 to 1999) or as General Counsel (2000 to 2016). He established an extensive practice in commercial, corporate and foreign investment law. In his early years of practice, Peter specialized in Federal Industrial law and later in property, foreign investment (FIRB) and commercial disciplines. From the mid 90's he was extensively involved in environmental law, in Australia, Canada and USA, and as General Counsel in the resources sector (petroleum & Gas, and electricity) in a wide spectrum of planning, EPA and environmental management matters. [RPS]

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Jones, Eliza BA (Political Science and Public Policy) UTAS

Eliza has been a Community Member (Mental Health stream) since February 2020. Deputy Member Tasmanian Parole Board (2018) and Police Review Board (2021). Restorative justice facilitator and nationally-accredited mediator. Eliza works primarily with youth offenders as a Youth Justice Community Conference facilitator and as a Family Group Conference facilitator for Child Safety Services. She is Hon. Secretary and Chair of Clinical Governance Committee for Board of Laurel House. [MHS]

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Jordan, Anna BA LLB

Anna was admitted as a Barrister and Solicitor in Tasmania in 1999.

She has been a member of the Mental Health stream (formerly Mental Health Tribunal) since 2004. She is also a member of the Guardianship stream (formerly Guardianship and Administration Board) since 2019.

Anna has been a Criminal Injuries Compensation Commissioner since 2019.

Previously she worked in private legal practice for over 13 years with a primary focus in all areas of family law. Her experience also extends to criminal law and civil litigation. Previously she has held positions with the Law Council of Australia, Law Society of Tasmania, Family Law Practitioners Association of Tasmania and the North West Community Legal Centre. [GS, MHS]

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Kavanagh, Dr Leila

Dr Leila Kavanagh is a multilingual Forensic and General Psychiatrist who up until recently was employed by the Tasmanian Health Service (THS) as Clinical Director for Tasmanian Forensic Mental Health Services. She also developed and was the Director of Advanced Training for Forensic Psychiatry in Tasmania with the Royal Australian and New Zealand College of Psychiatrists (RANZCP).

A medical graduate from University of Tasmania (UTAS), she completed her training in Psychiatry, Advanced Training in Forensic Psychiatry and Masters Degree in Forensic Mental Health at the University of New South Wales (UNSW) in Sydney. She has over 20 years of experience in Forensic Psychiatry and was employed by NSW Justice Health in a variety of clinical settings. In NSW she also worked part time in a private capacity, in General and Forensic Psychiatry, in Central Sydney and in Petersham (where she catered to the migrant population).

She was on the List of Experts for the International Criminal Court (ICC), The Hague from 2010-2020. She has provided written and oral evidence in the District and Supreme Courts of Sydney and in Tasmania for serious indictable offences.

She assisted in the development of the Masters Course in Forensic Mental Health at UNSW, where she is an adjunct lecturer.

She is affiliated with the Institute of Psychiatry at the Federal University of Rio de Janeiro, Brazil (IP-B - UFRJ), on an honorary basis, and is involved in various research projects.

She has presented on a variety of forensic topics internationally and in Australia. [GS, HPS, MHS]

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Kitchell, Max

Max has a 40-year career in natural resource management across three jurisdictions, Commonwealth, Victoria and Tasmania, holding senior management positions in each. These included Deputy Secretary in the Commonwealth Department of Environment and Heritage, Chief Executive Officer of the National Oceans Office, Director of the Tasmanian Parks and Wildlife Service, Head of Australian Delegations to three UN Conventions – Biodiversity, Desertification and Oceans – and Chair of Natural Resource Management Regions Australia.

He maintains a strong involvement in the Landcare movement and fisheries research and is currently the Chair of the International Commission for the Conservation of Southern Blue Fin Tuna and a director with the not-for-profit Accounting for Nature Pty Ltd. [RPS]

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Klumpp, Robert (Lloyd) B.V.Sc, Grad Dip, Psych Studies, MAICD

Chair, National Fruit Fly Council (since June 2020) Biosecurity Consultancy

Primary Industries and Research South Australia

Independent Director, Project Control Board Strengthening Victoria's Biosecurity System (since August 2021)

Chair, Tas Marine Farming Review Panel (since Sept 2021)

Extensive technical knowledge in all fields of agricultural and environmental Biosecurity and Product Integrity [RPS]

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Kronstorfer, Rita

Psychiatrist member of the Mental Health Tribunal since June 2015. Specialist in psychiatry, member of the RANZCP and faculty of psychiatry of old age. Experience working in psychiatry in Germany and Wales, UK. Consultant psychiatrist mainly in old age psychiatry in the Tasmanian Health Service from 2012 to 2020. Since then engaged in private practice and locum work in adult and old age psychiatry. [HPS, MHS,]

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Locher, Dr Helen, BSc, MSc, PhD

Helen was first appointed as a member to the Resource Management & Planning Appeal Tribunal in 2015 with expertise in science and environmental management. [RPS]

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Locke, Roger

Bachelor of Engineering-University of Tasmania, Graduate Diploma of Professional Management-TCAE

Member of Resource Management and Planning Appeal Tribunal, since 2013; Building Appeal Board Member from 1987 to 2015 and Environment Protection Appeal Board Member from 1993 to 1995.

Areas of Expertise: Solid waste handling including landfill development, leachate systems, compost systems; Financial analysis and feasibility studies; Water retaining structures; Car parks, roads and industrial pavements; Heavy structures including marine ; Water, sewerage, drainage and irrigation systems; Industrial, commercial buildings, Earthworks, Wastewater Structural systems and traffic management, Structural/drainage reports, mechanical, hydraulic investigations. [RPS]

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Lockett, Eric B Sc (For) (Hons)

Originally qualified as an electrical mechanic before taking up forestry and spending 33 years researching native forest silviculture. Chaired national Research Working Group on Indigenous Silviculture. Author and referee for various Tasmanian and national forestry publications. Major contributor to original Tasmanian Forest Practices Code. Served on workplace EEO Committee and Tasmanian Gambling Consultative Group. Served on a social science Human Research Ethics Committee. Presented papers at forestry and ethics conferences. Voluntary forestry advisor in Solomon Islands and Fiji. Elected delegate to Constitutional Convention 1998. Author of many submissions to inquiries and reviews of policy on social issues. Served on national Gene Technology Ethics and Community Consultative Committee. Consumer reviewer of applications to Cancer Australia's research grants scheme since 2009. [FPS]

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Loveday, Kate B Arch (Syd)

Graduated with an Architecture degree in 1981. Worked as a Town Planner for Bankstown and North Sydney Councils, NSW State government and a private town planning and architecture firm. Also undertook further town planning studies at University of Sydney during this time. Moved to Hobart as Town Planner with Hobart City Council in 1989, being Senior Planner from 1994 until 2000. Worked as Consultant Town Planning for 18 years from 2000. Also acted for RMPAT as expert advisor at mediations and a member on hearings. With the Resource Management and Planning Appeal Tribunal as a general member for the last 3 years. [RPS]

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Luttrell, Dale

Dale Luttrell was previously the CEO of a large Tasmanian Disability Services provider, significant experience in change management, Service provision and Government relations. [GS]

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Mason, Linda, SC

Linda has been the Deputy Director of Public Prosecutions since 2016.

Ms Mason completed a combined Science and Law degree at the University of Tasmania. She was admitted to practice in 1994. She has practised in the area of criminal law for in excess of 20 years including prosecuting summary and indictable crime and appeals before the Court of Criminal Appeal, with particular expertise in the prosecution of sexual assault crimes and crimes of violence. She is responsible for overseeing and mentoring the professional staff of the Office of the DPP.

Ms Mason was appointed a Crown Law Officer in 2010 and appointed a Senior Counsel in April 2018.

She is a member of the Sentencing Advisory Council of Tasmania and the Board of Legal Education. [MHS]

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Masters, David

David joined the Resource Manager & Planning Appeal Tribunal as an expert member in 2015. David has a lengthy background in town planning and development control in Tasmania, West Australia, NSW and Australian external territories. His experience includes 10 years with TAS Attorney-Generals Department, 20 years in Local Government and 10 years in private enterprise. He has formal qualifications in Cultural Heritage, Natural Resource Management, Building Surveying, Environmental Health and Vocational Education. [RPS]

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McArthur, Dr Milford

Dr McArthur was a GP for 10 years before re-training in Psychiatry 30 years ago. His main sub-speciality was Consultation-Liaison Psychiatry.

He was a former Director of the Department of Psychiatry RHH, Director of the Psychiatric Intensive Care Unit and Psychiatrist In charge Millbrook Rise Rehabilitation Unit. He has been both Director and Deputy Director of Psychiatric Training Tasmania.

He has been a former Chair of the Tasmanian Branch of the RANZCP and an examiner for the RACGP and RANZCP

He is a Consultant Psychiatrist in private practice. [GS, MHS, HPS]

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McMullen, Tony B. Ec MTP Grad Cert Mgnt GAICD RP

Tony has been the General Manager of Glenorchy City Council since 2017.

Over 20 year's experience in strategic and statutory land use planning at local government and State level. [RPS]

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McShane, Dr Kylie PhD Phil (Monash)

Dr McShane has 22 years' experience as a statutory appointee to tribunals and boards as a Community Member in both human rights jurisdictions and the regulation of health professions. She has a PhD in Philosophy (Monash University) and five years teaching experience in medical ethics at Monash University Faculty of Medicine. Dr McShane has expertise in administering legislation in the areas of mental illness and disability.

Dr McShane's appointments include: Community Member of Mental Health Tribunal, Victoria, 1999-2026; Mental Health Tribunal Tasmania, 2014-2021; Guardianship and Administration Board Tasmania, 2019-2021; Nursing And Midwifery Board Of Australia, 2014-2020; Dental Board Of Australia Registration and Notification Committee and Immediate Action Committee (TAS), 2013-2020; Disciplinary Tribunal - Legal Profession Act 2007, 2012-2018; Medical Board of Australia, Notifications and Immediate Action Committees (TAS) 2015-2016. [GS, HPS, MHS]

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Mee, Dr Gillian BMedSci MBBS DRCOG MRCGP (UK) FRACGP

Graduated with a Bachelor of Medicine and Bachelor of Surgery in 1992 from the University of Tasmania.

Completed General Practice training in the UK in 1996, returning to Tasmania in 1997 to work in General Practice in 19097.

Started working with the Older Persons Mental Health Services as a GP at the Roy Fagan Centre in February 2017. [GS]

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Mihal, Anthony BA (Hons) BA/LLB (Hons)

Admitted as a practitioner of the Supreme Court of Tasmania 2004. Director Walsh Day James Mihal, Barristers and Solicitors with a broad litigious and commercial practice serving the North West Coast of Tasmania. Experienced in acting for people with a disability including in litigious, criminal law, child safety and estate planning matters. Member Legal Profession Board of Tasmania dealing with complaints about Legal practitioners and Local Government Code of Conduct Panel dealing with complaints about councillors. Former President, Law Society of Tasmania. Formally served on Law Council of Australia's Regional, Remote and Rural Lawyers' Advisory Committee, Law Foundation of Tasmania and management committee of North West Community Legal Service. [GS]

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Mollross, Louise

Louise was admitted to the Supreme Court of Tasmania in 1987. Louise has worked continuously as a Barrister & Solicitor during this time in private practice.

Louise is a Doyles Guide Preeminent Tasmanian family lawyer and Director of Ogilvie Jennings Lawyers. She also practices in the area of estate planning, estate administration, property law and commercial law. She regularly participates in mediations on behalf of clients.

Louise specialises in Family Law but also has extensive experience in a broad range of matters, Conveyancing, commercial transactions and mortgages. Louise is especially interested in the overlap between Family law and Commercial law. Louise's in-depth knowledge of both areas provides her with the ability to deal with complex matrimonial/de facto property matters.

Louise also works extensively in the area of Wills & Estates, including wills, powers of attorney and estate administration. She is appointed to act as an Independent Children's Lawyer in the Federal Circuit Court and Family Court of Australia and as a Child Representative in the Magistrates Court, Louise is skilled in the effective application of legal frameworks in the interest of fair and just outcomes for vulnerable Tasmanians.

Louise has completed LEADR mediation training, and Australian Institute of Family Law Mediator Training. She is a member of the Law Society of Tasmania, the Family Law section of The Law Council of Australia, the Australian Institute of Family Law Mediators (AIFLAM) and the President of the Family Law Practitioners Association of Tasmania. [GS]

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Morrissey, Dr Martin MBBS, FRANZCP

Psychiatrist Member, Mental Health stream. Graduated in Medicine 1990 and practicing as an Old Age Psychiatrist since 1997. Senior Old Age Psychiatrist within Tasmanian Health Service since 2002. Particular interest in medicolegal matters involving the elderly. Since 2006 has been a sitting member for various periods on GAB, Mental Health Tribunal and Forensic Tribunal. [MHS]

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Morton, Adrienne BA (Hons) LLB Grad Dip Leg Prac

Adrienne is a Chinese Australian lawyer, admitted to practice in 2008 and employed as a government lawyer in various capacities since. Appointed as a Legal Member of the previous Mental Health Tribunal in 2019 and now an Ordinary Member (Legal) of the Mental Health stream, Protective Division of TASCAT. Adrienne is also an active advocate for equality and diversity and is heavily involved with Australian Women Lawyers, Tasmanian Women Lawyers and Asian Australian Lawyers Association. [MHS]

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Mucha, Dr Christine

Dr Mucha was first appointed as an expert member of the Resource Management & Planning Appeal Tribunal in 2003 and brought to the Tribunal a wealth of experience in specialised areas of Water Management. [RPS]

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Munks, Dr Sarah

Dr Munks has over 27 years' experience in forest ecology and management with particular specialist expertise in the ecology of threatened forest fauna (Tasmania) and freshwater vertebrates, extensive experience in the integration of scientific research into policy and management practices, particularly in the forestry context in Australia and overseas. She has practical experience in the development and implementation of threatened species decision support tools for practitioners and extensive experience in the development of landscape-scale approaches to the conservation of biodiversity in areas outside of reserves. [FPS]

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Murphy, Ross MFireSafeEng GDBushfire GDLegal GCBI&Plan BEnvStud

Accredited Fire Engineer, Building Surveyor (unlimited) and Bushfire Practitioner.

Member of the Building Appeal Board 2002-2016, RMPAT 2015-2022 and TASCAT 2022 –

Managing Director of Castellan Consulting Pty Ltd since 2006

Past national director of AIBS and past state president of AIBS. [RPS]

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Nicholson, Simon

Simon Nicholson is currently a principal crown counsel with the Office of the Director of Public Prosecutions in Hobart. He was admitted as a barrister and solicitor in Hobart in 2004, having obtained a Bachelor of Arts/Law from the University of Tasmania. Simon has worked as a prosecutor with Tasmania Police, as a lawyer with the Legal Aid Commission, and as a crown prosecutor in general crime but, for the past 13 years as a specialist in Magistrates Court prosecutions and in particular animal welfare and occupational health and safety law matters. [GS]

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O'Connell, Marita

General member. Marita holds a Master of Occupational Therapy and worked in Mental Health Services for over 20 years. Marita developed a clinical role in the court system to assist people with mental health problems in the criminal justice system, including the Diversion List to divert vulnerable people out of the criminal justice system. Currently works for the Department of Justice implementing reforms arising from the Royal Commission into Institutional Responses to Child Sexual Abuse. Marita is an Australian National Mental Health Leaders Fellow through the National Mental Health Commission, a non-executive company director with a disability support provider and a Graduate of the Australian Institute of Company Directors. [MHS]

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O'Halloran, Patrick BA LLB

Called to the Tasmanian Bar in 2018, Victorian Bar in 2019.

A specialist criminal law practitioner with over 20 years' experience appearing in Courts and Tribunals in Victoria and Tasmania. Ordinary Member of Tasmanian Bar Association Council, former member of Disciplinary Tribunal (Tasmania), Deputy Chairperson of Tasmanian Racing Appeals Tribunal.

Appearance work has included Mental Health Diversion Court (Tasmania) and on behalf of respondents on Non-Custodial Supervision Orders within the County Court of Victoria. [GS]

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Pridmore, Dr Saxby

Saxby Pridmore was born and educated in Tasmania.

He first trained in Melbourne as a physiotherapist and worked in PNG and at the RHH. He then studied medicine and graduated from the University of Tasmania. He then gained specialist qualifications in psychiatry and held a number of positions in the Health Department including Director of Psychiatry at the RHH. He gained a research Doctorate in Medicine for work focused on Huntington's Disease. He joined the University Department of Psychiatry and was promoted to the position of Professor of Psychiatry.



Dr Pridmore also holds specialist qualifications in neurology, public health, and pain medicine. He received the civil decoration of Member of the Order of Australia.

He currently has an attachment to the University of Tasmania and Saint Helens Private Hospital. [MHS]

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Rapley, Mark

Graduate of University of Tasmania LLB BSc (Hons). Practicing Legal Practitioner 2000 – to date. Commercial and General Litigation and Dispute Resolution. Partner Page Seager Lawyers 2007 - 2014. Extensive experience in commercial and general litigation of all types including property, planning and environment, estates, trusts and equity and building and construction. Director of Centre for Legal Studies 2019 – to date. [GS, RPS]

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Roberts, Stuart LLB

Currently appointed as a Legal Member in the Guardianship stream. Admitted as a legal practitioner in 1980. Appointed in 2000 to the Federal Magistrates Court (which subsequently became the Federal Circuit Court of Australia) and retired from that Court in 2016. Since July 2016, he has been a barrister and mediator. He is a nationally accredited mediator and family dispute resolution practitioner. [GS]

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Russell, Danny

Danny Russell was appointed as a ordinary member of the TASCAT Mental Health stream and Guardianship stream in 2021, and subsequently also to the Health Practitioners Tribunal in 2022. Prior to those appointments Danny had served for four decades as a member of Tasmania Police, retiring in 2020 at the rank of senior sergeant. In 2004 Danny became a Vincent Fairfax Fellow. In 2017 he was awarded the Australia Police Medal for distinguished service. He is based on the North West Coast. [GS, MHS, HPS]

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Ryan, Mary Ann LLB (Hons)

A registered nurse at various hospitals in NSW and Tasmania, in a variety of roles (clinical, management and teaching) from 1979 to 2005. Admitted as a barrister and solicitor in 2002 and joined the Independent Bar in 2015. Barrister in private practice focussing principally in the area of family law. Many years of experience working on matters involving family violence and other risks to children and their parents. Appears as Counsel in the Federal Circuit & Family Court of Australia and appellat jurisdiction.

Often appointed as Independent Children’s Lawyer in the family law jurisdiction and Separate Representative in the child protection jurisdiction. Counsel Assisting the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. Council Member of the Tasmanian Bar Association, Chair Law Society of Tasmania Family Law Committee, Member Ethics Committee of the Australian Bar Association, Former Chair and Board member of Hobart Women’s Shelter (2009-2019), former President Australian Women Lawyers (2010-2011), former member of the Equal Opportunity Committee of the Law Council of Australia (2010-2011), former President of Tasmanian Women Lawyers (2006-2011). [GS]

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Sale, Ian

Ian Sale is a psychiatrist who trained in Medicine in Tasmania, and completed post-graduate training in Psychiatry in Adelaide. He has practiced in all three regions of Tasmania, in South Australia, Victoria and New South Wales. In addition, up until recently, he has worked as a medical volunteer in Timor-Leste. Over recent years he has primarily worked in the fields of forensic and medicolegal psychiatry. He has served on the Mental Health Tribunal for eight years.

He was born in the UK but came to Tasmania as a child, and has spent most of his life in this state.. [MHS, HPS]

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Sealy, David BA LLB Grad Dip LP

Ordinary Member since 2021. Admitted as a barrister and solicitor in Tasmania in 2008. Practised at Dobson Mitchell Allport in the areas of workers compensation and personal injury law until 2015. Registrar of the Guardianship and Administration Board from 2019 to 2021. Currently Assistant Director of the Office of the Secretary in the Department of Justice. Sits in the TASCAT Guardianship stream. [GS]

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Smith, Anita BA LLB, LLM

Anita Smith is a Member of the Victorian Civil and Administrative Tribunal in the Human Rights List since 2016. She was the President of the Tasmanian Guardianship and Administration Board for 13 years prior. She was also a Member of the Anti-Discrimination Tribunal, the Forensic Tribunal under the Mental Health Act, the Professional Review Tribunal under the Nursing Act, and a Criminal Injuries Compensation Commissioner. She is an accredited mediator and conducts mediations for the Magistrates Court of Tasmania. She chaired the Australian Guardianship and Administration Council for 8 years. Anita has written for national and international publications on human rights for people with disabilities and has presented at numerous national and international conferences on guardianship and disability rights. She was the Convenor of the 2012 World Congress on Adult Guardianship. [ADS, MHS]

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Spratt, Peter AM FIEAust LFAIB

General Member. Consulting Sole Practitioner Multi-discipline Civil Engineer qualified as an Environmental Engineer, Municipal Engineer, Building Surveyor, Hydraulic Engineer and Structural Engineer with special expertise in conservation.

Conservation experience includes some 300 major studies and projects ranging over 45 years. Works have included assessment and repairs to over 3000 buildings and structures around Australia.

50 years' experience in design, construction and maintenance of sewerage, waste treatment, water supply, stormwater, roads, bridges and structures.

AM awarded in 2011 for services to engineering.

Past Member and Chair of Works Committee, Tasmanian Heritage Council; Past President, Tasmanian Chapter, Australian Institute of Building; Past President, Tasmanian Chapter, Australian Water & Waste Water Association [RPS]

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Steven, Kim BA (Hons) Public Sector Leadership and Management (UTAS)

General member for several years, professional experience of 3 decades of law enforcement, combined with personal interest in community mental health and wellbeing, including involvement as long term board member of NGO working in this field. [MHS]

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Storr, Geoff

Mr Storr has had an extensive and varied career in Community Corrections from Probation & Parole Officer and culminating in the position of State Manager of Community Corrections. At that time the State Manager was also responsible for the administration of the Parole Board as well as services to Victims of Crime which was provided by three separate community-based organisations in Tasmania.

Subsequently, in 2001 he took on the role of Principal Investigation Officer and Coordinator of the Official Visitor Program to the Prisons within the Office of the Ombudsman, a precursor to the present Inspector of Prisons role.

Mr Storr also served as a member of the Parole Board for 12 years until 2020 and has been a Justice of the Peace for thirty years. He has been a member of the TASCAT Protective Division, Mental Health stream for 15 years, under both the current and previous legislation. [MHS]

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Tanner, David

David is an independent Professional Engineer with over 50 years' experience in design, construction and project management on a broad range of energy, mining and road infrastructure projects in Australia and overseas.

After graduating from The University of Tasmania in 1968, David worked on several major mining and infrastructure projects in Australia, Canada, Greenland and Scotland before returning to Tasmania and joining Hydro Tasmania in 1980. After working on construction of the Pieman, King and Henty-Anthony schemes for 9 years, he joined DMR as Bridge Construction Engineer before starting his own consulting business in 1996. He was then retained by Hydro Tasmania as a consultant on many of their major civil engineering projects over the next 20 years, while also working on other large dam projects across Australia.

In 2015 David started a Renewable Energy company, developing a number of water diversion schemes on the West coast of Tasmania to help boost existing Hydro Tasmania water storages, and is presently building a small hydro-electric scheme near Zeehan which will feed renewable energy into the Tasmanian grid. [RPS]

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Trezise, Michael

Michael was admitted in 1985 and practises as a barrister with the Tasmanian Independent Bar at Malthouse Chambers, Hobart. He is a specialist family lawyer but necessarily has a good working knowledge of other areas of law, including commercial, trust, estates, guardianship and insurance law.

Michael is an experienced AIFLAM accredited mediation-style conference chairperson. [GS, ADS]

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Walker, Dr Elizabeth MBBS FRANZCP Cert Child Adol Psych

Completed medical training at the University of Sydney. Has experience in general practice prior to training in psychiatry. Admitted to Fellowship of the Royal Australia and New Zealand College of Psychiatrists and completed advanced training in Child and Adolescent Psychiatry in Hobart and via University of Melbourne and Monash University. Has served as member of the RANZCP Trainee Representative Committee and the RANZCP Tasmanian Branch Committee. Worked as a consultant in child and adolescent and perinatal and infant psychiatry at the Royal Hobart Hospital and in medicolegal practice. Currently in private practice in Hobart. [HPS, MHS]

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Wallace, Clinical Associate Professor Robyn BSc(Hons), DipEd, MSc, MBBS, FRACP, CF, PhD, FAFRm, GDipNeurosci, ClinDipPallCare, MDisPrac, GCertHealthMment

Robyn is a consultant physician in internal medicine, also with higher degree qualifications in disability. Within her mainstream clinical hospital practice, she has developed particular skills in healthcare for adults with intellectual disability and adults with mental illness. The scope of her work encompasses clinical practice, research, advisory services, teaching, regulatory issues, engagement with people with intellectual disability as well as development of materials and resources addressing the NDIS-health-disability interface relevant at the hospital and primary care levels. She has been a board member of a disability service provider and has current membership within the board of her specialist physician society, the Tasmanian regional committee of the Royal Australasian College of Physicians, and her local hospital medical and consumer advisory groups. [GS, HPS]

Wise, Peter BA LLB GAICD

Admitted as a barrister and solicitor in 1993 and worked as a solicitor in private legal practice. Since 1997 held various senior legal, compliance and governance roles with the Retirement Benefits Fund Board and the Office of the Superannuation Commission. Member of the Tasmanian former Mental Health Tribunal since 2004. [MHS]

Wong, Marietta

Marietta has a Master of Town Planning degree from the University of Tasmania and has had over 30 years' experience as a land use planner.

She has held strategic and policy planning roles in the Tasmanian government as well as working on regional planning projects in Queensland.

Over the last 10 years, while a Senior Planning Consultant with the Tasmanian Planning Commission, Marietta was a Commission delegate for a wide range of matters that came before the Commission, including planning scheme amendments, combined amendments and permits, the draft State Planning Provisions and draft Local Provisions Schedules. [RPS] Washington, Amy

Dr Amy Washington is a Clinical Psychologist. She completed her training at the University of Tasmania and undertook her doctoral thesis in Traumatic Abuse and Posttraumatic Stress. Amy has previously worked predominantly in Private Practice and Forensic Psychology, having held various positions in Child Safety, Tasmanian Prison Service and Community Corrections. She is currently working in Private Practice as has been in this role since 2005. Amy is an Academic Staff Member at the University of Tasmania and holds the position of Lecturer in Postgraduate Psychology and Counselling Programs. Amy is also a Witness Intermediary with the Witness Intermediary Scheme in the Department of Justice. [HPS, MHS]

Webb, Kirsten

After graduating from the University of Tasmania in 1990, Dr Webb registered as a psychologist in 1993. As a long-term member of the Australian Psychological Society, she has worked in a variety of different fields including Community Mental Health, Inpatient Mental Health and private practice. Dr Webb specialises in the field of cognitive disability. Dr Webb has a master's degree in public health and completed Doctoral research at the University of Tasmania, examining the use of restrictive interventions in the disability service system. Dr Webb leads a nationwide allied health team within Oak Possability and is a member of the Tasmanian Parole Board. Dr Webb is a research affiliate with the Applied Research Centre for Disability and Wellbeing and holds a position as a conjoint clinical lecturer at UTAS School of Medicine. Dr Webb's current research interest is in the field of assessing the internal states and loneliness of those with severe and profound intellectual disabilities.[GS, HPS]

Williams, John B.Com CA

John Williams commenced his career in the accounting profession in 1983. He is a Chartered Accountant, Fellow of the Taxation Institute of Australia, a Chartered Tax Advisor with the Tax Institute of Australia and a member of Chartered Accountants Australia and New Zealand. He is Director of John Williams Accountants Pty Ltd, based in Hobart which has been in operation since 1995 providing specialised accounting and taxation services. Relevant skills in financial assessment, superannuation and estate taxation. [GS]

Williams, Merrilyn, BA. LLB., GradDipRehabCouns(Psych), MRehabCouns(Psych)

Admitted as a solicitor in 1994. Member (Legal) Protective Division, Guardianship and Mental Health streams. Legal member of former Mental Health Tribunal from 2013 and Guardianship and Administration Board from 2019. Qualified Rehabilitation Counsellor. Current Manager Operations, Legal Profession Board of Tasmania. [GS, MHS]

Winter, Robert BA LLB, AICLA (Aff)

Admitted as a Barrister and Solicitor of the Supreme Court of Tasmania and High Court of Australia 1989. Practice areas included Civil, Administrative and Criminal Law. Tribunal Member Anti- Discrimination Tribunal 2013- 2021, Board Member Integrity Commission of Tasmania 2018- present. Member Local Government Code of Conduct Panel 2017-present. Former member TFL Tribunal. [ADS]

APPENDIX C

LIST OF FULL TIME MEMBERS AND STAFF

Full time Members and staff of the TASCAT during 2021-2022:

President Malcolm Schyvens

Division Head (General) and
Deputy President Richard Grueber

Deputy President Yvonne Chaperon

Deputy President Alison Clues

Deputy President Marica Duvnjak

Deputy President Rowena Holder

Senior Member Lucinda Jack

Ordinary Member Rebecca Irwin

Ordinary Member Virginia Jones

Ordinary Member Hamish Locke

Angela Barrett	Sally Bridge
Nathan Bridgland	Lindy Brown
Jarrold Bryan	Lyndsay Burk
Renae Butler	Kym Child
Sam Christensen	Danielle Cingel
Jane Cook	Andrew Cooper
Ged Dibley	Pamela Giblin
Hilary Harris	Isabella Healey
Samuel Hindell	Rebecca Howard
Pete Imlach	Aman Kaur
Ellise Keep	Susan Kerr
Grant Kingston	Megan Knox
Julie Langridge	Nicholas Mackey
Stephen Main	Emily Mapley
Eve Marriott	Learnna Morley
Karl Rich	Jemma Sacco
Leonard Sargeant	David Sealy
Victor Stojcevski	Ankeeta Joshi Tamang
Ross Thomas	Elizabeth Tongs
Susan Vernon	

The Tribunal was also assisted by various temporary staff during the year: Ruth Causon, Erin Gibbs, Darren Hogg, Beena Patel and Sophie Young.



APPENDIX D SERVICE CHARTER

Our purpose

To provide a fair, independent, transparent and accessible Tribunal to all Tasmanians by meeting our statutory objectives contained under Section 10 of the *Tasmanian Civil and Administrative Tribunal Act 2020*.

Our values

The Department of Justice has adopted the following values for itself as an organisation;

- We act with Integrity, Respect and Accountability.
- Our workplaces are Inclusive and Collaborative.

The TASCAT have adopted those values and given additional detail in this Service Charter, with standards drawn from the **COAT Tribunals Excellence Framework** (<https://coat.asn.au/publicationitems/tribunals-excellence-framework/>), as to how we act in accordance with these values in the provision of our services.

Integrity

We will act with integrity:

- by ensuring equality before the Law to everyone who comes to the Tribunal;
- by ensuring fairness in all our hearings and processes;
- by ensuring impartiality in our decision makers and staff;
- by maintaining our independence as a decision maker.

Respect

We will act with respect, courtesy and professionalism to everyone who comes to the Tribunal.

We will be inclusive, considerate and attentive to the needs of the diverse Tasmanian community in the delivery of our services and by acting with respect towards all persons who come to the Tribunal, including:

- those from culturally and linguistically diverse background;
- Tasmanian Aboriginal people;
- those living with a disability and/or mental illness;
- LGBTIQ+ persons.

We will be inclusive by seeking feedback and information from those who come to the Tribunal and stakeholders.

We will ensure our services are responsive to the needs of the diverse Tasmanian community by using straight forward language and by adopting appropriately flexible processes.

Accountability

We will seek feedback and information from those who come to the Tribunal and our regular stakeholders.

We will work collaboratively, where appropriate, with other bodies and agencies to ensure effective, efficient and responsive Tribunal services to the Tasmanian community

We will provide people who come to the Tribunal an impartial and transparent **complaint resolution process** (<https://tascat.tas.gov.au/about/complaints-and-feedback-policy>) for Tribunal services.

We will ensure the ongoing support and training of all decision makers to provide efficient and quality decisions to persons who come to the Tribunal.

We will monitor our operations, publish information about them and seek to improve our decision making services at all times.

Our service

What we can do:

- Answer your questions about our role and processes
- Provide forms, information and fact sheets
- Provide simple procedural advice regarding our forms and fees
- Provide contacts to other relevant agencies and support services
- Provide information about listings and hearing dates for your matter

What we cannot do:

- Tell you what to say in your application form or in a hearing
- Give you legal advice about your case
- Give you an opinion on the merits of your case or whether you will be successful
- Speak to a Tribunal Member on your behalf
- Take any actions that would undermine our impartiality

To help us provide you with the best service we can, please:

- provide accurate and complete information to the Tribunal
- always include the Tribunal's reference number for your matter if you are sending information or have questions about your matter
- let us know if you have any special needs
- treat our staff, Members and other parties with respect and courtesy
- be punctual and prepared for your hearing
- make sure you comply with any directions or orders that the Tribunal makes



APPENDIX E FEES & CHARGES

Resource & Planning	Fee
Application/Appeal in Resource & Planning stream (SR.9(1) of the TASCAT Regulations 2021)	\$343.20
Section 144(1)(a) or (b) <i>Strata Titles Act 1998</i>	\$428.40
Section 96(1), Section 133(1) or Section 145 <i>Strata Titles Act 1998</i>	\$153.85
Application to be made a party to an appeal (Schedule 2, Part 8, clause 7 (3) of the TASCAT Act 2020)	\$171.60
Fee for application under Section 23(2) of the <i>Neighbourhood Disputes About Plants Act 2017</i>	\$343.20
Fee for application for variation or revocation under Section 36(2) of the <i>Neighbourhood Disputes About Plants Act 2017</i>	\$343.20
Fee for Completion Order Application under Section 33A of the <i>Neighbourhood Disputes About Plants Act 2017</i>	\$343.20
Fee for database search under Section 37(4) of the <i>Neighbourhood Disputes About Plants Act 2017</i>	\$24.75
Guardianship	Fee
Registration of an enduring guardianship	\$74.25
Registration of revocation of an enduring guardianship	\$52.80
Copy of an instrument appointing an enduring guardianship	\$33.00
Certified copy of an instrument appointing an enduring guardianship	\$47.85
Examination of the administrator's annual statements of account	\$194.70
Examination of the Public Trustee's annual statements of account	\$133.77
Photocopies of documents	\$3.30
Health Practitioners	Fee
Application filing fee	\$247.50

APPENDIX F

CODE OF CONDUCT

TASCAT Member Code of Conduct

1. This Code of Conduct is issued by the President of the Tasmanian Civil and Administrative Tribunal pursuant to section 68 of the *Tasmanian Civil and Administrative Tribunal Act 2020* (the TASCAT Act). It applies to all Members of the Tribunal, including supplementary Members. The Code may be reviewed from time to time to ensure its relevance.

Purpose

2. This Code seeks to provide guidance to Members in the performance of their statutory functions as Members of the Tribunal and to assist Members in identifying and resolving ethical issues as they may arise.

Upholding the Objectives of the TASCAT Act

3. A further purpose of this Code is to provide Tribunal users with information by reference to which to assess Members' conduct.
4. The objectives of the TASCAT Act include:
 - promoting the best principles of public administration, including:
 - independence in decision making
 - natural justice and procedural fairness
 - high quality, consistent decision making
 - transparency and accountability
 - to be accessible;
 - to ensure matters are processed and resolved as quickly as possible;
 - to keep costs to parties to a minimum;
 - to use straight forward language and procedures;
 - to act with as little formality and technicality as possible; and
 - to be flexible in the way that the Tribunal conducts its business.

5. Members are to perform their duties and conduct themselves consistently with these objectives.

General Responsibilities

6. Tribunal Members have the following general responsibilities both in their activities as a Member and in their personal activities:
 - to uphold the law, including being aware of and complying with legislation dealing with privacy, discrimination and corruption;
 - to uphold the highest standards of integrity, truthfulness, and honesty.

Tribunal Values

7. In performing their duties, Members should at all times strive to give effect to the following values (derived from 'A Guide to Standards of Conduct for Tribunal Members' issued by the Administrative Review Council).

Respect for the Law

8. Members should, while acting as a Tribunal Member and while performing functions associated with membership, demonstrate respect for all aspects of the law.
9. In particular, Members should:
 - at all times while performing Tribunal duties comply with the law in relation to the conduct of hearings, the determination of matters and interactions with other Members, Tribunal staff and Tribunal users;
 - ensure that all decisions and determinations are legally well founded.

Fairness

10. Fairness requires a Tribunal Member to make unbiased, impartial decisions and to give all parties the opportunity to put forward their positions.



11. More specifically, Members are to:
- apply the law equally, and act in an impartial manner in the performance of their decision making functions, so that their actions do not give rise to a legitimate apprehension of bias or amount to actual bias;
 - advise the parties of any matter or circumstance which might give rise to bias or conflict of interest or a perception of bias or conflict of interest and determine whether in the circumstances it is appropriate to continue to conduct or determine the proceedings;
 - refrain, other than during a hearing or in exceptional circumstances, from any communication (either oral or in writing) or association during the course of proceedings with a party, legal representative or witness in the absence of the other party or parties or their representatives;
 - abide by the principles of procedural fairness, in particular, by ensuring that parties have a reasonable opportunity to present their case and to answer the case against them;
 - be aware of and address appropriately barriers such as language, cultural background, lack of literacy or disability which are likely to impede parties in presenting their case.

12. In addition, Members should:

- if engaged in another profession, occupation or business, take care to ensure that those activities do not conflict with or undermine the discharge of their responsibilities as Members and otherwise comply with s52(2) of the TASCAT Act;
- refrain from partisan political activity which is directly related to the work of the Tribunal or which may impinge upon the perception of impartiality of the Member or the Tribunal.

Independence

13. Tribunal Members are to perform their duties independently, free from external influence and free from the fear of adverse consequences.
14. Members should not allow themselves to be put in a position where their independence may be compromised or be perceived to be compromised.

15. Whilst there are some exceptions (eg. Barristers Rules – see below), in most circumstances, where Members have a professional practice in addition to being Members of the Tribunal, they:
- cannot appear before the Tribunal as a representative of a party or other person;
 - cannot advise individuals or bodies concerning Tribunal proceedings or potential proceedings involving those individuals or bodies;
 - cannot act for or against or provide services to individuals or bodies who are litigants before them in the Tribunal; and
 - must be aware of, and comply with, any professional standards applicable to them in their professional practice in relation to their role on the Tribunal, for example, s 41 of the *Legal Profession (Solicitors' Conduct) Rules 2020* and r 101A of the *Legal Profession Uniform Conduct (Barristers) Rules 2015*.

Respect for Persons

16. Members are to conduct proceedings in a manner that is patient, courteous and respectful of all parties, witnesses, representatives, staff and others with whom Members have to deal.
17. In particular, Members are to:
- demonstrate patience, courtesy and respect in their own conduct and demeanour;
 - communicate in a clear, plain manner so as to be understood by the parties;
 - control the proceedings in such a way as to create an environment in which participants can and are encouraged to treat other participants courteously and respectfully;
 - be aware of and responsive to cultural and other sensitivities in relation to forms of address, conduct and dress.
18. The Tribunal recognises the importance of fairness, dignity and respect for others in the workplace. Each person in the workplace, including staff and Members, should have a safe and secure place in which to work. The Tribunal does not tolerate inappropriate workplace behaviour, which includes bullying, harassment, sexual harassment, and other forms of unlawful discrimination, vilification and violence.

Diligence and Efficiency

19. Members are to be diligent and timely in the performance of their duties. They should take reasonable steps to maintain and enhance the knowledge, skills and personal qualities necessary to the performance of their duties.
20. In particular, Members should:
- conduct proceedings and make decisions with due rigour, diligence and intellectual honesty;
 - perform their duties in the Tribunal so as to resolve matters in a timely and appropriate manner with a view to ensuring that the Tribunal's proceedings are efficient, effective and inexpensive;
 - provide oral reasons for decision where appropriate and deliver reserved decisions within the time standards applicable to the relevant stream of the Tribunal;
 - undertake and participate in professional development and training programs to enhance relevant knowledge and skills;
 - keep informed of developments in substantive and procedural matters within the jurisdiction of the Tribunal relevant to their duties;
 - support and encourage, where possible, the professional development of colleagues;
 - become proficient in the use of technology including the Tribunal's digital sound recording facilities, and other technological developments implemented by the Tribunal.
21. In order to promote the efficient conduct of proceedings, Members should:
- clearly identify the issues and orders in dispute;
 - facilitate the resolution or narrowing of issues in dispute, where appropriate;
 - adjourn proceedings only when necessary in the interests of justice and fairness;
 - ensure that any interlocutory orders and applications do not unnecessarily delay the final determination of proceedings;
 - ensure that evidence is confined by reference to the issues in dispute, and that it is given as concisely as is reasonably possible.

Integrity

22. Members, in carrying out their duties as Members, are to act honestly and truthfully.
23. In particular, Members must:
- not knowingly take advantage of or benefit from information, not publicly available, obtained in the course of performing their Tribunal functions;
 - not use their position as a Member improperly to gain or seek to gain any advantage or benefit for themselves or any other person;
 - be scrupulous in the use of Tribunal resources;
 - not disclose any confidential information otherwise than as permitted by law;
 - refrain from conduct which would bring the Tribunal into disrepute.

Accountability and Transparency

24. Members are accountable for their decisions and actions taken as Members and have a responsibility to be open and frank about their decisions, actions and inaction in relation to their duties.
25. In particular, Members are to:
- participate in performance evaluations conducted by the Tribunal;
 - co-operate fully in complaint investigations carried out by the Tribunal.

Responsibility of the President and Deputy Presidents

26. It is the responsibility of the President together with the Deputy Presidents to assist Members to comply with the Code of Conduct and to perform their responsibilities as Tribunal Members through the provision of appropriate training, leadership and support.



Particular Issues

Gifts Benefits and Hospitality

27. Where gifts or benefits are offered, or social invitations extended, by parties or representatives in Tribunal proceedings, to Members in their capacity as such, these should, as a general rule, be declined.
28. If a gift is proffered to a Member, in his or her capacity as a Member, in circumstances where it cannot be or it is inappropriate for it to be declined, it should be handed to the Principal Registrar for inclusion in the Tribunal's gift register and appropriate disposition. Donating the gift to a charity, using the gift for the benefit of Members or staff generally or publicly displaying the gift in the Tribunal's premises may be appropriate, depending on the circumstances.

Corrupt Conduct

29. If a Member becomes aware of an instance of behaviour that could be corrupt conduct, maladministration, or criminal conduct, relating to the Tribunal, the Member should report it promptly to the President or the Principal Registrar, or, if appropriate, to the Integrity Commission. For more information about reporting corrupt conduct Members can review the Department of Justice's Public Interest Disclosure procedures at www.justice.tas.gov.au.

Post Service Conduct

30. After ceasing to be a Member of the Tribunal it is expected that a former Member:
 - would continue to behave in a way that upholds the integrity and good reputation of the Tribunal;
 - would not appear before the Tribunal as a representative where to do so would contravene the *Legal Profession (Barristers' Conduct) Rules 2016*, the *Legal Profession (Solicitors' Conduct) Rules 2020* or any other similar applicable professional rules, if any;
 - would not use or take advantage of confidential information obtained in the course of his or her duties as a Member.

Complaints

31. Complaints in relation to Members will be dealt with as outlined in the Tribunal's Complaints and Feedback policy.

Compliance with the Code

32. If a Member does not comply with the Code, the President may direct the Member to take specified action to rectify his or her conduct or determine that further work not be allocated to the Member until the breach is rectified. In cases of serious breach the President may refer a matter to the Attorney-General or recommend that the Member not be reappointed at the expiration of their term. Whether such action will be taken will depend on factors such as the seriousness of the conduct in question, whether there is a pattern of such conduct, the intent of the Member concerned and the effect of the conduct upon the Tribunal or others.
33. The Code of Conduct does not stand alone but forms part of the accountability framework within which both the Tribunal and the Members operate. It is complementary to the Tribunal's procedures and policies, including the Member professional development framework and the Tribunal's complaints process.



APPENDIX G CONSULTATIVE FORUM MEMBERS

Advocacy Tasmania
Australian Health Practitioners Regulation Authority
Australian Institute of Architects
Community Legal Centres
Environmental Protection Authority
Equal Opportunity Tasmania
Flourish
Forest Practices Authority
Law Society of Tasmania
Legal Aid Tasmania
Local Government Association of Tasmania
Motor Accidents Insurance Board
Office of the Chief Psychiatrist
Office of the Public Guardian
Public Trustee
Statewide Mental Health
Tasmanian Bar Association
TasWater
WorkCover



APPENDIX H ENGAGEMENTS

Date	Stream	Presenter	Topic	Audience
12/11/2021	TASCAT	Deputy President Duvnjak, Deputy President Clues	Self-Represented Litigants	Law Society Litigation Conference
11/11/2021	Guardianship	Deputy President Holder	Consent & Capacity	Presentation with Public Guardian at Royal Hobart Hospital
16/11/2021	Guardianship	Deputy President Holder	Changes to TASCAT	Public Trustee staff
22/11/2021	Resource and Planning	Principal Registrar Bryan	Changes to TASCAT	Planning Legal Practitioners, urban planners and community representative organisations
22/12/2021	TASCAT	President Schyvens	TASCAT Overview	Legal Aid CLE
16/02/2022	TASCAT	President Schyvens	TASCAT Overview	Legal Practice Course (UTAS)
02/03/2022	Guardianship stream	Member Virginia Jones	Guardianship stream	Disability & Aged Care students, TAFE Burnie
01/04/2022	TASCAT	President Schyvens	TASCAT Overview	Law Society CLE
01/04/2022	TASCAT	President Schyvens	National Meeting	Aust Guardianship & Administration Council
05/04/2022	TASCAT	President Schyvens	National Meeting	Cultural Diversity Justice Network
04/05/2022	Personal Compensation stream	Deputy President Clues	Workers Compensation	LRAC Meeting, Rosny
16/05/2022	TASCAT	President Schyvens		Attending Opening of Law Week
17/05/2022	Personal Compensation stream	Deputy President Clues	Asbestos Compensation	Meeting re 5 year review of Asbestos Compensation legislation
17/05/2022	TASCAT	President Schyvens and Principal Registrar Bryan	Trauma Informed Support	Meeting with Sexual Assault Support Service

19/05/2022	TASCAT	President Schyvens	TASCAT	Interview with Airlie Ward for Law Week
20/05/2022	TASCAT	Deputy President Clues	Careers in the law	2022 Careers Expo – The Friends School
27/05/2022	TASCAT	President Schyvens	Disability Workforce Support Toolkit Launch	Laurel House
09/06/2022	TASCAT	President Schyvens	Member Misconduct and Accountability	Presentation to COAT Conference
21/06/2022	Guardianship stream	Deputy President Holder	Who we are, Administration & EPAs	Southern Cross Care
28/06/2022	Guardianship stream	Deputy President Holder	Guardianship, EG's, Medical Treatment & RI's	Southern Cross Care
29/06/2022	Personal Compensation stream	Deputy President Clues, Senior Member Jack	Tribunal Hearings	Legal Practice Course (UTAS)
30/06/2022	Guardianship stream	Deputy President Holder	TASCAT	Statewide Mental Health Service



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Phone

1800 657 500

Postal address

GPO Box 1311, Hobart TAS 7001

Location

38 Barrack Street, Hobart Tas 7000

tascat.tas.gov.au