



ANNUAL REPORT 2022-2023

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kunanyi from Eastern Shore by William Webster

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:

William Webster is a proud nipaluna actor, dancer and photographer who is one of the Core members of Second Echo Ensemble, nipaluna's own award-winning live performance group challenging preconceived notions of ability. William's photograph of kunanyi from Eastern Shore is his expression of a view of the world as he sees it.

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This publication is available

online at tascat.tas.gov.au.

We welcome your feedback.





The Hon. Guy Barnett
Attorney-General
Minister for Justice

17 October 2023

Dear Attorney

Tasmanian Administrative and Civil Tribunal Report 2022-2023

I am pleased to present the Annual Report for the Tasmanian Civil and Administrative Tribunal in accordance with s 143 of the *Tasmanian Civil and Administrative Tribunal Act 2020*, for the year 1 July 2022 to 30 June 2023.

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

I am pleased to present the first annual report of TASCAT which spans an entire year. The last year has been an ongoing period of consolidation following the establishment of the Tribunal some 19 months ago on 5 November 2021. That consolidation continues to be guided by the Tribunal's legislative objectives and the "Tribunal Excellence Framework" issued by the Council of Australasian Tribunals (COAT), ensuring we focus upon promoting: independence; effective leadership and management; fair treatment; accessibility; professionalism and integrity; accountability; efficiency and client needs and satisfaction.

The workload of the Tribunal is significant, and in many areas, ever increasing. Over the 2022/23 period the Tribunal received 4463 applications and conducted 4051 hearings across Tasmania. This workload was attended to by 9 fulltime Members, 92 sessional Members, and 41.5 FTE registry staff. It is notable, as reported elsewhere in this report, that most streams of the Tribunal experienced an increase in applications compared to the previous period. This was the case not only in our streams that receive a high volume of applications, such as the Guardianship stream (6%), the Mental Health stream (approx. 13%) and the Personal Compensation Stream (5%), but also in other streams, such as the Health Practitioners stream, which has seen applications rise from 3 in the period before TASCAT was established (2020/21) to 11 applications this period.

Our workload consists not only of attending to the resolution of applications that come before us, but also constantly examining our existing practices, procedures, and public facing resources to ensure that we continue to improve and enhance compliance with our statutory objectives. In this regard, over the period significant work has been undertaken to develop a new and more accessible website. Work is also underway to improve our case management systems to make them more efficient and to allow for more accurate collation of statistical data. The Members' professional development programme continues to be developed - this year saw us hold our first all Member training day and 14 Members undertaking performance appraisal. Resources have been developed to provide support to Members, such as a style guide for

the production of reasons for decision across all streams to enhance consistency. In relation to reasons for decision and the requirement for the Tribunal to be transparent and accountable, I am very pleased to note that the Tribunal has published 344 decisions since establishment.

The Tribunal's structure consists of two Divisions, the Protective Division, to which are allocated the Guardianship stream and the Mental Health stream, and the General Division, which is comprised of the Anti-Discrimination stream, the Forestry Practices stream, the Health Practitioners stream, the Personal Compensation stream, and the Resource and Planning stream.

In July 2022 Richard Grueber commenced as a Deputy President of the Tribunal and Head of the General Division. A matter of particular note during the period was the continued success of alternative dispute resolution practices in the General Division. For example, in the Personal Compensation stream, whilst there were 1441 referrals made to the Tribunal under the *Workers Rehabilitation and Compensation Act 1988* during the period, only 17 matters proceeded to a formal hearing. Further, in the Anti-Discrimination stream, matters pending decreased from 33 at the commencement of the reporting period to 20 by year's end. These are commendable results. I thank all in our General Division responsible for these outcomes, and thank Richard Grueber and Alison Clues for their leadership roles within the General Division.

In the Protective Division, despite the already outlined increasing workloads, and the legislated timeframes within which matters must be heard (within 45 days of application for matters in the Guardianship stream and within 10 days for applications for treatment orders in the Mental Health stream), the Tribunal attended to all applications within the timeframes required in nearly 100% of matters across the Division. The vast majority of matters in the Protective Division are heard by 3 Member panels with particular expertise in either mental illness or disability. During the period, in collaboration with Tasmania Legal Aid, the Tribunal has commenced appointing separate representatives



for some proceedings in the Protective Division. This is a vital and significant improvement in this Division which otherwise unfortunately continues to experience low levels of representation for those people who need it most. Also during the reporting period the Tribunal has made a significant contribution in fora established to propose reform of the *Disability Services Act 2011*, the *Guardianship and Administration Act 1995*, and the *Mental Health Act 2013*. The Division's role in relation to "advance planning" instruments also expanded. The Tribunal is now responsible for the registration of Advance Care Directives. This is in addition to the registration of enduring guardianship appointments, of which 5753 were registered by the Division, an increase of 46% over the previous year. My thanks to all in our Protective Division, and my thanks to Rowena Holder and Yvonne Chaperon for the leadership roles they have performed within the Division.

It is evident that the year ahead will not be without its challenges. Not only will we need to maintain our efficiency in attending to increased rates of applications in terms of our existing workload, several new jurisdictions will be, or are proposed to be, conferred on the Tribunal. It is likely that a significant new stream of work will flow from the establishment of a new stream, the Civil and Consumer stream, with the first jurisdiction to be allocated to that stream being the adjudication of residential building disputes following amendments to the *Residential Building Work Contracts and Dispute Resolution Act 2016*. Other new workload that the Tribunal may have to prepare for in the year ahead include matters currently dealt with by the Property Agents Tribunal and the Local Government Code of Conduct Panel, and certain matters currently dealt with by the Magistrates Court by way of administrative review. There is also the possibility of the Tribunal being conferred with further jurisdictions flowing from recommendations to Government from the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings. Whilst the Tribunal has been adequately funded since inception, the simple fact is that there is no ability to absorb new workload without appropriate resourcing. It is essential that each new jurisdiction to be conferred is costed and the Tribunal is provided with the resources to cover the additional Member, registry staff and IT expenses to be incurred.

In conclusion, the successful establishment of TASCAT has been in no small part due to the collaboration, skill and goodwill of our Members and staff. I thank all of them for their work and dedication over the last year. I particularly wish to thank the members of our Executive group for their leadership and strategic planning. On a personal note I wish to acknowledge and thank my executive assistant, Hilary Harris, and my associate during the period, Muhammad Fawwaz Bin Abdul Aziz, for their unwavering and patient support. Finally, I note my gratitude for the vital role performed by our Principal Registrar Jarrod Bryan. Jarrod's strong work ethic, management skills, attention to detail and genuine care and concern for all who work for the Tribunal has proven to be an immense asset to TASCAT.

Malcolm Schyvens
President TASCAT

MESSAGE FROM OUR PRINCIPAL REGISTRAR

The year 2022-2023 represents the first full year of the operations of the Tasmanian Civil & Administrative Tribunal as a unified Tribunal. The Tribunal has achieved a great deal in the past year but still has considerable work ahead of it in meeting its goals and objectives.

New Jurisdictions

As foreshadowed in the message I provided in the previous annual report, the expansion of the Tribunal's jurisdictions and reform to its existing legislation is progressing.

During the last financial year, the Tribunal implemented amendments to the *Guardianship & Administration Act 1995* which introduced Advance Care Directives to the State of Tasmania. This was a considerable body of work to implement internal processes to support the new legislative regime, configure a case management system and Portal interface to process and store the relevant Advance Care Directives and which would support a searchable database by external users of the Tribunal. The work undertaken by Rowena Holder, Virginia Jones, Jane Cook, Kylie Williams and the registry staff of the Guardianship stream is to be commended in meeting both that deadline and the quality of the systems that were implemented to ensure the Tribunal complied with its new statutory obligations.

In addition to this reform, the Tribunal has been notified and consulted with respect to a range of new jurisdictions and reforms to existing legislation that are scheduled to be implemented during the year 2023-2024. The most current reform will be the introduction of changes to the *Residential Building Works Contracts and Dispute Resolution Act 2016*. The legislation has passed both houses of the Tasmanian parliament and is anticipated to receive Royal Assent in July 2023. This conferral of a new jurisdiction upon the Tribunal will be among the first and will establish a new stream called the Civil & Consumer Stream. As part of the Tribunal's strategic vision, the Tribunal is seeking to review, improve and rationalise its legislative structure to reduce unnecessary complexity and potential inefficiency through a proliferation of streams. The Civil & Consumer stream

will be a significant stream intended to have a broad scope to primarily permit the allocation of originating applications related to civil disputes and commercial matters to a single stream.

The creation of these uniform streams will also reduce the work and complexity of the registry in necessary tasks of implementing the reforms through the business processes of the registry such as modifications to the case management system and the development of forms and processes.

Case Management System

One of the most significant reforms during the last financial year has been the commitment of both the Tribunal and the Department to the appropriate investment in the Tribunal's case management system. With the assistance of the Department, through the allocation of a project manager and appropriate resources, the Tribunal has deployed the Ready Case case-management system to each stream of the Tribunal. This is a significant step for the Tribunal where several prior tribunals had either no case management system or ones which were not fit for purpose. By having the same case management system deployed across all streams, this will allow staff to be trained in one system allowing better capacity building and reducing key person dependency.

During the past year, considerable work has been undertaken in configuring and refining the case management system for those streams that had not previously enjoyed the use of a dedicated case management system. In the coming financial year, the objective is to have the various configurations of the product to be migrated to a single instance that all staff of the Tribunal can access and will act as the version through which the portal module would be deployed for the entire Tribunal.



Over the coming financial year, a plan has been developed for the upgrading of each instance of the product to fully capture the reporting and data extraction requirements of each stream and their statutory functions and for them to be migrated to the single instance. Work will then commence on developing the various on-line functions of each stream to assist both clients and staff of the Tribunal. The Protective Division has been identified as the priority division for the completion of these works. A significant proportion of the work the Tribunal undertakes falls within the Protective Division and it also deals with matters of enormous significance for the lives of vulnerable Tasmanians and their friends, families and relations. The Guardianship Stream in particular, is being given top priority for this work as it has not had the benefit of a fit for purpose case management system for years.

Portal Module

The deployment of this new case management system has supported a very significant technological reform for the Tribunal. The Ready Case case management system can support a Portal module, which is an external facing interface allowing members of the public to access Tribunal services.

This Portal function has been deployed and configured during this financial year to support searches of the Advanced Care Directive (ACD) register maintained by the Tribunal. By the end of June 2023, the Tribunal was two weeks' away from the Portal going live. Although the Portal is presently configured to only support the searches for ACDs kept in the Register it can be configured for so much more across all streams of the Tribunal.

Services that the Tribunal will be able to support in the future include:

- eLodgement of applications, appeals and evidence or submissions;
- Payment of fees online;
- Automated lodgement, payment and processing of searches of other Registers maintained by the Tribunal (such as the Plants Register in the Resource and Planning Stream);
- Dashboard for users to display active matters in which they are a party;
- Automated notification of materials filed for matters in which you are a linked user;
- Access to the list of materials filed or issued by the Tribunal in each individual case.

This is squarely in keeping with the Tribunal's objectives to improve access to justice to all clients and users of the Tribunal's services.

The introduction of this Portal represents a considerable effort by registry staff and members who all contributed to the configuration (as identified above). I particularly want to note my gratitude to the Department of Justice (Deputy Secretary Kristy Bourne, Director of Finance Gavin Wailes, Director of Project Management Branch Karen Marr, and Senior Business Analyst, James Goderich). The Project Management Branch provided critical support in developing and implementing the Portal module. James provided exceptional business analysis and project management support and the Tribunal could not have implemented the Portal in the timeframe it did, without his dedication. I also thank the consultants of Ready Tech who provided helpful and timely service in the implementation of the Portal.

Commission of Inquiry

The TASCAT hearing rooms and facilities hosted hearings of the Tasmanian Commission of Inquiry during this year. I wish to briefly thank the Commissioners, the Honourable Marcia Neave AO, Professor Leah Bromfield, the Honourable Robert Benjamin AM SC, and Mr Brad Wagg and the staff of the Commission for their co-operative assistance in facilitating those hearings and permitting the Tribunal to undertake its functions as well.

Strategic Plan

A new strategic plan has been developed and is provided in Appendix A of this report. The plan reports on deliverables under the previous strategic plan and sets out the strategic priorities of the Tribunal over the period 2024 to 2026. Additional strategic priorities have been added related to the infrastructure of the Tribunal including the expansion of Tribunal premises in the north of the state and the southern registry.

Members and Registry Staff

I would like to thank all the members and staff of the Tribunal for their considerable contributions to the operations of the Tribunal over this past year. Without the dedication and hard work of the staff and members the Tribunal could not complete the important work it undertakes. Training has been provided across a range of areas for staff of the Tribunal described elsewhere in this report but importantly for vicarious trauma identification and management and resilience training to all staff.

And finally, I wish to thank the President Mr Malcolm Schyvens for his continued leadership of the Tribunal and the unwavering support he has continued to provide me over this past year. A new Tribunal faces the challenges of both reforming existing systems (and incorporating new jurisdictions) while continuing to ensure the day-to-day operations are met. His experience, good humour and vision makes navigating these challenges a much less daunting task than they would ordinarily be. I am very grateful to him.

Jarrold Bryan BA/LLB, MEnvPlg
Principal Registrar TASCAT



ARTWORK AND PHOTOGRAPHS IN THIS ANNUAL REPORT BY MOSAIC

The artwork and photographs in this year's Annual Report have been purchased from artists from Mosaic.

Mosaic Support Services assists people with disabilities by offering personalised services, programs, and experiences that build supports around the client to achieve their individual goals. Mosaic's Art, Performance & Multimedia programs offer the opportunity to explore a wide range of artistic mediums and platforms that showcase their work in art exhibitions and festivals.

Several of the works in this report have been framed and are on display at the TASCAT Registry in Hobart including "Cat" below. Mosaic has provided the Tribunal with short Artist statements for each of the works shown in this report. On behalf of the Tribunal, I thank the artists and co-ordinators from Mosaic for providing these works to us.



Brett Flanagan—Cat

Brett Flanagan is a soft-spoken and consummate artist with a taste for occasional cheeky conversational banter. His painting, Cat, captures this quality and the character it conveys with its mischievous expression. He genuinely likes cats, especially a friendly neighborhood cat, Rosie, a frequent visitor to his studio, and the character she expressed.

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.



AT A GLANCE

2022-2023



4463

Total Lodgements



4051

Total Hearings



4934

Total Finalisations



39 times

an interpreter was used
(63% increase)



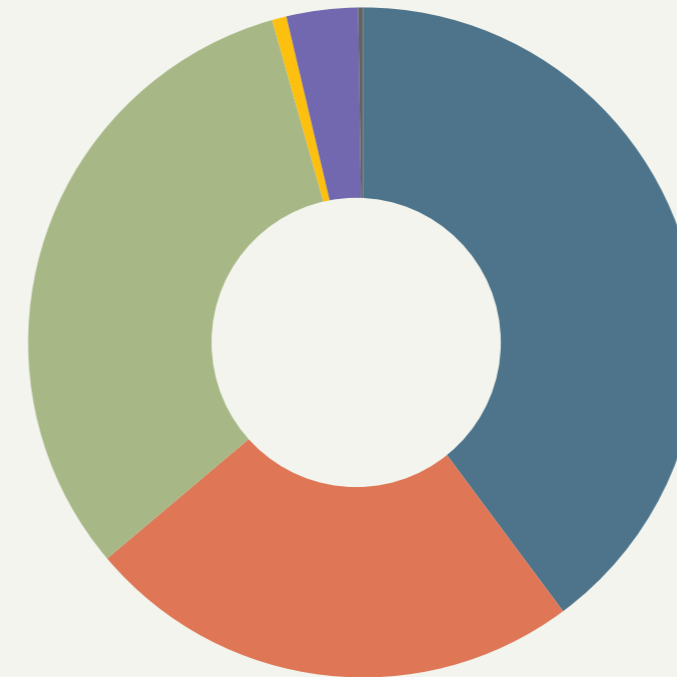
55,070

Website Visits



10,391

Phone Calls



Stream	Number	Percentage
Guardianship	1702	38.2%
Mental Health	1102	24.7%
Personal Compensation	1458	32.7%
Anti-Discrimination	32	0.70%
Resource and Planning	158	3.5%
Health Practitioners	11	0.2%
Forestry Practices	0	0%
TOTAL:	4463	100%

Key Achievements

- ✓ Implementation of the Advance Care Directive reform to the *Guardianship and Administration Act 1995* – the Tribunal undertook creation of forms, information sheets, internal processes and case management configuration to allow searches of the register of Advance Care Directives.
- ✓ Separate Representatives – the Tribunal with Legal Aid Tasmania have implemented the appointment of separate representatives. Thirty separate representatives were appointed from December 2022 to 30 June 2023.
- ✓ Ready Case Portal Module – the Tribunal has developed an external interface to the case management system for the Guardianship Stream to allow searches of Advanced Care Directives. It is scheduled to go live in July 2023.
- ✓ Trauma Informed Service Delivery – the Tribunal continued with training and development of its trauma informed service delivery and issued an updated Trauma Informed Service Delivery Fact Sheet.
- ✓ Reasons for decision style guide – the Tribunal has developed and issued a style guide for all members in completing written reasons for decision. This will ensure consistency and quality of decision making of the Tribunal.
- ✓ Harmonisation of terms and conditions – the Tribunal has completed the harmonisation of terms and conditions for all members of the Tribunal and published a guide to assist members.



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 legislative 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 s 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 2023, the Tribunal had 92 sessional members and a total of 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 2023, the Tribunal had registry staff equivalent of 41.5 FTE.

The staffing profile of the TASCAT underwent change during this financial year with the addition of 10 FTE positions. These positions were new positions to support the newly amalgamated Tribunal in both managerial/operational roles (Team Leader for the General Division, Senior Compliance Officer for the Protective Division and Business Services Manager) as well as additional registry staff allocated to the Protective Division.

Training opportunities for staff included National Accreditation in Alternative Dispute Resolution (ADR) for new staff undertaking those duties; continued Trauma Informed Service Delivery training; Vicarious Trauma awareness and management training for all staff; Resilience Training for all staff and specific courses related to project management and 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:
 - WorkCover Board (Workers Rehabilitation and Compensation jurisdiction in the Personal Compensation stream)
 - AHPRA (Health Practitioners stream)

The TASCAT expenditure for the 2022-2023 financial year is set out below:

2022-2023 TASCAT Expenditure	\$000
Salaries and Wages	5534
Sessional Member Salaries	1012
Other Employee Related Expenditure	73
Information Technology	304
Materials, Supplies and Equipment	173
Asset Purchases	0
Travel and Transport	92
Property Expenses	819
Other Expenditure	454
Professional Services	0
TOTAL	8461

The Tribunal was able to operate within its allocated budget for this financial year. As new jurisdictions are conferred upon the Tribunal a review of existing capacity will be undertaken to confirm whether the existing resourcing of the Tribunal can sustain additional conferral of jurisdictions. Minor new jurisdictions are likely to be capable of incorporation into the existing Tribunal capacity. However, a large number of small jurisdictions being conferred on the Tribunal could materially affect the Tribunal’s capacity overall to manage those matters in a timely and effective way. This incremental allocation of jurisdictions needs to be monitored to ensure any limits to existing capacity are identified before impairing Tribunal functions. The scope and complexity of new jurisdictions will determine if the Tribunal can absorb the new work flows within its existing budgetary structure.



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 TASCAT Act.

The TASCAT Act 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. For the year 2022/2023 the Protective Division was governed by the President and Division Head Deputy President R Grueber governed the General Division.

The Tribunal’s establishment consists of the following:

Full time Members	Registry staff
9 FTE (Full Time Equivalent) positions	41.5 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 s 14 of the TASCAT Act, 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

At the end of financial year 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/ Division Head (Protective Division)
Mr Richard Grueber	Division Head (General Division) Deputy President
Ms Alison Clues	Deputy President
Ms Yvonne Chaperon	Deputy President
Ms Rowena Holder	Senior Member
Ms Lucinda Jack	Senior Member
Ms Virginia Jones	Ordinary Member
Ms Rebecca Irwin	Ordinary Member
Mr Hamish Locke *	Ordinary Member

* Mr Hamish Locke concluded his time as a full time member of the Tribunal on 30 June 2023 but continues to sit as a sessional 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 were Deputy Registrars during the financial year. Ms Justine White commenced as Acting Deputy Registrar of the Mental Health Stream of the Tribunal in January 2023.

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 s 91 of the TASCAT Act. It comprises the President, Deputy Presidents, Senior Member and Registrars. The initial Rules were promulgated by the President on 5 November 2021. There were no amendments to the Rules during the year 2022-2023.

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.





Muhammad Fawwaz Bin Abdul Aziz

My time with the Tasmanian Civil and Administrative Tribunal (TASCAT) began in August 2022. I was fortunate to have secured the role as the associate to the President. Having been recently admitted as a legal practitioner and having had little experience with Tribunals, I was not entirely sure what my year as an Associate would entail.

The role actually provided me with diverse experience and exposed me to several of the Tribunal's jurisdictions. I commenced by clerking hearings in the Resource and Planning stream on the proceedings relating to the proposal for a cable car on Mt Wellington. Throughout the year I assisted the President, Deputy Presidents and Senior Members in research tasks relating to the Tribunal's workers compensation jurisdiction, guardianship and mental health.

Given the breadth of the legislation that forms the many jurisdictions of the Tribunal, and the proposals for several new jurisdictions to come into the Tribunal, I found myself regularly attending high level meetings discussing legislative reforms and then attending to research of like jurisdictions across Australia to evaluate how certain reforms may impact the Tribunal in terms of workload and more.

I clerked many hearings in the Guardianship and Mental Health streams of the Tribunal. From that experience I have become much more aware of the many challenges facing some of the most vulnerable members of our community who experience mental illness and disability. As many of the parties in these proceedings are unrepresented, I would often assist the presiding Member in researching points of law relating to the factual scenarios to assist in the drafting of reasons for decision.

One key highlight of my time in TASCAT was assisting with creating the inaugural "Guidelines on Statement of Reasons" for Tribunal Members under the supervision of Deputy President Grueber. This project will provide Members with a useful tool in preparing their reasons for decision and enhance consistency across the Tribunal.

It has been a great honour to be part of TASCAT. The experience gained from working with the Tribunal Members, especially the President, Deputy Presidents and Senior Members of the different streams and registry staff will undoubtedly remain a cornerstone in my legal career. I thank President Malcolm Schyvens, Principal Registrar Jarrod Bryan and Mrs Hilary Harris for their endless guidance during my time at TASCAT.



Sally Bridge

I've recently retired after 42 years in the Department of Justice (DoJ). My first 22 years was in the Magistrates Court Civil Division (formerly Court of Requests) and my last 20 years was at the Resource Management & Planning Appeal Tribunal (RMPAT) which was absorbed into the Tasmanian Civil & Administrative Tribunal (TASCAT) in my final couple of years.

Over my working life I have watched the emergence of women from mainly 'typing pool' type of roles into all areas of DoJ. Not bad considering when I started in 1980 I was one of the first females to be given a clerical position in the main office and in my final 10 years in the Civil Division I was acting in the role of Registrar. Another big change that I witnessed was the computerisation of the workplace.

It was during my time at the Magistrates Court that I first became interested in alternate dispute resolution which was seen as a way to help reduce court listing times and costs.

This experience in mediation resulted in my move to RMPAT where I could focus my skills more towards assisting parties to resolve their disputes (primarily in planning) by a mediated outcome. This position took me all around Tasmania to some beautiful locations which was a 'perk' of my job that I loved. I worked with a tight and supportive team at RMPAT and we shared many humorous moments over that time.

I've been fortunate at both the Courts and Tribunal to have had some supportive mentors who remain friends to this day.

It's been a privilege to work in a Department where 'access to justice' and 'integrity' have been the focus of our service delivery. I will miss the day to day camaraderie of my work colleagues and feeling in some small way I made a positive difference (or is that the gin talking?).



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 2023, there were the following numbers of appeals to the Supreme Court with respect to the different Divisions and streams of the Tribunal.

Stream	Number
Resource and Planning stream	4
Personal Compensation stream	7
Anti-Discrimination stream	2
Mental Health Stream	2
TOTAL	15

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 s 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 C.

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. There have been additional information sheets produced during the year 2022-2023 including:

- Trauma Informed Practice Fact Sheet
- A referral list for the Protective Division to assist people in obtaining legal advice or advocacy services - “Legal and Other Assistance Fact Sheet”
- A new Practice Direction – Expert Witness Code of Conduct
- Separate Representative Fact Sheet
- Advanced Care Directives Fact Sheet

Representation before the Tribunal

Representation before the Tribunal varies from stream to stream. The TASCAT Act 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 2022-2023	% Percentage
Self-represented	1325	90.07%
Separate representation	12	0.82%
Tasmania Legal Aid	36	2.44%
Advocates	46	3.13%
Private practitioner/advocate	52	3.54%

Mental Health stream:

Representation	Total for 2022-2023	% Percentage
Self-represented	1416	81.57%
Separate representation	18	1.03%
Tasmanian Legal Aid	290	16.7%
Advocates*	10	0.58%
Private practitioner/advocate	2	0.12%

*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 Alternative Dispute Resolution (ADR) or withdrawn.

Resource and Planning stream:

Representation	Total for 2022-2023	% Percentage
Self-represented	10	15%
Private practitioner/advocate	58	85%

Forestry Practices stream:

Representation	Total for 2022-2023	% Percentage
Self-represented	0*	0*
Private practitioner/advocate	0*	0*

*no full hearings were convened in the FPS during the financial year

Anti-Discrimination stream:

Representation	Total for 2022-2023	% Percentage
Self-represented	7	36.84%
Private practitioner/advocate	12	63.16%

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 TASCAT Act. 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 may be 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 Associate to the President, Muhammad Fawwaz Bin Abdul Aziz prepared an article titled “Separate Representatives and the Tribunal” and it is annexed to this report at Appendix D.

The Tribunal commenced appointments of Separate Representatives with Tasmania Legal Aid in December 2022. The Tribunal issued a Fact Sheet “Information about Separate Representatives” which is attached as Appendix E to this report. At the end of the financial year, the Tribunal had finalised protocols with Legal Aid with respect to the appointment of Separate Representatives. The Tribunal has appointed 30 Separate Representatives across the Protective Division from December 2022 to 30 June 2023. There were 18 appointments made for the Mental Health Stream and 12 appointments made for the Guardianship Stream.

The tables above show the number of appearances of different types of representatives. As such, a Separate Representative who is appointed may appear on more than one occasion for the person (if there is an adjournment of the hearing for example).

Interpreter Services

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

During 2022-2023 the Tribunal engaged interpreter services 39 times which represents a 63% increase on the engagement of interpreters compared to 2021-2022.

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 provided additional Trauma Informed Service Delivery during 2022-2023 to full time members and 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

Additional internal training was undertaken during the financial year and the publication of a Trauma Informed Practice Fact Sheet. The “TASCAT and Trauma-informed Fact Sheet” was further updated arising from valuable feedback from several experts. It is attached as Appendix F to this report.

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 concluded its review of referral agencies and service providers. It issued a new referral list for the Protective Division in August 2022. The referral list contains contact details of various agencies and services that can provide legal advice, information and advocacy services. The referral list is automatically sent with key Tribunal documentation to assist people in obtaining support and advice. The “Legal and Other Assistance Fact Sheet” is attached as Appendix G to this report.

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.

The Tribunal is undertaking significant digital reform of its case management system. The Tribunal is migrating existing case management systems across several streams to a single instance of the Ready Case product. It is also undertaking the mapping of business processes of streams that previously did not have fit for purpose case management systems such as the Guardianship Stream. In 2021-2022 the Tribunal and Department of Justice progressed the procurement and configuration of a Portal Module of the Ready Case product. This Portal, at the end of June 2023, was to go live to support the search of the Advanced Care Directives Register of the Tribunal. This is a significant development as the Portal can be configured to support other on-line services as described in the message from the Principal Registrar.

This is the first step in the Tribunal providing more accessible services for the Tasmanian community. Planning is scheduled to take place over 2023-2024 to look at further configuration of the Portal for these other services.



Tribunal Premises

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. 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.

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.

The Tribunal during 2022-2023 undertook investigation of new premises in Launceston. Those investigations identified a suitable site and negotiations commenced for the leasing of the new premises. Preliminary designs have been prepared that incorporate the same design framework as the southern registry in Hobart.

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; and 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.

During 2022-2023 the Tribunal undertook a procurement process for the development of a new website. A preferred tenderer was chosen -Futago, who commenced in October 2022 working with TASCAT on the design and structure of the new website. The scope of the work included:

- Fully compliant with WCAG (Web Content and Accessibility Guidelines) 2.1 (AA) but aiming for Level AAA compliance for specific audiences and content.
- A site structure that can adapt to changes in the Tribunal's jurisdictions (new jurisdictions conferred on the Tribunal)
- Menu structure, headings and application process content that is intuitive, logical and meaningful to all site users.
- Effective internal search function returning relevant search results.
- Overall, a more consistent appearance and structure to all website content in a contemporary and responsive design.

The new website is expected to be completed in the second quarter of 2023-2024.



PROFESSIONALISM AND INTEGRITY

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 H. 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. Those Practice Directions can be found on the TASCAT website under each of the relevant streams that have issued Practice Directions.

A new Practice Direction was issued during 2022-2023 – Expert Witness Code of Conduct. It is attached as Appendix I to this report.

Diversity and Inclusion Justice Network

The President of the TASCAT is a member of the national Diversity and Inclusion 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 culturally and linguistically diverse (CALD) members of our community.

Telephone Enquiries

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 the Guardianship Stream receiving the most.

From 1 July 2022 – 30 June 2023 the Tribunal received 10391 calls through the IVR system.

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

Guardianship stream	6252 (60.17%)
Mental Health stream	1590 (15.3%)
General Division and other inquiries	2549 (24.53%)

** 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.*

‘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 pursuant to s 68 of 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) (<https://www.tascat.tas.gov.au/about/code-of-conduct>) and is included as an Appendix J to this report.

Member Qualifications

The Tribunal has a total of 101 members as at 30 June 2023 inclusive of full-time members. 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

The Tribunal held a training day incorporating both divisions and all streams in May 2023. 67 full time and sessional members attended, mostly in person, but also remotely. As well as drawing on the resources of the Tribunal itself, we were fortunate to have presentations from the former Solicitor-General Michael O’Farrell SC, Kate Cuthbertson SC from the Tasmanian Bar and Elizabeth Dagleish from Tasmania Legal Aid. The first half of the training day was held as a plenary session and then in the afternoon stream specific training was held.



Given the range of jurisdictions and variety of sessional members formulating topics and training that will both be engaging and useful for all members in the plenary session is challenging, but an electronic survey of participants indicated that the training was well received.



Member training day

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 2023.
- Attended the Train the Trainer course through COAT.

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, Vicarious Trauma identification and management, Resilience training, Nationally Accredited Mediation for a new senior case officer, and additional training courses for targeted aspects of the registry’s functions such as IT skills development, project management and mental health and wellbeing.

Performance Appraisal and Professional Development of Members

Section 14 of the TASCAT Act 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 (s 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) (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/) (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.

During 2022-2023 the Tribunal has published a total of 214 decisions. The number of published decisions by reference to streams is set out below. Since TASCAT commenced the number of decisions published is 344.

The total number of decisions issued:

Stream	Number
Resource and Planning stream	56
Personal Compensation stream	41
Anti-Discrimination stream	14
Health Practitioners stream	9
Forest Practices stream	0
Guardianship stream	67
Mental Health stream	27

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 Consultative Forum relates 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 K.

The Forum met twice during the year 2022-2023 on 15 November 2022 and 2 May 2023. 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 2022-2023 KPIs for the TASCAT. Additional statistics related to each stream are located in their individual reports.

Flexibility of Processes

The TASCAT Act 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

In 2021-2022 all streams of the Tribunal transitioned to the CRMS case management system (now Ready Case) as the first step towards a more uniform and centralised approach to the processing of proceedings in the registry. During 2022-2023 work has continued to configure the systems to support the business processes of each of the streams. This will continue into 2023-2024 and include all streams migrating to a single instance of the Ready Case product. This will enable the Portal functions to be expanded to all streams in the future.

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	1702	1102
2	Determinations Issued	1922	1476
3	Clearance Rates %	113%	100%*
4	Hearings Held (no)	1471	1738

*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	158	*1441	17	0	32	11
2	Applications Finalised	151	1314	18	0	44	9
3	Clearance Rates % New files in vs matters completed	96%	91%	106%	0%	138%	82%*
	Matters Pending	64	504	13	0	20	14

* this number represents the amount of actual physical files/referrals the Tribunal receives, not the number of referring sections that may appear in a single referral.

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 C) that aims to give direction and guidance as to how the Tribunal implements its Objectives under s 10 of the TASCAT Act, 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 2022-2023 the Tribunal received 4 complaints. Two complaints related to administrative errors on the part of the Registry. Those complaints were upheld, apologies issued and further training and instruction given to staff. One complaint was with respect to member conduct in a hearing. The complaint was investigated and the complaint dismissed. One complaint related to outcomes of a hearing which is outside the remit of the complaint policy and was dismissed.

Procedural advice regarding the necessary process for appealing a decision of the Tribunal was provided to the complainant.

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 2022-2023 on 15 November 2022 and 2 May 2023. 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 L 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 on a review of an enduring guardian instrument can vary or revoke the instrument. The Tribunal can make a determination or provide advice and direction in relation to an advance care directive. The Tribunal must keep a public register of enduring guardian appointments and advance care directives. The Tribunal 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 can make orders including varying, revoking or declaring the power invalid. Under the *Disability Services Act 2011* the Tribunal can approve the use of personal and environmental restrictive interventions and under the *Wills Act 2008* 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, directions, preferences and values of the person.

Accessibility

The Guardianship Stream held in person hearings during the reporting period while still offering attendance at hearing by video link or telephone to parties and participants.

The Guardianship Stream registry encourages the person whom the application is about to attend and participate in the hearing. Registry staff endeavour to contact the person to identify how the person can best participate in the proceedings so their wishes, views, directions and preferences 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 representation and other supports, and sends the person a copy of the hearing papers. Registry staff will attempt to contact the person or their supports by telephone to encourage their attendance and participation where possible at hearing.

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.

The Guardianship Stream as part of its continuous improvement and ensuring accessibility of information, focused on refining its compliance processes in respect of administrators and guardians (both public and private) reporting to the Tribunal and in respect of the inclusion of Part 5A of the *Guardianship and Administration Act 1995* concerning advance care directives the Guardian Stream created new documentation.

Workload

The Guardianship stream experienced an increase of 6% in applications from the previous financial year with 1702 applications. The Guardianship stream determined 1922 applications and a clearance ratio of 113% was achieved.

There was an increase in reviews of enduring power attorney applications and review of enduring guardian applications, which are frequently complex applications with multiple parties and interested persons and often requiring lengthy hearing time. Numbers for statutory reviews of administration orders increased by 11% from the previous financial year and there was a significant increase in Tribunal own motion reviews of administration orders, predominantly because of administrators failing to adhere to their statutory reporting requirements.

During 2022-2023 the Guardianship Stream:

- Conducted 1471 hearings across the State and 9.94% of persons who were the subject of a hearing were represented.
- 100% of applications were completed within the statutory timeframes.
- Received 271 Guardianship applications and determined 304 applications. Of the appointments made, 41% were private guardians, 59% the Public Guardian, and 107 applications were dismissed or withdrawn.
- Received 260 Administration applications and determined 307 applications. Of the appointments made, 61% were private administrators, 39% the Public Trustee, and 51 applications were dismissed or withdrawn.
- Received 102 applications for Statutory Review of Guardianship Order. Of those renewed, 21% were private guardians and 79% the Public Guardian. Of the appointments varied, 19% were private guardians and 81% the Public Guardian.
- Received 456 applications for Statutory Review of Administration Orders. Of the appointments renewed, 17% were private administrators, 83% the Public Trustee. Of the applications varied, 30% were private administrators and 70% the Public Trustee. A significant number of these orders were for represented persons who had no family member or friend who could be or was willing to be their administrator.

- Received 147 emergency guardianship requests, 77 orders appointing a guardian were made by the Tribunal, 58 were dismissed by the Tribunal, and 12 were withdrawn.
- Received 19 renewal of emergency guardianship requests, 15 orders renewing the emergency order were made, 3 were dismissed/not renewed by the Tribunal and 1 was withdrawn.
- Received 43 emergency administration requests, 14 orders appointing an administrator were made. 26 were dismissed by the Tribunal and 3 were withdrawn.
- Received 11 renewal of emergency administration requests, 9 orders renewing the emergency order were made, 1 was dismissed by the Tribunal and 1 was withdrawn.
- Issued 67 statements of reasons.
- Experienced a 45% increase in the registration of enduring guardian instruments, being 5753 instruments registered, compared to 3960 in the previous financial year.
- Registered 193 advance care directives.

Members

In most cases hearings are conducted by a three member-panel consisting of a legal member, usually a health professional member who hold qualifications in areas such as psychiatry, medicine, psychology and social work and another member who has professional or direct 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. Varied member expertise is essential in balancing often competing priorities, empowering and protecting a person with decision making disability and ensuring that the person and all other parties are accorded procedural fairness in a jurisdiction where there is minimal involvement of legal or other representatives.

The professional development and training of members in the Guardianship Stream focused on advance care directives as a result of the *Guardianship and Administration Amendment (Advance Care Directives) Act 2021* receiving Royal Assent on 3 November 2021 resulting in the inclusion of Part 5A in the *Guardianship and Administration Act 1995* and all day TASCAT member training. Regular member updates were provided ensuring



TASCAT reception

members kept up-to-date with current guardianship issues.

Following the Attorney General's approval and the Governor's appointment and 2 existing members being assigned to the Guardianship stream by the President of the Tribunal, 8 new members to the Guardianship stream received all day induction training and observed Guardianship stream hearings, before commencing the conduct of hearings and the determination of applications.

It was with great sadness that we were advised of the sudden passing of Ged Dibley on 16 August 2023. Ged was a much respected and valued member of the Tribunal and former Guardianship and Administration Board since his appointment in 2005. Ged was a conscientious and committed member, demonstrating a deep understanding and empathy for guardianship matters. Artwork dedicated to the memory of Ged is in the Tribunal registry.

Staff

The Guardianship Stream staff responded to 6252 telephone inquiries, being 60% of all telephone enquiries to the Tribunal. Guardianship Stream staff not only respond to enquiries but give procedural information to parties and interested persons.

Guardianship Stream staff have received ongoing education and training this year to strengthen case management processes prior to hearing. This has included training on: origins of the guardianship jurisdiction; primacy of the (proposed) represented person; the pre-hearing case management role of the registry; overview of each main application type; identifying parties, interested persons and potential witnesses; triaging and listings; joinder applications; and the role of separate representatives. Guardianship Stream staff also received education on the inclusion of Part 5A Advance Care Directives (ACD) of the *Guardianship and Administration Act 1995* and the use of the ACD portal.



Consultation and Education

In response to the Government's review of the *Guardianship and Administration Act 1995*, the Tribunal met on multiple occasions with representatives of legislation and policy, Department of Justice and provided written submissions on matters of policy.

Similarly in response to the Government's review of the *Disability Services Act 2011*, the Tribunal provided written submissions on matters of policy relating to the authorisation processes of restrictive interventions and met with representatives of the Department of Premier and Cabinet (formerly Communities).

The Guardianship Stream full time members were invited to and presented on 9 separate occasions education to stakeholder groups and various groups of professionals, throughout the reporting period. The Guardianship Stream values the opportunity to provide clarity on its processes and procedures.



Kaye Giameos—Angel in Hobart

Kaye Giameos' work has influences from her life in Australia but is predominantly driven by her longing for, and memories of her native Greece. The titles of her drawings reveal the pathos she expresses through these strange, dream-like projections.

Acknowledgements

I take this opportunity to thank the President of TASCAT, Mr Malcolm Schyvens, for his leadership as Division Head of the Protective Stream. I extend my sincere thanks to the Guardianship Stream members for their time, dedication and professionalism throughout the reporting period. I also recognise and thank the Principal Registrar Jarrod Bryan, Deputy Registrar Jane Cook and all registry staff in the Guardianship Stream for their ongoing work and commitment.

Rowena Holder

CASE STUDY DKI

DKI is a 76 year lady who lives alone. DKI has a personality disorder and a neurocognitive disorder which together results in impaired social judgement; difficulties taking on new information and significant vulnerability to influence.

THE FACTS

An application for administration was made by the Tasmanian Health Service.

At hearing, Dr KT stated DKI is a very trusting person with a strong desire to connect and form attachments with others and is unable to recognise harmful intentions of others. Dr KT reported DKI had repeatedly been exploited by online and telephone scammers in the past which has resulted in a loss of over \$20,000 in the last 2 years. Dr KT indicated that DKI has declining inability to recognise scams due to her disabilities and has distorted views about what is happening to her financially.

The Tribunal heard DKI continues to receive multiple calls a day from scammers and is being hounded by online scammers. DKI is unable to change her interactions with scammers, thereby needing protection of her finances. DKI continues to be at risk of transferring large sums of money to scammers and is likely to use whatever money and assets she has available. DKI has previously accessed money by selling her car, antique furniture and other possessions.

THE DECISION

The Tribunal found DKI was at risk of ongoing financial abuse by scammers trying to get money from her. DKI has been subject to scams since 2009 which has resulted in her losing significant funds. DKI continues to believe in the scams, despite evidence being provided to her to the contrary and despite losing significant funds. The Tribunal made an administration order appointing the Public Trustee as administrator of DKI's estate.



CASE STUDY

JBN

JBN is a 33 year old man, who has had a history of cannabis and alcohol addiction.

THE FACTS

The Tribunal heard an Application for a Review of Administration Order in respect of JBN. The Applicant was BD, who is JBN's uncle and in March 2021 was appointed as his administrator.

The Tribunal was provided with a medical report from Dr MS, a psychiatrist which stated JBN has a diagnosis of schizoaffective disorder. Dr MS stated in the past JBN had episodes of psychosis stemming from his mental illness, resulting in admissions to hospital, but in the last eighteen months his mental illness had improved with consistent treatment and reduced cannabis and alcohol usage.

BD attended the hearing and stated: 'Prior to the current order, JBN would spend his pension within 48hrs of its receipt, usually on alcohol and cannabis which resulted in serious health consequences. Since the order, JBN receives food and tobacco vouchers and a small cash allowance each week which affords him the dignity to have some money in his pocket. JBN now has stable accommodation, his own unit and is beginning to engage with services.' BD requested the order continue.

JBN told the Tribunal his health had improved, and his use of alcohol and cannabis had decreased as he was spending time less time with his old friends. JBN stated the administration order had helped him make changes and was not against the order continuing for a further period. JBN expressed the wish that at some point he would like to take over control of his finances again.



THE DECISION

The Tribunal continued the administration order. The Tribunal reminded BD as administrator of his duty under s 57 of the *Guardianship and Administration Act 1995* to encourage and assist JBN in becoming capable of administering his estate and consulting JBN, taking into account as far as possible his wishes, when making decisions about JBN's estate.

Alan Allwright—Wooden Boat, Franklin.

Alan Allwright is a digital artist with an observant mind who is technologically driven in his approach to create an image. Here, though, Alan offers a simple original unaltered image of a Wooden Boat, Franklin, one of his first photographs.

CASE STUDY

KU

KU is a 99 year old woman who has resided at an aged care facility in Tasmania since December 2022. Prior to that KU had resided with her 94 year old husband, XI. KU's son HU, had taken KU to the aged care facility without XI's knowledge due to concerns about her care and wellbeing.

THE FACTS

KU and XI have been married for over 40 years. They had both been previously married and each had children from their first marriage.

KU was diagnosed as having dementia in 2015 which resulted in cognitive impairment.

An application for guardianship was filed by KU's son, HU. HU expressed concern that XI has been neglecting to care for KU in their home; had resisted the provision of in-home services to assist KU; and necessary healthcare was not being provided to KU.

At a directions hearing the Tribunal appointed a separate representative for KU. It was agreed by all parties that KU would not understand the nature or purpose of the hearing, would be unable to express any meaningful wishes to the Tribunal, and would most likely be distressed by the proceedings.

At hearing HU relied on a medical report from Dr DQ to indicate there was a need for an order. Dr DQ stated he had last seen KU on the 29th November 2022, when her son [HU] brought her in to the surgery. Dr DQ viewed pictures taken in the house and based on the pictures was of the opinion the house was not suitable accommodation for KU. Dr DQ also questioned 'if the medication that Mrs [HU] is supposed to take, is actually administered by her husband according to the prescription.'

Dr DQ concluded that probably the best outcome for Mrs [KU] and her care, is to continue in high care at the aged care facility. HU sought to be appointed KU's guardian.

XI's view was KU had been abducted from their home which he had reported to Tasmania Police, and he had not seen her since. XI did not believe KU needed a guardian and if there was no order in place, would remove her from the aged care facility and return her home.

After hearing evidence, the Separate Representative submitted that KU needs a guardian, who is independent, to make decisions as to where KU should live given the conflict between XI and KU's sons HU and OU and to make medical treatment decisions for her. The Public Guardian conveyed a similar view.



THE DECISION

The Tribunal decided that a decision needs to be made as to whether KU's care needs are such, that she needs to continue to reside in an aged care facility. If she does require such accommodation, then a decision needs to be made as to what is the optimal accommodation for her, with particular reference to the location of that facility so she might maintain a supportive relationship with her respective family members, which includes her husband, XI.

The Tribunal determined there was a need for a guardian to be appointed with authority to make medical treatment decisions for KU, given (i) there was a significant level of dispute between her husband, XI, and her sons, HU and OU; and (ii) concern that XI's evidence indicated he has seemingly strong personal views on what medications KU should receive and has for some years provided KU with medication not in accordance with the prescribing practitioner's direction.

The Tribunal did not consider HU could make substitute decisions as KU's guardian which would adequately acknowledge and seek to preserve KU's relationship with XI.

The Tribunal appointed the Public Guardian as KU's guardian with powers limited to deciding where KU is to live and what medical treatment she receives.

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's 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 reviewing restriction orders and supervision orders for forensic patients. The Tribunal also has the role of authorising leave for forensic patients subject to restriction orders.

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.

Legislative Review

Last year I reported on the review of the *Mental Health Act 2013*, a mandatory review six years post commencement of the Act. The review report released in June 2020 described the review process, the outcomes of that process and also identified some issues with aspects of the Act's operation. The Review of the Act's Operation, Outcomes Report recommended 29 review outcomes. A Review Implementation Project Steering Committee was formed as a consequence of the review, with the role to govern the Act's review outcomes. As a stakeholder on this committee, the Tribunal has been working towards implementation of the 29 approved recommendations. This work has been divided into two tranches, initially with tranche 1 delivery timeframe of December 2022 and tranche 2 delivery timeframe of December 2023. These timeframes have not been met.

Tranche 1 includes the delivery of legislative amendments together with review and updates to Office of the Chief

Psychiatrist approved forms and other documents. The Mental Health Amendment Bill 2022 was tabled and passed through both houses of Parliament without objection or amendment in March 2023 with an implementation date of 25 September 2023. Work continues on updating the Office of the Chief Psychiatrist forms, Clinical Guidelines and Standing Orders.

Tranche 2 includes more complex legislative amendments, review of Tribunal forms and documents, as well as the development of workforce education and training related to the outcomes recommendations. Tranche 2 delivery timeframe is by the end June 2024.

Accessibility

Last reporting period due to COVID restrictions all MHS hearings were conducted by video-link services, telephone or a hybrid of both. MHS returned to in person hearings in March 2023. The Tribunal holds hearings from Tuesday to Friday with up to 10 hearing sessions a day. We conduct hearings in person once a week at the Royal Hobart Hospital, the Launceston General Hospital and the North West Regional Health Service and also sit in person at the secure mental health unit, Wilfred Lopes Centre.

All patients are provided with a notice of hearing when their matter is listed, inviting them to attend the hearing. The notice of hearing is followed up by Registry staff who make contact with all parties prior to hearing to establish who will be attending.

On 1 March 2023 the Mental Health Stream returned to in person hearings which included commencing in a new hearing room at Northside at the Launceston General Hospital, Spencer Clinic at the North West Regional Hospital, Wilfred Lopes Centre and the TASCAT Barrack Street Hearing rooms. On 6 April 2023 hearings commenced at the new Canning Street, Launceston premises for Adult & Child Mental Health Services North. With the return of in person hearings, this reporting period saw 111 patients attending in person and 914 attended by either telephone or video-link services.



Workload

As has been the trend over previous years, aspects of the MHS's workload continues to increase. This reporting period, of the 1102 applications the stream received, 636 were treatment order applications (up 12.37% from the previous reporting period) and 377 were applications for renewal of treatment orders (up 13.55% from the previous reporting period). The remainder include forensic applications, applications for variation and other review applications. The Tribunal held 1738 three member panel hearings and 1465 single member hearings.

At hearings before the Mental Health Stream 1416 (81.47%) of patients were not represented by a lawyer or advocate. Of those who were represented, Tasmania Legal Aid directly represented 290 patients (16.69% which is an increase from 15.15% in the previous reporting period) and separately represented 18 patients and Advocacy Tasmania advocated for 10 patients (0.58% which is a decrease from 0.65% of patients in the previous reporting period).

The Tribunal prepares statements of reasons on request of a party or as a Tribunal own motion. In this reporting period the MHS issued 86 civil statements of reasons and 10 forensic statements of reasons. 24 decisions were published, an increase from 6 in the previous reporting period.

I would like to acknowledge and thank the MHS members for their continued dedication to their roles. In particular I extend my gratitude to Deputy Registrar Justine White and the MHS staff for their commitment to the day to day operation of the MHS.

Yvonne Chaperon
Deputy President

CASE STUDY UNG

BACKGROUND

UNG is a 39 year old man who resides in private rental accommodation in the community. He has a diagnosis of schizophrenia and his IQ tests in the range of borderline intellectual disability. UNG was sentenced for both robbery and assault in 2007. On 22 February 2007 UNG was sentenced in the Supreme Court of Tasmania for two counts of robbery, two counts of attempted robbery and one count of assault to 5 years imprisonment, and it was ordered he not be eligible for parole until he has served 3 years of his sentence. In addition, it was ordered that on his release from prison UNG be released under the supervision of the Chief Forensic Psychiatrist (CFP), subject to conditions that he take such medication and submit to the administration of such medical treatment as determined by the CFP and comply with any direction as to the supervision given by the CFP (the supervision order).

On 14 August 2014 UNG was sentenced in the Supreme Court of Tasmania for one count of robbery to 2 years imprisonment from 16 May 2014 and it was ordered he not be eligible for parole until he has served 15 months of that sentence.

It was again ordered that upon his release from prison he be released under the supervision of the CFP subject to the same conditions as when sentenced in 2007, as well as complying with directions given by the CFP as to his place of residence and requiring that he not leave Tasmania without the permission of the CFP (the second supervision order).

THE FACTS

UNG's supervision orders were due for review by the Mental Health Stream of the Protective Division of the Tribunal in March 2023. At hearing on 31 March 2023 the supervision orders were before the Tribunal for review pursuant to s 37(1) of the *Criminal Justice (Mental Impairment) Act 1999* (the Act). UNG declined to attend the hearing. The Tribunal was informed by UNG's case manager that UNG 'does not usually attend the hearings'; 'has an element of trepidation around these matters'; and by UNG's case manager and consultant forensic psychiatrist 'that legal representation would be of assistance to UNG given his intellectual limitations, natural introversion and lack of motivation associated with his mental illness.' As a result, the Tribunal adjourned the hearing of the review and ordered that UNG be separately represented in relation to the review of his supervision orders.

A separate representative is a legal practitioner, appointed to represent the best interests of a person who the application is about. Where possible, a separate representative obtains the views of the person on the proceedings and communicates those views to the Tribunal. However, a separate representative, unlike a direct legal representative, is not bound to follow the person's instructions.



THE DECISION

At hearing on 15 June 2023 the Tribunal reviewed UNG's supervision orders. UNG did not attend. The separate representative met with UNG in the days prior to the hearing. The separate representative was present at the hearing and was able to relay UNG's views and make submissions in UNG's interests to the Tribunal. UNG's treating team gave evidence before the Tribunal that UNG has no ongoing symptoms, engages with supports and accepts his ongoing need to take medications. The treating team recommended that the supervision orders were no longer warranted. The separate representative also recommended that it would be appropriate for the supervision orders to be revoked with the condition that UNG be placed on a treatment order. The separate representative said that risks are mitigated by UNG's engagement and use of medications. As a result of the review hearing the Tribunal determined that the supervision orders were no longer warranted and recommends that the supervision orders be revoked and that UNG be released with the condition that a treatment order be made. The Tribunal issued UNG with a certificate which enables him to apply to the Supreme Court of Tasmania for the revocation of his supervision orders.

CASE STUDY

BET

BET is a 45 year old woman who normally lives in the community. BET has an established diagnosis of bipolar affective disorder as well as previous diagnoses of attention deficit hyperactivity disorder and eating disorders (anorexia and bulimia). BET has had previous inpatient admissions in both private and public settings.

THE FACTS

BET reported increasing concerns over a period of months that her belongings were being stolen from her home, she also held concerns for her safety and was paranoid that other people may be out to get her. BET became very fearful and as a result reported leaving the house with her dog, getting into the car and falling asleep at the wheel. Her recollection of events was hazy, she reported awakening to find her dog severely injured with lacerations to its neck, as well as sustaining injuries in the form of significant lacerations to her own neck. Reports from paramedics and workers who attended the scene indicate no evidence of broken glass that may have caused the injury on her neck and on the neck of her dog. BET was taken by ambulance to hospital and received care under the surgical team, including an operation to address the 10 cm laceration to her neck. Notes indicate that the laceration appeared to have been self-inflicted. BET was reviewed by the psychiatry team who felt she was experiencing a relapse of her bipolar affective disorder. The treating team applied to the Tribunal for a treatment order as per s 37 the *Mental Health Act 2013*.

THE DECISION

After initial adjournments to arrange for legal representation and witnesses to attend the hearing, a hearing to determine the application for treatment order took place on 4 April 2023. BET was legally represented at hearing. At hearing the treating team gave evidence that BET was showing symptoms of psychosis on the ward. She was said to be paranoid and suspicious and large amounts of medication were found in her room (there were holes cut in the bottom of chairs to hide the medication). Whilst the formal diagnosis was bipolar affective disorder, due to symptoms of psychosis observed on the ward the treating team were considering that a diagnosis of schizoaffective disorder was more likely.

BET's legal representative submitted that the Tribunal could not be satisfied that BET met all of the treatment criterion in s 40 of the Act, including that they could not be satisfied that BET had a mental illness. He asserted that the factual circumstances leading up to BET's admission and diagnosis were not substantiated and that there was an insufficiency of evidence on the part of the applicants and the treating team. For example, he stated that the circumstances as reported by the paramedics was collateral information and could not be relied upon by the treating team towards their diagnosis of mental illness. He also stated that the treating team gave evidence that BET had collected medication in her room, however, they were not able to positively assert that the tablets were BET's lithium medication. Therefore, he submitted that,



as the treating team were not able to substantiate their claims regarding her non-compliance with medication, the Tribunal should give little weight to that evidence.

Given the legal submissions received President Schyvens clarified the evidentiary standard applicable to an application for treatment order in his decision [BET \(Application for Treatment Order\) \[2023\] TASCAT 79 \(1 May 2023\) \(austlii.edu.au\)](#). At 34 he concluded:

...there is no evidential onus of proof on an applicant for a treatment order, or any other form of order, that an applicant requests be made by the Tribunal under the Mental Health Act (2013). Rather, in light of the protective nature of the jurisdiction being exercised, a common sense approach to evidence should be taken. The approved medical practitioner as applicant, or other member of a patient's treating team supporting an application, must present evidence and information sufficient to enable the Tribunal to conclude, having taken account of the nature of the order requested and the consequences which might flow to the patient, that on the balance of probabilities each criterion required to enable an order to be made has been met.

As a result of the hearing the Tribunal was satisfied that each of the treatment criteria in s 40 of the Act were met and a treatment order was made for a period of six months.

GENERAL DIVISION OVERVIEW

The General Division currently incorporates five streams: The Anti-Discrimination Stream, The Health Practitioners Stream, The Personal Compensation Stream, The Resource and Planning Stream and the Forestry Practices Stream. As a result of the passing of amendments to the *Residential Building Works Contracts and Dispute Resolution Act 2016* a Civil and Consumer Stream will be created. This will be the first step in rationalising the streams to facilitate the allocation of new jurisdictions to the Tribunal.

The new Residential Building jurisdiction has not yet been proclaimed but will provide for applications to be made to TASCAT in respect to disputes arising from residential building contracts. The legislation will have a six year retrospectivity and will permit consideration of oral as well as written contracts. Those factors are likely to combine to provide a significant workload in this area.

Each of the Tribunals which amalgamated to create the General Division brought their own procedures and idiosyncrasies. Over the past twelve months we have progressively standardised procedures across the streams, a process which is greatly assisted by the Tribunal's new case management system. We have established a style guide for reasons for decision, a standard expert witness code of conduct, harmonised statistical reporting and KPI's, established a common summons process and integrated members and registry staff across the streams.

Richard Grueber
Division Head
Deputy President



PERSONAL COMPENSATION STREAM (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 referrals under the ARDC Act 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 are primarily made by 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 reasonable 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 17 referrals lodged involving disputes under this Act.

The referrals under the ARDC Act and the MA Act do not take up a significant amount of the Tribunal’s time and resources.

The vast majority of the referrals in PCS arise under the WRC Act and involve a wide variety of disputes between workers, employers and the employers’ insurers. The referrals include disputes about primary or ongoing liability for a claim, the amount of compensation to be paid by way of weekly payments and the assessment of a worker’s whole person impairment.

There was an increase in referrals under the WRC Act from 1373 in 2021-2022 to 1441 in 2022-2023. In the reporting year 1314 referrals were finalised, giving a clearance ratio of 91%.

The total number of claims where an employer disputed primary liability pursuant to s 81A of the WRC Act decreased from 686 in 2021-2022 to 646 in 2022-2023. Of the 646 claims disputed under s 81A, 369 were for psychological injuries, 60 were for back injuries and 55 were for shoulder injuries. The balance were for various other injuries.

With respect to the 795 referrals filed under other sections of the WRC Act, apart from s 81A, only 79 were for psychological injuries, 110 were for back injuries and 42 were for shoulder injuries. The balance were for various other injuries.

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

KPI	Workers Comp
Hearings including substantive, s 81As, directions, interlocutory, pre-hearing (anything involving a DP or Member in a hearing room)	455*
Teleconferences (registry staff)	3500
Conciliations (registry staff)	344
Resolved at teleconference or conciliation	461
Written Reasons for Decision – including substantive, s 81As, interlocutory matters, ex parte, s 132A orders	258

*This is a marked increase from last year’s figure of 77 as s81A hearings were omitted from that figure

Conciliation

During the reporting period 472 referrals were resolved during conciliation. Conciliation is an extremely important part of PCS. As a result of the success of settlement of matters during conciliation, there is not a significant backlog of cases to be determined by a Member of the Tribunal. Our skilled conciliators make a significant contribution to the efficient operation of PCS.

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 proceeds to a 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. Sometimes delay can also be caused by the availability of legal counsel.

Hearings

During the reporting period 17 matters proceeded to a formal hearing and 14 of those hearings disposed of the referral. There were 3 hearings of interlocutory matters that arose during the proceedings. All hearings were conducted by Deputy President Alison Clues and Senior Member Lucinda Jack. 7 decisions of the Tribunal were appealed to the Supreme Court; 2 have been dismissed, 1 has been upheld and the others are yet to be determined.

During the reporting period 40 written decisions were published on Austlii and 81 written decisions were sent to the parties but not published. The average time taken for a written decision to issue in the PCS was 38 days.

Miscellaneous

The Tribunal holds bi-annual meetings with stakeholders to provide feedback in relation to the operation of the Tribunal.

The only substantive legislative amendments were to the WRC Act by the introduction of the *Workers Rehabilitation and Compensation Amendment Act 2022*. Section 27 was amended to include a presumption as to the cause of certain diseases in relation to fire-fighters and s 87 which relates to the cessation of entitlements on account of age was amended.

Alison Clues
Deputy President



SIGNIFICANT DECISION - PERSONAL COMPENSATION STREAM

Nazar v Hydro Electric Corporation [2022] TASFC 11

In this case, the worker broke his leg (the injury) and made a claim for workers compensation. At the time of the injury, he and his partner were walking his dog beside a lake at Tullah. He stepped onto a log, lost his footing, fell and suffered the injury. The worker's home was in Ulverstone. He was employed by the employer as a relief area coordinator. For his work he was based at Tullah. The employer provided him with a residence there. There were days when he was required to work from 7:00am to 5:00pm. There were other days when he required to be available, on call. At the time of the injury he was on call. Whilst on call he was required by his employer to: answer his phone or respond to a call within 15 minutes of notification; be in a position to respond by leaving Tullah and attending a worksite within 15 minutes of phone notification; be fit to drive; be rested to a level to enable a reasonable response; and remain within an area of call coverage with suitable response times. The worker was paid an allowance of \$68.15 per day for each day that he was on call. The requirements that applied when he was on call were set out in the enterprise agreement under which he was employed, in a provision relating to "Availability Duty".

The issue that arose was whether the injury arose out of or in the course of the worker's employment.

The Full Court upheld the Tribunal's decision that the injury did occur in the course of his employment.

The Tribunal found that because of the requirement for the worker to reside at Tullah for his employment, the demands of his employment on the day of the injury and the unexceptional nature of the activity he was undertaking when he was injured, the injury was suffered in the course of the worker's employment, even if it was during an interval in that employment.

The Full Court went further and held that because the worker was required by his contract of employment to be in the Tullah area, available to be called out, ready to respond to a call within 15 minutes, and be in a fit state to respond to a call, and since he was being paid for his time on Availability Duty, then his injury occurred when he was performing duties imposed by his contract of employment. Therefore, the injury occurred in the course of his employment.

The importance of this case is that in considering whether an injury is in the course of a worker's employment, it is important to focus upon the occasion giving rise to the injury and not give too much prominence to the circumstances of the particular injury.

CASE STUDY - PERSONAL COMPENSATION STREAM

K v Andrew Hunt trading as Tiger Towing [2023] TASCAT 41

Mr K filed a workers compensation claim for injuries sustained while working at a garage owned by Mr Hunt (the claim). Mr Hunt did not hold workers compensation insurance and denied Mr K was a worker. Mr K pursued the claim against the Nominal Insurer.

The Nominal Insurer took over the claim and asserted that it was settled between the parties by order of the Tribunal on 18 January 2019 or when Mr K signed a deed of release. It also asserted that the settlement included any claim the worker may have had under the *Workers Rehabilitation & Compensation Act 1988* and for damages at common law.

Mr K denied that the claim had settled. He asserted that he was not informed about any rights he may have had to pursue a common law damages claim during the settlement negotiations.

The Tribunal determined that the claim had settled in January 2019 and that the settlement included the worker's right to claim damages at common law against Mr Hunt.

This case study highlights the importance of lawyers providing clear and comprehensive advice in writing to clients prior to settlement in a manner that they can understand, as well as the importance of effective communication between lawyers for opposing parties and lawyers and their clients.



Bradley Fysh—Ross & Peter Hudson Statue.

Bradley Fysh is an artist and photographer with the ability to capture candid moments of people around him like his mate, and fellow photographer, Ross, with a statue of Tasmania's legendary footballer, Peter Hudson.



GENERAL DIVISION ANTI-DISCRIMINATION STREAM (ADS)

The Work of ADS

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

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

During the reporting period, there were 32 applications to the Tribunal, 5 fewer than 2021-2022. There were 11 reviews of rejection, 20 inquiries and one general application.

The Tribunal finalised 44 referrals in the 2022-2023 year, giving a clearance ratio of 138%.

KPI	Anti-Discrimination
Hearings including substantive, directions, interlocutory, pre-hearing (anything involving a DP or Member in a hearing room)	85
Teleconferences (registry staff)	23
Conciliations (registry staff)	20
Resolved at teleconference or conciliation	21
Written Reasons for Decision – including substantive and interlocutory matters	17

Conciliation

During the 2022-2023 reporting period, 21 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 is an important part of ADS as it provides an avenue for the parties to achieve an acceptable outcome without the risks and costs associated with a formal hearing. It also 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. The Tribunal has a policy of referring appropriate matters to conciliation at an early stage of the proceedings. The high clearance rate in this reporting period is due to the success of the conciliation process.

Hearings

The Tribunal conducted 11 hearings in the reporting period. There were 2 appeals to the Supreme Court, 1 was dismissed and 1 was upheld and has been remitted back to the Tribunal.

Representation

Most parties appearing in ADS are unrepresented. If a party wishes to be legally represented at a hearing they must seek leave from 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 the procedure and any legal arguments that arise during the course of a hearing. The Tribunal will take all reasonable measures to ensure that all parties appearing before it have a fair hearing and 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 are published on Austlii. All decisions relating to reviews of dismissals or rejections are anonymised for the protection of the parties.

Alison Clues
Deputy President

SIGNIFICANT DECISION

Khalafallah v Tasmanian Civil Administrative Tribunal [2023] TASSC 8

In this case, the complainant made a complaint to the Anti-Discrimination Commissioner alleging that he had been subject to discrimination and victimisation in breach of the *Anti-Discrimination Act 1998* (the Act) in the course of his employment as a medical practitioner. The complainant began working at the Launceston General Hospital in 2006 and reported ongoing hardship and harassment from his supervisor. He filed a previous complaint in 2014 against his supervisor, which was resolved through alternative dispute resolution. The complainant claims that discrimination based on his race (Egyptian/African) and religious affiliation (Islam) persisted, along with victimisation due to the 2014 complaint, contrary to the Act.

The complaint was accepted by the Commissioner but was later dismissed during investigation for being misconceived and lacking in substance. The complainant then applied to the Anti-Discrimination Tribunal pursuant to s 71(3) for a review of that decision. The key issue was whether the Commissioner made the correct decision in dismissing the complaint. The review is considered an administrative procedure requiring a comprehensive reconsideration of the case, not confined to the material presented before the Commissioner, allowing the Tribunal to involve both parties and consider new evidence.

The Tribunal member analysed specific allegations made by the complainant, including changes in his work schedule that interfered with his religious practices, unfair scrutiny regarding patient interactions, issues related to a PhD student he supervised, and a change in consultation scheduling causing stress and unequal treatment compared to other doctors. The Tribunal member found that there was no causal link between the complainant's attributes of race and religious belief and the detriment he allegedly suffered. The Tribunal member concluded that the complaint lacked substance and had been correctly dismissed by the Commissioner.

The complainant applied to the Supreme Court for relief in respect of the Tribunal's decision. The complainant sought to have the determination quashed and the matter returned to the Tribunal for re-determination on the grounds of jurisdictional error in that it misunderstood the nature of the review under s 71(3) of the Act and exceeded its jurisdiction by making determinations and applying standards which were not authorised by that provision. The complainant argued that the review should only focus on the complainant's evidence. The Supreme Court rejected this argument, emphasising the importance of considering all evidence, including the respondent's submissions, to determine if a complaint has substance. The Court found that the Tribunal did not exceed its jurisdiction and upheld the dismissal of the application.

The importance of this decision is that in a review of dismissal the Tribunal must consider all of the evidence put forward by both the complainant and the respondent, even if that evidence was not before the Commissioner when the complaint was initially dismissed.



CASE STUDY

Jessica Hoyle and LGB Alliance Australia (Review of Refusal of an Application for Exemption) [2022] TASCAT 142

Ms Hoyle applied to Equal Opportunity Tasmania on her own behalf and on behalf of LGB Alliance for an exemption under the *Anti-Discrimination Act 1998* (the Act) to organise events called “Same sex attracted Dancers Drag show performances as Drag Kings”, exclusively for women, particularly lesbian women, at a venue in Launceston. She sought the exemption to discriminate against “biological men” to create a safe environment for lesbians without unwanted male presence. She expressed concern over the erosion of lesbian spaces and the pressure on lesbians to conform to gender ideology. The application sought a three year exemption for audience members, except for a gay male DJ/cameraman.

The Anti-Discrimination Commissioner (ADC) noted that the purpose of the Act was to eliminate discrimination based on protected attributes, which include gender, gender identity, intersex variations of sex characteristics and sexual orientation, but not biological sex. The ADC found that granting the exemption would contradict the objectives and principles of the Act and refused the application for an exemption.

Ms Hoyle applied to the Tribunal for a review of the ADC’s decision. The Tribunal upheld the ADC’s decision and found that the applicant’s assertions lacked robust research and that not all transgender or transsexual individuals are same-sex attracted. The Tribunal noted that whilst the applicant viewed compliance with the Act as burdensome, there was no sufficient justification granting the exemption. The Tribunal concluded that the Act’s objectives and wider public interest in protecting all community members from discrimination outweighed the applicant’s arguments.

This case study highlights that the principles of anti-discrimination, particularly concerning gender identity and sexual orientation, outweigh the desire for certain exclusions based on biological sex. It also highlights the importance of considering the wider public interest and ensuring the protection of all community members from discrimination.



Shaun Phillips—Leaf Underwater.

Shaun Phillips is a photographer with a keen eye for reflections, shadows, and natural beauty in motion, reflected here in his photograph, Leaf Underwater. Shaun is also an actor and contemporary improvisational musician with a strong connection to movement, flow and expression that informs his work as a photographer.



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

During 2022-2023, HPS received 11 applications. In 2021-2022, 13 applications were received. This is a significant increase from previous years. For example, in 2020-2021 there were only 3 applications filed. The majority of applications in 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)	45
Conciliations (registry staff)	4
Written Reasons for Decision – including substantive and interlocutory matters	9

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

The Tribunal can be constituted by:

- The President, Deputy President or a Senior Member sitting alone.
- The President, the Deputy President or Senior Member and two professional members;
- The President, the Deputy President or a Senior Member and one professional member and one community member.

During the reporting period there were 8 hearings. There was only 1 hearing where the Tribunal was constituted by a panel of three, comprising Senior Member Jack and two professional members. The balance of the hearings were conducted by Deputy President Alison Clues and Senior Member Lucinda Jack sitting alone.

Due to the seriousness of the matters in HPS the majority of the parties who appear are legally represented.

Published Determinations

All determinations of HPS are in writing and are published on Austlii and the hearings are open to the public, unless there is a specific suppression order. Nine decisions were published in the reporting period.

Four of the published decisions relate to one medical practitioner. All of the decisions relate to a total of 6 medical practitioners. Four of those medical practitioners were alleged to have breached professional boundaries. The outcomes of those decisions are summarised as follows:

- The allegations against one practitioner were found by the Tribunal not to have been established to the required standard.
- The immediate action taken by the Board to suspend the registration of two different practitioners was substituted by the Tribunal, in one case with the imposition of a gender based restriction to the effect that he did not have any contact with female patients and in the other the suspension was set aside.
- The Tribunal determined that it was in the public interest to take immediate action in relation to one practitioner’s registration to practice medicine, and imposed conditions upon his registration. This determination has been appealed to the Supreme Court

The remaining decisions related to other matters arising under the National Law. The Tribunal found one medical practitioner should not be registered. The allegations against the remaining medical practitioner were found to be established and he was reprimanded, suspended from practice for 3 months and conditions were placed on his registration.

Alison Clues
Deputy President





Anna Hall—Colour Pattern 3

Anna Hall's painting is a way of remaining connected to her late mother, who was also a painter and encouraged Anna's work. She describes a secret language between them, and how her mother used similar shapes and bright colours to the ones Anna chooses to replicate over and over where images fragmented and floating may morph between patches of colour.

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 (set out in Schedule 2, Part 8, Clause 3 of the TASCAT Act). 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 local councils in relation to planning permit applications. The stream also hears appeals against enforcement notices issued by councils to persons who are alleged to have breached permits or planning schemes.

The RPS also hears appeals in respect to determinations by councils under the *Local Government Act 1993* to sell or lease public land; decisions by the Recorder of Titles with respect to disputes under the *Strata Titles Act 1998*; enforcement notices issued by the Environment Protection Authority 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 ones seeking orders under the *Neighbourhood Disputes About Plants Act 2017* regarding alleged nuisance plants, and civil enforcement proceedings brought by authorities and individuals for breaches of planning schemes.

The matters heard in the RPS are frequently complex and require considerable hearing time. Parties are often represented by legal practitioners, urban planners or other professional representatives and most hearings involve competing expert evidence. The cumulative value of the subject matter of proceedings in the RPS can reach hundreds of millions of dollars each year.

Workload

During 2022-2023 the stream received a total of 158 appeals and applications which represented a 9% decrease compared to 2021-2022 (174), but a 5% increase compared to 2019-2020 (151 matters). The total remains higher than each of 2018-2019 (146) and 2019-2020 (147). During the year 151 appeals and applications were finalised.

Timeliness

Clause 9(1), s 8, Schedule 2 of the TASCAT Act requires that RPS matters be completed within 90 days from filing. That time limit places a great deal of pressure on parties in the preparation for hearings and on the Tribunal to manage resources and produce decisions. During the year the 90th day fell due for 172 matters. 84 were resolved within that time. Of the remainder the parties required an extension in 82 matters and the Tribunal in 6.

Registry procedures across the streams are being standardised as are case management practices. In respect to case management, the RPS is taking a more robust approach to considering applications to adjourn hearings. The allocation of resources of the Tribunal, including hearing rooms, support staff and members means that adjournment of a matter may affect not only the parties to that appeal, but also the opportunity for litigants in other matters to have their matters dealt with properly. In a number of published decisions the Tribunal has made it clear that adjournment is not simply a matter for the parties and that the Tribunal will take into account modern case management practices, the interests of other parties and the interests of the Tribunal in determining whether an adjournment will be granted.



Members and Mediators

Senior case managers and registrars of the Tribunal undertake directions hearings and ADR in the management of proceedings in this stream. They are delegated relevant powers under the TASCAT Act 2020 (for example, s 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 appeals will vary based on the issues in dispute and the required expertise to assess the evidence and issues in a hearing. The Tribunal has a range of Members available with expertise in areas such as planning, engineering, forestry, heritage and eco-science.

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	172	84	48.84%	88	51.16%
				6	6.82%
				82	93.18%

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 2022-2023	151	80

Percentage of Substantive decisions

	Year to Date 2021-2022	% of decision
Consent	81	81%
Final Decision - Published	19	19%
TOTAL	100	100%

SIGNIFICANT DECISIONS – RESOURCE AND PLANNING STREAM

Mt Wellington Cableway Company Pty Ltd v Hobart City Council & Ors [2022] TASCAT 128

The Mt Wellington Cable Way Company Pty Ltd appealed a decision by the Hobart City Council to refuse a permit for a cable way to run from a base station in South Hobart through the Wellington Park up the eastern face of kunanyi/Mt Wellington and the Organ Pipes to a proposed Pinnacle Centre below the summit of the mountain. The appeal was heard over 13 hearing days in August and September 2022 and the 44,000 word decision was published on 3 November 2022. As well as the appellant developer and the respondent Council, there were ten other parties. For the first, and only time to date, the Tribunal sat as a five member panel consisting of the President and Deputy President and three sessional members with expertise in planning and heritage, bioscience and ecology and engineering. Such was the interest in the appeal that each morning and afternoon session was recorded and uploaded to a YouTube channel to permit public viewing. The proposal included three towers supporting three cables and two cable cars. The appeal challenged 26 grounds of refusal raised by the Council and by joined parties, relating to use, noise emissions, visual impact, effect on the geo-heritage of the mountain, effect on biodiversity, management of sewage, traffic and sufficiency of parking. The appellant succeeded on 8 grounds but failed on the remaining 18 grounds relating to compliance with the standards in the Hobart Interim Planning Scheme and the Wellington Park Management Plan. Although the decision was destined to be controversial, regardless of the outcome, the Tribunal's role was to assess the proposal objectively against the standards in the relevant planning instruments which established a high level of protection for the geo-heritage and amenity of the mountain. The establishment of those standards is a matter of policy which is not within the discretion of the Tribunal.

S Cai v Launceston City Council and TRC Multi Property Pty Ltd [2023] TASCAT 27

This case involved an appeal against a decision by the Launceston City Council to grant a permit for a proposed hotel, known as the Gorge Hotel, in Launceston. A similar proposal had been considered by the Resource Management and Planning Appeal Tribunal in 2019 and found to not comply with the planning scheme. Following that decision, amendments were made to the planning scheme to address the proposal's compliance with the scheme. The development application considered by TASCAT had essentially the same form as the 2019 proposal, which had been refused because of restrictions in the scheme on bulk and height. The proposal was found to satisfy the new standards in the scheme, the appeal was dismissed and the decision of the Council was affirmed.



**Recycal Pty Ltd v Environmental Protection Authority
Tasmania [2023] TASCAT 1**

This case arose from a fire which broke out in a large pile of shredder floc at a recycling facility in Launceston. Shredder floc is the by-product of processing scrap metal using a shredder to separate and sort metals from non-metal material in scrap such as car bodies and whitegoods. The Tasmanian Fire Service extinguished the fire, but in doing so used about 12 million litres of fire fighting water. That water flowed out of the property and into the environment, carrying eco-toxins, until it was trapped by emergency bunds. The Environmental Protection Authority contended that the amount of floc held on the site exceeded the amount permitted in the planning permit and issued an Environmental Protection Notice requiring a site survey of the volume of the floc, a stockpile reduction plan, a testing regime, a site water management plan and prevention of site water runoff.

The recycling company appealed the notice under a number of grounds including whether conditions were reasonable and within power.

The Tribunal determined the appeal in favour of the EPA, but extended the time for the appellant to comply with the enforcement notice. The appellant was unhappy with the decision and appealed to the Supreme Court.

The court rejected the appeal and upheld the Tribunal's decision.



Ross Cooper—Building.

Ross Cooper has an eye for recurring themes of refuse and the beauty of discarded objects, the focus of which has him looking downward, searching for subject matter. But here, in his photograph, Building, he looks upwards and offers the image of accepted value and power, albeit slightly askew.



GENERAL DIVISION FORESTRY PRACTICES STREAM (FPS)

What the FPS does

The FPS 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 2022-2023 it received only two appeals. One was withdrawn and the other was dismissed by consent of both parties.

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.

Jarrold Bryan
Principal Registrar

APPENDIX A STRATEGIC PLAN 2024-2026

Legislation OBJECTIVES

OBJECTIVE	Outcomes Year 2021 2023	2024 2026 objectives
Legislative Amendments to the TASCAT Suite of legislation (Tranche 3)	Feedback and analysis completed. Awaiting outcome of final Bill to be presented to Parliament.	To continue to review TASCAT Suite of Legislation for any operational issues that arise that may require amendment to improve Tribunal functions and compliance with objectives. To better consolidate and structure the Tribunals Streams to ensure appropriate collation of like matters and to reduce complexity and inefficiency.
Appropriate consultation regarding changes to existing legislation within jurisdiction of the Tribunal	Amendments to the <i>Guardianship and Administration Act 1995</i> were made introducing Advance Care Directives after consultation with TASCAT. Pending amendments to GAA and MHA with appropriate consultation with TASCAT.	To continue to actively engage in appropriate consultation regarding amendments to legislation within the jurisdiction of the Tribunal including resourcing implications for Tribunal operations.
Appropriate consultation regarding conferral of new jurisdictions upon the TASCAT	Formal consultation with the Tribunal has taken place with respect to (Residential Building Disputes; Right to information, Code of Conduct, Retail Leases, Administrative Appeals Division of the Magistrates Court)	To continue to actively engage in appropriate consultation regarding conferral of new jurisdictions on Tribunal including resourcing implications for Tribunal operations.

Business Processes, Organisational and Technology OBJECTIVES

OBJECTIVE	Outcomes Year 2021 2023	2024 2026 objectives
Case Management System	<p>The Ready Case case management system has been deployed to each of the Streams of the Tribunal. Refinement of the product has been undertaken and is continuing.</p> <p>The Ready Case Portal Module has been installed in the Guardianship Stream to allow on-line Advance Care Directive Register searches (July 2023).</p>	<p>To complete the configuration of the Ready Case case management system to support all business processes of each Stream of the Tribunal.</p> <p>To move all instances of the Ready Case product across the Streams of the Tribunal to a single instance to support the use of the Portal Module across all Streams for a range of functions.</p> <p>To improve access to justice for clients of the Tribunal by having the Portal Module support e-filing of documents and proceedings; allow payment of fees on-line; allow inspection of relevant documents for parties to proceedings; allow searches of registers under a range of legislation to occur online.</p> <p>To refine and improve existing functionality of the system to better support operations and efficiency.</p> <p>To introduce additional functionality related to improved reporting of data, processing of orders and other functions not currently configured to better improve workflows and information gathering.</p>
Internal Processes	<p>Changes to business processes in the Guardianship Stream, Mental Health Stream, Resource and Planning Stream to improve case management of proceedings in consultation with staff and Members arising from internal reviews, feedback from clients and legislative changes.</p>	<p>To continue to actively review our internal processes to improve efficiency, accuracy and quality of work.</p> <p>To actively consult with staff and stakeholders to improve service delivery and reduce inefficient administrative burden.</p>

Website	<p>Scope of website reform completed, procurement completed and preferred service provider selected. Website construction underway and scheduled for completion by end of 2023.</p>	<p>To review the use and operation of the website for continual improvement and refinement.</p> <p>To introduce the Portal Module to the website by 2024-2025.</p>
Infrastructure	<p>Identification of location for new premises in Launceston, Tasmania. Preparation of designs and lease negotiations for premises.</p> <p>Investigation into expansion of Hobart registry.</p>	<p>To complete execution of lease for new premises and commence fit out of premises for northern registry and hearing rooms. Completion timeframe for northern premises mid-2024.</p> <p>To expand the southern registry premises over 2024-2026 to accommodate additional staff and members.</p>
Financial	<p>Development of a cost model for costing of proceedings before the Tribunal.</p> <p>Analysis and consultation with respect to new jurisdictions to be conferred upon the Tribunal to ensure appropriate resourcing is present to undertake legislative functions.</p>	<p>To continue to monitor and report upon workflows and expenditure to ensure accurate advice can be provided regarding Tribunal operations and to inform any budget requests for funding.</p>



Information Gathering and Reporting OBJECTIVES

OBJECTIVE	Outcomes Year 2021 2023	2024 2026 objectives
Key Performance Indicator Reporting	Development of KPI report for regular monthly reporting of data across broad range of functions.	To configure the case management system to better extract data for KPI reporting and eliminate all external record systems to the case management system from retaining data for reporting.
Operational Data Reporting	Completion of a cost model for costing of proceedings before the Tribunal.	To continue to review and refine the cost model to ensure it accurately reports on the operational costs of the Tribunal.

Members, Staff and Client OBJECTIVES

OBJECTIVE	Outcomes Year 2021 2023	2024 2026 objectives
Clients	<p>Establishment of feedback and complaint policy with internal investigation and response processes. Reforms to services undertaken arising from feedback/complaints.</p> <p>Consultative Forum convened twice a year to obtain feedback about Tribunal operations from key stakeholders.</p> <p>Development and implementation of a Trauma Informed Service Delivery Policy and practice by the Registry.</p> <p>Implementation of the appointment of Separate Representatives under s 98 of the TASCAT Act.</p> <p>Referral Sheets for advice and advocacy.</p>	<p>To promote the use of the feedback and complaint mechanism by clients to improve service delivery. To develop other methods to obtain further information from clients.</p> <p>To continue to convene Consultative Forum, review membership to ensure appropriate scope of participants.</p> <p>To review and maintain training in Trauma Informed Service Delivery practice.</p> <p>To review operations of the appointment of Separate Representatives.</p> <p>To review and maintain Referral Sheets as accurate and current and to add any relevant service providers.</p>

Staff	<p>Increase in the staffing profile of the registry by 10 FTE in 2022-2023.</p> <p>Interim Organisational Structure completed. Under review for pending new jurisdictions.</p> <p>Training provided to staff: Vicarious Trauma and Resilience Training to all staff; ADR training to relevant staff members; various IT related training; project management training and introductory management training.</p> <p>Cross training of staff across Streams of the Tribunal.</p>	<p>To continue to monitor operations to ensure appropriate staffing resources are allocated to the Registry to undertake its functions effectively and efficiently. Investigation and analysis of staffing profile of northern registry and hearing rooms.</p> <p>To continue to consult with staff as to training needs and develop plan for allocation of training resources based on organisational requirements and professional development.</p> <p>To continue to develop the capacity of the Tribunal staff to operate across Streams of the Tribunal through mentoring and training.</p>
Members	<p>Allocation of members to different streams</p> <p>Performance Appraisal system for sessional members</p> <p>Harmonised Terms and Conditions of sessional members</p> <p>Training Day for members</p>	<p>To continue to actively engage in training and support of members of the Tribunal in undertaking their duties and to afford opportunities, where appropriate, to extend their decision making experience.</p> <p>To ensure appointment of suitably qualified Members is promoted where required.</p>



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 Diversity and Inclusion Justice Network auspiced by the by the Judicial Council on Diversity and Inclusion. [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 was admitted as a barrister and solicitor in 1990 and following her admission practiced in three large law firms in Tasmania. She 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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Senior Members:

Holder, Rowena BA LLB

Rowena Holder graduated in Arts and Law from the University of Tasmania in 1994. Presently, she is Senior Member 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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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] – Resigned November 2022

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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 has some 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 land use planning and development, and specifically 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 and Deputy Chair of the Heritage Council of Victoria. She is appointed to the Victorian Office of Bushfire Risk Management Expert Panel (land use planning) and the 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]

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, GPAssist, Voluntary Assisted Dying Commission and Professional Services Review Tribunal as well as serving on TASCAT. [GS, HPS]

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Bartlett, Lauren

Lauren Bartlett graduated from the University of Tasmania with a degree in Arts and Law in 2005. She was admitted to legal practice in Tasmania in 2006. She currently holds position of Principal at Rae & Partners Lawyers, based in Launceston. Initially commencing practice in civil litigation with a focus on secured recoveries, she now practises exclusively in Family Law, including advising on children's matters, complex property settlement and transactions, child support and divorce and regularly appears in the Federal Circuit and Family Court of Australia.

She has previously sat on boards of arts organisations and also as a Member and as an Executive Member of the Council of the Law Society of Tasmania. [GS] Appointed August 2022

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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] (Membership concluded February 2023)

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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] Appointed August 2022

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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] Appointed August 2022

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Brimfield, Fabian

Fabian Brimfield practices as a commercial barrister between Victoria and Tasmania, specialising in complex building and construction disputes, and property and leasing disputes. Prior to signing the bar roll in Victoria and Tasmania, Fabian practiced for a number of years as a solicitor in Hobart at the firm Ogilvie Jennings. Fabian sits as a sessional member of the Tasmanian Civil and Administrative Tribunal (TASCAT), is a current member of the Domestic Building List Users Group with Victorian Civil and Administrative Tribunal, and was a founding board member of the Refugee Legal Service (Tas). Fabian hears cases in the Resource and Planning stream of the Tribunal, as well as the Anti-Discrimination stream. [ADS, RPS] Appointed August 2022

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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] (Membership concluded March 2023)

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Brown, Kate

Ms Brown was admitted as a barrister and solicitor of the Supreme Court of Tasmania in 1998 and employed by the Office of Director of Public Prosecutions as a criminal prosecutor for 20 years. She worked with the Tasmania Law Institute on the report on Court Intermediaries. Ms Brown has been employed as the Assistant Deputy Registrar of the Supreme Court of Tasmania since 2017. She was a member of the Guardianship and Administration Board for 3 years from 2016, and was appointed as an ordinary member of the Tasmanian Civil and Administrative Tribunal in 2022. [GS] Appointed August 2022.

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Alex Brownlie

Alex Brownlie commenced his planning career with the City of Hobart in 1979, gaining further experience working within State Government, and for the last 30 years in private practice in Tasmania and briefly NSW. His private sector experience working in a multi-disciplinary professional consulting firm helped shape his appreciation of the need for cross discipline inputs to planning for sustainable development. Alex was appointed to the Tasmanian Civil and Administrative Tribunal (Resource and Planning Stream), and as a Delegate (Casual) Tasmanian Planning Commission in 2022. Alex is a former President of the Planning Institute of Australia (PIA) Tasmanian Division, Fellow of PIA, and a Registered Planner. Appointed August 2022.

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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] membership concluded July 2022

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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] Membership concluded November 2022

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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] Membership concluded December 2022.

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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] (Please see the Presidents Message for this year)

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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] Appointed February 2023

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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 and 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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Fela, Richard

Richard has a BA (Behavioural Sciences) from Macquarie University. He was appointed as an ordinary member of TASCAT in February 2023.

From 2016 until 2023 Richard was a community member with NCAT (Guardianship Division). Prior to this he spent ten years with the NSW Public Guardian, eight of those as a Principal Guardian. His experience in the disability field also includes working in group homes as well as a stint as a child protection caseworker. Until recently Richard was a board member of small NGO in regional NSW providing accommodation and day programmes to participants of the NDIS. [GS] Appointed February 2023

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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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Gates, Simon BSc(Hons), LLB(Hons)

Simon is a barrister and former President of the Law Society of Tasmania (2022). He is a former Criminal Injuries Compensation Commissioner and legal member of the Mental Health Tribunal. Before being called to the Bar in 2021, Simon was a partner at McLean, McKenzie and Topfer Barristers and Solicitors, specialising in workers compensation, personal injuries and administrative law. Prior to his move to private practice, Simon held a position as Crown Counsel with the Tasmanian Office of Solicitor-General. Simon is the inaugural Chair of the Law Society of Tasmania's Wellbeing Committee and was a member of Law Society's Litigation Committee, 2017-2021. [GS] [MHS] Appointed February 2023

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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] Membership concluded October 2022.

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Gogarty, Brendan

Dr Brendan Gogarty is a lawyer and Associate Professor of Law at Monash University, specialising in public and public international law relating to human rights, discrimination and the environment.

Brendan is active in state, national and international law reform and regularly contributes to public interest litigation through Monash Law Clinics and community legal centres. He previously worked in public health law and policy reform at the University of Cambridge PHG Foundation and more recently acted as Director of the Tasmanian Law Reform Institute.

Dr Gogarty holds PhD and bachelor's degrees from the University of Tasmania and master's and graduate diplomas in law from the Australian National University is a nationally accredited mediator. [ADS, GS] Appointed August 2022.

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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] (did not see reappointment and membership Membership concluded September 2022

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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] Membership concluded November 2022.

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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] Appointed February 2023.

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Hambly, Kim

Legal member, Barrister-at-Law admitted England and Wales, Queensland, Tasmania and New Zealand). Currently semi-retired and working solely with TASCAT as a sessional member. [MS, RPS]

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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 proving 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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Hudson, Robert LLB (Hons)

Robert Hudson has worked in private practice in Tasmania as a barrister and solicitor since his admission as a legal practitioner in 1983. He became a partner of Hobart law firm Butler McIntyre & Butler in 1986. Robert has practiced in commercial and civil dispute resolution across a broad range of areas including property rights and disputes, trusts and equity, banking law, wills and estates, insurance law, business structures and disputes, insolvency law, construction law, roads, forestry rights, consumer law, anti-discrimination and employment practices, intellectual property, personal injuries, and professional obligations. Robert has also served on numerous Law Society committees. [ADS, RPS] Appointed August 2022

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Hudson, Wendy

**Not currently sitting - leave of absence

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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] Appointed August 2022

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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] Appointed August 2022

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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] Appointed February 2023

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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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Jordon, Mike

Completed basic medical training at Imperial College (Faculty of Medicine), London before completing UK postgraduate psychiatric training in Oxford and Cardiff after various posts in emergency medicine, anaesthetics and rheumatology. A move to New Zealand led to an entrance into forensic psychiatry, which was followed by a period working for Western Australian Forensic Mental Health Services before a move to Tasmania in 2009, where he has been based ever since. Whilst in WA, he was part of the state's prison inspectorate team, and he has previously represented Tasmania on the Royal Australian and New Zealand College of Psychiatrists Forensic Faculty Committee. After stepping down as Clinical Director of Tasmanian Forensic Mental Health Services in 2016, he has continued in forensic/general adult practice in both the private and public sectors. [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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Mackie, Craig BA LLB

Craig is a Principal at the Tasmanian law firm Dobson Mitchell Allport and has over 30 years' experience working as a solicitor and barrister. He was the principal of his own law firm Mackie Crompton for 12 years. He has a background of criminal law and commercial litigation. Craig is often engaged by Government, Non-Government Organisations, and Individuals in relation to formal investigations or inquiries, including: Royal Commissions; Commissions of Inquiry; Coronial Inquiries; and proceedings before Professional Regulatory Boards.

As well as being a member of TASCAT Craig is a member of Disciplinary Tribunal of Tasmania.

Craig is the chair of the Property Agents Board of Tasmania. He also sits on the Board of the Law Reform Institute of Tasmania and the Law Society of Tasmania's Wellbeing Committee. [GS] Appointed August 2022.

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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]

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] Appointed August 2022

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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] Appointed February 2023

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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] Appointed August 2022

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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] Appointed August 2022.

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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] Membership concluded October 2022

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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). Practising 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 an 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]

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] Appointed August 2022.

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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] Membership ended in Feb 23

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Sealy, David BA LLB Grad Dip LP

** not currently sitting- leave of absence

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]

–

Smith, Anita BA LLB, LLM

** not currently sitting- leave of absence

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] Appointed February 2023

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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] Appointed February 2023

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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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Thompson, Samuel

Sam was admitted as a legal practitioner in Tasmania in 2013 and has spent most of his career as a government lawyer prosecuting and advising in respect of regulatory offences in the Magistrates and Supreme Courts. Sam has been a member of the Local Government Code of Conduct Panel since 2019. He is a member of the Council of Law Reporting and a board member of the Tasmanian Association of Police and Citizen Youth Clubs. Sam hears cases in the Tribunal's Resource and Planning Stream and Anti-Discrimination Stream. [ADS] [RPS] Appointed February 2023

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Treize, 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] Appointed August 2022.

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Washington, Dr 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] Appointed February 2023.

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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]

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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]

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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]

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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] [GS] Appointed February 2023.

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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] Appointed February 2023.

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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]



APPENDIX C SERVICE CHARTER

Our purpose

To provide a fair, independent, transparent and accessible Tribunal to all Tasmanians by meeting our statutory objectives contained under s 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 D SEPARATE REPRESENTATIVES

Separate Representatives and the Tribunal

Muhammad Fawwaz Bin Abdul Aziz

(Associate to President Malcolm Schyvens)

The rules of natural justice require that, before a court makes an order that may affect the rights or interests of a person, that person should be given an opportunity to contest the making of that order.¹

Introduction

The power to appoint separate representatives is one of the tools available to the Tasmanian Civil and Administrative Tribunal (the Tribunal) in upholding natural justice whilst exercising its *parens patriae* jurisdiction. The aim of this article is to provide an overview on the role of separate representatives in proceedings before the Tribunal. In recent times, appearances by separate representatives have become a recurrent feature in proceedings within the Protective Division of the Tribunal (Guardianship and Mental Health streams).

Separate representatives

A separate representative is an independent legal practitioner appointed by the Tribunal for the purpose of assisting the person at the centre of an application. Fundamentally, the role of a separate representative is to act impartially by advancing submissions to the Tribunal that accords with the interests and views of a represented person², a proposed represented person, or a patient.³ Separate representatives are not bound by the views of the person given that they are not acting on instructions.⁴ In certain circumstances, separate representatives may advance submissions that are contrary to the views of the person they are assisting.⁵

On 23 August 2022, the Tribunal commenced a practice to make an order that a party/person be separately represented at hearings. Since then, the Tribunal have made 28 appointments in the Protective Division: 16 appointments in the Mental Health Stream and 12 appointments in the Guardianship Stream. It is worth mentioning that this practice became conspicuous from 1 June 2023 onwards. This is evident from the 13 appointments the Tribunal made in June 2023. Henceforth, the Tribunal envisages a burgeoning trend with this practice in the foreseeable future, especially with matters in the Protective Division.

An order for appointment is provided to Tasmania Legal Aid (TLA) and TLA will then decide whether to accept the appointment, and if accepted, arrange for the provision of legal practitioner to act as the separate representative. It follows that the Tribunal may make an order for the appointment of a separate representative irrespective of what stage proceedings are at.

The basis for appointing a separate representative is premised upon the assessment of each individual set of circumstances. For example, the Tribunal may appoint a separate representative upon ascertaining that the person is: incapable of representing themselves, their interest, and advancing their views on the proceeding before the Tribunal;

1 *Victoria v Sutton* (1998) 195 CLR 291; [1998] HCA 56 at [77].

2 'represented person' is defined in s 3 of the *Guardianship and Administration Act 1995* (TAS). Briefly, a 'represented person' means a person under a guardianship/administration order (or both), or who had appointed an enduring guardian before losing capacity.

3 'patient' is defined in s 3 of the *Mental Health Act 2013* (TAS) as a voluntary inpatient, involuntary patient or forensic patient.

4 *EB v Guardianship Tribunal* [2011] NSWSC 767 at [268].

5 CN [2012] QCAT 11 at [8].

or incapable of providing proper instructions to a legal representative and/or under legal incapacity due to age, mental illness, disability or other special circumstances. Examples of special circumstances may include where the person:

- is the subject of allegations of financial abuse;
- is proposed to undergo medical treatment that would result in permanent infertility;
- is exposed to imminent diminution of their financial estate;
- is unable or unwilling to attend the hearing due to an acute illness; or
- is the subject of a supervision or restriction order hearing.⁶

In making its orders to appoint a separate representative, the Tribunal will provide brief reasoning for the order. For example, in the matter of *KU (Application for Guardianship)* [2023] TASCAT 76, the Tribunal stated:

14] At the time of appointing a separate representative for KU, the Tribunal provided the following brief reasons for making such appointment:

...

On the limited information before me, the applicant has raised serious allegations as to the conduct of the Attorney. The Attorney is legally represented in the proceedings. The applicant advised that he is taking steps to be legally represented. In these circumstances, I am of the view it is appropriate that [KU]'s interests in the proceeding be advanced through the appointment of a separate representative. This is particularly the case given that in the days before the hearing [KU] has been transported to hospital under contested circumstances.⁷

The efficacy of appointments is predicated upon the preparations undertaken by separate representatives prior to hearings and their active participation in hearings. It is incumbent on separate representatives to communicate with the person they are representing whenever possible, obtain evidence where necessary, and critically analyse the evidence that the Tribunal would need to consider. At hearing, the Tribunal relies upon the separate representative to advance the interests and views of the subject person, and to present compelling submissions. Essentially, the role of separate representatives is to make an independent judgement as to the interests and views of the person they represent and on all the available evidence.⁸

Sources of power to appoint

The genesis of the Tribunal's power to appoint separate representatives are found in s 98(4)(c) and s 98(5)(b) of the *Tasmanian Civil and Administrative Tribunal Act 2020* (the TASCAT Act). Both sections empower the Tribunal to order that a party/person be separately represented at hearings.

Practices across the Country

Broadly speaking, Civil and Administrative Tribunals (CATs) in Australia are empowered under its enabling legislation to appoint separate representatives.⁹ Some examples are as follows:

In Queensland, QCAT is empowered under the *Queensland Civil and Administrative Tribunal Act 2009*, pursuant to s 43, to appoint a separate representative for a person¹⁰ in circumstances where the person has impaired capacity.¹¹ The *Guardianship and Administration Act 2000* (QLD) provides a similar power in s 125. In LER [2018] QCAT 40, the Tribunal stated:

6 Protocol for Appointment of Separate Representatives.

7 [2023] TASCAT 76.

8 *Re Kara* (No 6) [2020] NSWSC 1857 at [60].

9 CATs with power to appoint a representative: TASCAT, WASAT, NCAT, VCAT, QCAT, SACAT.

10 *Queensland Civil and Administrative Tribunal Act 2009*, s 43(6).

11 above n 8, s 43(2)(b)(i).



[5] It appears from s 125 of the GAA that the purpose of appointing a separate representative is to try, as far as possible, to ascertain the views, wishes and interest of the adult...The importance of being able to do so is fundamental to the purpose of the GAA, which is to try to balance the adult's right to the greatest possible degree of autonomy in decision-making with his or her right to adequate and appropriate support.¹²

In New South Wales, NCAT is empowered under the *Civil and Administrative Tribunal Act 2013* (NSW), pursuant to s 45, to order that a party be separately represented.¹³ NCAT takes guidance from the principles in s 4 of the *Guardianship Act 1987* (NSW) in determining whether a party ought to be separately represented. In *GAJ* [2018] NSWCATGD 19, the Tribunal stated:

[24] The Tribunal may decide to appoint a separate representative for the subject person if:

- There is a serious doubt about the subject person's capacity to give legal instructions but there is a clear need for the person's interests to be independently represented at the Tribunal hearing or they wish to be represented
- There is an intense level of conflict between the parties about what is in the best interests of the subject person
- The subject person is vulnerable to or has been subject to duress or intimidation by others involved in the proceedings
- There are serious allegations about exploitation, neglect or abuse of the subject person
- Other parties to the proceeding have been granted leave to be legally represented
- The proceedings involve serious and /or complex issues likely to have a profound impact on the interests and welfare of the person with a disability, such as end-of-life decision making or proposed sterilisation treatment.¹⁴

In Victoria, VCAT is empowered under the *Victorian Civil and Administrative Tribunal Act 1998* (VIC), pursuant to s 62(6), to appoint a person to represent an unrepresented party.¹⁵ In *Tomasevic v All States Legal Co Pty Ltd As Nowicki Carbone (Legal Practice)* [2020] VCAT 856, the Tribunal stated:

[25] If VCAT was to appoint an advocate to represent Mr Tomasevic under section 62(6), the Principal Registrar of VCAT would, for practical purposes, be seeking to access legal representation through the same external bodies...That is not a simple task...some general enquiries have been made of the Victorian Bar Pro Bono Scheme, but the matter is unresolved. VCAT could realistically only appoint a lawyer to represent Mr Tomasevic who was willing to do so.

[26] Pro bono legal representation...is generally prioritised for those most in need – i.e. those who cannot afford legal representation. Other matters that might be taken into account include the nature and merits of the proceeding (for example, the prospects for success, or whether there is a 'public interest' in the litigation) and the financial circumstances or level of disability of the party seeking representation.¹⁶

Conclusion

The attention drawn to the role of separate representatives in this article is but a paltry analysis of a salient topic.

In summary, the Tribunal is empowered under the TASCAT Act to appoint a separate representative for a party/person that is the subject of a hearing. Albeit, the TASCAT Act is silent on the criteria that the Tribunal needs to consider before exercising the power to appoint a separate representative.

Key indicia prompting the Tribunal to exercise that discretion are the inability of a party/person to present their interests and views in hearings, and their inability to provide adequate instructions to a legal representative because of a legal incapacity.

Inherently, the purpose of appointing separate representatives is to assist the Tribunal through advancing constructive submissions on the interests and views of the person the subject of the hearing from an impartial perspective.

¹² [2018] QCAT 40.

¹³ *Civil and Administrative Tribunal Act 2013* (NSW), s 45.

¹⁴ [2018] NSWCATGD 19.

¹⁵ *Victorian Civil and Administrative Tribunal Act 1998* (VIC), s 62(6).

¹⁶ [2020] VCAT 856.

APPENDIX E FACT SHEET – SEPARATE REPRESENTATIVES

Information about Separate Representatives

This fact sheet answers the following questions:

- What is a separate representative?
- How do they assist before the hearing?
- How do they assist during the hearing?
- How are they appointed?

Who should read this fact sheet?

This fact sheet provides information for a person who has an application made about them to the Tasmanian Civil and Administrative Tribunal ('the Tribunal'), their family, carers, guardians, administrators, treating teams and other support people. Orders appointing a separate representative are usually made in matters in the Guardianship stream or the Mental Health stream.

What is a Separate Representative?

A separate representative is a legal representative who performs the role of presenting the person's views, wherever possible, and other evidence and information to assist the Tribunal to make a decision.

A separate representative:

- is independent of the Tribunal
- unlike a directly appointed legal representative, is not bound to follow any instructions given by the person they are appointed to assist
- may put evidence before the Tribunal in addition to making legal submissions
- is not an advocate for other parties to a matter before the Tribunal

Prior to the hearing

A separate representative is expected to perform the following in preparation for a hearing:

- inform the Tribunal and the other parties that they are the lawyer appointed as the separate representative by submitting a Notice of Appearance form
- review the evidence available

- meet with the person they have been appointed for, explain the role of a separate representative, and where possible, obtain their views relevant to the hearing
- obtain any further evidence relevant to the hearing which is likely to assist the Tribunal (for example, obtaining an independent assessment of a person's capacity or obtaining copies of any relevant orders made in other jurisdictions)
- where appropriate, explain the role of a separate representative to the other parties to the proceedings and canvas their views about the hearing

At the hearing

At the hearing, the separate representative should:

- act in accordance with the objectives of the TASCAT Act 2020 (the Act) and the principles in any other relevant legislation (for example, the *Guardianship and Administration Act 1995* and the *Mental Health Act 2013*)
- inform the Tribunal what action they have taken as a separate representative (for example, whether they have met with any person or the investigations they have conducted)
- advise the Tribunal of the views of the person the application is about

At the hearing, the separate representative may:

- call witnesses to give evidence
- test any evidence and question witnesses
- make submissions as to whether the evidence supports the applicable legal tests or requirements for an order to be made, and what order would provide the best outcome for the person

How are Separate Representatives appointed?



Sections 98(4)(c) and 98(5)(b) of the Act gives the Tribunal the power to make an order appointing a separate representative. An order may be made at any stage of a matter. The Act does not specify the criteria that the Tribunal must consider when appointing a separate representative so the Tribunal will exercise its discretion in deciding when to make an order based on each individual set of circumstances. For example, the Tribunal may appoint a separate representative where it is evident that a person is:

- incapable of representing themselves, their interests, and giving their views on the proceedings before the Tribunal
- incapable of giving proper instructions to a legal representative and/or under legal incapacity due to age, mental illness, disability, or other special circumstances

After the Tribunal makes the order, it will send a copy to Tasmania Legal Aid. Legal Aid will decide whether to arrange for the provision of a legal practitioner to act as the separate representative in accordance with their policies.

More Information

For more information, please refer to:

- [TASCAT](http://www.tascat.tas.gov.au) (www.tascat.tas.gov.au)
- [TASCAT – Guardianship Stream](http://www.tascat.tas.gov.au/guardianship) (www.tascat.tas.gov.au/guardianship)
- [TASCAT – Mental Health Stream](http://www.tascat.tas.gov.au/mental-health/home) (www.tascat.tas.gov.au/mental-health/home)
- [Tasmania Legal Aid](http://www.legalaid.tas.gov.au) (www.legalaid.tas.gov.au)

APPENDIX F FACT SHEET – TRAUMA INFORMED SERVICE DELIVERY

TASCAT And Trauma-Informed Practice

Given the range of jurisdictions exercised by the Tribunal and the diversity of people involved in Tribunal proceedings, there is a likelihood that many people may have experienced trauma.

For those people, their involvement in Tribunal proceedings can possibly contribute to retraumatisation. Therefore, it is important that Tribunal Members and/or registry staff are informed if you believe participating in a Tribunal hearing may be a traumatising event for you. This will allow the Tribunal to engage in trauma informed practice and procedure.

Please note you do not have to disclose any details about any trauma you may have experienced to obtain support through our trauma-informed practice.

When should you contact the Tribunal?

When you wish to contact the Tribunal, our registry staff will be available and here to listen. It is best to contact the registry stream responsible for the matter in which you are involved (eg. the Guardianship Stream) and:

- advise them of your preferred contact details and how you wish to be contacted;
- let them know if you require any assistance in the proceedings, including a support person or an interpreter;
- advise them of any particular support you may require to reduce the risk of retraumatisation, for examples, seeking to participate in a hearing remotely, or in a different room to another participant; having a support person attend with you; and
- provide constructive feedback if you feel we have not engaged in trauma informed practice so that we can continue to improve. You can safely do this by sending an email to the feedback email of the TASCAT: tribunal.feedback@tascat.tas.gov.au. Your email will be managed in accordance with the Feedback and Complaints policy of the Tribunal.

What can you expect at the Tribunal?

Staff and Members have awareness and understanding about trauma. On advising us that you require support, you can expect Members and staff of the Tribunal to:

- respect your rights and entitlements as a participant in Tribunal proceedings;
- treat you with courtesy, respect, understanding and dignity; and
- take into account, and be responsive to any particular needs or differences you have such as race, indigenous identity, sex or gender identity, cultural or linguistic diversity, sexual orientation, disability, religion and age.

The Tribunal registry can, if requested:

- talk to you about what to expect in the Tribunal hearing and your role as a party or a witness;
- advise you about the status of the matter in which you are involved including the hearing date;
- prior to the hearing, give you a tour of the Tribunal's public areas including; where you will enter the premises, where you will wait prior to giving your evidence, where you will be giving your evidence and where you will take breaks.
- explain the various roles of Tribunal Members and registry staff;
- discuss any concerns you have about your safety while at the Tribunal or giving evidence.
- assist you in requesting of the Tribunal Member(s) hearing the matter in which you are involved to make appropriate arrangements that may be available to you for you to give evidence, eg. attending by Audio Visual Link or having a support person in the room with you;
- provide you with the contact details for appropriate support services (which include the services provided at the end of this document);



APPENDIX G FACT SHEET – LEGAL AND OTHER SERVICES

- assist you in requesting of the Tribunal Member(s) hearing the matter in which you are involved to make a request that orders be made not to publish your name or any information identifying you in any Tribunal notices or determinations;
- assist you in a request to be provided with a copy of any published decision in which you are involved.

If you receive notice to attend a hearing at the Tribunal to give evidence as a witness you must attend. It is possible that the matter will be adjourned (delayed) or you may need to attend or more than one day.

- Whilst the Tribunal registry staff are not able to discuss your evidence with you, as outlined above, if you get in touch with us before the hearing, we can look to put in place reasonable supports to assist you through the process of giving evidence.
- At the hearing, if you are to give oral evidence and/or be cross examined (asked detailed questions) about your evidence, you will be given reasonable time to consider your answers and take reasonable breaks as required.

Further Information/Resources

Sexual Assault Support Service

SASS is a free and confidential support service for southern Tasmanian people of all ages who have been affected by any form of sexual violence. SASS also provide Redress Scheme Support Services across Tasmania.

Home | SASS, Sexual Assault Support Service

Blue Knot Helpline and Redress Support Service <https://blueknot.org.au/survivors/blue-knot-helpline-redress-support-service/>

We support adult survivors of childhood trauma and abuse, parents, partners, family and friends as well as the professionals who work with them.

You can call the Blue Knot Helpline and Redress Support Service on 1300 657 380. This service operates from 9am-5pm AEST Monday-Sunday and public holidays.

Blue Knot Community

If you or someone you care about has experienced complex trauma and it is still affecting you, we are here to help. Many people find learning and understanding more about what happened, the possible effects, and pathways to healing, helpful. This section of the website has a lot of useful information and resources. <https://blueknot.org.au/resources/>

Blue Knot Professional Community

If you are a professional, work with survivors, and are looking for training, practice or organisational support, please visit our Professional community. <https://professionals.blueknot.org.au/>

Lifeline

131144 – or 1800 98 44 34
Specifically for Tasmanians (callback service available)
www.atasmanianlifeline.com.au

Legal Help and Advice / Support Services

The Tasmanian Civil and Administrative Tribunal, as an independent Statutory Authority, is unable to provide parties appearing before it with legal or other professional advice. The Protective Division of the Tasmanian Civil and Administrative Tribunal has therefore compiled a list of organisations who may be able to provide legal and other professional support to individuals attending hearings in the Mental Health and Guardianship streams of the Tribunal. This referral sheet will be distributed along with other key Tribunal documentation and is intended to assist with directing people to bodies able to provide them with support prior to, during, and following a Tribunal hearing.

You may wish to seek legal advice or seek other professional representation or support before attending a hearing in the Protective Division of TASCAT (the Protective Division includes the Guardianship Stream and the Mental Health Stream).

If you have had an application made about you in the Guardianship Stream or the Mental Health Stream, you have an automatic right to representation. Some other parties may need to seek permission from the Tribunal for a lawyer or other professional to represent them.

If you wish to be represented by a lawyer or an advocate, or otherwise seek assistance or support for your hearing, you will need to organise this assistance yourself.

Below is a list of organisations that you can speak to about your matter, and who may be able to assist you.

Where can I find a lawyer to help me?

Tasmania Legal Aid

Tasmania Legal Aid can assist you by providing free or low-cost legal advice and represent you at Tribunal hearings across the state.

You can call their free advice line on 1300 366 611 Monday to Friday between 9am and 5pm, visit their website at www.legalaid.tas.gov.au or visit their offices in Hobart, Launceston, Burnie and Devonport.

Community Legal Centres

Community Legal Centres provide free or low-cost legal services and have offices located in Hobart, Launceston and the North-West.

- to contact Hobart Community Legal Centre call (03) 6223 2500 or visit www.hobartlegal.org.au
- to contact the Launceston Community Legal Centre call (03) 6334 1577 or visit www.lclc.net.au
- to contact the North West Community Legal Centre call (03) 6424 8720, visit www.mwclc.org.au

Women's Legal Service Tasmania

Women's Legal Service Tasmania provide free legal advice to women across Tasmania through their telephone advice line. Call 1800 682 468 Monday to Friday between 10am and 4pm or visit www.womenslegaltas.org.au for more information.

Tasmanian Aboriginal Legal Service

The Tasmanian Aboriginal Legal Service (TALS) provide free legal assistance to all Aboriginal Tasmanians. For assistance please call 1800 595 162 Monday to Friday between 9am and 5pm or visit www.tals.net.au

Private legal representation

Should you wish to seek private representation, the Law Society of Tasmania can provide you with a list of private practitioners that can represent you at hearings within the Protective Division of the Tribunal. Please contact the Law Society on (03) 6234 4133 or by email at info@lst.org.au to obtain a copy of the list.



Where can I find other information, advocacy and supports?

Advocacy Tasmania

Advocacy Tasmania can provide you with information, support and advice prior to and at your Tribunal hearing. For more information call 1800 005 131 or visit www.advocacytasmania.org.au

Speak out Advocacy

Speak Out represent and support adults with a disability. They can attend Tribunal hearings with you, or on your behalf, and can help provide you with information about your matter. For more information call (03) 6231 2344 or visit www.speakoutadvocacy.org

Office of the Public Guardian

The Office of the Public Guardian can provide advice on guardianship matters for Tasmanians living with a disability. The Office of the Public Guardian also undertakes the role of Guardian for some Tasmanians. For more information call 1800 955 772 or visit www.publicguardian.tas.gov.au

The Public Trustee

The Public Trustee can provide specialised estate and trustee services to Tasmanians, and also acts as Administrator for some Tasmanians. For more information, call 1800 068 784 or visit www.publictrustee.tas.gov.au. To view the Public Trustee's fees and charges, please visit www.publictrustee.tas.gov.au/public-trustee-fees-charges.html.

TPT Wealth

TPT Wealth, formerly known as Tasmanian Perpetual Trustees, can also assist with estate and trustee services. For more information call 1300 138 044 or visit www.tptwealth.com.au. To view their financial services guide, which sets out their fees and charges, visit <https://tptwealth.com.au/wp-content/uploads/FSG-Trustee-Services.pdf>.

Citizen Advocacy Launceston Region Inc.

Citizen Advocacy Launceston Region Inc. support and represent people with a disability in the Launceston area. For more information call (03) 6331 2177 Monday to Friday between 8.30am and 4.30pm or visit www.citizenadvocacylton.org.au/contact.html.

The Association for Children with Disability (Tas) Inc.

The Association for Children with Disability (Tas) Inc. provide information, consultation and training, case coordination and peer support for parents with children with a disability. Call 1800 244 742 or visit <https://acdtas.com.au/> for more information.

APPENDIX H FEES & CHARGES

Resource & Planning	Fee
Application/Appeal in Resource & Planning stream (SR.9(1) of the TASCAT Regulations 2021)	\$353.60
Section 144(1)(a) or (b) Strata Titles Act 1998	\$428.40
Section 96(1), Section 133(1) or Section 145 Strata Titles Act 1998	\$153.85
Application to be made a party to an appeal (Schedule 2, Part 8, clause 7 (3) of the TASCAT Act 2020)	\$176.80
Fee for application under Section 23(2) of the Neighbourhood Disputes About Plants Act 2017	\$353.60
Fee for application for variation or revocation under Section 36(2) of the Neighbourhood Disputes About Plants Act 2017	\$353.60
Fee for Completion Order Application under Section 33A of the Neighbourhood Disputes About Plants Act 2017	\$353.60
Fee for database search under Section 37(4) of the Neighbourhood Disputes About Plants Act 2017	\$25.50

Guardianship	Fee
Registration of an enduring guardianship	\$76.50
Registration of revocation of an enduring guardianship	\$54.40
Copy of an instrument appointing an enduring guardianship	\$34.00
Certified copy of an instrument appointing an enduring guardianship	\$49.30
Examination of the administrator's annual statements of account	\$200.60
Examination of the Public Trustee's annual statements of account	\$141.95
Photocopies of documents	\$3.40

Guardianship	Fee
Application filing fee	\$255.00



APPENDIX I EXPERT WITNESS CODE OF CONDUCT

Expert Witness Code of Conduct

1. Application of code

This code of conduct applies to any expert witness engaged or appointed:

- To provide an expert's statement of evidence for use as evidence in proceedings or proposed proceedings, or
- To give opinion evidence in proceedings or proposed proceedings.

2. General duty to the Tribunal

- An expert witness has an overriding duty to assist the Tribunal impartially on matters relevant to the expert witness's area of expertise.
- An expert witness's paramount duty is to the Tribunal and not to any party to the proceedings (including the person retaining the expert witness).
- An expert witness is not an advocate for a party.

3. Duty to comply with Tribunal's directions

An expert witness must abide by any direction of the Tribunal.

4. Duty to work co-operatively with other expert witnesses

An expert witness, when complying with any direction of the Tribunal to confer with another expert witness or to prepare a party's expert's statement of evidence with another expert witness in relation to any issue:

- Must exercise independent, professional judgment in relation to that issue, and
- Must endeavour to reach agreement with any other expert witness(es) on that issue, and
- Must not act on any instruction or request to withhold or avoid agreement with any other expert witness(es).

5. Experts' reports

- An expert's statement of evidence must (in the body of the statement or in an annexure to it) include the following:
 - the name and address of the expert;
 - an acknowledgment that the expert has read this code and agrees to be bound by it;
 - the expert's qualifications as an expert on the issue the subject of the report;
 - the assumptions and material facts on which each opinion expressed in the report is based (a letter of instruction may be annexed);
 - the reasons for any opinion expressed;
 - any literature or other materials utilised in support of each such opinion;
 - (if applicable) a statement that a particular question, issue or matter falls outside the expert's field of expertise;
 - any examinations, tests or other investigations on which the expert has relied, identifying the person who carried them out and that person's qualifications;
 - the extent to which any opinion which the expert has expressed involves the acceptance of another person's opinion, the identification of that other person and the opinion expressed by that other person;
 - a declaration that the expert has made all the inquiries which the expert believes are desirable and appropriate (save for any matters identified explicitly in the report), and that no matters of significance which the expert regards as relevant have, to the knowledge of the expert, been withheld from the Tribunal;
 - in the case of a statement of evidence that is lengthy or complex, a brief summary of the statement (to be located at the beginning of the statement).

- Where an expert believes that a statement of evidence may be incomplete or inaccurate without some qualification, that qualification must be stated in the statement.
- If an expert witness considers that his or her opinion is not a concluded opinion because of insufficient research or insufficient data or for any other reason, this must be stated when the opinion is expressed.
- If an expert witness changes an opinion on a material matter after providing an expert's statement to the engaging party (or that party's legal representative), the expert witness must forthwith provide the party (or legal representative) with a supplementary statement to that effect containing such of the information referred to in clause 5(a) above as is appropriate.

6. Conference of Experts

- Without limiting clause 3 above, an expert witness must abide by any direction of the Tribunal:
 - to confer with any other expert witness(es);
 - to endeavour to reach agreement on any matters in issue;
 - to prepare a joint report, specifying matters agreed and matters not agreed and reasons for any disagreement; or
 - to base any joint report on specified facts or assumptions of fact.
- An expert witness must exercise independent, professional judgment in relation to such a conference and joint report, and must not act on any instruction or request to withhold or avoid agreement.

7. Joint reports arising from experts' conferences

- This clause applies if expert witnesses prepare a joint report as referred to in clause 6 above.
- The joint report must specify matters agreed and matters not agreed and the reasons for any disagreement.
- The joint report may be received at the hearing as evidence of any matters agreed.
- In relation to any matters not agreed, the joint report may be used or tendered at the hearing only in accordance with the practices of the Tribunal.
- Except by leave of the Tribunal, a party affected may not adduce evidence from any other expert witness on the issues dealt with in the joint report.

8. Resource and Planning Stream

The following applies to expert witnesses called in the Resource and Planning Stream.

- Where parties call expert witnesses who share the same fields of expertise, those experts are directed to:
 - confer as if directed pursuant to clause 6; and
 - endeavour to reach agreement on matters in issue; and
 - to file with the Tribunal and serve on each party 72 hours prior to the hearing, a joint statement in accordance with clause 7.



APPENDIX J 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 s 52(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 K 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
 Mental Health Council
 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 L ENGAGEMENTS

Date	Stream	Presenter	Topic	Audience
06/07/22	Personal Compensation Stream	Deputy President Alison Clues, Senior Member Luci Jack	Tribunal Hearing Practice	Legal Practice Course
06/07/22	Personal Compensation Stream	Deputy President Alison Clue	Legal Review Advisory Committee	WorkCover Board
07/07/22	Guardianship	Senior Member Rowena Holder	Guardianship & Administration	Statewide Mental Health Service
26/07/22	TASCAT	President Schyvens	TASCAT	Mosaic Family Forum
03/08/22 and 31/08/22	Guardianship	Senior Member Rowena Holder	Guardianship and Administration	Launceston General Hospital, Year 1 and 2 Doctors
10/08/22	Personal Compensation Stream	Deputy President Alison Clues and Deputy Registrar Ross Thomas	Current status of TASCAT and the previous year's annual report	WorkCover Board
26/08/22	Personal Compensation Stream	Deputy President Alison Clues	Impact of Workers Rehabilitation & Compensation Tribunal becoming part of TASCAT	CLE – Australian Insurance Law Association
01/09/22	Resource and Planning	Division Head Richard Grueber	Transition from RMPAT to TASCAT	ACPECT Conference
04/10/22	Guardianship	Senior Member Rowena Holder	General overview of the Guardianship Stream	Tasmanian Health Service – Devonport
29/11/22	TASCAT	President Schyvens	Training – new members on hearing procedure	Voluntary Assisted Dying Commission (VADC)



14/03/23	Guardianship	Member Virginia Jones	Guardianship and Administration	TasTAFE Burnie
21/03/23	Guardianship	Member Virginia Jones	Restrictive Interventions and Guardianship Stream generally	28 TAFE Aged Care & Disability Support students
01/04/23	TASCAT	President Schyvens	Supporting effective consultations for people with intellectual disability forum	GPs, Practice Nurses and Allied Health Professionals
03/04/23	Guardianship	Senior Member Rowena Holder	Guardianship and Administration	Care to Serve
02/05/23	Mental Health Stream	Deputy President Yvonne Chaperon	How treatment orders operate in the community	ACMHS, Glenorchy
04/05/23 and 05/05/23	Personal Compensation	President Schyvens	TASCAT AGAC Report for meeting on 21/04/23	
04/05/23 and 05/05/23	Personal Compensation Stream	Division Head Richard Grueber, Deputy President Alison Clues, Senior Member Luci Jack	Mock Hearings	Legal Practice Course
16/05/23	TASCAT	President Schyvens	Official launch of Law Week	Law School

02/06/23	Resource and Planning Stream	Principal Registrar Jarrod Bryan	Development Appeals	Tasmanian Land Surveyors Accreditation Board
08/06/23 and 09/06/23	TASCAT	President Schyvens, Deputy Presidents Alison Clues and Yvonne Chaperon, Member Virginia Jones, Registrars Jarrod Bryan, Ross Thomas, Jane Cook		Council of Australasian Tribunal Conference
16/06/23	Mental Health Stream	Deputy President Chaperon	How treatment orders operate in the community	ACMHS Clarence and Eastern
27/06/23	Guardianship Stream	Member Virginia Jones	Advanced Care Directives	Tasmanian Health Service Staff



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