

#	Statutory Review 2017 Recommendation	Government position / response to Recommendations 26 September 2017		Status / Update January 2018	Status / Update April 2018	Status / Update June 2018	Status / Update December 2018	Status / Update March 2019
1	That work already in train for developing key performance indicators continues for implementation as soon as possible.	Accepted	Underway	Work is well progressed, with SACAT incorporating detailed KPI metrics across the entire tribunal and developing a consistent methodology for all staff and members. This will also encompass the measurements outlined in the Council of Australasian Tribunals (COAT) framework for excellence. Expected to be completed by the end of 2017.	Progressed but not completed. System modifications that will permit better event markers are to be incorporated, and in turn allow for more accurate measurement of the actual time taken to undertake various parts of the application and hearing.  Given the current performance cycle is already in place (i.e. 2017-2018) implementation of a broader and deeper methodology will be commenced in July 2018 for the 2018-2019 performance cycle.	Preparatory work for 2018-2019 continues.	<u>Completed.</u>  SACAT has launched - Our Service – a page on the SACAT website containing performance data. Linked to this, SACAT will launch internal KPI metrics from July 2018 with line-of-sight accountabilities for registry staff.	
2	That applications lodged, applications finalised, applications pending and a clearance metric should be seen as the formative performance benchmarks reportable in the Annual Report.	Accepted	Planned	These metrics will be incorporated into SACAT's 2017-2018 Annual Report.	Significant progress has been made to improve the way that events are recorded in the IT system so that measuring can be performed more accurately and reliably. A key meeting with the system provider, McGirr, was held in September to advance this project. This is on track to be incorporated into the next annual reporting cycle encompassing the 2017-2018 period.	Quarterly data has now been made available on the SACAT website. SACAT continues to refine and improve its systems for recording all of its transactions.  The published data must, at this early stage, be acknowledged as carrying a small degree of error. As this improvement occurs, this margin will steadily decrease.	<u>Completed.</u>  Under the – Our Service – banner on the SACAT website, performance data has been published and will be reviewed ongoing. This information will also be incorporated into future Annual Reporting.	
3	That in conjunction with the recommendations contained in this report a review be undertaken of the recommendations for reform contained in the KPMG Report dated 22 February 2016 and appropriate action be taken when necessary.	Accepted	Underway	The review of the KPMG Report has been completed. SACAT is currently developing a formal program plan which will incorporate the KPMG recommendations, the recommendations from this independent review and other critical initiatives already underway to ensure a structured and appropriately sequenced approach is undertaken. The program plan is expected to be completed by the end of 2017.	<u>Completed.</u>  Recommendations from the Statutory Review and the KPMG report, other critical initiatives and projects not yet finalised have been incorporated into a single work-plan for ease of management and measurement of completion. The projects that form deliverables from the KPMG report are being accurately and adequately completed and recorded.			
4	That in the future appointment of members greater emphasis be placed on the engagement of full-time and part-time members and that there be continued review of the need for such appointments.	Accepted	Planned	As the current work of SACAT is better understood, and as new jurisdiction is conferred in the future, the tribunal's ability to identify where there is need for full or part-time members becomes clearer, and its ability to confidently employ full and part-time members is strengthening. A recruitment process for sessional members was underway when the review report was delivered. The need for sessional members will continue in order to provide the range of expertise and the flexibility that the tribunal requires	<u>Completed.</u>  SACAT leadership group has considered and accepted this proposal. Recruitment for new Members occurs approximately each 1-2 years. At each future recruitment, SACAT leadership will determine whether new Members are required for part time, full time or sessionally, with a greater emphasis on part time and full time members to ensure an appropriate balance.			
5	That a project officer be appointed to assist the registrar in the discharge of her functions.	Accepted	Planned	SACAT has appointed a dedicated, full-time project manager for an initial 6-month period, and is undertaking a systematic review of all current and future projects to identify and assess the level of project resources required going forward.	SACAT has recently extended the current Project Manager to ensure continuity of work effort and undertakings are achieved.	<u>Completed</u>  The current contractual timeframe for the assigned Project Manager is scheduled to conclude in June 2019.		
6	That consolidation of the Tribunal to one location be one of the highest and most urgent priorities.	Accepted in principle	Planned	While the benefits of co-location are clear from the review, it will require careful planning to assess multiple options, funding requirements and accommodation availability. A SACAT accommodation strategy is being developed to address SACAT's current accommodation needs, the potential consolidation of all streams and the increased needs as a result of future jurisdictions to be conferred.	The SACAT Accommodation Strategy has been developed and provides information on: · strategic justification for the review of SACAT facilities · current accommodation (noting strengths and risks) · scope for indicative location(s) · needs analysis encompassing functionality, utilisation and conditions that are supportive of a safe, secure and equitable spaces for staff, customers and visitors · appropriateness and cost-effectiveness that meets the current and projected demand for SACAT services over the next three years 2017-2020	The primary benefit of SACAT being in one place is that it will enable SACAT to continue to develop into a unified single entity. Whilst the establishment of SACAT has been undertaken very successfully, the maintenance of two sites that house what have been to date the high volume streams has imposed some limitations. Approval was received prior to the caretaker period (16/2/2018) from the Attorney-General and the Minister for Planning, Transport and Infrastructure to secure additional floor space at 100 Pirie Street.	<u>Ongoing.</u> This will allow for the co-location of all staff, members and volunteers in Pirie Street and to provide for additional hearing rooms for the work currently undertaken at Collinswood and for our new jurisdiction. The current master plan / schedule of works - sees the colocation project completed this calendar year (2018)	<u>Completed</u>  SACAT is now unified at 100 Pirie Street.  SACAT now has 23 hearing / mediation spaces and a dedicated registry staff and member floor.  Milestone commemorated 04.02.2019 with the Attorney-General, AGD Chief Executive, Hon. David Bleby and other dignitaries.
7	That the consolidated site should: · be located within the Adelaide CBD · be sufficient to accommodate all likely future jurisdictions of SACAT even if, for an interim period, portion of the premises is sublet or used for temporary accommodation of other government activities · have ground floor or single entrance security facilities · have convenient access to public transport · have nearby car parking facilities and convenient access and parking for the disabled.	Accepted in principle	Planned	The Government will not be in a position to respond to this recommendation until such time as the SACAT accommodation strategy referred to in Recommendation 6 above is completed and options considered				
8	That a systems analyst be engaged for a period of up to 12 months to assist the IT and systems manager and staff in the restoration of the FELIX system to an efficient and workable system properly able to service the needs of SACAT.	Accepted in principle	Planned	As with Recommendation 5, the number and type of resources required by SACAT to implement business and system improvements is currently being reviewed.  SACAT is also considering the development of specific skill sets 'in-house' as a means of broadening competencies and delivering on future programs as required.	The previous notation remains.	SACAT has secured services of IT professionals (term to June 2018) to assist with analytical and operational componentry as outlined by the Hon. David Bleby.	<u>Completed</u>  System development and enhancements have been positioned to a level supportive of the Recommendations.  Future systems development and assigned resources will effect improvements catering to the needs of Tribunal Users, Staff and Members.	

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9	That the use of voice recognition technology in the production of transcript be investigated.	Accepted	Planned	Further exploration of options to enable receipt of improved quality recordings and using voice recognition software for transcription will be undertaken. Expected to be completed by the end of 2017.	<u>Completed.</u> SACAT has undertaken investigations of improved voice recognition technologies. At this point in time, the current constructs provide suitable outcomes both operationally and financially. SACAT will continue to monitor advancing technologies to ensure that it remains at the forefront of service provision and innovation. SACAT also maintains its approach of producing transcript only where necessary to keep operating costs low.			
10	That options for a more flexible telephone system be investigated with a view to replacement of the existing system to improve accessibility to SACAT.	Accepted	Planned	A review of a more flexible telephone system will be completed by the end of 2017.	Precursory exploration of new phone systems, including leveraging of existing technologies currently deployed in other agencies, has been undertaken. SACAT's current position is that the added functionality would deliver marginal operational benefit and would require additional funding or budgetary realignment in order to implement. SACAT considers it satisfactory for the time being to optimise current technologies and the manner in which they are utilised and that this will improve service delivery. SACAT is currently exploring ways to moderate the current phone system, it's reporting and utilisation so as to improve accessibility for Customers. Internal assessment of call drivers, the current IVR and other aspects are currently under review, with a view to simplify the entrée into SACAT and how staff triage calls.	<u>Completed.</u> SACAT's view remains that the current telephone system adequately meets the needs of SACAT. SACAT has completed a review of the current phone system, specifically the call traffic and operational outcomes noting that there are efficiencies to be gained from streamlining the current IVR. Delivering on accessibility, this will become an ongoing operational undertaking moving forward. By making modifications to the existing IVR infrastructure it will assist with triaging callers to appropriate areas and for other calls to be re-directed to other areas (i.e. bond enquiries directly to Consumer and Business Services). <u>December 2018 Update</u> Since implementation of telephone improvements – service level across all areas of SACAT has risen from an average of 75% of calls being answered within 20 seconds to 86% of phone calls being answered within 20 seconds.		
11	That the induction training of new members of the Tribunal includes an appropriate form of audit of the conduct of their proceedings and of the appropriateness of orders made.	Accepted	Planned	Members' induction currently includes a review of their initial decisions by the relevant executive senior member, and the appraisal process incorporates a review of one or more of the members' hearings. This process will be formalised and supplemented with a documented audit, evaluation and feedback process of a sample of members' hearings and orders	A new procedure has been developed and approved for implementation with the recently-appointed 12 members, requiring that (at a minimum) 5 orders and 3 hearings will be reviewed within the first year of appointment by an executive, presidential or experienced member. This will be one component of a comprehensive training and induction package for new members.	<u>Completed.</u> The new audit procedure has been implemented and is underway.		
12	That a training and development committee of members of the tribunal convened by a deputy president or senior member, be formed to advise on and to organise integrated programs for the induction, training and development of all tribunal members.	Accepted in principle	Planned	SACAT is planning a review of training offered and available for members. A working group or committee will explore the options for internal and externally sourced training. It is expected that the review of training will be completed by the end of 2017.	A committee comprised of one part-time member, two sessional members, the President and the Associate to the President has been established.	<u>Completed.</u> The committee has now been established. Ongoing meetings are scheduled.		
13	That all members of the tribunal, including sessional members, be required to attend the equivalent of not less than 2 full days each year in formal training and development activities.	Accepted	Planned	This training has been planned for in the 2017/18 financial year.	A full day of training in the Housing and Civil stream occurred in November 2017. A full day of training in the Community stream occurred in December 2017. Further training opportunities are scheduled or being developed and offered in respect of new jurisdiction and topics of general application.	SACAT is on track to fulfil this requirement by the end of June 2018.	<u>Completed</u> Ongoing training sessions are scheduled.	
14	That negotiations be undertaken with the Law Society of South Australia and other professional regulators for recognition of appropriate elements of SACAT's training program for the purposes of mandatory continuing professional development requirements where compliance with such requirements is a condition of the right to practise a profession.	Accepted	Planned	Future training for SACAT members will be developed to enable recognition of appropriate elements of the training under the Law Society and other professional regulator's schemes for mandatory continuing professional development (MCPD). Assessment of MCPD requirements to be completed by 30/3/2018.	This issue has been referred initially to the newly-established Training Committee to consider. There is overlap in the membership on the SACAT Training Committee and the Bar Association's professional development committee.	An assessment of the Law Society SA (MCPD requirements) has subsequently been completed and has been given to the Member Training Committee for consideration in relation to future training opportunities for SACAT Members.	<u>Completed</u> The Training committee are chartered with ensuring ongoing opportunities are optimised. SACAT has recently received advice from the President of the Law Society of South Australia that it is not necessary for mandatory CPD providers to apply to have activities "accredited". CPD activities are compliant for the purposes of the Scheme if they fall within the definition of a CPD activity provided for in the LPEAC Rules. The Ethics and Practice Unit of the Law Society provides guidance to all CPD providers on whether an activity is compliant and under what category that activity falls, upon request	
15	That there be a review of training programs and promotion opportunities for staff in the Housing and Civil stream of the tribunal with a view to reducing staff turnover at lower levels and improving the quality of computer input to the FELIX system.	Accepted in principle	Planned	A comprehensive review of existing training programs and promotion opportunities for staff within all sections, including the Housing and Civil stream of the tribunal will be undertaken. This is expected to be completed by 30/3/2018.	Preliminary internal engagement has commenced with the establishment of a staff training and development group to consider how to implement these recommendations and consolidate ad hoc activities into a comprehensive approach to staff training and development. It is expected that this outline will be completed by the stated date of 30/3/2018.	A survey of staff training needs has been developed to complement the range of staff training and development initiatives now planned within SACAT. Outcomes and an update will be provided at the next review point – due June 2018.	Ongoing Further work is to be completed in this arena with planned outcomes remaining a work in progress.	<u>Completed</u> SACAT has completed a review of induction training, implemented job rotation initiatives and formulated training sessions for new jurisdictional undertakings. SACAT has also implemented a Quality Assurance Program designed at improving areas such as attention to detail, data integrity and consistency etc. as well as the recognition of skills gaps. These aspects, plus the planned colocation to one premises will deliver greater opportunities for future cross skilling and optimise retention and development of staff.

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16	That SACAT's case management system be modified as soon as possible to allow the grouping of applications relating to one applicant in the same list and to avoid the listing of one applicant in different lists at the same time.	Accepted in principle	Planned	Detailed business requirements will be developed to ensure the necessary level of system changes can be identified and costed. It is expected that the changes will be significant and require some time to implement. Implementation of these changes will be prioritised and sequenced with the broader system amendments required.	<u>Pending</u> Given the considerable change involved with this recommendation, any consideration and engagement activities would be substantial. SACAT's intention is to explore further in 2018 / 2019 so as to ensure that operational effectiveness and fiscal prudence are equally balanced.			<u>Completed</u>  SACAT has matured significantly in its selection of developments to the Case Management System and prioritises according to available resources. For each financial year the major system priorities are identified and implemented, this process is now business as usual.  Opportunities for improving participant convenience and the coordinating of assistance is an ongoing operational objective.  In relation to potential system modifications such as grouping applicants and recording of time these have not been identified as key priorities to date but remain open for consideration.
17	That in consultation with representatives of the real estate industry, a system be devised in residential tenancy applications which would enable applications lodged by an approved property manager to be listed for hearing without being referred to a compulsory conference.	Further investigation required	Underway	SACAT is currently exploring with stakeholder groups ways, including but not limited to that recommended in the report, to recognise where genuine attempts at negotiations have been undertaken prior to matters being listed.	Given the breadth and depth of the proposed change, SACAT will push further on this recommendation in 2018.	No additional comments at this point in time		<u>Not Proceeding</u>  Given the improvements in service delivery since the handing down of the Statutory Review, this recommendation is no longer seen as a viable option or desirable.  With continued process improvements, review of interactions and service offerings will continue.
18	That the existing streams be discontinued for administrative purposes and that appropriate lists be maintained or established for the listing of cases in particular subject matters by members willing and considered able to hear them.	Further investigation required	Planned	The use of streams is closely connected with the current operations of SACAT over the two primary sites at Pirie Street and Collinswood. Further investigation of the dissolution of streams in favour of the use of lists and other means of grouping like-activities of the tribunal will be undertaken when a decision is made as to the action to be taken under recommendation 6.	A governance planning meeting of the leadership group has been scheduled for late March to consider this and other issues.	<u>Completed.</u>  The President has determined not to abolish streams prior to the co-location of the streams in Pirie Street, which will be achieved in 2018/19. Following co-location, the proposal will be re-visited. In the meantime, harmonisation of practices and procedures to the extent practicable will be an objective.		
19	That the president or his or her delegate maintain a list of members willing and considered able to hear matters in all relevant lists and, in the case of part-time and sessional members, their availability for selection.	Accepted in principle	Planned	Implementation of this recommendation, in its current form or modified as necessary, will be undertaken once the outcome of recommendation 18 is determined	A consultation with existing and recently appointed members will occur once the recently appointed members have been inducted, and will incorporate new jurisdiction that has been or will be transferred to SACAT during the 2018 calendar year.	No additional comments at this point in time		<u>Completed.</u>  With the introduction of new jurisdictions, there has been an increase in the number of members who can sit across matters from the current three streams (i.e. Housing and Civil, Community and Administrative and Disciplinary).  At present, 30% of sessional members sit across streams, providing SACAT with a foundation moving forward that will supply greater flexibility.  It is anticipated that once colocation occurs that this number will continue to grow.
20	That without derogating from the president's powers under section 23 of the SACAT Act as to the constitution of the Tribunal, delegation of that power with appropriate directions where necessary be continued to deputy presidents, senior members, the registrar, deputy registrars and heads of a list.	Accepted	Planned	Linked to Recommendations 21 and 22, this is considered to be a longer-term project which will encompass a comprehensive review of the leadership structure in light of recent changes to the presidential membership of the tribunal and following the proposed conferral of additional jurisdictions	Nothing to add to the previous update.	No additional comments at this point in time	<u>Pending</u> Given other priorities, this specific undertaking has yet to be fully explored. With the current stage of jurisdictional expansion nearing completion additional resources will be assessed.	<u>Completed.</u>  People in the positions of Deputy President, Executive Senior Member, Head of a List, Registrar and Deputy Registrar have the delegated power to determine which member/s of the Tribunal will constitute the Tribunal in a particular matter.
21	That the existing Executive Leadership Group be discontinued and the office of Executive Senior Member be phased out.	Further investigation required	Planned	Linked to Recommendations 20 and 22, this is considered to be a longer-term project which will encompass a comprehensive review of the leadership structure. With the recent appointment of Justice Hughes, it would be premature to action further this recommendation until she has had adequate time to consider the structure of the tribunal, staffing, administration matters and the continued organisation of work through the existing streams	A governance planning meeting of the leadership group has been scheduled for late March to consider this and other issues.	<u>Pending</u> The Executive Leadership Group reflects the current organisation of SACAT's business in streams. The need for, and constitution of a leadership group will be re-considered in tandem with the revisiting of the proposal to abolish streams, following colocation of the streams in Pirie Street in late 2018.		<u>Noted</u>  The President of SACAT is currently considering possible changes to the structure of the Tribunal, including the leadership structure.  These recommendation will be taken into account in considering structural changes.  New decisions will be made in association with the re-appointment process.

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22	That consideration be given to a leadership structure that includes two full-time deputy presidents and a full-time Senior Member.	Further investigation required	Planned	Linked to Recommendations 20 and 21, this is considered to be a longer-term project which will encompass a comprehensive review of the leadership structure. With the recent appointment of Justice Hughes, it would be premature to action further this recommendation until she has had adequate time to consider the structure of the tribunal, staffing, administration matters and the continued organisation of work through the existing streams	As an interim measure to ensure that functions that can only be performed by a "presidential member" are able to be performed, an Acting Deputy President has been appointed. The longer-term approach will be determined later in 2018.		<u>Pending</u> No additional comments at this point in time	<u>Noted</u>  The President of SACAT is currently considering possible changes to the structure of the Tribunal, including the leadership structure.  These recommendation will be taken into account in considering structural changes.  New decisions will be made in association with the re-appointment process.
23	That priority be given to the development and revision from time to time of a protocol for the use and conduct by Dispute Resolution Officers of compulsory conferences in all aspects of the Tribunal's jurisdictions, and that it be extended to include each new jurisdiction as it is added to SACAT.	Accepted	Underway	SACAT is currently working on internal protocols to enable greater utilisation of the dispute resolution process	No additional comments at this point in time.	No additional comments at this point in time	No additional comments at this point in time	<u>Noted and Ongoing</u>  Given other priorities, this specific undertaking has yet to be fully explored. With the current stage of jurisdictional expansion nearing completion additional resources will be assessed.
24	That full-time and part-time members of the Tribunal be afforded appropriate training opportunities for development of skills in alternative dispute resolution and that, where appropriate, greater weight be given in the appointment of Sessional members to those who are accredited mediators.	Accepted in principle	Planned	Planning is underway for an investment in member training in alternative dispute resolution by accredited trainers within the 2017/18 financial year, with a view to training most if not all members during their current terms of membership.	An audit of the training of the current full and part time members is being undertaken so as to appreciate the skills base and exploration of the range of ADR training available to address any gaps. In the recent appointment of sessional members, the shortlisting criteria for interview included the possession of ADR qualifications and/or experience.	During the most recent appointment process, 5 of the 12 appointees had current or lapsed accreditation as mediators. Plans to offer ADR training to existing members have been delayed in the search for cost-effective group training. More targeted training to increase the number of accredited ADR practitioners amongst the existing membership is underway.	<u>Ongoing</u> Currently 4 full time and part time members are undertaking ADR training. It is envisaged that ADR training for sessional members will progress further in the new year.	<u>Completed</u>  Mediation training has also been offered to all full time and part time members as well as Deputy Registrars, therein expanding the depth and breadth of skills in this discipline.
25	That present and future Dispute Resolution Officers be appointed as Ordinary members of the Tribunal with primary responsibility to the president for alternative dispute resolution services.	Further investigation required	Planned	This recommendation will be further considered as new jurisdiction is conferred and the new demands for alternative dispute resolution become apparent.	No additional comments at this point in time.	No additional comments at this point in time	No additional comments at this point in time	<u>Ongoing</u> Given other priorities, this specific undertaking has yet to be fully explored. With the current stage of jurisdictional expansion nearing completion additional resources will be assessed.  <u>Noted</u>  The President of SACAT is currently considering possible changes to the structure of the Tribunal, including the membership of the Tribunal. This recommendation will be taken into account in considering structural changes.
26	That a comprehensive fee review be undertaken providing for a range of fees for different types of application, including internal reviews, and in appropriate cases a range of fees for the same kind of application related to value and/or corporate status of the applicant, and that the review include provision for the payment of appropriate order enforcement fees.	Accepted in principle	Planned	A comprehensive fee review will be undertaken taking into account the issues raised in the review by 30 June 2018.	Following the comprehensive review of fees undertaken for the Statutory Review, additional examination has been completed – analysing interstate jurisdictions as well as other tribunals and the Courts Administration fee structure. Work on this issue will resume after the fee concession and waiver policy issue is finalised.	<u>Completed.</u>  As a result of the recommendations by the Hon David Bleby QC, SACAT conducted a review of its fee waiver and concession policy. A new policy was proposed and consulted on in December 2017 and March 2018. SACAT has undertaken another comprehensive review of our proposed fee waiver and concession policy which will be implemented from 1 May 2018. An updated outline is available on the SACAT website.		
27	That a fee concession policy be developed whereby, on presentation of satisfactory evidence to meet one of the conditions such as those specified by NCAT, the applicant will be entitled to a specified reduction of the application fee but not of the whole fee.	Accepted	Planned	SACAT is currently reviewing its existing procedures and protocols with the intent of developing a framework for appropriate consideration, approval and communication. This is expected to be completed by the end of 2017.	The feedback is currently being considered. It is anticipated that the new policy will be in place by the end of March 2018, taking into account the need to develop new on-line forms and communication to users and stakeholders. SACAT has completed a review of its existing procedures and protocols, developing a new concession and fee waiver framework which has subsequently been shared with key stakeholders through a consultation processes ending 29/12/2017.			
28	That a fee remission policy be developed for those who do not qualify under the preceding recommendation or who seek a greater fee remission which requires proof of financial hardship and that a policy be developed for the assessment of such applications.	Accepted	Planned	Linked to Recommendation 27, SACAT is reviewing existing procedures and protocols which will clearly outline a process wherein appropriate circumstances can be assessed, with due consideration applied once approved. This is expected to be completed by the end of 2017		<u>Completed.</u>		
29	That the SACAT website contain a clear explanation of the requirements for both fee concession and fee remission applications and an outline of the application process, together with appropriate forms for completion and submission.	Accepted	Planned	Linked with Recommendations 27 and 28, and other aspects of the Statutory Review, SACAT is committed to reviewing all communications contained on the SACAT website to ensure that they are consistent in language and provide clarity to all users		The proposals contained in recommendations 27-30 inclusive have been adopted and incorporated into the new fee concession policy and procedure.		
30	That a record be kept of the granting or refusal of each application and of the date and by whom it was granted or refused and, where granted, the terms of the grant, in such a way as to enable live reporting and auditing of such applications and grants.	Accepted	Planned	Implementation of this recommendation will be prioritised and sequenced with the range of amendments required to be made to SACAT systems as a result of other recommendations, in particular recommendations 3, 8 and 16	The accountability features recommended for the fee concession and remission policy will be commenced with the new policy arrangements.			
31	That the SACAT Act be amended to create an offence of knowingly giving false or misleading information to the Tribunal or a Registrar.	Accepted	Underway	This recommendation was made in the context of a range of proposals relating to SACAT's fees and reduction or remission of those fees on the grounds of hardship. The government agrees it is a useful provision for ensuring the integrity of the fee remission application process. The recommendation will be implemented by moving a government amendment to this effect to the Statutes Amendment (SACAT No 2) Bill 2017 (SACAT No 2 Bill) currently before Parliament.	<u>Completed.</u>  See section 93B which commenced on 14/12/17.			

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32	That SACAT incorporate into the case management system a system for recording the actual time spent in processing and determining matters currently assigned to the Administrative and Disciplinary Stream, including an estimate for matters current and so far completed, and of all matters in jurisdictions to be added to SACAT in order properly to monitor future resource requirements and the effect of fee adjustments.	Accepted in principle	On-hold	In appreciation of the complexities of the current IT systems and the linkages with other similar recommendations in particular recommendations 3, 8 and 16, specific action on this recommendation will be deferred until such time as other related items have been addressed. Implementation of this recommendation will be prioritised and sequenced with the range of changes required to be made as a result of other recommendations, in particular recommendations 3, 8 and 16.	Not yet progressed due to the system change required to implement. SACAT will explore further in 2018.	Following implementation of system enhancements in the first quarter of 2018, exploration of such options will proceed. Outcomes and an update will be provided at the next review point – due June 2018.	Refinement of the reporting provisions has been completed. Incorporation of the refinements into the performance management framework and external reporting will progress further during the remainder of 2018	<u>Ongoing.</u> To augment the provisions, SACAT is employing a Business Analyst, who will be chartered with the review and interpretation of data, the implementation of process improvements and workforce planning initiatives.	<u>Not Proceeding</u>  SACAT has secured the services of a Business Analyst, who will commence with SACAT in April 2019.  That said, upon review there does not appear to be sufficient benefit in recording actual time spent processing and determining matters in the Administrative and Disciplinary stream. Matters vary widely in complexity and type and this does not allow direct comparisons to be made. SACAT's fees are not established with a cost recovery approach and do not necessarily relate to time spent on matters. Given the effort required to introduce system changes and the need for significant manual work i.e. the production of something such as an itemised timesheet to introduce such recording and the benefit appears to be quite limited SACAT will not be progressing this recommendation at this time.
33	That a Service Charter be established to provide information on services and levels of service that all parties could expect from SACAT and to which all SACAT staff and volunteers would be expected to adhere and be accountable.	Accepted	Underway	A Service Charter will be established and delivered by the end of 2017	<u>Completed.</u> SACAT has published 'our commitment to you' on the SACAT website setting out our undertakings to Tribunal users. In conjunction with recommendation #1 – elements of the service commitment will be woven into the PR&D process for the new cycle of 2018-2019.				
34	That the Complaints Policies be reviewed to incorporate processes whereby users may be made aware of the essential elements of the policy, how to make a complaint and how it will be handled.	Accepted	Underway	Complaints policies will be reviewed and modified by the end of 2017	<u>Completed</u> – though subject to continuous improvement Both the current SACAT Complaints Policy and Unreasonable Complainant Conduct Policy set out the Tribunal's position in relation to management of complaints and unreasonable complainant conduct. In reviewing the policies it was determined that they both sufficiently provided information for the public. Augmenting these policies a supplementary 'feedback' outline has been deployed that provides a framework for all elements of feedback (i.e. complaints, commendations and suggestions). The new 'feedback' outline has been deployed on the SACAT website and supports both recommendation #34 and #35 and will soon be supported by an on-line methodology wherein Customers can provide feedback on their experience and rate service provision through completion of on-line forms and surveys.				
35	That a process be developed for the proper recording, including the tracking, measuring and moderating of and responding to complaints and in such a way as leads, where necessary, to opportunities for process improvement.	Accepted	Underway	SACAT has commenced development of a revised framework with the view to implement/communicate by the end of 2017.	Supplementing this frame, is work currently being undertaken across AGD designed to streamline processes and deliver a consistent complaint / feedback handling framework across business units. A new internal policy has been developed to ensure that those who complain about SACAT to the Judicial Conduct Commissioner have their complaints addressed by SACAT where the Commissioner determines that no JCC investigation can or should proceed.  Improved media scrutiny for relevant content is in place, enabling greater awareness of complaints made externally about SACAT's processes.	Refreshed procedures and training will be implemented within SACAT from the new Financial Year (2018-2019)	<u>Completed.</u> SACAT has implemented its refreshed approach to Complaints, Compliments and Feedback. SACAT has also implemented business improvement capture mechanisms designed to encourage internal and external feedback. Additional reporting and analytics have also been deployed so that SACAT can review, reflect and improve on service provision.		
36	A professional Communications Officer be engaged to service these and other significant communication requirements of SACAT.	Accepted	Planned	In consideration of the review and the priorities attached to the recommendations, SACAT will work with AGD Strategic Communications to identify and engage suitably skilled resources as required.	<u>Completed.</u> Rather than engage an additional person, SACAT is currently working with AGD Corporate Communications in relation to the development of communications, including that of Social Media. Further opportunities to explore effective collaboration will continue so as to ensure that SACAT remains at the forefront of Customer education and interaction.				
37	That the Tribunal be established as an attached office under section 27 of the Public Sector Act 2009 attached to the Attorney-General's Department.	Further investigation required	On-hold	After discussing this recommendation with SACAT's president, Justice Hughes, the government does not consider it necessary to implement this recommendation.	No action taken – consequently - Recommendation has been closed.				
38	That section 70 of the SACAT Act be amended to provide that an internal review of a decision may only be made with the permission of the Tribunal	Accepted	Underway	Currently leave is only required for internal reviews of decisions of SACAT when constituted by a registrar or other staff member. It is agreed the establishment of a general requirement for leave – equivalent to that under section 64(c) of the Guardianship and Administration Act 1993 – would have merit, especially in dealing with matters involving an unrepresented applicant, who might have had difficulty articulating the grounds of review and/or the relief being claimed in the internal review application. The recommendation will be implemented by moving a government amendment to this effect to the SACAT No 2 Bill currently before Parliament	<u>Ongoing</u> The relevant amendment to section 70 s225 (in Statutes Amendment (SACAT No 2) Act 2017) is currently uncommenced. SACAT has recommended that the provision be further amended			<u>Completed</u>  Section 70 of the SACAT Act currently requires leave of a Presidential member for an application for internal review of a decision of the Tribunal as constituted by a Registrar or other member of staff of the Tribunal.  On 1 July 2019, section 70 of the SACAT Act will be amended to require leave of a legally qualified member for an application for internal review of a decision of the Tribunal in the exercise of the Tribunal's original decision. The amendment is made by section 225 of the <i>Statutes Amendment (SACAT No 2) Act 2017</i> (which has been proclaimed to come into operation on 1 July 2019) and section 9 of the <i>Statutes Amendment (Attorney-General's Portfolio) Act 2018</i> (which will come into operation immediately after section 225 of the <i>Statutes Amendment (SACAT No 2) Act 2017</i> comes into operation).	

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39	That section 70 of the SACAT Act be amended to provide for the stay by a presidential member or a legally qualified Senior member of a decision the subject of an application for internal review.	Accepted	Underway	While section 70 contains no provision for the stay of an order the subject of an application for internal review, in certain circumstances that could be necessary or desirable. This recommendation will be implemented by moving a Government amendment to this effect to the Statutes Amendment (SACAT No 2 Bill) currently before Parliament	<u>Completed</u> The relevant provision that was amended is section 73(4) of the SACAT Act.			
40	That section 70 of the SACAT Act be amended to provide that if the presiding member of the Tribunal on an internal review so requests, reasons for the decision under review must be provided by the decision maker.	Accepted	Underway	Section 35(2) of the Act requires the provision of reasons by an external decision maker whose decision is under review by the Tribunal. In contrast, section 70 makes no provision for the original decision maker to provide reasons. It is accepted that an equivalent power may be required for internal reviews of an original decision by a SACAT member. This recommendation will be implemented by moving a government amendment to this effect to the SACAT No 2 Bill currently before Parliament	<u>Completed</u> This was achieved by the amendment of the rule-making provision, section 94, and a new SACAT Rule – 62(c).			
41	That consideration be given to the amendment of section 75 of the SACAT Act to extend the administrative powers of the Registrar along the lines suggested.	Accepted	Underway	The report recommends extending the administrative powers of the registrar by allowing the registrar to act on behalf of the president in the administration of SACAT, subject to any directions of the president. It is agreed that this is a useful measure for the improved efficiency of SACAT. The recommendation will be implemented by moving a government amendment to this effect to the SACAT No 2 Bill currently before Parliament	<u>Completed</u> The relevant provision that was amended is section 75(1) of the SACAT Act.			
42	That subject to the qualifications referred to in this report the legislative amendments referred to in the letter from the president of the tribunal dated 17 May 2016 and the briefing memorandum from the community stream ESM to the president dated 21 March 2017 be enacted as soon as possible.	Accepted in principle	Underway	1. Recommendation 42 is that some 15 efficiency and other suggestions previously made by SACAT at that time, be implemented. The majority of these are supported and contained in the SACAT No 2 Bill, introduced in Parliament on 9 August 2017.	1. <u>Completed</u> . The relevant provisions are ss 221-224, 226-230 of the Statutes Amendment (SACAT No 2) Act 2017 which commenced on 14 December 2017. Section 225 (which will provide that all applications for internal review are only by leave a presidential member) is yet to commence.			
				2. Another two are being otherwise progressed by the Minister for Health and the Minister for Consumer and Business Affairs.	2. Partially Completed - amendments for the regulation of property managers are in the Land Agents (Registration of Property Managers and Other Matters) Amendment Act 2017, currently uncommenced. Property managers employed by land agents will soon need to be registered under the Land Agents (Registration of Property Managers and Other Matters) Amendment Act 2017, which was assented to on 17 October 2017 but has not yet commenced. The Minister for Health is progressing variation of regulations under the Advance Care Directives Act 2013 to expand the definition of 'eligible person' to include CBS, SACAT and allied health professionals'.		<u>Noted</u> A scheme to regulate property managers employed by registered land agents came into operation on 1 February 2019. The scheme, which was inserted into the Land Agents Act 1994, requires property managers to be registered and allows disciplinary action to be taken against them.  In relation to a possible amendment to the regulations under the Advance Care Directives Act 2013, SACAT will further explore the proposal and will liaise with the Minister for Health and Wellbeing about an amendment, if necessary.	
				3. In relation to SACAT's proposal for greater oversight by the Tribunal of appointed private administrators, the government supports this recommendation in principle, noting this proposal will have resource implications for SACAT and will require consultation with private administrators and other affected persons. However, given the in-principle support, it is intended to amend the Guardianship and Administration Act 1993 (by in-house amendment to the SACAT No 2 Bill) to insert a regulation-making power that would enable such a scheme to be introduced in the future by regulation.	3. <u>Completed</u> . See section 39(3a) Guardianship and Administration Act 1995. Section 112 of the Statutes Amendment (SACAT No 2) Act 2017 commenced on 14 December 2017, which amended the Guardianship and Administration Act 1993 to allow for oversight of private administrators by regulation. No regulation amendment has commenced.			
				4. In relation to SACAT's proposal to narrow the categories of persons who may witness the making of an advance care directive (ACD) or appointment of a substituted decision maker (SDM), this requires further consideration as there are contrary policy arguments that the ability to make an ACD or SDM should be facilitated, and thereby encouraged, to the greatest extent reasonable. The government acknowledges that SACAT's argument has merit and will give the proposal further detailed consideration.	4. <u>Underway</u> - It is intended to consider this proposal further in the context of the response to the Australian Law Reform Commission's recent report on Elder Abuse. Other amendments to the Advance Care Directives Act 2013 commenced on 14 December 2017 (see ss 6-8 of the Statutes Amendment (SACAT No 2) Act 2017). Pending introduction of Legislation in Parliament		<u>Noted</u> In relation to the proposed amendments to the Advance Care Directives Act 2013, SACAT will raise the proposal if further amendments to that Act are being implemented but will take no further action at this time.	
				5. The proposal to extend the duration of a first urgent interim guardianship or administration order from 21 to 30 days and also allow one only extension of 14 days is not supported, due to concern it will reduce the rights of protected people who have no notice of such urgent hearings	5. <u>Completed</u> . No action required.			

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				6. For similar reasons the proposal that the cost of a psychological or psychiatric assessment ordered by SACAT, of a person the subject of guardianship or administration proceedings before SACAT, be borne out of the estate of the person, rather than paid for by SACAT, is not supported	6. <u>Completed</u> . No action required.			
43	That section 33 of the Housing Improvement Act 2016 be amended to provide for a right to review a refusal to revoke or vary an order or notice.	Not Accepted		The recommendation that section 33 of the Housing Improvement Act 2016 be amended to provide a right to review a refusal to revoke or vary an order or notice under this Act will no longer be necessary once the SACAT No 2 Bill repeals section 41 of that Act (which is being repealed for consistency with repeal of section 37 of the Residential Tenancies Act 1993, originally proposed by SACAT). These provisions are to be repealed on the basis that the power to vary or revoke orders is unnecessary in light of the availability of internal review by SACAT, and is being abused to an extent that significantly undermines SACAT's efficiency	Notation Section 41 was repealed by the Statutes Amendment (SACAT No 2) Act 2017 on 14 December 2017.			
44	That the jurisdictions of the Minister under section 12 B and of the Supreme Court under section 25 of the Land Acquisition Act 1969 be included in the jurisdictions to be transferred to SACAT in Stage 3, and that the provisions of the Supreme Court Act 1936 relating to the Land and Valuation Division of the Court be repealed.	Not accepted		These jurisdictions are in the nature of judicial rather than administrative powers.	The government has been clear from the outset in establishing SACAT that it is to be an administrative tribunal, exercising predominantly administrative functions and to be separate and distinct from a court. For this reason this recommendation is not supported, however the government will explore, subject to legal advice, the feasibility of arbitration by consent.			
45	That the jurisdiction of the Supreme Court under sections 9, 11 and 11 A of the Powers of Attorney and Agency Act 1984 be included in the jurisdictions to be transferred to SACAT in Stage 3.	Accepted in principle	Planned	The Attorney-General currently has a Bill under development to update and replace the Powers of Attorney and Agency Act with a new Act and to transfer jurisdiction to SACAT. However the Bill is unlikely to be sufficiently progressed for the jurisdiction to be included in Stage 3, which is the stage being conferred by the SACAT No 2 Bill currently before Parliament	Underway - work is progressing on a new Powers of Attorney Bill.		<u>Pending</u> Given the change in Government in March 2018, SACAT will seek direction from the Attorney-General / Attorney-General's Department in relation to this specific recommendation.	<u>Not Proceeding</u> Direction has been sought from the Attorney in relation to this recommendation. It has been referred to Legislative Services for investigation and advice. SACAT has advised the Attorney that it will not progress the recommendation until direction is provided.
46	That the jurisdiction of SACAT under the Residential Tenancies Act 1995 be extended to include jurisdiction over the disputes identified in Section 9.4 and that such transfer be included in the jurisdictions to be transferred to SACAT in Stage 3.	Not accepted		The recommendation is that the scope of jurisdiction of SACAT to determine disputes under the Residential Tenancies Act be broadened to encompass a wider range of disputes other than between the immediate parties to tenancy agreements, for example between tenants or between landlord or tenant and an occupier. This would be a significant departure from the current scope of the Act and a significant expansion of SACAT's jurisdiction	No action taken – consequently - Recommendation has been closed.			
47	That the jurisdiction of the Legal Practitioners Disciplinary Tribunal under the Legal Practitioners Act 1981 not be transferred to SACAT.	Accepted	Completed	The review argues that the Legal Practitioners Disciplinary Tribunal is an agent of the Supreme Court in disciplining legal practitioners, and that it would be unwise and an intrusion on the constitutional separation of powers for such functions to become vested in SACAT. This jurisdiction was slated for transfer to SACAT in stage 4 of jurisdiction conferral, however the government understands the review's argument and will remove this jurisdiction from the schedule of future jurisdictions proposed for transfer to SACAT	<u>Completed</u> . No action required.			
48	That the jurisdiction of the Supreme Court to issue warrants under the Listening Devices and Surveillance Devices Act 1972 be transferred to SACAT as soon as possible.	Accepted	Planned	The review argues that the Legal Practitioners Disciplinary Tribunal is an agent of the Supreme Court in disciplining legal practitioners, and that it would be unwise and an intrusion on the constitutional separation of powers for such functions to become vested in SACAT. This jurisdiction was slated for transfer to SACAT in stage 4 of jurisdiction conferral, however the government understands the review's argument and will remove this jurisdiction from the schedule of future jurisdictions proposed for transfer to SACAT	No progress to date. Further work to be undertaken when all the jurisdiction conferred under the SACAT No 2 Act has commenced.		<u>Pending</u> Given the change in Government in March 2018, SACAT will seek direction from the Attorney-General / Attorney-General's Department in relation to this specific recommendation.	<u>Not Proceeding</u> . Direction has been sought from the Attorney-General in relation to this recommendation. It has been referred to AGD Legislative Services for investigation and advice. SACAT has advised the Attorney-General that it will not progress the recommendation until direction is provided.

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49	That subject to the government obtaining formal legal advice, the jurisdiction of the Magistrates Court to hear and determine a "minor civil action" be transferred to SACAT as soon as possible.	Not accepted		The government has been clear from the outset in establishing SACAT that it is to be an administrative tribunal, exercising predominantly administrative functions, and to be separate and distinct from a court. For this reason this recommendation is not supported, however the government will explore, subject to legal advice, the feasibility of arbitration by consent.	No action taken – consequently - Recommendation has been closed.			
50	That subject to the government obtaining formal legal advice, the jurisdiction to hear and determine civil actions under the Australian Consumer Law given effect by the Fair Trading Act 1987 to a level similar to that of the minor civil action jurisdiction of the Magistrates Court be transferred to SACAT as soon as possible.	Accepted in principle	Planned	The government intends to confer an appropriate scope of consumer disputes jurisdiction on SACAT. However, past consultation on this proposal has identified both constitutional risks and practical inefficiencies with this proposal. For example, the inability of SACAT, as a tribunal not a court, to enforce its own orders and the likely jurisdictional overlap and inefficiency where consumer claims are raised as counterclaims such as, in a trader's debt claim before the court.	No progress to date.		Pending Given the change in Government in March 2018, SACAT will seek direction from the Attorney-General / Attorney-General's Department in relation to this specific recommendation.	Not Proceeding Direction has been sought from the Attorney in relation to this recommendation. It has been referred to Legislative Services for investigation and advice. SACAT has advised the Attorney that it will not progress the recommendation until direction is provided.
				These are being carefully worked through to ensure outcomes for consumers are not compromised. Further work and consultation is required in order to determine the appropriate scope of consumer disputes jurisdiction to confer on SACAT and the stage at which this should occur.	Further work to be undertaken when all the jurisdiction conferred under the SACAT No 2 Act has commenced.			
51	That the government, in consultation with the president of SACAT, develop an agreed process for the planning of and budget provision for: <ul style="list-style-type: none"> <li>the addition of each individual jurisdiction to SACAT</li> <li>the identification and addition of all likely future jurisdictions of SACAT</li> <li>the recognition of and planning and budget provision for external events which are likely to have a significant impact on the exercise of SACAT jurisdictions.</li> </ul>	Accepted in principle	Planned	The Attorney-General's Department and SACAT management will work collaboratively to develop appropriate protocols, policies and processes that will assist with future activities for new jurisdictions. The Department of the Premier and Cabinet will also take a greater role in engaging with AGD and SACAT when additional jurisdictions are being proposed by other Government agencies, early in the process so that effective planning can be undertaken.	<u>Completed</u> Budget allocation 2018-2019 notes an increase in funding for new jurisdictions Budget savings 2018-2019 note an impost but not the full amount. Internally, SACAT has developed operational processes aimed at streamlining on-boarding activities associated with the implementation of new jurisdictions. No further action required.			