

FEBRUARY 2025

Reports of the District Court and State Administrative Tribunal of
Western Australia

THE STATE REPORTS (WESTERN AUSTRALIA) 2024

EDITORS

HIS HONOUR JUDGE M FLYNN
Judge of the District Court of Western Australia

DR B DE VILLIERS, BA, LLB, LL.D
*Member of the State Administrative Tribunal of Western Australia
Adjunct Professor: School of Law, Curtin University (WA)*

CONSULTING EDITORS

PW NICHOLS, RFD, BA, LL.M, M CRIM JUST
Barrister-at-Law

DR RJ DESIATNIK, BA, LL.M (Hons), SJD

REPORTERS

DR RJ DESIATNIK
AARAHNAN RAGURAGAVAN

The mode of citation of this part will be:
114 SR(WA)

TABLE OF CASES REPORTED

Part 6 — Pages 282-375

119 Doveridge Drive Duncraig (Strata Scheme 12286), Owners;	
Hapgood-Strickland v	362
Afoa; Commissioner of Police v	348
Bethanie Group Inc v Kinnane	161
BMR v Co-ordinating Practitioner for MTH	257
Butler; Legal Services and Complaints Committee v	1
C, Re	282
Fire Lake Pastoral Pty Ltd v Commissioner of Main Roads	116
Garman Nominees Pty Ltd v Scope Property Group Pty Ltd	235
Hapgood-Strickland v Owners, 119 Doveridge Drive Duncraig	
(Strata Scheme 12286)	362
Insurance Australia Ltd; Ligutan v	213
Kinnane; Bethanie Group Inc v	161
Legal Services and Complaints Committee v Butler	1
Legal Services and Complaints Committee v Robertson	49
Ligutan v Insurance Australia Ltd	213
Limb v Director, Working with Children Screening Unit	273
MACA Mining Pty Ltd; Sweetman v	178
Main Roads, Commissioner of; Fire Lake Pastoral Pty Ltd v	116
MTH, Co-ordinating Practitioner for; BMR v	257
MW; RT v	195
Police, Commissioner of v Afoa	348
Police, Commissioner of; RV v	191
Robertson; Legal Services and Complaints Committee v	49
RT v MW	195
RV v Commissioner of Police	191
Scope Property Group Pty Ltd; Garman Nominees Pty Ltd v	235

(Cases in **bold** reported in this part)



© 2025 Thomson Reuters (Professional) Australia Limited

Lawbook Co.

ABN 64 058 914 668

Published in Sydney

ISSN 0158-1996

TABLE OF CASES REPORTED

State Revenue, Senior Revenue Consultant as delegate of the Commissioner of; Teissier v	293
Sweetman v MACA Mining Pty Ltd	178
Teissier v Senior Revenue Consultant as delegate of the Commissioner of State Revenue	293
Working with Children Screening Unit, Director; Limb v	273

(Cases in **bold** reported in this part)

INDEX

Part 6 — Pages 282-375

GUARDIANSHIP AND ADMINISTRATION

- Application to State Administrative Tribunal for consent to have abortion performed on person subject to guardianship order — Application by person's gynaecologist — Whether person with proper interest to bring application — Relevant factors — Determination of person's capacity to make medical decision — Relevant principles — Whether person adjudged to lack capacity to make reasonable decisions over matters relating to her person able to make decision as to having abortion — Relevant principles — Whether Tribunal needed to decide application — Guardianship and Administration Act 1990 (WA), ss 4, 110ZLA, 110ZNB, 110ZND.
- Re C* 282

PRACTICE AND PROCEDURE

- Parties — Description of decision-maker as party to review proceedings by State Administrative Tribunal — Appropriate method of description — State Administrative Tribunal Act 2004 (WA), ss 36(4), 36(5) — Taxation Administration Act 2003 (WA), ss 3, 6, 7, 10, 26.
- Teissier v Senior Revenue Consultant as delegate of the Commissioner of State Revenue* 293

PROFESSIONS AND TRADES

- Suspension by Commissioner of Police of person's security licences — Referral to State Administrative Tribunal — Suspension proper unless extenuating circumstances — Determination of whether extenuating circumstances existed — Relevant principles — Security and Related Activities (Control) Act 1996 (WA), ss 3, 67A(2)(c), 67A(4)(a) — Security and Related Activities (Control) Regulations 1997 (WA), regs 24, 25.
- Commissioner of Police v Afoa* 348

STRATA TITLES

- Two lot strata scheme — Proposal by owners of one lot to convert scheme to survey-strata scheme — Absorption thereby of common property into existing two lots — Refusal of other lot owner to agree to proposal — History of conflict between lot owners — Application to State Administrative Tribunal to make declaration required for conversion — Whether Tribunal had jurisdiction to grant application — Limits to jurisdiction — Whether Tribunal should exercise jurisdiction — Relevant factors — Strata Titles Act 1985 (WA), s 197, Sch 2A, cl 31C(1).
- Hapgood-Strickland v Owners, 119 Doveridge Drive Duncraig (Strata Scheme 12286)* 362

INDEX

TAXES AND DUTIES

- Land tax — Primary production exemption — Application for — Whether sheep's manure "bodily produce" — Whether sale of manure use of land for purpose of primary production — Sheep sold for meat — Whether sales constituted "primary production business" — If so, whether conduct of such business sole use of land — Whether owner's alleged reliance on prior Office of State Revenue decisions proven — Whether such reliance relevant to proof of exemption — Whether estoppel could be raised against exercise of statutory revenue raising power — Evidence of present expenditure to promote future conduct of primary production business — Relevance to present claim for exemption — Criteria for determining if land used for primary production business — Relevant factors — Land Tax Assessment Act 2002 (WA), ss 30A, 30B, 30D.
- Teissier v Senior Revenue Consultant as delegate of the
Commissioner of State Revenue* 293

WORDS AND PHRASES

- "A person who has a proper interest in the matter" — Guardianship and Administration Act 1990 (WA), s 110ZNB(1)(e).
- Re C* 282
- "Bodily" — Land Tax Assessment Act 2002 (WA), ss 30A(1)(b)(ii), 30A(1)(b)(iii).
- Teissier v Senior Revenue Consultant as delegate of the
Commissioner of State Revenue* 293
- "Extenuating circumstances" — Security and Related Activities (Control) Act 1996 (WA), s 67A(2)(c).
- Commissioner of Police v Afoa* 348