



TASMANIAN CIVIL &  
ADMINISTRATIVE TRIBUNAL

# **TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL CASE UPDATES JULY 2025**

TASCAT Decisions July 2025 (13 decisions)

Date it was issued	Decision name	Catchwords	Explanation	Division
1 July 2025	<a href="#">Hookway v Northern Midlands Council (No. 2) [2025] TASCAT 131</a>	Environment and Planning – Planning appeal – Subdivision in flood-prone area – Conditions of permit	<p>The Tribunal ordered the decision of the Northern Midlands Council to refuse a permit for development application PLN-23-0232 be set aside and substituted with a decision to grant a permit subject to conditions within 14 days.</p> <p>The Tribunal determined to uphold an appeal against the Council’s decision to refuse a permit for a subdivision development. The key issue was compliance with <a href="#">C12.7.1 P1 in the Flood-Prone Hazard Code of the Tasmanian Planning Scheme – Northern Midlands</a>. The parties were directed to file conditions for the permit if they could not agree in the hearing. The Council filed conditions which the appellant was agreeable to, however said they were unable to frame conditions that limit use and development of the lots that cannot achieve a tolerable risk from flood, and invited the Tribunal to do so. The Tribunal determined that flood concerns would be addressed in a development application for a residential dwelling on the subdivision, which would need to satisfy <a href="#">cl C12.6.1</a>, making it compliant with C12.7.1.</p>	General Division – Resource and Planning Stream
4 July 2025	<a href="#">Skyplan Australia Pty Ltd v NM [2025] TASCAT 132</a>	Workers compensation – Reasonably arguable case	<p>The Tribunal ordered that pursuant to <a href="#">ss 81A(3)(c) and (d)</a> of the <i>Workers Rehabilitation and Compensation Act 1988</i>, compensation by way of weekly payments and costs of benefits payable under Division 2 of Part VI of the Act are not to be paid by the employer to the worker.</p> <p>The worker made a compensation claim for psychological stress and anxiety due to alleged workplace bullying and unfair discrimination. The employer disputed liability to pay compensation to the worker pursuant to s 81A of the</p>	General Division – Personal Compensation Stream

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			Act and asserted the events alleged never occurred therefore could not be the cause of the workplace injury. The Tribunal noted that the test to be applied is detailed in <a href="#">St Helen's Oysters Pty Ltd v Coatsworth [2007] TASSC 90</a> and states the employer's case need not be strong nor compelling, but must at least be reasonably arguable. The Tribunal determined a reasonably arguable case did exist and therefore weekly compensation payments were not required to be paid by the employer.	
4 July 2025	<a href="#">OU (Application for Treatment Order) [2025] TASCAT 133</a>	Application for treatment order	<p>The Tribunal made a six month treatment order for OU under the <a href="#">Mental Health Act 2013</a>.</p> <p>OU, the patient, has a long standing diagnosis of schizophrenia, and had been non-compliant with her medication since January 2025, causing a psychotic relapse of her illness. The Tribunal was satisfied that without treatment there would be significant risk to OU, as her mental health would be likely to deteriorate without treatment, and her safety would be at risk if she were to act on her delusions, or be taken advantage of by others. The Tribunal was also satisfied that the proposed treatment would be appropriate and effective and that OU did not have decision-making capacity.</p>	Protective Division – Mental Health Stream
7 July 2025	<a href="#">CEC (Review of Administration Order) [2025] TASCAT 135</a>	Review of administration order – Impaired decision-making ability - Need for an administration – Promotion of personal and social well-being – Conflict – Eligibility under the <i>Testator's Family Maintenance Act 1912</i> – Entitlements under the <i>Intestacy Act 2010</i> .	<p>The Tribunal ordered the Public Trustee be further appointed as administrator for CEC until November 2025.</p> <p>CEC, a 55-year-old man with an acquired brain injury, has been living in his late mother's home. His sister was initially his administrator, but after several adjournments of the review scheduled for December 2024, the Public Trustee was appointed. She later advised the Tribunal not to renew the administration order, proposing to manage his finances informally as she had before his injury.</p>	Protective Division – Guardianship Stream

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			<p>However, the Tribunal noted that her previous financial actions were under CEC's explicit instruction.</p> <p>Complicating matters, CEC's mother died intestate, and his sisters are the estate's Personal Representatives. CEC, a beneficiary, renounced his right to apply for Letters of Administration. The Public Trustee was unaware of his entitlement or the renunciation, and CEC had not received independent legal advice.</p> <p>The Tribunal found that a six-month administration order was appropriate to ensure CEC receives his inheritance under the <i>Intestacy Act 2010</i> and to manage financial decisions if he must relocate. After estate matters are resolved, a family member may be better suited to act as his administrator.</p>	
7 July 2025	<a href="#">QTD (Application for Guardianship Order) [2025] TASCAT 136</a>	Impaired decision-making ability – Need for a guardian – Restrictive practice – Restrictive intervention.	<p>The Tribunal dismissed the application for guardianship.</p> <p>QTD is a 32 year old man living with Prader Willi syndrome, and a moderate intellectual disability, living in supported independent living. His father made an application for guardianship, stating QTD has impaired decision-making capacity relating to dietary control, to help with decisions about food, as QTD was continuing to gain weight and experience medical complications. The Tribunal placed weight on evidence provided by QTD's treating doctor of the last five years, who in his Health Practitioner Report had written that QTD has decision-making capacity. The Tribunal was not satisfied that QTD had impaired decision-making ability in respect to personal matters. The Tribunal also concluded that there was no current need for the appointment of a guardian as</p>	Protective Division – Guardianship Stream

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			the concerns raised by the applicant could be best addressed under the <a href="#">Disability Service Act 2011</a> .	
7 July 2025	<a href="#">DN (Renewal of Treatment Order) [2025] TASCAT 137</a>	Treatment criteria – Impaired decision-making capacity – Tribunal satisfied treatment criteria met – Treatment order renewed	<p>The Tribunal renewed the treatment order under <a href="#">s 48</a> of the <i>Mental Health Act 2013</i> (the Act).</p> <p>The patient, DN, is 70 years old and has been diagnosed with a late onset psychotic illness (with a differential diagnosis of delusional disorder) characterised by persecutory delusions and auditory hallucinations. Part of DN's delusions/hallucinations included the belief that her neighbours were using AI technology to transmit their voices into her house. Dr TD, DN's treating psychiatrist, gave evidence that DN lacked insight into the underlying cause of her presentation and symptoms which compromises her ability to make decisions about her treatment. The Tribunal was satisfied that lack of insight is an impairment of the mind or brain and in this case, this impairment affects DN's capacity to make decisions about treatment for her mental illness. The Tribunal was satisfied DN continued to meet the treatment criteria under <a href="#">s 40</a> of the Act.</p>	Protective Division – Mental Health Stream
9 July 2025	<a href="#">THN v Dark Lab Pty Ltd [2025] TASCAT 138</a>	Workers compensation – Application for interim order – Weekly payments of compensation – Whether the usual approach of the Tribunal should be followed – What are the interests of justice	<p>The Tribunal dismissed the worker's referral made pursuant to <a href="#">s 60A</a> of the <i>Workers Rehabilitation and Compensation Act 1988</i> (the Act).</p> <p>The worker suffered a workplace injury to her left elbow on 15 June 2024 while employed on a two-week fixed-term contract for the duration of the Dark Mofo festival. The worker made a claim under the Act which was accepted, and compensation paid to the worker including weekly payments of \$626.16. The worker then began employment at the Party in the Paddock music festival from 6 to 9 February 2025 and was paid \$1273.23</p>	General Division – Personal Compensation Stream

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			<p>for four days work. As a consequence of receiving this payment, the worker's weekly payments were terminated by employer. On 19 March 2025 the worker filed a <a href="#">s 42</a> application seeking the reinstatement of their weekly payments which was opposed by the employer.</p> <p>The Tribunal noted that the conventional approach is to determine whether there is a serious question to be tried between the parties, and if so then to determine whether the balance of convenience favours the making of an interim order pursuant to the decision in <a href="#">C &amp; S Insulation Services Pty Limited v John Clive Copley [1997] ACTSC 2</a> and <a href="#">Virgin Enterprises Ltd v Virgin Star Pty Ltd [2005] FCA 1846</a>. The worker contended the appropriate test is whether the interests of justice require the making of a determination and order pursuant to <a href="#">s 60A(1)</a>. The employer contended that the conventional approach is the correct approach and reflects the interests of justice.</p> <p>The Tribunal was not satisfied that the strength of the worker's case and bare loss of weekly payments, individually or taken together, was sufficient to establish that the balance of convenience favours making the order sought by the worker.</p>	
10 July 2025	<a href="#">SI (60 Day Review of Treatment Order) [2025] TASCAT 139</a>	60 day review of treatment order – Side effects of medication	<p>The Tribunal affirmed the treatment order made for the patient on 13 February 2025.</p> <p>The patient, SI, is an 81 year old woman who has been diagnosed with schizophrenia, with persistent delusional beliefs and lack of insight into her mental illness. The patient had a history of disengaging from treatment when not under an order. SI told the Tribunal that she wanted to taper off her medication and that she does not need</p>	Protective Division – Mental Health Stream

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			<p>treatment. She was receiving depot injections of paliperidone. The Tribunal found that treatment could not be adequately provided without the order. The patient was unable to understand, retain, or weigh information about her illness and treatment due to her delusional beliefs. The Tribunal was satisfied that the <a href="#">s 40</a> treatment criteria were met and affirmed the treatment order.</p>	
17 July 2025	<a href="#">Medical Board of Australia v Shannon Lovell Greene [2025] TASCAT 140</a>	<p>Professions and trades – Occupational and disciplinary proceedings – Medical practitioner – Professional misconduct – Prescribing of medication to self and to partner– Use of another prescriber’s identity – Agreed facts– Agreement as to sanctions – Principles relevant to sanctions</p>	<p>The Tribunal ordered that the respondent be reprimanded, her registration cancelled, and disqualified her from applying for registration as a registered health practitioner for a period of six months pursuant to <a href="#">s 196(2)(a), s196(2)(e) and s 196(4)(a)</a> of the <i>Health Practitioner Regulation Law (Tasmania)</i>. The respondent was also ordered to pay the applicant’s costs.</p> <p>The respondent is a 41 year old medical practitioner. She held general registration as a medical practitioner from 8 January 2018 to 25 November 2022. The respondent’s registration has been suspended since 25 November 2022. From January 2022 until July 2022, and from September 2022 until 25 November 2022 the respondent practiced as a general practitioner at two medical centres. The Tribunal determined that between 17 May 2020 and 4 July 2022, the respondent engaged in professional misconduct by: (a) inappropriately prescribing medications, including drugs of dependence, to her partner; and (b) using the prescribing identity of another registered medical practitioner to self-prescribe medications, including drugs of dependence.</p>	General Division – Occupational and Disciplinary Stream
18 July 2025	<a href="#">TKX v Lachlan Hotel [2025] TASCAT 141</a>	<p>Tribunal’s discretion to order costs – Party/party costs – Solicitor/client costs – No misconduct that caused loss</p>	<p>The Tribunal partially granted the worker’s application for costs under <a href="#">s 59</a> of the <i>Workers Rehabilitation and Compensation Act 1988 (Tas)</i>. The Tribunal ordered the employer pay the worker’s costs for the s 42 referral,</p>	General Division – Personal Compensation Stream

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		<p>of time to the Tribunal or other party – Costs thrown away – Objective rather than subjective basis – Workers compensation process was not unreasonably obstructed or prolonged – Reasonable attempts to resolve the claim through the conciliation process have been made.</p>	<p>general proceedings, and vacated hearings on a party/party basis at 85% of the applicable Supreme Court fee scale. No costs were awarded for two conciliations.</p> <p>The worker sustained serious leg injuries in a workplace fall on 31 December 2019. Multiple applications were filed with the Tribunal between 2021 and 2024, including under ss 42, 69, 71, 77, and 138AB of the Act. The employer operated without a workers compensation insurance policy but claimed to be self-insured. The matter proceeded through conciliation and directions hearings, with several delays and adjournments. All substantive claims were resolved by consent on 26 June 2024, leaving only the issue of costs to be determined.</p>	
18 July 2025	<a href="#">Medical Board of Australia v Shaw [2025] TASCAT 145</a>	<p>Health Practitioner regulation – Registered medical practitioner – Insulting, offensive and inappropriate communications to Tasmania Police, AHPRA and others – Failure to attend scheduled health assessment – Conviction under Police Offences Act 1935 – Professional misconduct – Reprimand – Cancellation and disqualification – Costs.</p>	<p>The Tribunal ordered that Dr Shaw be reprimanded, his registration as a medical practitioner be cancelled, and that he be disqualified from applying for registration for a period of six years. Dr Shaw was also ordered to pay the Medical Board of Australia's costs of the proceeding, assessed at 90% of the applicable scale, within 28 days.</p> <p>The Tribunal determined that Dr Shaw had engaged in professional misconduct in relation to three allegations brought by the Medical Board of Australia which included sending harassing, abusive, and threatening communications to regulatory bodies and public officials; failing to attend a scheduled health assessment without reasonable excuse; and being convicted of using abusive language to a police officer. A fourth allegation, concerning failure to notify the Board of the charge within seven days, was dismissed due to insufficient evidence. The Tribunal found Dr Shaw's conduct to be substantially below the standard expected of a registered medical</p>	General Division – Occupational and Disciplinary Stream



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			practitioner and inconsistent with being a fit and proper person to hold registration. The decision emphasised the need for both general and specific deterrence, noting Dr Shaw's lack of insight and continued offensive communications throughout the proceedings. A global penalty was imposed, including cancellation of registration and a six-year disqualification period.	
23 July 2025	<a href="#">Charlton v St Michaels Association Incorporated [2025] TASCAT 142</a>	Inquiry – Direct discrimination – Indirect discrimination – Prohibited conduct – Disability.	<p>The Tribunal dismissed the complaint pursuant to <a href="#">s 99(1)</a> of the <i>Anti-Discrimination Act 1998</i>.</p> <p>The complainant is a man living with several significant disabilities and uses a motorised wheelchair to mobilise as a consequence of these disabilities. On 20 December 2020 the complainant moved into an independent living unit at the respondent's premises. The complainant moved out of this unit 13 May 2023 and lodged a complaint with the Office of the Anti-Discrimination Commissioner on 17 May 2024. The complainant alleged direct and indirect discrimination, as well as offensive and humiliating conduct, during his tenancy at an independent living unit.</p> <p>The Tribunal found the complaint unsubstantiated, concluding that the respondent's conduct did not breach the Act and that no connection was established between the alleged conduct and the complainant's disability.</p>	General Division – Anti-Discrimination Stream
23 July 2025	<a href="#">QC (Renewal of Treatment Order) [2025] TASCAT 143</a>	Application for renewal of treatment order – Residual psychotic symptoms – Treatment criteria – Mental illness – Decision making capacity	<p>The Tribunal renewed the treatment order for 12 months.</p> <p>The patient is 47 years old and has a diagnosis of treatment resistant schizophrenia. He has been on treatment orders since 2022. Without treatment, the patient was likely to experience serious harm to his health and safety, including deterioration in mental state, risk of</p>	Protective Division – Mental Health Stream

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			homelessness, and bizarre self-treatment behaviours. The patient was receiving evidence-based treatment which had reduced some symptoms. The Tribunal found the treatment appropriate and effective. The patient had a history of non-compliance and stated he would cease medication if not under a treatment order. The patient was unable to understand, retain, or weigh information about his treatment due to his mental illness and delusional beliefs. The Tribunal was satisfied all the criteria in <a href="#">s 40</a> of the <i>Mental Health Act 2013</i> continued to be met.	
23 July 2025	<a href="#">KSX (Application for Treatment Order) [2025] TASCAT 144</a>	Application for treatment order – Treatment criteria – Non-compliance with medication	<p>The Tribunal made a treatment order for KSX.</p> <p>KSX has an established diagnosis of bipolar affective disorder and has had previous hospital admissions for its treatment. The mode of KSX's treatment was disputed, as KSX wished to be treated at home with oral medication rather than depot medication in hospital. The Tribunal found KSX did not have decision-making capacity because the symptoms of his manic relapse impaired his ability to understand information and use and weigh it as required by <a href="#">ss 7</a> and <a href="#">40(e)</a> of the <i>Mental Health Act 2013</i>.</p>	Protective Division – Mental Health Stream
28 July 2025	<a href="#">Rush v Medical Board of Australia (No. 2) [2025] TASCAT 146</a>	Health Practitioner regulation – Application by registered medical practitioner for review of decision of Medical Board of Australia was dismissed – Costs application by Board	<p>The Tribunal ordered the Medical Board of Australia's application for costs against Dr Tracey Rush be dismissed, with each party to bear their own costs of the proceeding.</p> <p>The Tribunal determined to dismiss the Board's application for costs following Dr Rush's unsuccessful appeal against the Board's decision not to renew her specialist general practitioner registration. The Board sought costs on an ordinary basis up to 3 October 2024 and on an indemnity basis thereafter, citing its success</p>	General Division – Occupational and Disciplinary Stream

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			and an offer of compromise rejected by Dr Rush. The Tribunal found that while it had discretion under s 201 of the National Law to award costs, this discretion does not imply that costs should automatically follow the event in regulatory matters. It considered the historical practice in health practitioner regulation proceedings, where costs orders were rarely made unless agreed. The Tribunal also found Dr Rush's case was reasonably arguable, conducted efficiently, and involved no disentitling conduct. It concluded that it was appropriate for each party to bear their own costs.	
29 July 2025	<a href="#">Buckeridge v Hobart City Council &amp; Hurst [2025] TASCAT 147</a>	Planning Appeal – multi-unit development – whether car parking requirements of planning scheme met – whether development will lead to excessive parking on street – whether off-street parking is sufficient.	<p>The Tribunal ordered the decision of the Hobart City Council to grant a planning permit for a 26-dwelling residential development be affirmed.</p> <p>The Tribunal determined to dismiss an appeal against the Council's decision to approve a multi-unit development at 3A Giblin Street, Lenah Valley. The sole ground of appeal concerned whether the proposal met car parking requirements under clause <a href="#">E6.6.1 P1 of the Hobart Interim Planning Scheme 2015</a>. Expert traffic evidence was presented by both parties, with differing views on parking demand and availability. The Tribunal found that although the proposal did not meet the acceptable solution, it satisfied the performance criteria due to sufficient on-street parking availability. Public transport and alternative transport options were found to be limited, but not determinative. The Tribunal concluded that the proposal met the reasonable needs of users and affirmed the Council's decision.</p>	General Division – Resource and Planning Stream
31 July 2025	<a href="#">Tasmanian Production Veterinary Services Pty Ltd T/As Tasmanian</a>	Workers compensation – Claim for compensation by director of employer company	The Tribunal ordered the decision of the employer to dispute liability for compensation be upheld and determined that weekly payments and benefits under	General Division – Personal Compensation

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	<a href="#">Production Vets v IP [2025] TASCAT 149</a>	<p>- Whether arguable claimant not a ‘worker employed under a contract of service’ – Reasonably arguable case.</p>	<p>Division 2 of Part VI of the <a href="#">Workers Rehabilitation and Compensation Act 1988</a> are not to be paid.</p> <p>The Tribunal determined to uphold the employer’s referral under s 81A of the Act disputing liability for a compensation claim made by the claimant, who was the sole director and owner of the employer company. The key issue was whether the claimant was a “worker” under the Act, requiring a bilateral contract of service. The Tribunal found that the claimant did not receive wages, superannuation, or leave entitlements, and there was no written or oral contract of service. It was reasonably arguable that the claimant was not a worker within the meaning of the Act. Accordingly, the Tribunal found a reasonably arguable case existed and ordered that compensation payments and benefits were not payable.</p>	
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