

Internal Review

1. What is an Internal Review?

Some decisions made by SACAT are subject to a review within SACAT. These are 'Reviews of SACAT decisions', (and also called 'Internal Reviews').

During an Internal Review the Tribunal will examine the decision of the Tribunal at first instance and may allow further evidence or material to be presented to it.

The Tribunal will reach the correct and preferable decision, and may affirm, vary or set aside the decision that is being reviewed.

2. Who can apply

Any party with a proper interest may lodge an application seeking an Internal Review.

If you disagree with a decision of the Tribunal and believe the decision is incorrect or that a different decision would be preferable then you have the right to lodge an application.

3. Time limitations

An application for Internal Review must be made within 1 month of the previous decision.

If an application for Internal Review is lodged outside of the one month time period, SACAT can extend the timeframe if it considers that it is just and reasonable to do so. You should not assume that an extension will be granted.

4. Fees and charges

There is an application fee of \$545.00 for individuals, as prescribed by the SACAT Regulations.

The application fee for a prescribed corporation is \$765.00. (A prescribed corporation is a corporation other than a small business or a not-for-profit organisation.)

SACAT may waive or reduce the application fee in certain circumstances.

For further information relating to fees, see:

www.sacat.sa.gov.au/bringing-a-case/fees-and-charges

The application will not be considered to have been lodged until any applicable fee has been paid or waived by the Tribunal. No application for an extension of time will be considered until the fee has been paid or waived.

There is an option to 'pay later' on the application form. This provides 7-14 days to make payment before the application is stayed. If the application is stayed it will not be progressed by the Tribunal.

5. Requesting a stay of a previous decision

Lodging an application for Internal Review does not place the previous decision on hold or stop the order from operating. For example, if you are required to vacate a property by a certain day and time or you are required to pay a sum of money by a specific day or time, you are still required to do so unless the Tribunal places the current order on hold until the completion of the review application.

To request the previous decision to be put on hold (a Stay), the applicant will need to specify either on the application or in writing to SACAT that they are seeking to have the previous order put on hold. This request for a Stay will need to be supported by appropriate grounds or documentation.



6. What happens once the fee has been paid or waived

Once the fee has been paid or waived, the Tribunal will take steps to decide your matter. In most instances the review application will be dealt with by way of hearing, but in some instances it may be referred to a conference, or dealt with 'on-the-papers' (meaning in the absence of the parties).

If the matter is urgent the Tribunal will attempt to schedule the hearing urgently. For example, if you have to vacate the property by a certain time the Tribunal will attempt to schedule the hearing prior to that time. However this is not always possible, especially if the application is lodged shortly before the day you are required to vacate.

7. If you are unsatisfied with the Internal Review decision

Once the Tribunal has made a decision in relation to the Internal Review, the decision cannot be pursued further within SACAT.

If you are unsatisfied with the Tribunal's internal review decision, you may seek leave to appeal to the Supreme Court of South Australia.

You can contact the Supreme Court on **8204 0289** for all queries concerning pursuing an appeal.

This fact sheet does not constitute legal advice and does not relate to the circumstances of any individual matter

If you wish to have legal advice you should seek that independently.

