

# Applications for Internal Review of a SACAT decision



## What is an Internal Review?

If you disagree with a decision of SACAT and believe the decision is incorrect or that a different decision would be preferable then you have the right to request that the decision be reviewed by a different person within SACAT.

During an Internal Review hearing, SACAT will examine the first decision and may allow further evidence or material to be presented to it.

The Internal Review usually involves a hearing where the parties have the opportunity to speak and give relevant documents to SACAT, just like the first hearing.

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

## Who can apply?

If you are a party to the decision you have a right to seek an internal review. If you are not a party, you must have a 'proper interest' in the matter to challenge it.

## Time limitations

An application for Internal Review must be made within one month of the first 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.

If you are seeking an extension of time to lodge your internal review application, you should include a written request in your application, which states the reasons why you could not file within the one month time period. You should not assume that an extension of time will be granted.

## Fees and charges

There is an application fee of \$557.00 for individuals, as set in the SACAT Fees Regulations.

The application fee for a prescribed corporation is \$782.00. 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 and fee waivers see:

<http://www.sacat.sa.gov.au/bringing-a-case/fees>

and

<http://www.sacat.sa.gov.au/bringing-a-case/fees/fee-exemptions-and-waivers>

SACAT does not consider the application to have been received until any applicable fee has been paid or waived by SACAT.

Fees can be paid on-line at the time of lodgement. Alternatively, there is an option to 'pay later' on the application form. If you select this option, you will be issued with an invoice and be provided 7-14 days to make payment.

If you do not make the payment in time the application is stayed which means that SACAT will take no further steps to progress your application.

## What happens once the fee has been paid or waived?

Once the fee has been paid or waived, SACAT 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 SACAT will attempt to schedule the hearing ahead of other matters.

For example, if you are a tenant who has to vacate a property by a certain time, SACAT will attempt to schedule the hearing prior to that time.

However, this is not always possible, especially if the application is received shortly before the day you are required to vacate.

### Putting the first decision 'on hold' or requesting a 'Stay'

Lodging an application for Internal Review does not place the first decision on hold or stop the order from operating. For example, if you are a tenant who is 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 SACAT places the current order on hold until the completion of the review application.

To request that the previous decision be put on hold (a Stay), you will need to specify either on the application or in writing to SACAT that you 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. Usually any other party will be asked their opinion on the Stay application.

To decide whether a Stay is made SACAT will consider whether you have an arguable case, and what the consequences for each of the parties is if the Stay is not granted.

### Options for submitting your review of a SACAT decision

If you wish to file an application for Internal Review, you can do so using one of the following options:

- **On-line:** complete the online application form at [www.sacat.sa.gov.au](http://www.sacat.sa.gov.au). (Search the word 'internal' in the search field to select the correct application type.)
- **Visit us in person:** visit SACAT's office at Level 4, 100 Pirie Street and use a computer at one of SACAT's public kiosks. SACAT staff can assist you to lodge an application.
- **Telephone:** You can reach us on our free call number 1800 723 767 (press 1 and then 4) and ask for assistance in completing the on-line review application.
- **By letter:** write us a letter and email or post it to us. You must include all the information required by the [SACAT Rules](#).

### What happens after SACAT has made a determination on Internal Review?

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

If you are dissatisfied with SACAT's Internal Review decision, you may ask the Supreme Court for permission to appeal to the Supreme Court of South Australia.

You can contact the Supreme Court on **(08) 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 receive legal advice you should seek that independently.*