

Application for review for non-attendance

1. What is an application for review for non-attendance?

A review for non-attendance is a review available to a party who was unable to attend or participate in a hearing and was not represented in the hearing, and is able to satisfy the Tribunal that he or she had a reasonable excuse for not attending, participating or being represented at the hearing.

2. How do you make an application?

You must complete an application form (usually within 7 days of the original decision), pay the application fee or apply for a fee waiver, and lodge any supporting documents with SACAT.

The application can be lodged on our website www.sacat.sa.gov.au, attending at our Pirie Street or Collinswood offices or ringing 1800 723 767.

The application for review for non-attendance must include details of the relevant proceedings and decision, when and how you became aware of the Tribunal's decision, and your reasons for not appearing or being represented at the relevant hearing.

You may only make one application for a review for non-attendance in respect of the same matter without the permission of the Tribunal.

For information regarding fees and charges, see:

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

3. Requirement of a reasonable excuse

SACAT must be satisfied that you had a reasonable excuse for your inability to attend, participate or be represented in the hearing.

Examples of what may constitute a reasonable excuse include:

- You or a member of your immediate family was ill and therefore you were unable to attend;
- You did not receive notice of the hearing;
- You were overseas or interstate and were unaware of the hearing;
- You were working in a remote location and were unable to be contacted;
- You were attending a funeral;
- You were incarcerated.

Supporting evidence must be lodged with the application.

Examples of what may NOT constitute a reasonable excuse include:

- You were working;
- You had a routine dentist appointment;
- If you are a property manager – you had pre-booked property inspections or had taken sick leave or annual leave.



3. What is the SACAT process for dealing with a request for a review for non-attendance?

Once you have lodged your application, paid the fee (or had the fee waived) and lodged any supporting documents, SACAT will list your application for a hearing. If possible, the hearing will be conducted by the Tribunal member who made the original decision.

The Tribunal member will conduct the hearing in two stages. First, the Tribunal member will decide whether or not you had a reasonable excuse for not attending, participating or being represented at the original hearing. Second, if the Tribunal member decides that you did have a reasonable excuse, the member will then review the original decision.

If the Tribunal member decides that it is appropriate to do so, they can change or revoke the original decision.

SACAT does not guarantee the accuracy or completeness of this Information Sheet and does not accept any responsibility if you rely on it.

You should always seek your own legal advice.