

FEES

Introduction

In most cases you have to pay a fee when you apply to SACAT or use SACAT services. These are called 'application fees' and 'service fees'.

Application Fees

If you want to bring a matter to SACAT for resolution you must pay the required fee before your application will be listed for a conference or a hearing.

There are application fees for:

- commencing Tribunal proceedings – these are called 'initiating applications'
- applications for review of an order where the person was unable to attend the original hearing or be represented – these are called 'reviews for non-attendance'
- applications for an internal review of a SACAT decision - these are called 'internal review applications'.

The fees are different depending on what legislation the application is made under. For a list of the fees, see the Fee Schedule.

Fee-Free Applications

Some types of proceedings are exempt from fees with exceptions. There are no application fees for

- Guardianship
- Administration
- Mental health
- Consent to medical treatment and palliative care
- Advance care directives

Except that fees apply for:

- An internal review application if the applicant is not the person that the order is about, or
- an application for transcript.

Level 1 and level 2 fees

The Government sets the amount of each fee. SACAT has a discretion to reduce or waive fees.

Applications under most legislation, and reviews for non-attendance, are level 1 fees.

However, applications under some legislation, and internal review applications, attract higher fees that are different depending on whether the applicant is an individual or a 'prescribed corporation'. These are referred to as level 2 fees.

A prescribed corporation is a corporation that is not a small business (that has less than 20 full-time equivalent employees and is not subsidiary of a corporation that has 20 or more full-time employees) or a not-for-profit organisation.

Concessions

SACAT may reduce fees based on financial hardship or where it is in the interests of justice to do so.

On application, SACAT may reduce fees where an applicant can provide one of the following valid concession cards:

- Pensioner Concession Card
- Health Care Card
- Commonwealth Seniors Health Card
- Department of Veterans Affairs Gold Card
- Student identification card (full-time students only).

Where there are multiple applicants, **each** applicant must provide evidence that they are the holder of a concession card to be entitled to a reduction in the fee. For example, in a tenancy-relating proceeding, each co-tenant may be required to provide evidence.

Level 1 fee concession

Usually, a 25% reduction is made of level 1 fees for initiating applications and applications for review for non-attendance. That means $\frac{3}{4}$ of the fee is payable (rounded down to the nearest whole dollar).

Level 2 fee concession

Usually, a 75% reduction is made to level 2 fees for some initiating applications and internal reviews. That means $\frac{1}{4}$ of the full fee is payable (rounded down to the nearest whole dollar).

See the Fee Schedule for examples of the concession fees.

Different reductions may be applied at the discretion of SACAT in particular cases.

Fee Waiver for Financial Hardship or Special Circumstances

SACAT will completely waive a fee if an applicant can provide evidence that they:

- (a) have been granted legal aid by the Legal Services Commission of South Australia (Legal Aid)
- (b) are under 18 years of age, or
- (c) are in prison or detention.

SACAT will also consider applications for a full or partial fee waiver for individuals due to financial hardship or special circumstances. An Application for Fee Waiver form must be completed and submitted for consideration for a waiver of fees, along with supporting documentation.

The decision to waive a fee is based on the information and supporting documentation provided.

Requests for Fee Relief (unless made by someone who has been granted Legal Aid, is under 18 or is in prison or detention) **must** be supported by:

- Bank statements from the last two months
- Centrelink statements and/or payslips for the last four weeks
- Most recent tax return
- Any other relevant financial information such as outstanding bills; and
- Other supporting documentation as requested by SACAT.

If an application is not approved, the fee must be paid in full (or such concession fee as is approved) prior to the application or internal review being listed for conference or hearing.

Service Fees

Requests for transcripts and or documentation, and other requests for special services, also attract fees.

Fees must be paid in full before the service request is fulfilled by SACAT.

Service fees may be reduced or waived at the discretion of a Presidential member or registrar.

No service fees apply to guardianship and mental health matters, unless the request is for transcript.

False or Misleading Statements

It is an offence to make a false or misleading statement to the Tribunal in connection with making an application to waive or remit or in relation to the payment of fees.

The maximum penalty is \$1,250 or imprisonment for 3 months. If a registrar or Tribunal Member considers you have committed this offence, you will be reported to the South Australian Police or other prosecuting authority.

Enquiries can be directed via email to sacat@sacat.sa.gov.au