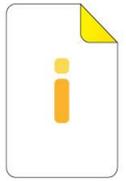


Request for Book of Documents from Decision-Maker in Administrative Review Matters



Introduction

When SACAT receives an application for the review of an administrative decision made by government, local government or a registered community housing provider the decision-maker must use his or her best endeavours to help the Tribunal so that it can make its decision on the review.

What is required of a Decision-Maker?

The decision-maker must provide to the Tribunal a book of documents which contains:

- A written statement of the reasons for the decision
- Any document or thing in the decision-maker's possession or control which was taken into account in making the decision under review, and any additional documents that may be relevant to the Tribunal's review of the decision.

Statement of Reasons

The statement of reasons should:

- Identify the decision under review;
- Identify any person who made a recommendation to the decision-maker prior to the making of the decision as to whether or not the decision should be made or what decision should or could be made;
- Set out the findings on the material questions of fact; that is, the facts upon which the decision was based;
- Refer to the evidence or other material on which those findings were based;
- Give reasons for the decision.

Content of the Book of Documents

The book of documents should include the below documents in the following order:

- The application for review of the reviewable decision; and
- A copy of the decision under review, if made or recorded in writing; and
- A copy of any document notifying the applicant of the decision; and
- The statement of reasons for decision; and
- All other documents and things in the decision-maker's possession or control that may be relevant to the Tribunal's review of the decision in chronological order from the earliest to the latest date.

Presentation

The book of documents should be provided to the Tribunal electronically. The document can be emailed to SACAT using the sacat@sacat.sa.gov.au email address. You should always quote the SACAT Reference number in the title of your email.

If you are unable email the document you can contact the Deputy Registrar of the Administrative & Disciplinary Stream to discuss alternative arrangements to give the document to SACAT.

SACAT requires that the documents should be presented as follows:

- The Book of Documents must contain an index which sets out the date and a brief description of each document or thing;
- Each document must be numbered (starting from the number 1 and succeeding documents must be numbered in sequence);
- All of the pages must be numbered and the page numbers must be set out in the index.
- The book of documents should be split into multiple volumes if it is too large to email.

Service of the Book of Documents on the Applicant(s) for Review

SACAT requires the decision-maker to also provide a copy of the book of documents to the applicant(s) at the same time they provide them to the Tribunal. Most decision-makers choose to carbon-copy (cc) the Applicant(s) to the email to the Tribunal so the Tribunal knows that the documents have been sent to the applicants.

Any additional material which is provided to SACAT throughout the duration of the matter should also be provided to the applicant(s) at the time it is provided to the Tribunal.

Time period to produce Book of Documents

The decision-maker must provide the book of documents to the Tribunal and to the applicant(s) within 21 days from the time he or she receives the request for information. The Tribunal may shorten this time period to cater for urgent situations.

Confidentiality, privilege and other types of immunity

Where a decision-maker claims privilege over a document, or part of a document, that otherwise must be given to the Tribunal and to the applicant(s) there is a process set out in *Rule 55 of the SACAT Rules 2014* which must be followed.

Further information

All the requirements referred to above are set out in:

- Section 35 of the *South Australian Civil and Administrative Tribunal Act 2013*;
- Parts 8 & 9 of the *South Australian Civil and Administrative Tribunal Rules 2014*;
- Section 6 of the *South Australian Civil and Administrative Tribunal Regulations 2015*.

These documents are available through our website at www.sacat.sa.gov.au.

Alternatively, you can telephone to speak to a member of the Administrative and Disciplinary Stream registry team on 1800 723 767 (press 1 and then 5).