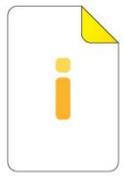


# Professional Discipline Matters



## What is SACAT?

The South Australian Civil and Administrative Tribunal (SACAT) is an agency which can resolve certain types of disputes by way of hearing and determination, or at a conference with the consent of all parties.

Our objectives emphasise accessibility, efficiency and fairness. They are to:

- be accessible and responsive to your needs;
- process and resolve your dispute as quickly as possible;
- use language we can all understand
- be as flexible as possible;
- use alternative dispute resolution procedures wherever appropriate;
- keep costs to a minimum.

## What types of disciplinary matters can be lodged with SACAT?

Applications can be made to SACAT when certain professionals act in a way that requires disciplinary action to be taken against them. This may include when it is alleged that the professional has acted unlawfully, improperly, negligently or unfairly in the course of their work.

SACAT presently has jurisdiction to hear complaints about the following professionals:

- conveyancers<sup>1</sup>
- land agents<sup>2</sup>
- land valuers<sup>3</sup>
- surveyors<sup>4</sup>
- local council members.<sup>5</sup>

The jurisdiction formerly held by the District Court of South Australia has been transferred to the SACAT.

## Who can make an application?

Anyone can make an application to SACAT about conveyancers, land agents, land valuers and surveyors.

Only the chief executive officer of the relevant council, or a person authorised in writing by the Minister<sup>6</sup> or relevant council, may make a complaint to SACAT about a local council member.

## Can I be represented when appearing in SACAT?

A party to proceedings before the Tribunal can appear:

- in-person;
- by way of their solicitor or barrister; or
- by another type of representative (only with permission of the Tribunal).

With permission of the Tribunal, a party may also be assisted by a support person of their choosing.

## What must be included in the application?

An application is made by way of completing the on-line complaint form available through our website at [www.sacat.sa.gov.au](http://www.sacat.sa.gov.au).

The grounds, particulars or facts of the complaint can be set out in a separate PDF document and uploaded when completing the on-line form.

It is important to be as specific as possible when setting out the facts that make up the conduct that is the subject of the complaint. Where possible, include relevant dates, times, places and names.

<sup>1</sup> See the *Conveyancers Act 1994*.

<sup>2</sup> See the *Land Agents Act 1994*.

<sup>3</sup> See the *Land Valuers Act 1994*.

<sup>4</sup> See the *Survey Act 1992*.

<sup>5</sup> See the *Local Government Act 1999*.

<sup>6</sup> The Minister responsible for the *Local Government Act 1999*.

For information about how to apply to SACAT, see: <http://www.sacat.sa.gov.au/bringing-a-case/applying>.

For information about fees that may apply, see: <http://www.sacat.sa.gov.au/bringing-a-case/fees>.

### What will happen once an application has been made?

Once an application has been made, and any relevant fee has been paid, the Tribunal will provide a copy of the application, and any documents provided in support, to the person who is the subject of the complaint.

Within 21 days of receiving a copy of the application, the person must provide a response to the Tribunal. The response must include:

- advice of their correct contact details, or the details of any representative they have arranged to represent them;
- whether they admit or deny the conduct said to justify disciplinary action;
- any facts they rely on in support of their position; and
- any other preliminary issues they may wish to raise at this time.

If a response is not provided within 21 days (or a different period specified by the Tribunal) and the person later provides evidence that should have been provided in a response, the Tribunal may decide that they cannot rely on that evidence.

The Tribunal will schedule a directions hearing shortly after the application is received. The directions hearing will usually be held four to six weeks after the complaint is made.

At or after the first directions hearing, the Tribunal may decide that a further directions hearing is needed, refer the matter to a conference, or may decide that the matter is ready to go to a full hearing.

For information about what happens at a conference and full hearing, see:

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

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

### How can I file documents with the Tribunal throughout the duration of the matter?

All documents should be provided to the Tribunal electronically. The documents can be emailed to SACAT using the [sacat@sacat.sa.gov.au](mailto:sacat@sacat.sa.gov.au) email address. You should always quote the SACAT Reference number or tracking code in the title of your email.

SACAT would prefer parties to provide a copy of all documentation filed to the other parties at the same time they provide them to the Tribunal. Most parties choose to carbon-copy (cc) the other parties to the email to the Tribunal so the Tribunal knows that the documents have been sent to the other parties.

### Who will decide the outcome?

One independent legally qualified tribunal member will preside over the preliminary hearings held in a matter.

The Tribunal may decide that one or more assessors should sit with a legal member for the full hearing. Assessors are people with expertise in the relevant subject matter who can use that expertise to assist the member to reach the right decision.



For example, in a matter about a conveyancer, the assessor(s) may be a conveyancer, and a representative of members of the public who have experience in dealing with conveyancers.

Either party involved in proceedings may ask that an assessor assist the member, although the final decision as to whether an assessor is used lies solely with the Tribunal.

*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.*

### What will the outcome be?

If the Tribunal finds that there has been unlawful, improper, negligent, unfair or other relevant conduct it can decide that disciplinary action should be taken in accordance with the relevant Act.

A range of orders may be made, including:

- a reprimand;
- a fine;
- cancellation of a licence or registration;
- suspension of a licence or registration;
- imposing a condition on a licence or registration.

### What if you think the decision made by the Tribunal is wrong?

If you think the decision made by the Tribunal is incorrect, you may make an application for internal review by SACAT.

For information on internal reviews, see: <http://www.sacat.sa.gov.au/upload/Factsheet%20Internal%20Review%20v2.pdf>.

### Contact the Tribunal

If you would like to speak to a staff member in person about the disciplinary jurisdiction please telephone SACAT on 1800 723 767 (selection option 4, then option 7).

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