

Preparing for a hearing: domestic violence cases

What to expect at a hearing

Hearings are conducted by a tribunal member. Each party will be asked to tell their case, and then the tribunal member will make a decision. That decision is binding on the parties and may be enforced.

SACAT is informal. It is not a court and so the tribunal member is not bound by rules of evidence or procedure. However, SACAT must conduct an unbiased hearing and to give each party a fair opportunity to state their case.

The SACAT member will sit at the front of the hearing room facing the parties. Parties sit at tables facing the member.

Hearings are sound recorded so there is an accurate record of what is said.

You can address the member simply by calling them “Mr” or “Ms” and then using their surname (which will be on a name plate on the member’s desk). Each of the parties and any witnesses will be addressed in the same way by the member.

Presenting your case

The SACAT member will usually explain what happens at the hearing. You may be asked to make an oath or affirmation before giving evidence to the tribunal. This is simply a promise to tell the truth.

The person who has made the application will usually be asked to speak first and the other party will then be given an opportunity to respond.

The member will often ask questions to clarify issues or obtain all of the information necessary so that they can make a fully informed decision.

Try to limit what you have to say to the issues in dispute. You do not have to use special language. You do not have to stand up when you are speaking to the tribunal member.

If you disagree with something someone else has said, do not interrupt them but wait until they have finished speaking and then ask the member for an opportunity to comment.

Address your comments to the tribunal member – remember that you are there for the tribunal member to make a decision about your dispute.

If you feel uncomfortable about presenting your case in a hearing, you may make a written submission and you may ask the tribunal member to read out the submission for you.

How is the decision made?

The SACAT member will make a decision taking into account all of the relevant evidence and in accordance with the law. You may hear the decision on the day or sometime after the hearing.

You will be provided with a written decision. The SACAT member will tell you whether or not the decision will be ready for you on the day of the hearing or whether it will be sent to you (by email, post or some other means).

Housing and tenancies

Hearing checklist

✓	Be concise and talk only about the facts relevant to the hearing
✓	Think about what orders you want SACAT to make and be prepared to tell the SACAT member the reasons why
✓	Listen carefully to the SACAT member and do not interrupt
✓	Be polite and respectful to the SACAT member and to the other party and any witnesses. Don't make personal comments about the other party or the SACAT member, no matter how strongly you feel.
✓	Tell the truth and be accurate. If you are giving evidence you may be asked to take an oath or affirmation.
✓	Ask questions if you don't understand something or if you are unsure

The information below is intended to be a simple and general checklist to assist you identify what documents you need to lodge with SACAT in support of your application.

See also the Domestic Violence Protections for the Tenancy Sector Fact Sheet at www.sa.gov.au/tenancy/renters for a list of advocacy and service providers, or call Consumer and Business Services on 131 882.

Remember that any evidence which you provide to SACAT and which you are asking the member to take into account must be provided to the other party. If the evidence contains some confidential information which is not relevant, you may ask SACAT to exclude that information but you will be asked to provide SACAT with a full copy and a copy with the information excluded.

If you want the tenancy terminated because of domestic violence you should:

- Provide a copy of a current intervention order made by a court
- Provide other evidence of domestic violence (eg a report from a domestic violence agency, medical reports, photos, police report, statutory declarations/affidavits of witnesses)
- Bring a copy of the tenancy agreement (if possible)

If you think the landlord might disagree with your application, be prepared to tell the SACAT member why it would cause you hardship for the tenancy to continue.

Note: you may also ask a person to give verbal evidence at the hearing.

If you also want an order for a new tenancy in your name, then in addition to the evidence described above, you will also need:

- Show that you can afford the rent and bond (eg pay slips)
- Provide evidence that you meet eligibility requirements of the South Australian Housing Trust or a community housing provider (if relevant)
- Provide evidence of any support you may have to assist you with a new tenancy (eg financial support from an employer or family member)

If you think the landlord might not want the tenancy in your name, be prepared to tell the SACAT member why it is important for this to happen.

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