

# Applying to SACAT for review due to non-attendance

## What is an application for review for non-attendance?

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

## What is a reasonable reason for non-attendance?

SACAT must be satisfied that you had a reasonable reason 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 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 reason 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

## 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, they can change or revoke the original decision.

## Time limits

An application for review due to non-attendance must be made within 7 days of the Tribunal's decision.

## Applying to SACAT

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

All applications to SACAT are completed through our online application form which you can find at our website: [www.sacat.sa.gov.au](http://www.sacat.sa.gov.au).

All the mandatory information you are required to provide will be contained in the online application form. However, you may have other material you wish to provide. You should send to SACAT any information on which you want to rely which is relevant to your application.

You will need to provide your reason for not appearing or being represented at the hearing.

If you are unable to complete the form online, you can contact the Tribunal for assistance on 1800 723 767. You can also visit SACAT's offices at Level 4 or 7, 100 Pirie Street, and use a computer at one of SACAT's public kiosks.

### **What fees apply to an application for review due to non-attendance?**

There is a filing fee that applies to this type of application.

You must generally pay a fee when you make an application to SACAT. However, this depends on the type of application you are making and your role in the matter.

The online application form will tell you the applicable fee for your application. You must pay this fee at the time of making your application or you may make an application for the fee to be waived.

SACAT will not do anything with your application until any applicable fees have been paid or waived.

### **Contact the Tribunal**

If you would like to speak to a staff member about applications for review due to non-attendance, please telephone SACAT on 1800 723 767 (select option 4 and then option 1).

This information 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.