

# Dog and Cat Management Act

## Applying for review of a decision of a council or the Dog and Cat Management Board

### What decisions can SACAT review?

SACAT can review some decisions made by a council or the Dog and Cat Management Board.

Some of the decisions that SACAT can review include:

- issue of a destruction order in relation to a dog
- issue of a control order in relation to a dog
- issue of a prohibition order in relation to acquiring or becoming responsible for the control of a dog

### On what grounds can I review a decision?

When challenging the decision of the original decision-maker (the council or board), you must have reasons for review of the decision. This might include:

- the original decision-maker did not take into account all of the relevant evidence before them when making the decision
- the original decision-maker made an error in applying the law
- there is new evidence that you wish to present
- any other relevant factors that you think would change the decision.

### What can SACAT do in a review?

When reviewing a decision, SACAT can:

- confirm the decision
- vary the decision
- set aside the decision and
  - substitute its own decision or
  - send the matter back to the original decision-maker for reconsideration

All parties are able to provide documents and evidence to SACAT in support of their case. SACAT will receive all the information that was taken into account by the original decision-maker when they made the decision.

### How do I apply to SACAT?

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). You should complete the application process as soon as possible due to time limits on the application to SACAT (see below).

All of the information you are required to provide will be contained in the online application form. You should include a copy of the decision, specify whether you are seeking a stay of the order (see below) and pay the requested fee.

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.

### Applying for a stay of an order

If a destruction order is made, then destruction of the dog may occur within the time period specified in the order (but not less than one month after the date that the order takes effect).

A stay is a temporary stoppage of the order made by the council or board for the destruction of a dog. If a stay is issued, then the destruction order cannot go ahead while you are awaiting the outcome of the review.

If a stay is not granted, then the destruction order will remain effective. This can potentially result in a destruction prior to your application being heard by the Tribunal.

If you wish to seek a stay order, you must specify this on your application form to SACAT. Requesting a stay does not guarantee you the right to an order. SACAT has a discretion to order a stay and may only make an order where the Tribunal sees fit.

More information about stay applications is available in SACAT's stay application fact sheet: <https://www.sacat.sa.gov.au/about-sacat/publications-and-resources/forms,-fact-sheets-and-guides>.

### **What fees apply to an application for review of a decision?**

There is a filing fee that applies to the review of these types of decisions.

You must generally pay a fee when you make an application to SACAT. However, this depends on the type of application 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.

Further information about SACAT fees and charges is available at our website, [Fees and charges](#) and [Fee waivers and exemptions](#).

### **How long do I have to seek a review of the decision?**

An application for SACAT to review a decision of a council or board must be made within 14 days after you receive notice of the order.

SACAT may allow an extension of time if satisfied that special circumstances exist, and another party will not be unreasonably disadvantaged by the delay in commencing the proceedings.

### **Contact the Tribunal**

If you would like to speak to a staff member about the administrative review jurisdiction of the Tribunal, please telephone SACAT on 1800 723 767 (select option 4 and then option 5).

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.