

Children and Young People (Safety) Act

Applying to review a decision of the Department for Child Protection

Decisions of DCP that SACAT can review

If you are unhappy with a decision made by the Chief Executive of the Department for Child Protection (DCP), you may be able to seek a review at SACAT.

Decisions of DCP that SACAT can review include but are not limited to:

- the approval of carers
- the placement, care, education and healthcare of a child in care
- directions that a person not communicate with, be in the company of, harbour or conceal a child in care
- decisions concerning licensing of foster care agencies
- decisions concerning licensing of children's residential facilities

Decisions of DCP that SACAT cannot review

SACAT cannot review decisions of DCP concerning contact arrangements for a child in care.

Reviews of decisions relating to contact arrangements are dealt with by DCP's Contact Arrangements Review Panel.

Internal review by DCP must be completed first

An application cannot be made to SACAT unless an internal review has been conducted by DCP.

For more information regarding the DCP internal review process, please visit DCP's website, [Internal reviews | Department for Child Protection](#), or contact the Complaints and Feedback Management Unit on 1800 003 305.

Who can apply to SACAT?

The following people can apply to the Tribunal for the review of most DCP decisions:

- the child or young person to whom the decision relates
- the applicant for DCP internal review
- any other person who is aggrieved by the decision and, in the opinion of SACAT, has sufficient interest in the matter

For decisions about applications for:

- approval as a carer
- a licence to run a foster agency
- a licence to run a children's residential facility

only the applicant for the approval or licence can apply to the Tribunal for review. This also applies to decisions in relation to cancellation of approval as a carer and the above licences.

What can SACAT do on review?

When determining an application for review of a decision of DCP, SACAT can:

- confirm that the decision is correct
- vary the decision
- find that the decision was incorrect and
 - substitute it's own decision or
 - send it back to DCP for further consideration

SACAT will generally deal with these matters by way of a conference and/or hearing process.

Sometimes SACAT will approve a compromise agreement agreed by the parties during a conference convened by a Tribunal Member or Deputy Registrar.

All parties are able to file documentation in support of their case and the Tribunal will receive from DCP a copy of the documentation which was taken into account by them when determining the decision under review.

Objectives of the Tribunal in child protection proceedings

In dealing with applications involving children, the main aim of the Tribunal will be to:

- obtain and understand the views of the child or young person in a way that is most suited to that child or young person
- make decisions that protect the rights or welfare of the child or young person
- use processes that are child-friendly and inclusive

How long do I have to seek a review from SACAT?

An application must be made within 28 days after you receive a notice of the result of your internal review by DCP.

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 proceedings.

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.

All the information you are required to provide will be contained in the online application form.

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 to review a decision of DCP?

If you are a child or young person making an application, there are no fees that apply to your 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.

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

Who can assist me?

Any party to a SACAT application is entitled to appear in person or through a representative.

A representative can include an advocate, legal representative or a litigation guardian. For more information about litigation guardians, please see the litigation guardian factsheet available from the SACAT website: <https://www.sacat.sa.gov.au/about-sacat/publications-and-resources/forms,-fact-sheets-and-guides>.

Alternatively, you can ask the Tribunal if you can bring a friend or support person to sit with you and provide support.

Assistance for children

Legal Services Commission

- **Phone number:** 1300 366 424
- **Website:** www.lsc.sa.gov.au

Aboriginal Legal Rights Movement

- **Phone number:** 1800 643 222
- **Website:** www.alrm.org.au

Office of the Guardian for Children and Young People

- **Phone number:** 08 8226 8570
- **Website:** www.gcyp.sa.gov.au

Assistance for other parties

Legal Services Commission

- **Phone number:** 1300 366 424
- **Website:** www.lsc.sa.gov.au

Aboriginal Legal Rights Movement

- **Phone number:** 1800 643 222
- **Website:** www.alrm.org.au

Women's Legal Services (SA)

- **Phone number:** 1800 655 037
- **Website:** www.wlssa.org.au

Assistance for foster and kinship carers:

Connecting Foster & Kinship Carers SA Inc

- **Phone:** 1800 732 272
- **Website:** www.cfc-sa.org.au

Contact the Tribunal

If you would like to speak to a staff member about review of DCP decisions, please telephone SACAT on 1800 723 767 (select option 4 and then option 3).

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.