

An Introduction to SACAT in Tenancies & Housing

About SACAT

SACAT is an independent body which assists South Australians to resolve issues within civil and administrative law, either through agreement at a conference or mediation, or through a decision at a hearing.

SACAT was established in 2015 to combine the work of a variety of different Tribunals, Boards and review committees.

SACAT processes a large volume of matters each year and is a key part of South Australia's justice system.

In addition to traditional hearings, SACAT is committed to alternative dispute resolution, and is dedicated to achieving efficient and fair solutions. Conferences and mediation are often used in housing matters to assist parties to reach a consensual agreement without the need for a hearing.

SACAT is much less formal than a court and its procedures are less complicated – most people who come before SACAT do not have legal representation.

SACAT deals with applications about housing disputes which arise in the following areas:

- residential tenancies
- retirement villages
- residential parks
- rooming houses

Accessibility

SACAT strives to be accessible and responsive to user needs and operates across the state of South Australia.

SACAT's objectives emphasise accessibility, fairness and responsiveness. We have excellent facilities in our tribunal premises including:

- a public kiosk at Level 4 and 7, 100 Pirie Street for online applications

- male, female and access toilets
- wheelchair access
- baby change room
- hearing loop
- hearing augmentation
- an interpreter on request

For people who live outside Metropolitan Adelaide, we can organise teleconference, video conference or alternative arrangements if required.

Types of housing disputes SACAT can deal with

SACAT deals with housing disputes between:

- landlords and tenants about a residential tenancy agreement
- residents and proprietors about a rooming house agreement
- residents and operators of retirement villages – whether or not payment of a premium is required
- residential park residents and park owner/operators

Types of landlords' decisions SACAT can review

SACAT also deals with applications to review certain decisions made in relation to housing where those decisions are made by the South Australian Housing Authority or a Community Housing Provider.

However, SACAT can only review certain decisions of these landlords; for example, SACAT cannot review complaints about the conduct of an officer of the landlord, or something that could be dealt with by SACAT as a tenancy dispute.

What to expect at a hearing

SACAT is informal and is not a court, so the Tribunal member is not bound by rules of evidence or procedure.

However, SACAT must conduct an unbiased hearing and give each party a fair opportunity to state their case.

Hearings are conducted by a Tribunal member. Each party will be asked to take an oath or affirmation to tell the truth. Each party will be asked to state their case, and then the Tribunal member will make a decision. That decision is binding on the parties and may be enforced.

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.

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 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. This will usually be sent by email.

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. Do not 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.

How to 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.

Upcoming hearings and conferences

The case list of hearings and conferences is published on the website after 4pm of each working day for the next day's cases.

To see a hearing or conference, go to, www.sacat.sa.gov.au and click "Check today's hearings" on the homepage.

Contact the Tribunal

If you would like to speak to a staff member about the housing and tenancies jurisdiction of the Tribunal, please telephone SACAT on 1800 723 767 (select option 4 and then option 1).

When you receive correspondence from SACAT, the contact details of the Tribunal Case Officer assigned to your matter are provided. You may use these contact details, or quote your SACAT reference number, when you contact the Tribunal to ensure that you are speaking to the right person.

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.