

Review of SACAT Housing Decisions

What can you do if you are dissatisfied with a SACAT decision?

If you are unhappy with a decision made by SACAT in relation to your matter involving a:

- residential tenancy
- rooming house
- residential park
- retirement village

you have two options depending on the reason you want SACAT to review the decision.

Applying for a review for non-attendance

If you were unable to participate in a Tribunal hearing for good reason, and you were unable to be represented in that hearing (for good reason), then you may apply for a Tribunal order to be reviewed on that basis.

Applying for an internal review

If you disagree with a decision made by SACAT, for example:

- you disagree with the order requiring you to move out on a particular date
- if you think the amount of rent arrears is incorrect
- where you consider SACAT has ordered too much or too little compensation
- if you think the decision is unjust or unfair or wrong
- where you have further information to provide to the Tribunal (and that information was not available at the time of the original hearing or there is a good reason why it was not provided)
- if you think the Tribunal placed undue emphasis on the evidence provided by the other party, or the evidence provided by that party was false or misleading

then you may apply for an internal review.

This application must be made within **1 month** of the Tribunal order (although the Tribunal has the power to accept late applications in certain circumstances).

If you are seeking an extension of time, you should include a written request in your application, which states the reasons why you could not file within the 1 month time period. There is no guarantee that SACAT will extend this time frame.

SACAT cannot give you legal advice or advise you if you should lodge an internal review. The following organisations may provide you with advice:

- *Rentright*
 - **Phone number:** 1800 060 462
 - **Website:** www.syc.net.au/rentrightsa
- *Legal Services Commission*
 - **Phone number:** 1300 366 424
 - **Website:** www.lsc.sa.gov.au
- *CBS Tenancies*
 - **Phone number:** 131 882
 - **Website:** www.cbs.sa.gov.au/sections/renting

What can SACAT do on an internal review?

SACAT must reach the correct or preferable decision on internal review. To do this, SACAT must consider and place weight on the Tribunal's original decision.

In an internal review, SACAT can:

- Affirm the decision that is being reviewed;
- Vary the decision;
- Set aside the decision and;
 - Substitute a new decision; or
 - Return the matter to the original Tribunal member for reconsideration along with any directions or recommendations.

What should I provide in an internal review application?

An internal review reexamines the original decision of the Tribunal on the evidence or material that was before the Tribunal at that time.

SACAT will have access to a copy of the original decision and any documents provided in the original application.

If you have new information or documents that weren't available at the original hearing and you want that information to be taken into account in the review, then you should provide that information. You should bear in mind that as a general rule, any information provided to the Tribunal by one party will be provided to the other party.

Who can apply to SACAT for an internal review?

If you were a party to the original decision, then you may be able to apply for an internal review.

What happens to the original decision while you wait for the internal review?

If you apply for an internal review, this does not stop the effect of the original decision. For example, if SACAT makes an order for eviction, then an application for internal review will not stop you being evicted.

If you want to stop the effect of SACAT's order then you may make an application for a "stay order". A stay puts the order on hold until your internal review matter is heard. More information about stay applications is available in SACAT's factsheet: www.sacat.sa.gov.au/about-sacat/publications-and-resources/forms,-fact-sheets-and-guides.

Applying 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.

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.

Fees

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. If you have a current concession card, then you may qualify for a 25% reduction of your fee.

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](#).

What happens after SACAT has made a determination on internal review?

Once SACAT has made a decision in relation to your internal review application, the decision cannot be challenged further within SACAT.

If you are dissatisfied with SACAT's internal review decision, you may appeal to the Supreme Court of South Australia.

You can contact the Supreme Court Registry on **(08) 8204 0289** for all questions concerning pursuing an appeal.

Contact the Tribunal

If you would like to speak to a staff member about applications for internal review, please telephone SACAT on 1800 723 767 (select option 4 and then option 6).

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.