

What is an Internal Review?

If you disagree with a decision of SACAT and believe that the decision is incorrect or that a different decision would be preferable, then you may request that the decision be reviewed by a different Tribunal Member within SACAT.

Before an internal review can be conducted by SACAT, 'leave' or permission for a review must firstly be granted by the President, Deputy President or a legal Tribunal Member.

When determining whether to grant permission, SACAT will consider the interests of justice, whether there is an arguable point, and whether the subject matter of the internal review has sufficient substance to justify consideration.

During an internal review hearing, SACAT will examine the first decision and may allow further evidence or material to be presented. The internal review usually involves a hearing where the parties have the opportunity to speak and give relevant documents to SACAT, just like the first hearing.

SACAT will reach the correct and preferable decision and may affirm, vary or set aside the decision being reviewed.

Who can apply?

If you are a party to the first decision, you have the right to seek an internal review. If you are not a party, you must have a 'proper interest' in the matter to challenge it.

Time limitations

An application for internal review must be made within one month of the first decision.

If an application for internal review is lodged outside of the one-month time period, SACAT can extend the timeframe if it considers that it is just and reasonable to do so.

If you are seeking an extension of time to lodge your internal review application, you should include a written request in your application, which states the reasons why you could not file within the one-month time period. You should not assume that an extension of time will be granted.

What fees apply to an internal review 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](#).

What happens once the fee has been paid or waived?

Once the fee has been paid or waived, SACAT will take steps to decide your matter. In most instances the review application will be dealt with at a hearing, but in some instances it may be referred to a conference, or dealt with 'on-the-papers' (meaning in the absence of the parties).

If the matter is urgent SACAT will attempt to schedule the hearing ahead of other matters. For example, if you are a tenant who has to vacate a property by a certain time, SACAT will attempt to schedule the hearing prior to that time. However, this is not always possible, especially if the application is received shortly before the day you are required to vacate.

Putting the first decision ‘on hold’ or request a ‘stay’

Lodging an application for internal review does not place the first decision on hold or stop the order from operating. For example, if you are a tenant who is required to vacate a property by a certain day and time or you are required to pay a sum of money by a specific day or time, you are still required to do so unless SACAT places the current order on hold until the completion of the internal review application.

To request that the previous decision be put on hold (a stay), you will need to specify either on the application or in writing to SACAT that you are seeking to have the previous order put on hold.

This request for a stay will need to be supported by appropriate grounds or documentation. Usually, any other party will be asked their opinion on the stay application.

To decide whether a stay is made, SACAT will consider whether you have an arguable case, and what the consequences for each of the parties is if the stay is not granted.

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 (select option 4 and then option 6). 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 happens after SACAT has made an internal review decision?

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

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

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

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.