

Children and Young People (Safety) Act Reviews at SACAT

1. What is SACAT

SACAT is a Tribunal that can review some decisions made by the Department for Child Protection (DCP).

Our objectives emphasise accessibility, efficiency and fairness. They are to:

- be accessible and responsive to your needs;
- process and resolve your dispute as quickly as possible;
- use language we can all understand;
- be as flexible as possible;
- use alternative dispute resolution procedures wherever appropriate;
- keep costs to a minimum.

2. What can be reviewed?

If you are unhappy with a decision made by DCP you may be able to seek a review at SACAT.

However, you can only file an application with SACAT after the decision has first been considered on internal review with the Department. The decision will then be a “reviewable decision”.

Reviewable decisions that can be dealt with by SACAT include but are not limited to:

- decisions as to the approval of carers;
- decisions as to the placement, care, education and health of a child in care;
- directions that a person not communicate with, harbour or conceal a child in care;
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- decisions concerning licensing of foster care agencies;
- decisions concerning licensing of children’s residential facilities.

3. What cannot be reviewed?

SACAT cannot review decisions of the Chief Executive concerning contact arrangements for a child in care.

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

4. What must be done before a matter can be lodged at SACAT

Matters cannot proceed to SACAT unless an internal review has been conducted by DCP.

For more information regarding the internal review process, please contact the Department for Child Protection on 1800 003 305 or visit: <https://www.childprotection.sa.gov.au/department/contact-the-department/internal-reviews>.

5. Who can apply to SACAT?

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

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



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For decisions about applications for:

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

only the applicant for the approval or licence can apply to the Tribunal for review.

For decisions about cancellation of:

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

only the person, foster care agency or children's residential facility to which the relevant decision relates can apply to the Tribunal for review.

6. How can SACAT decide a review?

When determining an application SACAT can:

- confirm that the decision is correct;
- vary the decision in some way; or
- find that the decision was incorrect; and
 - either substitute its 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 outcome 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 consideration by them when determining the decision under review.

7. Participation at hearings or conferences

It is the preference of the Tribunal that all parties attend in person where it is reasonable to do so.

Participation is available by telephone or video link if approved by the Tribunal prior to the hearing or conference.

Where appropriate, people who reside over an hour or more travel-time from the CBD of Adelaide are able to attend by telephone.

SACAT has Police Protective Security Officers on site during opening hours. If you have any specific security concerns relating to an application you should contact SACAT prior to attending the Tribunal and inform us so we can ask SAPOL to investigate.

8. What will happen at a conference?

The conference process is an opportunity for people involved in a dispute to meet face to face, where possible, and discuss the issues in dispute with a view to reaching an agreement.

The process might require more than one meeting and additional information to be provided.

You will be assisted in a conference by a Tribunal Member or Deputy Registrar to help explore options for reaching agreement.

The Tribunal is solely responsible for deciding who may attend the conference.

9. What will happen at a directions hearing?

A directions hearing is a short hearing that usually lasts around 30 minutes. The purpose of the directions hearing is to make all arrangements to ensure the matter is ready to proceed to a full hearing.

Matters considered at a directions hearing can include:



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- how to best seek the views of the child or young person;
- setting the time, duration and location of the hearing;
- deciding who may attend the hearing;
- ensuring that all required documentation is filed and given to the other parties (where appropriate);
- any other matter that needs to be determined by the Tribunal before the full hearing.

10. What will happen at a hearing?

A hearing will be overseen by an independent tribunal member. The member will ask each party to present their case and review all the evidence presented.

During the hearing the parties will have an opportunity to speak, present documentation and call witnesses that have been approved by the Tribunal.

At the conclusion of the hearing, the member may choose to announce their decision straight away or deliver their decision in writing at a later time.

11. Priorities of 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; and
- use processes that are child-friendly and inclusive.

12. How do I apply?

The SACAT application form is available from our website: www.sacat.sa.gov.au.

The form is an online form and can be found by using a keyword search 'child'. If you are unable to complete the form online, you can contact the Tribunal for assistance on 1800 723 767 (select option 1, then 3).

Fees can be paid online at the time of lodging your application. For up-to-date information about fees please refer to the SACAT website: <https://www.sacat.sa.gov.au/applications-and-hearings/fees-and-charges>

Children are not required to pay an application fee if they are making the application on their own behalf.

In some instances an applicant may be entitled to a full fee waiver. For more information on fee waiver options please refer to the SACAT website:

<https://www.sacat.sa.gov.au/applications-and-hearings/fees-and-charges/fee-waivers-and-exemptions>

You must pay the required fee or receive approval of a fee waiver before your application can be listed for a conference or a hearing.

If you are assisting a child to make an application please call (08) 7424 7189 and speak to a Senior Community Access Officer.

13. 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 results of your internal review.

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.



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14. Who can help 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.

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

For more information about litigation guardians please see the *litigation guardian fact sheet* available from the SACAT website.

If you require assistance in deciding who might be able to assist you please ring SACAT on 1800 723 767 (select option 1, then 3) and speak to a community access officer.

Organisations that can assist are:

Assistance for children:

Guardian for Children and Young People:

- Phone: (08) 8226 8570
- Website: www.gcyp.sa.gov.au

Aboriginal Legal Rights Movement:

- Phone: (08) 8113 3777
- Website: www.alrm.org.au

Legal Services Commission:

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

Assistance for other parties:

Legal Services Commission:

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

Administrative Appeals Legal Advice Service (University of Adelaide):

- Appointments available on Thursdays (during university semesters) from 10.00am to 1.00pm and are to be

made via online booking service

<https://aalasappointment.as.me/>

Aboriginal Legal Rights Movement:

- Phone: (08) 8113 3777
- Website: www.alrm.org.au

Women's Legal Services (SA) Office:

- Phone: (08) 8221 5553
- 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

15. Can I speak to someone at SACAT about this?

To speak to a Senior Community Access Officer about any of the above information please call SACAT on 1800 723 767 (select option 1, then 3).

Or you can come to our office at Level 4, 100 Pirie Street, Adelaide between the hours of 9.00am – 4.30pm, Monday to Friday (excluding public holidays).

For more information and to access the on-line application form go to www.sacat.sa.gov.au

SACAT does not guarantee the accuracy or completeness of this Information Sheet and does not accept any responsibility if you rely on it.

You should always seek your own legal advice.