

Child Support Appeals

General Information



About the SSAT

The Social Security Appeals Tribunal (SSAT) is an independent statutory body. It is not part of the Child Support Agency (CSA).

The SSAT reviews the entire CSA decision, applying the child support law. As the SSAT reviews the entire decision and makes a new decision, it is possible the outcome may be worse for you than the CSA decision.

Staff and members of the SSAT

Case managers

A case manager is allocated for each appeal. This person is an employee of the SSAT (not the CSA) and does the administrative work relating to the appeal. This person will be your contact with the SSAT. They can inform you about the arrangements to hear the appeal. The case manager cannot give you advice and cannot represent you at the hearing. Any information which you want to be considered by the SSAT must either:

- be put in writing so that it can be given to the SSAT members who will be hearing your matter; or
- alternatively, you should speak about the matter at the pre-hearing conference or hearing (rather than to the case manager).

Members of the SSAT

Members of the SSAT are appointed by the Governor-General. They have varied backgrounds in law, accounting, welfare or public administration. They conduct pre-hearing conferences and hearings and make directions and decisions. You are only able to speak to members at a pre-hearing conference or at a hearing.

Security at the SSAT

If any party has concerns about their personal security they should provide this information to the case manager at the earliest opportunity. At most SSAT offices a security guard is in attendance for an SSAT hearing where a party attends in person.

Information Exchange as part of the SSAT process

Relevant information provided as part of the appeal process will be disclosed to the other parties (including the CSA). This requirement is based on the legal principle of a right to a fair hearing. In many child support cases, information about people's financial or personal circumstances is essential to allow the SSAT to make the correct decision.

Privacy

The child support law provides some protection of people's privacy, including preventing parties from disclosing information obtained during the appeal process. It contains penalties and sanctions for particular breaches of the law.

In addition, the Principal Member of the SSAT has issued General Directions which prohibit general disclosure of documents or information, other than to an authorised representative and only for child support purposes.

Hearings of the SSAT are required to be held in private. People (other than the parties) are only allowed in the hearing with the SSAT's permission. Children are not permitted to be present in a hearing or to give evidence.

Can I have someone represent me at the SSAT?

Most hearings at the SSAT take place without parties being represented. However if you wish to have someone represent you, please let the case manager know as soon as possible. Please note that the SSAT does not pay or order costs for a solicitor or other person to attend the SSAT.

If you want to supply further information/documents to the SSAT

The SSAT will be assisted by full and frank disclosure of information and documents which show the true situation about the subject of the appeal.

In change of assessment appeals, the SSAT member conducting the pre-hearing conference will consider what other documents or information must be supplied.

In other appeals, you must supply any additional material to the SSAT no later than 14 days before the hearing. You will receive further information about the hearing when you are advised of the date of your hearing.

What evidence should I provide to the SSAT?

It is not appropriate for the SSAT to act as an advisor and tell parties exactly what evidence they should provide. Such advice would be inconsistent with the SSAT's independent decision-making role. However, the SSAT website contains information by way of general guidance for parties to consider.

If you do not want to be a party to the appeal

If you do not wish to participate in the appeal process you can ask the SSAT to remove you as a party to the appeal. If the SSAT makes a direction removing you as a party this means:

- you will no longer receive any documents or information in relation to the appeal;
- you have no right to participate in any hearing related to the appeal;
- the SSAT can still make a decision that might adversely affect you;
- you will not receive a copy of the SSAT's decision or statement of reasons;
- you will have no right of appeal under the child support law to the Administrative Appeals Tribunal or a Court such as the Federal Magistrates Court.

Important Information

The SSAT website (www.ssat.gov.au) contains more detailed information about the entire SSAT process for child support appeals.

If you need assistance in preparing your case, the SSAT website provides a link to a number of organisations which may be able to assist you.

The Principal Member of the SSAT has made General Directions which govern the SSAT processes for child support appeals. These directions are available on the website.

