

# Child Support Appeals Hearings



## What is a hearing at the SSAT?

An SSAT hearing is less formal than a court, but the hearing is controlled and structured. It is more formal than the Child Support Agency (CSA) conference process. The presiding member, whose role it is to chair the hearing, will explain and control the hearing process.

The members of the SSAT (ordinarily there will be two or three members) will ask questions of the parties relevant to the appeal. Parties will be given the opportunity to explain why they agree or disagree with the decision of the CSA. The presiding member may limit and direct the questions to the issues which are relevant.

You are not expected to present a "legal" submission. You can explain the facts and your side of the story in ordinary language.

## What are the formalities of the hearing?

Parties and witnesses are required to give evidence on oath or affirmation.

- The proceedings are electronically recorded.
- Parties are not permitted to:
  - obtain a copy of the SSAT's electronic recording.
  - electronically record any part of the hearing.

## Confidentiality of the hearing

A person, including a representative and a witness, must not disclose a document, information contained in a document or information about personal or financial circumstances of a party or witness to anyone, except an authorised representative and only for child support purposes.

## Who can attend the hearing?

SSAT hearings are required by law to be held in private. Members of the public and other people do not have the right to attend the hearing.

- Both parties will be present at the same time (in person, by telephone or via video) during the hearing, unless a party has advised that they do not wish to attend the hearing.
- The Child Support Agency is a party to the appeal but does not routinely attend the hearing. You will be advised if the CSA will attend.
- A party may choose to have an authorised representative attend the hearing and make submissions. Subject to the approval of the SSAT, a person performing the role of a representative will be permitted in the hearing. The party should still attend the hearing to give evidence and answer questions.
- A party must notify the SSAT, at least 14 days before the hearing, of any witness who the party intends to have give evidence at the hearing. The witness will be allowed into the hearing for the duration of the time that their evidence is required.
- If an interpreter is required, they will be permitted into the hearing. The SSAT will organise the interpreter. A request for an interpreter must be made at least 14 days before the hearing.
- Other people (eg. support persons) are not routinely allowed in the hearing and can only be present with the permission of the SSAT.
- Children are not permitted to be present in the hearing.
- The SSAT usually arranges the attendance of a security guard where parties appear in person.

## Additional evidence provided less than 14 days before the hearing

This material will not automatically be taken into account. The SSAT will only consider late material with the agreement of the presiding member.

## Requests for adjournment of the hearing

Adjournments will not be routinely granted by the SSAT. A party who wants an adjournment must make the request in writing, stating the reasons and attaching any supporting documents (eg. a medical certificate or report). The request must be made at least 14 days before the hearing. If the request is made within 14 days of the hearing, the SSAT will not grant the adjournment unless there are compelling reasons as required by the Principal Member's directions.

## Further information after the hearing

Material should not be sent in after the hearing unless requested by the SSAT. The SSAT may direct that certain additional material be supplied after the hearing.

If unsolicited material is sent to the SSAT, it will only be considered by the SSAT at the discretion of the presiding member.

## When will a decision be made?

A decision is made as soon as possible. The timeframe varies. In more complex matters, the decision will not be made on the day of the hearing (eg. in cases where the SSAT members need to consider the matter further or where additional information is required). In more straightforward matters, the decision may be made on the day of the hearing.

You will be notified if there will be any significant delay in the SSAT making its decision. Otherwise, you should receive the decision within 14 days of the hearing.

Reasons for the decision can be delivered orally or in writing.

SSAT decisions are final, subject to a successful Court appeal on a point of law.

## Important Information

The SSAT website ([www.ssat.gov.au](http://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.

