

Child Support Appeals

Pre-Hearing Conferences



What is a pre-hearing conference?

The SSAT may decide to hold an informal pre-hearing conference with you and the other parties affected by the appeal if it thinks that would be useful. Pre-hearing conferences are routinely held in “change of assessment” appeals. The aims of such conferences include:

- Clarifying issues which are in dispute
- Explaining the hearing process to the parties
- Identifying additional information which is required for a hearing
- Setting a timetable for further information and documents to be supplied to the SSAT
- Exploring the possibility of an agreement between the parties which may mean that there is no need for a hearing.

The pre-hearing conference is informal, private and will last for a period up to one and a half hours. The conference is conducted by an SSAT member by telephone. Please ensure that the telephone you are using is in a private, quiet area and that you will not be interrupted.

The detail of what is discussed in the pre-hearing conference will not be conveyed to the SSAT members who conduct the formal hearing, unless the parties consent. These conferences are not electronically recorded. The SSAT member conducting the pre-hearing conference will not take part in the hearing unless the parties consent.

Do I have to participate in a pre-hearing conference?

A party to a change of assessment appeal must comply with a request by the SSAT to participate in a pre-hearing conference.

What happens at a pre-hearing conference?

The conference may be conducted jointly as a three-way conference, separately with each of the parties or a combination of both. The exact mode of conducting the conference is a matter for the SSAT member to decide.

At the conference, the member may discuss some or all of the matters set out above. The member may also:

- inform parties of the powers of the SSAT
- make directions for the production of documents or the provision of information
- ask the parties about what outcome they are seeking from the appeal process
- advise if the desired outcomes are not within the scope of the SSAT’s powers
- discuss matters which may facilitate an agreement
- if no agreement is reached, set a date for the hearing.

What happens if I do not comply with directions made at a pre-hearing conference?

The SSAT has the power to remove someone as a party to proceedings if a person fails to comply with a direction made by the SSAT. If a person is removed as a party they are at risk of the appeal being dismissed or the matter proceeding in their absence.

What do I need to do to prepare for a pre-hearing conference?

You should have with you the documents which the Child Support Agency has sent you for the purpose of the appeal and any other documents which may be relevant to the appeal.

You do not need to have a representative at a conference, but may do so if you wish. If you have a representative, ordinarily it would be expected that you will also be present for the conference.

When preparing for your pre-hearing conference you should make a note of any questions or matters you wish to raise and consider what outcome you would like to achieve from the appeal. (For example, is there a specific amount of child support which you would regard as reasonable?) You should also consider whether or not you are prepared to negotiate and settle the matter at the conference so that a formal hearing is not required.

It is helpful to keep in mind that:

- the SSAT will not “endorse” an agreement unless it is satisfied that it is a fair outcome
- some issues between parties may cause dissatisfaction but they may not be relevant and cannot be addressed as part of a hearing (eg. unhappiness about the level of access to the children)
- the SSAT will only consider issues relevant to the child support decision being reviewed and cannot resolve all matters which may be in dispute between the parties (eg. property settlement issues).

Requests for adjournment of the pre-hearing conference

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 conference. If the request is made within 14 days of the conference, the SSAT must not grant the adjournment unless there are compelling reasons as required by the Principal Member’s directions.

Important Information



www.ssat.gov.au

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.