

DO I NEED TO BE REPRESENTED?

This information is of a general nature only and is correct as at 1 November 2018.

What this fact sheet covers

This fact sheet provides information about representation for complainants and joined parties, including whether you need a representative to have your complaint heard, what to consider and how to apply to be represented.

Do I need to be represented to have my complaint heard?

You do not need to be represented to have your complaint heard by the Tribunal.

The Tribunal was established as a free, user-friendly alternative to the court system. It offers access to mechanisms for complaint resolution that are fair, economical, informal and quick.

You can lodge a complaint yourself; you do not need to be legally represented to lodge a complaint or to be made party to a complaint.

Can I choose to be represented during the complaint?

If you wish to be represented, you must apply to the Tribunal. You must provide the reasons you believe you should be represented during the complaint. Please note that, should the Tribunal approve your request, you will be responsible for any costs associated with legal representation.

Can I choose to be represented at a conciliation conference?

You do not need to be represented at a conciliation conference. However, if you wish to be represented, you must apply to the Tribunal. You must provide the reasons you believe you should be represented at the conciliation conference. Please note that you will be responsible for any costs associated with legal representation.

If you are nervous about attending the conciliation conference, you are most welcome to have a friend or family member with you for support without having them as your representative. However, they will not be permitted to speak during the group session.

For more information on how conciliation conferences operate, please refer to our *Conciliation conference guide*, available at www.sct.gov.au.

Conciliation conference guide

To access our *Conciliation conference guide*, visit www.sct.gov.au and select News & Publications > Brochures.

DO I NEED TO BE REPRESENTED?

My complaint has been scheduled for review. Can I seek assistance in preparing my submission to the Tribunal?

You will have received a copy of all documents relating to your complaint with the notification of the review meeting. You are free to show these documents to anyone who is assisting you with the preparation of your submission. Please note that you will be responsible for any costs associated with procuring such assistance.

However, this exchange of information between parties is for the purposes of the review meeting only. The information must not be disclosed to anyone else for any other purpose.

Can I seek reimbursement of costs?

The Tribunal is not empowered to award costs in relation to representation. Please note that you will be responsible for any costs associated with representation.



Superannuation (Resolution of Complaints) Act 1993 - Section 23

Right to representation in a complaint

(1) If a party to a complaint is a body corporate or unincorporate, the party may be represented by a responsible officer of the body.

(2) If:

(a) a party to a complaint is not a body corporate or unincorporate; and

(b) the Tribunal is satisfied that the party cannot adequately act on his or her own behalf because he or she has a disability;

the party may be represented by an agent.

(3) If a party to a complaint is not entitled to be represented under subsection (1) or (2), the party must, unless the Tribunal allows the party to be represented by an agent because the Tribunal considers it necessary in all the circumstances, act on his or her own behalf.

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