



SOUTH
AUSTRALIAN
EMPLOYMENT
TRIBUNAL

Attendances at SAET – Coronavirus (COVID-19) Pandemic responses – 11 December 2020

As from **Monday 14 December 2020**, in line with the changes to restrictions recently announced by the South Australian Government, the Tribunal will transition from some of the practices adopted as a result of the COVID-19 pandemic. Some of the practices adopted will remain in place as measures to reduce the need for personal attendances at the Tribunal and to ensure safe social distancing in the precincts, waiting areas, conference rooms and courtrooms of the Tribunal's two floors.

Criteria for attending SAET in-person

Anyone attending SAET in-person must meet the Criteria for attending SAET in-person. The criteria is available at <https://www.saet.sa.gov.au/about-saet-3/covid-19/>.

Shortly we hope to introduce a QR Code check-in system in order to electronically record attendances at the Tribunal.

Matters before Commissioners

- **Initial directions hearings**
- **Expedited decision hearings**

Will continue to be conducted by teleconference or videoconference and the parties and representatives are not required to attend the Tribunal. Please ensure that the Tribunal is provided with contact details for all participants. Representatives are to ensure that they have instructions prior to the hearing and that they are able to obtain updated instructions during the hearing as may be required.

- **Conciliation conferences**
- **Public sector grievances**

Subject to any subsequent order, Conciliation conferences already listed to be conducted by teleconference or videoconference will continue to be conducted that way. The challenges the Tribunal faces for conducting Conciliation conferences in person are the size and adequacy of the conference rooms and the requirements to ensure safe social distancing in the corridors and waiting areas of Level 6. However, where personal attendances are required or considered desirable, Commissioners will endeavor to hold conciliation conferences in person.

Matters before Presidential Members

- **Pre-hearing conferences**
- **Directions hearings**
- **Compliance conferences**

Unless otherwise directed, Pre-hearing conferences, directions hearings and Compliance conferences will continue to be conducted by teleconference or videoconference and the parties and representatives are not required to attend the Tribunal. Please ensure that the Tribunal is provided with contact details for all participants. Representatives are to ensure that they have instructions prior to the hearing and that they are able to obtain updated instructions during the hearing as may be required. The provision of consent orders via email prior to the hearing is strongly encouraged. In specific circumstances as ordered by the Presidential member, such hearings may be subject to the same arrangements for Settlement conferences as below.

- **Settlement conferences**

Subject to any subsequent order, Settlement conferences already listed to be conducted by teleconference or videoconference will continue to be conducted that way. However, in future Presidential members will give consideration to listing Settlement conferences where personal attendances are required. Where possible and practical, Settlement conferences will be conducted in a conference room or courtroom. Settlement conferences will not be conducted in chambers. Issues for consideration will be the availability of conference room and/or courtroom space and safe social distancing in the corridors and waiting areas of Level 7.

- **Callovers**

Unless otherwise directed, parties and representatives are not required to attend in person at the callover. No later than 2 business days prior to the callover, the representatives are to contact the Tribunal to advise whether the matter will be resolved by consent or if it is agreed that the hearing should be vacated for other good reason. If the matter is to proceed to a hearing, the Tribunal is to be advised whether the matter could be heard and determined on the papers. Contact with the Tribunal in this regard will be by saet@sa.gov.au with the subject heading "Callover [date of call-over], [name of parties], [case number(s)]".

- **Hearings and appeals**

The mode of the hearing of any particular case, including appeals, will be at the discretion of the Presidential member(s) involved. The hearing of cases on the papers, whether in part or in full, will still be a consideration so as to minimise attendances at the Tribunal. The use of audio or visual technology during a hearing will also remain as a consideration so as to minimise attendances at the Tribunal. With all hearings, the Presidential members will exercise their own discretion in determining whether the hearing can safely proceed and if so what measures will be put in place to ensure the safety of the Presidential member, staff and participants in the process.

- **Review**

These arrangements will be subject to ongoing review.

We will continue to review our position in accordance with changing circumstances, updated Australian and State government protocols and the advice of health experts.

The Honourable Justice Steven Dolphin

A handwritten signature in green ink, appearing to read 'S. Dolphin', with a long horizontal stroke extending to the right.

President

South Australian Employment Tribunal