

Attendances at SAET – the evolving Coronavirus (COVID-19) Pandemic – 18 March 2020

As is well-known, we are currently operating in a rapidly changing environment due to the coronavirus (COVID-19) pandemic.

I am cognisant of recent measures taken by other courts and tribunals which have been designed to reduce the need for personal attendances in civil litigation matters and to ensure safe social distancing. My directions below have the same purpose in mind.

Further to my communication dated 16 March 2020, I now advise that the following measures will be in place from Thursday 19 March 2020 until Thursday 9 April 2020. We will continue to review our position in accordance with changing circumstances, updated Australian and State government protocols and the advice of health experts.

Matters before Commissioners

- **Initial directions hearings** to be conducted by telephone
- **Expedited decision hearings** to be conducted by telephone
- **Conciliation conferences** to be conducted by telephone
- **Public sector grievances** to be conducted by telephone

In matters to be conducted by telephone, the parties and representatives are not required to attend the Tribunal. Please ensure that the Tribunal is provided with telephone contact details for all participants. Representatives are to ensure that they have instructions prior to the telephone attendance and that they are able to obtain updated instructions during the telephone attendance as may be required. The provision of orders sought by consent via email prior to the telephone attendance is strongly encouraged.

Matters before Presidential Members

- **Pre-hearing conferences** to be conducted by telephone
- **Directions hearings** to be conducted by telephone
- **Compliance conferences** to be conducted by telephone
- **Settlement conferences** to be conducted by telephone

In matters to be conducted by telephone, the parties and representatives are not required to attend the Tribunal. Please ensure that the Tribunal is provided with telephone contact details for all participants. Representatives are to ensure that they have instructions prior to the telephone attendance and that they are able to obtain updated instructions during the telephone attendance as may be required. The provision of orders sought by consent via email prior to the telephone attendance is strongly encouraged.

- **Callovers**

Parties and representatives are not to attend 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 at saet@sa.gov.au with the subject heading "Callover [date of call-over], [name of parties], [case number(s)]".
- **Hearings**

If possible, matters may be heard and determined on the papers. If so, the Presidential member may make further directions and orders to facilitate that mode of hearing. If that is not possible and attendance at the Tribunal is required, the Presidential member will exercise his or her 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.
- **Part-heard hearings**

In part-heard matters, the Presidential member hearing the matter will exercise his or her own discretion in determining whether the matter could proceed, either in part or in full, on the papers. If that is not possible and attendance at the Tribunal is required, the Presidential member will exercise his or her 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.
- **Appeals**

If possible, appeals may be heard and determined on the papers. If so, the Head of the Full Bench may make further directions and orders to facilitate that mode of hearing. If that is not possible and attendance at the Tribunal is required, the Head of the Full Bench in consultation with the other members of the Full Bench, will exercise his or her 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 members, staff and participants in the process.

Given the measures as set out above some disruption and rescheduling is inevitable. I apologise in advance for any inconveniences that may be experienced.

The Honourable Justice Steven Dolphin



President

South Australian Employment Tribunal