



SOUTH
AUSTRALIAN
**EMPLOYMENT
TRIBUNAL**

Glossary of Terms

This glossary was created to address the needs of Tribunal users, litigants, witnesses, interpreters etc who are not legally trained. It is intended to be a useful resource to explain words and phrases commonly used in Tribunal proceedings. This glossary is purposely written in plain English in order for ease of understanding. Space has been provided in each definition for notes to be made. We would hope that this glossary assists in the Tribunal's goals of being accessible, transparent and practical.



The Honourable Justice Steven Dolphin
President

30 November 2022

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| Term | Definition | Notes |
|--|---|-------|
| A | | |
| Accredited Medical Practitioner | A medical practitioner who holds accreditation to carry out Permanent Impairment assessments of Injured Workers. | |
| Accused person | A person charged with a criminal offence. | |
| Act | An Act is a law made by parliament. Also called legislation. For example, <i>Return to Work Act 2014</i> . | |
| Adjourn / adjournment | To postpone or resume a hearing or conference to another time or date. | |
| Admissible | Evidence that is allowed to be considered by the Tribunal. See Inadmissible. | |
| Affidavit | A written statement, confirmed by oath or affirmation, of the evidence of a witness. | |
| Affirmation | A promise to tell the truth in legal proceedings. Also see Oath. An oath has religious significance, an affirmation does not. | |
| <i>A fortiori</i> | Latin. Much more; with stronger reason. | |
| Agreed facts | A document that sets out the facts of the case that have been agreed between the parties. | |

| Term | Definition | Notes |
|---|---|-------|
| Appeal | Legal proceedings challenging the Judgement or Decision of a Presidential Member. Heard and determined by a Full Bench. | |
| Appeal Book | A bundle of documents about the appeal case held by the parties and the Full Bench. | |
| Appellant | A person appealing or seeking a review of a judgment or order. | |
| Applicant | A person seeking that the Tribunal hear their case and make an order in their favour. | |
| Application | The document made by the applicant. | |
| Application for Directions (AFD) | A formal request to the Tribunal for a direction about a case. | |
| Application for Expedited Decision (AED) | A special application under section 113 of the <i>Return to Work Act 2014</i> where the worker or employer believes there has been undue delay by the compensating authority in deciding a claim. | |
| Arbitration | Arbitration is a formal process to resolve disputes. Arbitration involves the Tribunal hearing from witnesses and considering evidence before making a final decision. | |
| Associate | A Judicial Support Officer. Often referred to in a courtroom setting as 'Mr/Ms Associate'. | |
| Audio-Visual Link (AVL) | Conducting a Trial, Hearing or Conference by video screens and audio link. | |

| Term | Definition | Notes |
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| Auxiliary | A Presidential member appointed on a term of not more than one year, although further terms may also be made. | |
| Average Weekly Earnings (AWE) | The amount of weekly payments paid to a worker under the <i>Return to Work Act 2014</i> . For example, \$750.45 per week. | |
| Award | An award is a legal document that contains minimum rates of pay and conditions of employment. | |
| B | | |
| Balance of Probability | Standard of proof required in <u>civil</u> cases. More probable than not. | |
| Ban | See Industrial Action. | |
| Barrister | A lawyer who specialises in courtroom legal work. Engaged by another lawyer (solicitor). Also referred to as Counsel. | |
| Bar table | The long table in a courtroom where lawyers sit and stand to address the Bench | |
| Bench | The table behind where the Presidential member sits in a courtroom. | |
| Beyond Reasonable Doubt | Standard of proof required in <u>criminal</u> cases (where facts, when proven, establish the guilt of a person). | |
| Binaural Hearing Loss (BHL) | Hearing loss relating to both ears. | |

| Term | Definition | Notes |
|------------------------|--|-------|
| Bona fide | Latin. In good faith. Honest behaviour. Contrast Mala fides. | |
| Bond | A sentence option under which a person found guilty of an offence promises to be of good behaviour for a stipulated period. | |
| Breach | To not obey an order or direction of the Tribunal. 'To breach', or 'to be in breach.' Also see default. | |
| Brief | The bundle of documents about the case held by a lawyer. See Trial Book and Appeal Book | |
| Burden of proof | The duty of one party (usually the applicant) to make out the case: to prove to the Tribunal that the case is established. | |
| C | | |
| Capacity | Capacity to perform work duties. A present inability, due to a Work Injury, for an Injured Worker to return to his or her employment. | |
| Case | An application filed in the Registry which is before the Tribunal to be resolved. Also see Matter and Proceeding. | |
| Case File | The Tribunal's record of the case. | |
| Case List | A list of cases stating the date and time they are listed for hearing or conference by a Tribunal member. See www.saet.sa.gov.au/resources/caselist-today/ | |

| Term | Definition | Notes |
|--------------------------------|--|-------|
| Case Manager | A generic title given to the person at a Compensating Authority who manages an Injured Worker's claim. | |
| Casual loading | An amount casual employees receive on top of the base pay, instead of benefits such as paid annual leave and sick leave. | |
| Chambers | A Tribunal member's office. Chambers are staffed by Judicial Support Officers. | |
| Civil offence | When a person or entity breaks the civil law. The punishment for such an offence is usually a fine. Imprisonment is for criminal offences. | |
| Commissioner | A member of the Tribunal. | |
| Compensation | Payment of money to compensate for loss or damage. | |
| Compensating Authority | Return to Work SA, its claims agents and self-insured employers are called compensating authorities. They are responsible for administering claims for work injuries. | |
| Conciliation Conference | A meeting for people involved in a dispute to discuss the issues and try to reach an agreement. Conciliation discussions are usually conducted in private and are confidential. A Commissioner will guide the discussions. | |
| Conference | See, Conciliation Conference; and Settlement Conference. | |

| Term | Definition | Notes |
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| Consent Orders | A consent order is a written agreement that is approved by a court or Tribunal. Consent orders are used when the parties have made an agreement and want formal orders. | |
| Constitution | The document that is the foundation of the law of Australia or South Australia. | |
| Contempt | Includes disrupting, obstructing and behaving in a way which adversely interrupts a case before the Tribunal. | |
| Contract of Employment | The arrangements between an employer and employee about the work to be undertaken and the remuneration for that work. | |
| Counsel | A term for the lawyer who does the talking on behalf of a party in a hearing. A barrister. | |
| Court | SAET has a part that is a court of record, the South Australian Employment Court (SAEC). | |
| Court of Appeal | A division of the Supreme Court of South Australia. Appeals from a decision of the Full Bench go to the Court of Appeal. | |
| Criminal offence | When a person or entity breaks the criminal law. The criminal law provides punishment (sentence) for those who break such laws. For example, imprisonment and / or a fine. | |
| Cross-appeal | An appeal filed by the respondent countering the appellant's appeal | |
| Cross-examination | When a lawyer from the opposing side asks questions of a witness who has been arranged by the other side. Also see Evidence-in-chief. | |

| Term | Definition | Notes |
|----------------------------------|---|-------|
| Crown | The Crown Solicitor's Office. Lawyers for South Australian Government departments. Also referred to as "the Crown". | |
| CT (or CAT) Scan | A medical scan of the human body that creates 3-dimensional images of bones, organs, tissues. | |
| D | | |
| Declaration | A conclusive proclamation by the Tribunal which resolves a legal issue. | |
| Decision | A document that has determined the rights of an applicant. Such as a decision to terminate the employment relationship. Also see Reviewable Decision. A Judgment. A written decision made finalising the case, or an aspect of a case. | |
| Deed of Release (or Deed) | A legal document used to formalise an agreement in a dispute. | |
| Deem (Deemed) | To take to be, or be treated as. For example, 's 188 of the <i>Return to Work Act 2014</i> deems that the noise-induced hearing loss occurred on 25 April last year.' | |
| Default | To have not obeyed an order or direction of the Tribunal, is to be in default. Also see breach. | |
| Defence | A document setting out the response to the application | |

| Term | Definition | Notes |
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| Delegate | A person with formal authority to perform a power or function on behalf of a superior. For example, the Minister may delegate certain of his/her powers to an Executive Officer of a Government department. | |
| Delegated legislation | An Act may delegate that a person (the Minister) or body may make subordinate legislation under that Act. Foer example Regulations. | |
| Directions Hearing | A short hearing where a Presidential member or Commissioner will make orders outlining the next steps that need to be taken to progress the case. | |
| Discovery | The process by which the parties involved in a case must inform each other of documents they have in their possession relevant to the proceedings. | |
| DPP | Director of Public Prosecutions. The senior lawyer for the prosecution of criminal cases on behalf of the South Australian Government. | |
| <i>Dux litis</i> | Latin. The party that presents its case first is " <i>dux litis</i> ". In the ordinary course the applicant will present his or her case first and will be <i>dux litis</i> or simply <i>dux</i> . | |
| E | | |
| Economic-Loss | A lump sum payment under the <i>Return to Work Act 2014</i> (ss 55, 56 & 56A). | |
| Employee | A person employed by an Employer. | |
| Employee Organisation | An organisation in which employees participate to represent their interests, for example a Union. | |

| Term | Definition | Notes |
|--------------------------------|---|-------|
| Employment Relationship | The relationship between an Employee and an Employer. | |
| Employer | A person, body or entity that provided employment to an Employee. | |
| Employer Organisation | An organisation which represents the interests of Employers. For example, Business SA. | |
| Enterprise Agreement | An enterprise agreement contains terms and conditions of employment and sets out what entitlements the employer agrees to provide for those employees in their business or organisation. | |
| Entry Notice | A notice given to the occupier of a premises (typically an employer) that an official, such as a union official, will enter the premises at a certain time to undertake certain activities, such as inspections or meetings. | |
| Estoppel | A legal principle that seeks to protect one party from detriment in the case, if the other party changes its position. | |
| Evidence | Information, documentation or material that is provided to the court to either prove or disprove something. | |
| Evidence-in-chief | When a lawyer has arranged a witness to give their evidence in the Tribunal, that lawyer will be the first to ask questions of that witness. Leading questions are generally not allowed in examination-in-chief. Also see Cross-examination. | |
| Ex gratia | Latin. As a favour. | |

| Term | Definition | Notes |
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| Exhibit | A document or material that is formally accepted by a Presidential member in a hearing and forms part of the evidence in the case. Often given identification as “A1” (applicant’s first exhibit), “R1” (respondent’s first exhibit) etc. | |
| <i>Ex parte</i> | Latin. An application by one party in the case, to be heard by the Tribunal in the absence of the other party. | |
| Expert witness | A person with specific expertise that gives evidence in a case. For example, a surgeon who may give expert evidence about a particular surgical procedure. | |
| <i>Ex tempore</i> | Latin. A decision delivered orally as soon as the hearing is finished. | |
| F | | |
| File | All of the information about a case held by the Tribunal. | |
| Filing | When a document is provided to, and accepted by, the Registry. | |
| Filing Date | The date a document is accepted by the Registry as part of the Tribunal’s File. Also see Lodgement Date. | |
| Finalised | When the case is closed. | |
| Finding (of fact) | A conclusion reached by a Presidential member on an inquiry of fact. For example, the Presidential member may make a finding that, ‘the injury occurred on 25 April last year.’ | |

| Term | Definition | Notes |
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| First Appearance | When a case appears before the Tribunal for the first time. Same as Privilege against self-incrimination. | |
| First instance | A term used to describe the hearing and determination of a case by a single Presidential member, as opposed to a further “instance” such as an Appeal. | |
| Fishing | When one party seeks discovery of the documents of the other party, but were that request seeks to access documents that are not relevant to the case. This is often called “fishing” or a “fishing expedition”. | |
| Fixed Term Contract | A fixed term contract is a type of employment contract. | |
| Full Bench | Three Presidential Members of the Tribunal. | |
| <i>Functus officio</i> | Latin. Having discharged the duty. Once a Presidential member has decided the case, that member is <i>functus officio</i> . Subject to legal rules that member cannot reopen or rehear that case. Also, see Appeal. | |
| Future Hearings List | A searchable list of cases before the Tribunal and when they are listed. See www.saet.sa.gov.au/resources/caselist-future/ | |
| G | | |
| Guide to the Evaluation of Psychiatric Impairment for Clinicians (GEPIC) | A published set of guidelines, used by an Accredited Medical Practitioner, to assess the Whole Person Impairment for an Injured Worker’s psychiatric injury. | |

| Term | Definition | Notes |
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| H | | |
| Hansard | The official transcript of the proceedings in Parliament. | |
| Hearing | When parties attend the Tribunal, including by telephone or video, to present their evidence and/or arguments to the Tribunal member. The Tribunal member will then made a decision based on the evidence and arguments presented. Also called a Trial. | |
| Hearsay | Information given by a witness that is about what somebody else may have said. Not that witness's direct evidence. The witness must only say their own story, what they saw, heard or felt. | |
| Her Honour | The respectful form of address used when referring to a female Presidential member. See Your Honour. | |
| His Honour | The respectful form of address used when referring to a male Presidential member. See Your Honour. | |
| Hostile Witness | a Witness who has displayed an adverse bias towards the party who arranged for that witness to give evidence. If declared as a Hostile Witness by the Presidential member, that witness may be Cross-examined. | |
| I | | |
| Inadmissible | Evidence that is not allowed to be considered by the Tribunal. See Admissible. | |
| <i>In camera</i> | Latin. Hearing a case in private; without Transcript, without the public in the courtroom or in Chambers | |

| Term | Definition | Notes |
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| Incriminate | Something said or done that would tend to prove the guilt of a person for a criminal offence. | |
| Independent Medical Adviser (IMA) | A medical practitioner appointed as an independent medical adviser under section 118 of the <i>Return to Work Act 2014</i> to answer medical questions referred by the Tribunal. | |
| Industrial Action | Action taken by employees (or employers) when a dispute cannot be resolved. Industrial action includes a work ban, strike or locking employees out. | |
| Industrial Dispute | A dispute between employees and employers. These disputes can be broad ranging from pay and conditions to safety concerns. | |
| Industrial Matter | An issue affecting the rights, privileges, duties or work to be done within an employment relationship. | |
| Injunction | An order of the Tribunal that compels a party to do or refrain from doing a specified act. | |
| Injured Worker | A worker who has suffered an injury at work. A person covered by the <i>Return to Work Act 2014</i> . | |
| Impairment Assessment Guidelines (IAG) | A published set of guidelines, used by an Accredited Medical Practitioner, to assess the Whole Person Impairment of an Injured Worker. | |
| Instruct | To instruct a lawyer, is to tell that lawyer what to do. The lawyer may advise a client about a case; the client is to then instruct the lawyer what to do about the case. | |

| Term | Definition | Notes |
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| Interim Payments | Temporary payments made to a Worker who has made a claim under the <i>Return to Work Act 2014</i> (s 32) but is yet to have that claim finally determined. | |
| Interlocutory | Interim, temporary or provisional action on a case before it is finally determined. | |
| J | | |
| Judge | A Presidential member may also be a Judge (or a Magistrate). | |
| Judicial Support Officer (JSO) | A Judicial Support Officer works in a Presidential member's office (chambers). They usually communicate with the people involved in a case, on behalf of the member. JSO's are employees of the Tribunal. JSO's are often referred in the courtroom setting as an Associate. | |
| Judgment | A written decision finalising the case, or an aspect of a case. Also called a Decision. | |
| Jurisdiction | The specific area of the law that the Tribunal has power to deal with. For example, the Tribunal has jurisdiction to hear and determine workers compensation cases under the <i>Return to Work Act 2014</i> . The Tribunal does not have jurisdiction under the <i>Road Traffic Act 1961</i> . | |
| K | | |
| King's Counsel (KC) | A senior barrister. Formerly known as Queen's Counsel (QC). Same as Senior Counsel (SC). | |

| Term | Definition | Notes |
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| L | | |
| Leading question | A question to a witness in a case that generally suggests the answer to that question, often requiring a 'yes' or 'no' answer. For example, 'your were injured on the 25 th of April last year weren't you?'. The nonleading version of that question would be, 'when were you injured?' | |
| Legal Incapacity | A person under 18 years of age or a person who because of mental disability or illness is not capable of managing their participation in a case. | |
| Legal professional privilege | A legal principle that provides for | |
| Legislation | Legislation is a law made by a parliament. Also called an Act. | |
| Legislature | Another name for a parliament. | |
| List of Documents | A list compiled by a party to proceedings that states what relevant documents they have or have had. | |
| Listing | The date and time when a case will be heard by the Tribunal. | |
| Litigant-in-person | A person who represents themselves in the case. Same as Self-represented. | |
| Litigation Guardian | A person appointed to provide instructions on behalf of a party with a Legal Incapacity. | |

| Term | Definition | Notes |
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| Lock-out | When an employer takes industrial action by locking out its employees from the work site. | |
| Lodgement | When a document is provided to the Registry. See Filing. | |
| Lodgement Date | The date a document provided to the Registry. See Filing Date. | |
| Loss of Amenities of Life | See Non-Economic Loss. | |
| Lump sum | A payment of money in total amount. For example, \$25,000.00. | |
| M | | |
| McKenzie friend | A person who attends the Tribunal to assist a party in a case. A McKenzie friend cannot represent the party, but may sit next to the party, take notes and offer non-legal advice in whispers, to prompt a certain question for example. | |
| Magistrate | A Presidential member may also be a Magistrate (or a Judge). | |
| <i>Mala fides</i> | Latin. In bad faith. See <i>Bona fide</i> . | |
| Matter | Another term for a Case or Proceeding. | |
| Maximum Medical Improvement (MMI) | Where a worker's medical condition is medically stable. | |

| Term | Definition | Notes |
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| Mediation | An informal process in which parties to a dispute with the assistance of an impartial mediator identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement. See the Tribunal's Guidelines www.saet.sa.gov.au/resources/legal/ | |
| Medical Expenses | An Injured Worker under the <i>Return to Work Act 2014</i> is entitled to reasonable medical expenses compensation. | |
| Medical Report | A written document prepared by a medical professional about an Injured Worker. | |
| Minister | A member of Parliament and of the executive branch of Government. The person who is in charge of any particular Government department. For example, the Minister for Industrial Relations and Public Sector. | |
| Money Claim | An application to recover money owed from an employment relationship. | |
| MRI Scan | A medical scan of the human body involving magnetic resonance imaging (MRI). | |
| <i>Mutatis mutandis</i> | Latin. The necessary changes being made. | |
| My friend | A respectful term used by opposing lawyers to refer to each other. Not intended to mean that the lawyers are actual "friends". | |
| N | | |
| Noise-Induced Hearing Loss (NIHL) | Binaural hearing loss that can be attributed to loud noise at work. | |

| Term | Definition | Notes |
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| Non- Economic Loss | A lump sum payment under the <i>Return to Work Act 2014</i> (s ss 57 & 58). Generally referred to as pain and suffering and the loss of amenities of life. | |
| Non-Party | A person who is not a party to legal proceedings. | |
| <i>Non sequitur</i> | Latin. It does not follow. | |
| Notice of Appeal | A document that commences an appeal against the decision of a lower court or Tribunal. | |
| Notice of Alternative Contention | A reply to a Statement of Facts, Issues and Contentions. | |
| O | | |
| Oath | A promise to tell the truth in legal proceedings. Also see Affirmation. An oath has religious significance, an affirmation does not. | |
| <i>Obiter dictum</i> (or <i>Dicta</i>) | Latin. A saying by the way. An observation by a Presidential member in a judicial decision on a case that does not go to the actual issues to be resolved. Obiter dictum is not binding as a precedent. | |
| Object / Objection | A phrase said in a courtroom by one lawyer, who believes that the opposing lawyer is not following the usual courtroom procedural rules. When a lawyer says 'objection' or 'I object' the Presidential member will be called on to resolve the issue. If an objection is made, then the witness should stop talking immediately. | |

| Term | Definition | Notes |
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| Office Holder | A person holding a particular office appointed for a particular term. | |
| Online Lodgement | The ability to lodge documents using SAET's online form platform. | |
| Order | A formal written instruction of SAET. Anyone the order covers must do what it says, by law. | |
| P | | |
| Pain and suffering | See Non-Economic Loss. | |
| Parliament | Parliament is one of the three branches of Government. The legislative branch, the others are the executive branch and the judicial branch. Parliament makes laws (legislation). Parliament of Australia or Parliament of South Australia. | |
| Party | A person who is part of the Tribunal proceedings. For example, the Applicant and the Respondent are the parties to a case. | |
| Precis | A short summary of a large piece of information. | |
| Perjury | Making false a false statement after swearing an Oath or Affirmation. | |
| Permanent Impairment Assessment (PIA) | The procedure carried out by an Accredited Medical Practitioner, in accordance with the Impairment Assessment Guidelines, to arrive at the Whole Person Impairment of an Injured Worker. | |

| Term | Definition | Notes |
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| Pre-Hearing Conference (PHC) | A short administrative hearing where a Presidential member decides what the parties need to do to achieve a fair and expeditious resolution of the case. A final decision about the case will not be made by the member at this hearing. Also see Direction Hearing. | |
| Prescribed Form | A specific form required by the Tribunal. | |
| Precedent | A Judgment or Decision in an earlier case cited as authority for deciding a similar set of facts. Also see <i>Stare Decisis</i> . | |
| Presbycusis | Age related hearing loss. | |
| President | The Tribunal's Head of Jurisdiction. | |
| Presidential Member | The President or a Deputy President of SAET. | |
| Privilege (or Privileged) | This term describes a number of legal rules that exclude evidence that would be adverse to a fundamental principle or relationship, if it were disclosed. See Legal professional privilege and Privileged communication. | |
| Privilege against self-incrimination | If answering a particular question may tend to incriminate that person of a criminal offence, then that person has the right to not answer that question. Also see Right to silence. | |
| Privileged communication | A confidential communication between persons that due to a particular legal principle should not be produced. | |

| Term | Definition | Notes |
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| <i>Pro bono</i> | Latin. Without monetary charge. | |
| <i>Pro forma</i> | Latin. As a matter of form. A standard form. | |
| <i>Proceeding</i> | Another term for a Case or Matter. | |
| Proofing a witness | When a lawyer meets with a witness before that witness gives their evidence in the courtroom. | |
| <i>Pro rata</i> | Latin. In proportion. | |
| Q | | |
| Queen's Counsel (QC) | A senior barrister. Since the death of Elizabeth II, now called King's Counsel (KC). Same as Senior Counsel (SC). Also referred to as Silk. | |
| R | | |
| <i>Ratio decidendi (or Ratio)</i> | Latin. The reason of a judicial decision. It is the <i>ratio</i> of a case which makes the decision a precedent for the future. Also see <i>Obiter dictum</i> . | |
| Record of Outcome | Record of what happened during the hearing. | |
| Redemption | A type of Lump sum payment under the <i>Return to Work Act 2014</i> (ss 53 & 54). | |

| Term | Definition | Notes |
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| Registered Agent | A person with extensive experience in industrial relations who is registered with SAET under s 26 of the <i>Fair Work Act 1994</i> . Registered agents can represent parties in legal proceedings under the <i>Fair Work Act 1994</i> . | |
| Registrar | The person appointed under the <i>South Australian Employment Tribunal Act 2014</i> whose functions include assisting the President in the administration of the Tribunal; responsibility for the registry and records of the Tribunal; and responsibility for the day to day case management of the Tribunal. | |
| Registry | The Registry undertakes the administration of the Tribunal. | |
| Remuneration | The money, or other entitlements, paid to an employee for work undertaken. | |
| Reply | The reply document to a Statement of Claim. | |
| Representative | A person, typically a lawyer, registered agent or industrial advocate, who acts on behalf of a party in legal proceedings. | |
| Regulations | Subordinate legislation to the principal Act. Not made by the legislature, but usually delegated to some person or body (usually the Minister) to make. | |
| Requesting Party | An individual or organisation requesting information from SAET. | |
| Reserved Decision | When the parties have finished giving their evidence and making their arguments to the Tribunal, the Presidential member may give their | |

| Term | Definition | Notes |
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| | decision in writing at a later date. This is called reserving a decision. | |
| Respondent | A person or entity against who an application is made. | |
| Reviewable Decision | The type of decision that can be disputed under the <i>Return to Work Act 2014</i> (s 97). | |
| Right to silence | Another term for Privilege against self-incrimination. If answering a particular question may tend to incriminate that person of a criminal offence, then that person has the right to not answer that question: the right to silence. | |
| RTWSA | The Return to Work Corporation of South Australia. | |
| S | | |
| SAET | The South Australian Employment Tribunal. Also, the Tribunal. | |
| Self-Insured Employer | An employer who is registered under the <i>Return to Work Act 2014</i> as a self-insured employer is responsible for administering work injury claims made by their employees. | |
| Self-represented | A person who represents themselves in the case. Same as Litigant-in-person. | |
| Senior Counsel (SC) | A senior barrister. Same as King's Counsel (KC). Also referred to as Silk. | |

| Term | Definition | Notes |
|---------------------------------------|--|-------|
| Seriously Injured Worker (SIW) | An Injured Worker whose Whole Person Impairment has been assessed at 35% or more for a physical injury, or 30% or more for a psychiatric injury under the <i>Return to Work Act 2014</i> (s 21). | |
| Settlement Conference | A discussion to try to resolve or narrow the issues in dispute, under the guidance of a Presidential member of the Tribunal. | |
| Silk | A senior barrister. A Senior Counsel (SC) or King's Counsel (KC). Because of the silk robes that they wear in certain courtrooms. | |
| Sine die | Latin. Without a further listing date. To adjourn proceedings sine die means the proceedings are not finalised and there is no further hearing listed. | |
| Solicitor | A lawyer who takes instructions from a client/party and who advises and conducts legal proceedings on behalf of that client/party. | |
| Standard of proof | The objective measure for establishing whether or not a fact or issue has been proven. See Balance of Probability (the civil standard) and Beyond Reasonable Doubt (the criminal standard). | |
| Stare decisis | Latin. A legal principle to determine cases according to Precedent. To determine like cases alike. | |
| Statement | A written document containing the evidence of a witness. See Affidavit. | |
| Statement of Claim | A document lodged by the Applicant containing the details about the application. | |

| Term | Definition | Notes |
|--|---|-------|
| Statement of Issues and Contentions | A document that sets out the issues in dispute between the parties and the arguments the parties want to make. | |
| Status quo | Latin. The state in which things are or were. | |
| Strike | See Industrial Action. | |
| Sub judice | Latin. In the course of a Trial. | |
| Sui Generis | Latin. Of its own kind. | |
| Summons | A document issued by the Tribunal requiring a person to appear before a Tribunal member at a certain time and place or to produce documents or things or both. | |
| Suitable Employment | Work that an Injured Worker is able to do. Also see <i>Return to Work Act 2014</i> (s 18). | |
| Support person | A person who may attend with a party to provide support. Often a family member or friend. A support person is not able to speak on behalf of the party. See also McKenzie friend. | |
| T | | |
| Teleconference | Conducting any attendance via telephone. | |
| Testimony | The evidence of a witness in a case. | |

| Term | Definition | Notes |
|-------------------------------|---|-------|
| Testify | To give evidence in a case. | |
| Tinnitus | A medical condition where a person experiences ringing in the ears. | |
| Trial | When parties and their witnesses attend the Tribunal, including by telephone or video, to present their evidence and/or arguments to the Tribunal member. The Tribunal member will then made a decision based on the evidence and arguments presented. Also called a Hearing. | |
| Trial Book | A bundle of documents about the case held by the parties and the Presidential member. | |
| Tribunal | SAET. | |
| Third Party | A new party brought into the proceedings by the Respondent. | |
| Third Party Claim | A document filed by the Respondent(s) making a claim against a new party. | |
| Transcript | A written document recording what was said in a Trial or Hearing. | |
| U | | |
| Ultra vires | Latin. Beyond power. | |
| Under Oath/Affirmation | Having made an Oath or Affirmation, a witness is then obligated to tell the truth. See Perjury. | |

| Term | Definition | Notes |
|--------------------------|--|-------|
| Union | An organisation in which employees participate to represent their interests. Also see Employee Organisation. | |
| <hr/> | | |
| V | | |
| Vacated | Set aside. Where a hearing is vacated, the listing for that date is cancelled. Where a decision or order is vacated, it is cancelled and has no legal force. | |
| Voir dire | Latin. A hearing by a Presidential member in the course of, but apart from, the main Trial decide a certain issue before the Trial proceeds. | |
| <hr/> | | |
| W | | |
| Weekly Payments | A weekly sum of money paid to a worker under the <i>Return to Work Act 2014</i> . | |
| Without prejudice | A legal term used to refer to communications that cannot be relied upon in the determination of a case. Lawyers may exchange settlement offers on a 'without prejudice' basis. Neither side can then rely on such offers in the determination of the case. | |
| Witness | A person who gives evidence in a case. | |
| Witness Box | The specific area in a courtroom where a witness sits when giving evidence. | |
| Work Injured | A worker who has suffered a work injury. | |

| Term | Definition | Notes |
|--------------------------------------|---|-------|
| Work Injury | An injury to a worker which arose from their employment. | |
| Work Capacity Certificate | A medical certificate containing prescribed information under the <i>Return to Work Act 2014</i> | |
| Worker | A person who is employed in a contract of service. A person covered by the <i>Return to Work Act 2014</i> . | |
| Whole Person Impairment (WPI) | The whole person impairment is the degree of impairment resulting from a work injury. The degree of whole person impairment (expressed as a %) suffered by the worker will determine the worker's entitlements. | |
| X | | |
| X-ray | A medical scan of the human body involving electromagnetic radiation. | |
| Y | | |
| Your Honour | The respectful form of address for a Presidential member. For example, 'Your Honour is correct, the injury did occur on 25 April last year.' | |