



SOUTH
AUSTRALIAN
**EMPLOYMENT
TRIBUNAL**

2024-25 Annual Report

SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL

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Date presented to Minister: 17 September 2025

To:

The Honourable Kyam Maher MLC

Attorney-General

Pursuant to s 89 of the *South Australian Employment Tribunal Act 2014*, the President of the Tribunal must on or before 31 October in each year make a report to the Minister on the administration and operation of the Tribunal during the previous financial year.

This annual report is to be presented to Parliament to meet the statutory reporting requirements of *South Australian Employment Tribunal Regulations 2015* and the requirements of Premier and Cabinet Circular *PC013 Annual Reporting*.

This report is verified to be accurate for the purposes of annual reporting to the Parliament of South Australia.

Submitted on behalf of the South Australian Employment Tribunal by:

The Honourable Justice Steven Dolphin

President



17 September 2025

Signature

Wendy Wakefield

Registrar



17 September 2025

Signature

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SECTION A: REPORTING REQUIRED UNDER THE *PUBLIC SECTOR ACT 2009*, THE *PUBLIC SECTOR REGULATIONS 2010* AND THE *PUBLIC FINANCE AND AUDIT ACT 1987*

AGENCY PURPOSE OR ROLE

The South Australian Employment Tribunal (SAET) is established under the *South Australian Employment Tribunal Act 2014* (SAET Act). SAET is a statutory independent tribunal and court that:

- resolves return to work disputes
- resolves certain employment and industrial disputes
- regulates South Australia's industrial awards, agreements and registers
- determines work related prosecutions
- resolves dust disease matters

SAET aims to resolve disputes quickly and fairly through alternative dispute resolution. If a negotiated resolution is not achieved, the disputed matter will be formally heard and determined.

OBJECTIVES

Section 8 of the SAET Act provides:

The main objectives of the Tribunal in dealing with matters within its jurisdiction are:

- (a) in the exercise of its jurisdiction, to promote the best principles of decision making, including—
 - (i) independence in decision making; and
 - (ii) natural justice and procedural fairness; and
 - (iii) high quality, consistent decision making; and
 - (iv) transparency and accountability in the exercise of statutory functions, powers and duties; and
- (b) to be accessible by being easy to find and easy to access, and to be responsive to parties, especially people with special needs; and
- (c) to ensure that applications are processed and resolved as quickly as possible while achieving a just outcome, including by resolving disputes through high quality processes and the use of mediation and alternative dispute resolution procedures wherever appropriate; and
- (d) to keep costs to parties involved in proceedings before the Tribunal to a minimum insofar as is just and appropriate; and
- (e) to use straightforward language and procedures (including, insofar as is reasonably practicable and appropriate, by using simple and standardised forms); and
- (f) to act with as little formality and technicality as possible, including by informing itself in such manner as the Tribunal thinks fit; and
- (g) to be flexible in the way in which the Tribunal conducts its business and to adjust its procedures to best fit the circumstances of a particular case or a particular jurisdiction.

LEGISLATION ADMINISTERED BY THE AGENCY

Establishing Act

South Australian Employment Tribunal Act 2014

Conferring Acts

Return to Work Act 2014

Fair Work Act 1994

Fair Work Act 2009 (Commonwealth)

Construction Industry Long Service Leave Act 1987

Dust Diseases Act 2005

Education and Children's Services Act 2019

Equal Opportunity Act 1984 (s 95B(2) or s 98B only)

Fire and Emergency Services Act 2005

Industrial Referral Agreements Act 1986

Long Service Leave Act 1987

Police Act 1998

Portable Long Service Leave Act 2024

Public Sector Act 2009

Technical and Further Education Act 1975

South Australian Skills Act 2008

Work Health and Safety Act 2012

ORGANISATION OF THE TRIBUNAL

Presidential Members

President Justice Dolphin

Deputy President Judge Gilchrist

Deputy President Judge Calligeros

Deputy President Judge Kelly

Deputy President Judge Rossi

Deputy President Judge Crawley

Deputy President Magistrate Lieschke

Deputy President Magistrate Eaton

Registrars

Registrar Wakefield

Deputy Registrar Jhunhunwala

Deputy Registrar Burchell (ceased 23 August 2024)

Deputy Registrar Cannon (from 11 November 2024)

Commissioners

Commissioner Willson

Commissioner Byrt

Commissioner Nardone

Commissioner Carrel

Commissioner Doggett

Commissioner Neale

Commissioner Georgeff

Commissioner Cairney (ceased 10 July 2024)

Commissioner Sullivan

Commissioner Williams

Commissioner Kassapidis

Commissioner McDonald

Commissioner Story

Commissioner Brett

Commissioner Rogers (ceased 31 March 2025)

Commissioner Connor

Commissioner Kaur (commenced 8 July 2024)

Commissioner Watkins (commenced 1 April 2025)

Supplementary Panel Members are appointed by Statute and are asked to hear matters at the discretion of the President.

Staff assigned to SAET pursuant to s 74 of the SAET Act.

SECTION B: REPORTING REQUIRED UNDER ANY OTHER ACT OR REGULATION

SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL REGULATIONS 2015

9—Annual report

For the purposes of section 89(3) of the Act, a report must include the following particulars in respect of the financial year to which the report relates:

- (a) information relating to each category of reviewable decision considered by the Tribunal under the *Return to Work Act 2014* (according to the section of the *Return to Work Act 2014* under which the original decision was made) as follows:
 - (i) the number of applications considered by the Tribunal for each category of decision;
 - (ii) the proportion of the total number of disputes considered by the Tribunal under Part 6 of the *Return to Work Act 2014* that each category of decision represents;
 - (iia) the number of matters subject to a pre-hearing conference under section 45 of the Act for each category of decision;
 - (iib) the number of matters proceeding to a full hearing before the Tribunal for each category of decision;
 - (iii) a summary of the range of periods of time taken for each category of decision between the receipt of applications by the Tribunal and the resolution of matters (in relation to matters resolved in the relevant financial year).
- (ab) the number of actions for damages commenced before the South Australian Employment Court under Part 5 of the *Return to Work Act 2014*;
- (ac) the number of proceedings concluded under Part 5 of the *Return to Work Act 2014*;
- (b) the number of applications made to the Tribunal for an expedited determination of a matter under section 113 of the *Return to Work Act 2014*;
- (c) the number of extension of time applications granted by the Tribunal under section 100 of the *Return to Work Act 2014*;
- (d) the number of referrals made to independent medical advisers by the Tribunal under section 121 of the *Return to Work Act 2014*;
- (da) information relating to each category of proceedings considered by the Tribunal in respect of jurisdiction conferred on it by another Act (according to the section of the Act under which the application for the proceedings was made).
- (e) the number of reviews and appeals instituted under Part 5 of the Act.

1. Return to Work Act 2014 applications – performance reporting

The focus for 2024-25 continued to be on timely, efficient and effective dispute resolution. SAET received a total of 4539 *Return to Work Act 2014* (RTW Act) applications. This is a 4% reduction in RTW applications received compared to the 2023-24 financial year.

Table 1.1 Applications Received and Resolved

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Applications Received	411	427	362	387	380	367	356	340	384	405	385	345	4539
YTD No. Received	411	838	1200	1587	1967	2324	2680	3020	3404	3809	4194	4539	
Applications Resolved	453	478	347	411	376	397	260	401	418	338	424	373	4676
YTD No. Resolved	453	931	1278	1689	2065	2462	2722	3123	3541	3879	4303	4676	

Of the 4676 RTW Act cases resolved in 2024-25, 76% (3532) were resolved at conciliation, and 24% (1144) were resolved at hearing and determination.

Table 1.2 Applications Resolved in Conciliation or Hearing and Determination

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Resolved at Conciliation	343	370	262	316	268	312	190	299	309	264	335	264	3532
Resolved at Hearing & Determination	110	108	85	95	108	85	70	102	109	74	89	109	1144

The majority of RTW Act cases received (78%) were applications about reviewable decisions.

Table 1.3 Applications Received and Resolved

Application Type	Received 2024-25	Resolved 2024-25	Received 2023-24	Resolved 2023-24
Reviewable Decisions (s97)	3520	3652	3730	4280
Expedited Decisions (s113)	976	979	959	963
Suitable Employment (s18)	43	44	43	35
Part 5 RTW Act damages actions	0	0	0	0
Seriously Injured Workers (s56A)	0	1	2	6
Application for payment of wages (s19)	0	0	0	0
Total Lodged within SAET	4539	4676	4734	5284

The clearance rate is the number of resolved disputes as a percentage of lodged disputes. It is an indication of how effectively a court or tribunal is managing its case load. The clearance rate for RTW Act applications decreased from 112% to 103%.

Table 1.4 Clearance Rates

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Monthly	110%	112%	96%	106%	99%	111%	73%	118%	109%	83%	110%	108%
Year to Date	110%	111%	107%	106	105%	106%	102%	103%	104%	102%	103%	103%

SAET Reviewable decisions

Table 1.5 SAET Reviewable Decisions by Category and Time to Resolution

Reviewable Decision	Applications (1)	% of Total Lodged (2)	Percentage resolved (3)					Pre-hearing Conference (4)	Hearing (5)
			0-3 months	3-6 months	6-9 months	9-12 months	12+ months		
Average weekly earnings	182	5%	79%	12%	4%	3%	2%	16	2
Rejection of claim for physical injury	1222	35%	41%	28%	10%	8%	14%	237	27
Rejection of claim for mental injury	611	17%	52%	26%	8%	6%	9%	100	13
Territorial application of the Act	0	0%	100%	0%	0%	0%	0%	0	0
Employer's duty to provide work	0	0%	0%	0%	100%	0%	0%	0	0
Interim decisions about serious injury	43	1%	21%	15%	11%	6%	47%	21	4
Return to work services and plans	82	2%	67%	22%	5%	3%	3%	5	0
Re-determination of a claim / employer applications	97	3%	49%	26%	11%	4%	10%	17	0
Medical expenses (excluding pre-approvals)	116	3%	69%	19%	3%	3%	5%	12	3
Medical expenses - pre-approval	351	10%	43%	30%	10%	8%	9%	63	12
Reduction / discontinuance / variance / review of weekly payments	216	6%	56%	22%	7%	7%	7%	23	5
Lump sum - economic loss	58	2%	31%	22%	14%	13%	20%	17	2
Lump sum - non-economic loss	534	15%	48%	26%	10%	7%	9%	68	11
Claims relating to a worker's death as a result of a work injury	7	0%	33%	0%	17%	17%	33%	4	2
Decisions pursuant to <i>Workers Rehabilitation and Compensation Act 1986</i>	1	0%	0%	0%	0%	0%	0%	0	0
TOTAL	3520	100%						583	81

Notes:

1. The number of applications considered by the Tribunal for each category of decision.
2. The proportion of the total number of disputes that each category represents expressed as a percentage (of the total number of reviewable decision applications).
3. A summary of the time taken for each category of decision between the receipt of the application and its resolution - either by way of conciliation or by hearing and determination - expressed as a percentage.

4. The number of times a Pre-Hearing Conference was scheduled for the first time on a case.
5. The number of matters proceeding to a formal Hearing before a Presidential Member.

Extension of time applications

In 2024-25, 509 initial applications for extension of time were allowed for the purpose of conducting conciliation. The issue of whether a substantive extension of time should be granted is dealt with if the matter is not resolved at conciliation.

Referrals made to Independent Medical Advisers

Where medical questions arise, SAET may, on its own initiative or an application by a party, refer the medical question(s) to an Independent Medical Adviser (IMA) for inquiry and report.

There were 17 referrals made during the reporting period.

Table 1.6 Referrals to Independent Medical Advisors

Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	TOTAL
1	1	4	0	4	1	0	1	1	2	1	1	17

2. Other Act applications – performance reporting on the year

Table 2.1 provides a summary of other Act applications received and resolved during 2024-25 from other Act applications. There were a total of 1089 applications received and 1137 resolved during the 2024-25 financial year.

Table 2.1 SAET Other Act Applications Received and Resolved

Item	Total
Applications Received	1089
Applications Resolved	
Applications Closed at Registry	98
Applications Resolved at Conciliation	546
Applications Resolved at Hearing & Determination	493
Total Applications Resolved	1137

Table 2.2 provides a breakdown of the applications received and resolved during 2024-25 by application type and the time it takes to resolve an application. Resolution time is calculated from the time of lodgement to the time of resolution.

Table 2.2 SAET Other Act Applications Time to Resolution (1)

Application Type	Total Received	Total Resolved	% Resolved 0-3 Months	% Resolved 3-6 Months	% Resolved 6-9 Months	% Resolved 9-12 Months	% Resolved 12+ Months
Monetary Claims	506	495	56%	20%	9%	3%	11%
- State	63	59					
- Commonwealth	443	436					
Industrial Disputes	47	45	56%	9%	9%	13%	13%
Unfair Dismissals	67	125	38%	10%	7%	10%	35%
Prosecutions	19	19	0%	16%	26%	37%	21%
Apprentices and Trainees	22	24	71%	21%	8%	0%	0%
- Disputes	20	22					
- Suspensions	2	2					
Public Sector Grievances	24	28	36%	21%	7%	4%	32%
- Reviews	20	25					
- Disciplinary Dispute	4	3					
Construction Industry Long Service Leave Act 1987	4	2	50%	50%	0%	0%	0%
Education and Children's Services Act 2019	5	5	40%	60%	0%	0%	0%
Equal Opportunity Act 1984	13	10	40%	20%	10%	10%	20%
Fire & Emergency Services Act 2005	0	0					
Dust Diseases Act 2005	61	56	11%	29%	23%	9%	29%
Recovery Actions	97	105	0%	8%	10%	7%	76%
Work Health and Safety Entry Permits	61	63	100%	0%	0%	0%	0%
Other	94	97	52%	13%	9%	8%	18%
Total	1020	1074					

Table 2.3 provides a summary of the approval of awards and enterprise agreements during 2024-25.

Table 2.3 Approval of Awards and Enterprise Agreements

Item	Total
Applications Received	69
Applications Closed	63

3. Reviews and Appeals

Part 5 of the SAET Act provides for reviews of decisions of Commissioners and appeals from decisions of Presidential Members. The number of appeals, reviews and referrals has decreased in this reporting period.

Section 66 allows a decision of a Commissioner to be reviewed by a Presidential Member. In 2024-25 there were 6 reviews; the same number as in 2023-24.

Section 67 allows a decision of a Presidential Member to be appealed to a Full Bench of SAET. In 2024-25 there were the same number of appeals as in the previous financial year, being 16.

Section 22 allows a Presidential Member to refer a question of law to the Full Bench. In 2024-25 there was 1 referral compared with none in 2023-24.

Section 68 allows for an appeal to the Court of Appeal from a decision of the Full Bench on a question of law if a Judge of the Supreme Court grants permission to appeal. There were 4 matters in 2024-25 where permission was sought to appeal a decision of the Full Bench to the Court of Appeal compared to 8 in 2023-24.

Table 3.1 Reviews and Appeals against SAET decisions

Reviews and Appeals	2023-24	2024-25
Review a decision of a Commissioner (s66)	6	6
Appeal of a decision to the Full Bench (s67)	16	16
Question of law referred to a Full Bench (s22)	0	1
Application to the Court of Appeal to appeal a Full Bench decision (s68)	8	4

SECTION C: REPORTING OF PUBLIC COMPLAINTS AS REQUESTED BY THE OMBUDSMAN

PUBLIC COMPLAINTS

Public complaints received by SAET	
Category of complaints by subject	Number of instances
No case to answer	6
Professional behaviour	4
Service delivery	10
Service quality	1

SERVICE IMPROVEMENTS

Nature of complaint or suggestion	Services improved or changes as a result of complaints or consumer suggestions
Professional behaviour	1 complaint was substantiated. Feedback and counselling provided.
Service delivery	8 complaints were substantiated. Changes made to correct or improve processes.
Service quality	1 complaint was substantiated. Feedback provided.

ADDITIONAL METRICS

	Total
Number of positive feedback comments	7
Number of negative feedback comments	3
Total number of feedback comments	10
% Complaints resolved within policy timeframes	100%