

# Workplace Safety prosecutions: If in doubt, acquit

## The lessons learned from the long-running Dial A Tow appeal

On 5 February 2026, the Full Bench of the South Australian Employment Tribunal (SAET) handed down what is likely to be the final chapter in a long-running appeal by [Dial A Tow Pty Ltd](#) against a **Category 2 conviction**. The case concerned a **fatality** that occurred on 14 March 2018.



### Background

Dial A Tow's employee, Mr Lee Ravlich, was killed after sustaining crush injuries when the tray of a tow truck retracted and pinned him against the cabin. His loss is a tragedy and has had a significant impact on his family, and also on Dial A Tow and its employees.

### The charges against Dial A Tow

Dial A Tow was charged with failing to implement an engineering control measure to prevent the crush. Ironically, the charged remedy was not the control measure the co defendant Ahrns had installed on the truck following the fatality.

Dial A Tow defended this case because it argued the Informant, SafeWork SA (SWSA), could not prove the case alleged against it. The Full Bench (on remitter) unanimously held that the case against Dial A Tow did not meet the requisite criminal standard of proof.

### The Full Bench's decision

The Full Bench acquitted Dial A Tow, finding that SWSA **had not proved the charge beyond reasonable doubt**. Dial A Tow was also given a costs order in its favour for each stage of the process before the SAET. (It had previously also secured a costs order from the Court of Appeal).

## Analysis of the decision

A workplace death is a tragedy that should not happen. However, for a defendant to be found culpable for the death of a worker, **SWSA must lay the right charge and prove the relevant elements of that charge beyond reasonable doubt.** In this case, it failed to do so.

This was clear from the outset (at least to Dial a Tow's legal team), but even so, Dial A Tow was forced to defend itself at trial, then:

- at the first Full Bench Appeal,
- before the Court of Appeal, and
- again before the Full Bench in a remitter from the Court of Appeal.

The outcome of this decision fairly and squarely makes it clear that the Informant (being SWSA) must:

- Prove each element of the offence beyond reasonable doubt. This is SWSA's burden to discharge, and it is not for a defendant to produce evidence to the contrary. Indeed, **a defendant does not have to prove a thing.**
- Prove its alleged reasonably practicable control measures ought to demonstrate the application of that control measure in the relevant industry as well as the cost.
- Ensure that its expert witness reports are tendered and that they canvass the relevant issues that go to proving the charge.
- Ensure that it calls the right witnesses to give evidence about the elements of the offence.

The Full Bench on remitter (as well as the Court of Appeal) also found that the learned Magistrate gave **inadequate reasons.**

Dial A Tow was successful because SWSA failed to prove the charge beyond reasonable doubt. It stands for the simple proposition that **if the Magistrate has doubts as to whether the charge is proven beyond reasonable doubt, the only course available to the Magistrate is to acquit.**

Dial A Tow's legal team comprised of Michael Roder KC, Patrick Barry, Alex Manos and Jodie Bradbrook.

Our condolences are extended to Mr Ravlich's family.

[If your business is facing a workplace safety prosecution, contact us to find out how we can help.](#)

[Dial A Tow Australia Pty Ltd v Campbell \[2026\] SAET 11 \(5 February 2026\).](#)

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