

Gun & Davey

Covered



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CASE SNIPPETS

CONTE -v- WORKCOVER CORPORATION

JD 49/1998

In *Conte -v- WorkCover Corporation (JD49/1998)*, the worker was a field support engineer employed to repair computers and other such equipment either at the employer's workshop or employer's customer's premises. He was required as a term of his employment to provide his own car for use in the employer's business and was paid an allowance of approximately \$488.90 per month as well as a further amount calculated by reference to the number of kilometres travelled.

The worker injured himself on his way to work after parking his car in a parking space leased by the employer and allocated to the worker. The parking space was not owned by the employer and was a block away from its premises.

The Tribunal held that the worker had not yet arrived at his place of employment when he entered the carpark, but rather was still undertaking a journey.

The Court further held that one of the worker's duties of employment was to make a car available to the employer for its use during the course of the working day. Therefore, in driving the car to work, parking it in the carpark provided and walking from the carpark to the employer's premises, the worker was discharging his duties of employment!

Note: This decision is to be appealed to the Full Bench of the Tribunal.