



COVERED CASES

Case Snippets

FOWLER -v- WORKCOVER CORPORATION
(TYNCONE PTY LTD trading as FOWLER CLEANING SUPPLIES)

[2000] SAWCT 50

This decision involved an application for a section 43 assessment for sleep disorder arising out of a compensable lower back injury. There was also a dispute over the payment of a medical report provided by Dr Lushington, a Psychologist.

There were two important findings made by the learned Deputy President:

1. The assessment pursuant to the AMA Guides must be made by a legally qualified medical practitioner (preferring the reasoning in Corporation -v- Wright (A9 of 1994) and Corporation -v- McLeod (A55 of 1994).
2. The nature of an assessment for sleep disorder requires an organic deficit of the central nervous system. There is a specific procedure for assessment of impairments of this kind within the Guides.