

Gun & Davey

Covered



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COVERED CASES

REILLY v WORKCOVER COPORATION
(ANGLICARE SOUTH AUSTRALIA)

JD 93/1999

In this matter the Full Tribunal was required to consider whether in the case of a secondary disability and payment of a lump sum pursuant to Section 43 of the Act, the worker's entitlement was affected by both Regulation 16a and Section 43(6) and if so, to what extent.

At this stage the decision delivered remains incomplete as the parties need to return to the Full Tribunal for further argument. Until the Tribunal quantifies the worker's entitlement it is not entirely clear how its reasoning will affect the calculation of a worker's entitlement to a Section 43 lump sum payment in these circumstances.

However a preliminary view of the reasons for decision indicates that both Regulation 16a and Section 43(6) *will* apply to reduce a worker's entitlement where the worker is seeking such payment for permanent disability arising from a secondary disability and has previously received a lump sum payment pursuant to Section 43 of the Act.

We will report on the final position in the next issue of *Gun & Davey – Covered*.