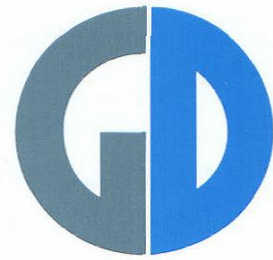


Gun & Davey

Covered



Vol 1, Issue 19 – April 2000

TID BITS

RYAN -v- WORKCOVER CORPORATION

JD 8/1999

In the decision of Ryan, the Full Tribunal decided that the effect of Section 35(6a) of the Act is precisely what it says, namely that for the purpose of quantifying a worker's entitlement to income maintenance the worker is taken to be receiving the weekly payments that would have been payable if there had been no redemption of a worker's entitlement arising from an earlier disability.

In Ryan, the amount involved was minor, namely \$25.73 gross per week. However there is no reason to conclude that the result would be any different even if the amount involved was a substantial sum per week, particularly where a prior redemption is based solely on the full and unreduced entitlement of a worker to be paid a certain rate per week by way of income maintenance.