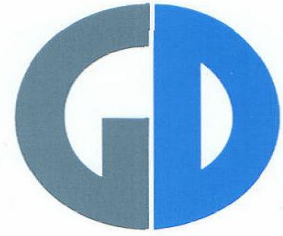


Gun & Davey

Covered



Vol 1, Issue 22 – November 2000

COVERED CASES

Case Snippet

WORKCOVER (REXCO PTY LTD) v SNELL

WCT Full Bench

[2000] SAWCT 137

On appeal from a decision of a single Deputy President, the Full Bench held that Section 36(1)(f) can be applied to discontinue payments where a worker remains partially incapacitated by reason of the compensable condition even though suitable duties may not be available.

In this case the worker retained a partial incapacity after suffering a compensable disability in 1997. He developed a psychiatric disability as a consequence of factors unrelated to his disability or relevant employment. He became totally incapacitated by reason of such disability and his weekly payments were discontinued pursuant to Sections 36(1)(f), 36(1A)(e) and 36(1A)(f)(i).

The Full Bench stated that the effect of the enactment of Section 36(1)(f) is that a compensating authority can now discontinue weekly payments of income maintenance if a breach of mutuality is established. The Corporation's decision was upheld.