

# SISA Forum 2020

*Return to Work Act 2014:*

A Year In Review: Complexity or Clarity – Are We There Yet?

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## 1. Medical Expenses

- Period of Entitlement.
- Surgery and Therapeutic Appliances.

## 2. Psychiatric Harm

- *“The significant contributing cause”.*
- *Entitlement to Impairment Assessment for Economic and Non-Economic Loss.*

## 3. Serious Injury

- Interim Determination.
- Utilisation of Earning Capacity.

## 4. Impairment Assessment

- The Assessment Process- Dialogue With Assessor.
- To Combine or Not to Combine..?

## Period of Entitlement

*Sacco v LGAWCS [2020] SAET 112*

- Principle issue is breach of mutuality in the context of misconduct.
- Tribunal also considered the entitlement to medical expenses having regard to Section 33 (20) of the RTW Act.
- Entitlement to medical expenses can continue if no actual receipt of weekly payments.

## Surgery and Therapeutic Appliances

*McPhail v Return to Work SA [2020] SAET 53 (Full Bench)*

- Is a nerve root block procedure surgery?

*Williams v Return to Work Corporation [2020] SAET 192 (delivered 30 September 2020)*

- Synvisc injection to knee joint is surgery but not therapeutic appliance.

## 2. Psychiatric Harm

*State of South Australia v Van Hattem [2020] SASCF 45*

- Determining “the significant contributing cause”

*Walker v Return To Work Corporation [2020] SASCF 55*

- Entitlement to an assessment for economic and non-economic loss for harm arising from psychiatric injury.

## 3. Serious Injury

- Interim determination
- Utilisation of earning capacity – *Morris v Department for Child Protection [2020] SAET 92*

## 4. Impairment Assessment

- The assessment process and dialogue with assessor.
- *Palios v Return to Work Corporation [2019] SAET 224, Frkic v Return to Work Corporation [2020] SAET 16, Canales-Cordova v Return to Work Corporation [2020] SAET 8.*
- How to engage with an assessor, the worker and representatives.

# Discussion/Questions

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