



Case law update June 2021

Chief Executive, Department of the Premier and Cabinet, for Chief Executive, Department for Health and Wellbeing (SA Ambulance Service) [2021] SAET 71 - Full Bench overturned Kimber [2020] SAET 82 and ruled that worker is not eligible for extended benefits under the SA Ambulance Service Award

Atie v Return to Work Corporation of South Australia [2021] SAET 79 - appeal against decision to deny liability for knee replacement dismissed

Mendrina v Return to Work Corporation of South Australia [2021] SAET 78 - application to combine WPI assessments dismissed

Matejic v DTF [2021] SAET 86 - 4 years of surveillance video held to be insufficient to challenge validity of WPI assessments totalling 42%

Breen v Return to Work SA [2021] SAET 87 - Full Bench majority upheld decision to deny liability for hearing aids after provision of a set by the Commonwealth

Qube Logistics (SA) Pty Ltd & Return to Work Corporation SA v Michael Marusic [2021] SAET 77 - employer's appeal against decision to accept liability for shoulder surgery resulting from arthritis dismissed by Full Bench

Patel v Return to Work Corporation of South Australia (No. 2) [2021] SAET 90 - applicant's entitlement to costs set at 90% of what was otherwise payable

Schinckel v Return to Work Corporation of South Australia (No. 2) [2021] SAET 96 - detailed discussion as to how to fix dates of injury for conditions of gradual onset

Daddow v Return to Work Corporation of South Australia [2021] SAET 101 - application by RTWSA for a stay of proceedings pending High Court appeal in Summerfield refused - matter to proceed to trial

Martin v Return to Work Corporation of South Australia [2021] SAET 111 – SAET found that a noisy office environment caused hearing loss

Rogers v Thiess Pty Ltd & Return to Work Corporation of South Australia [2021] SAET 108 - application for summary dismissal of employer's application for review – applicant worker asserts that the employer's challenge to a section 58 determination is frivolous or lacking in substance – application refused

Lambe v Return to Work Corporation of South Australia and Southern Scapes Retaining Walls and Excavations Pty Ltd [2021] SAET 114 – worker discontinued due to breach of mutuality – application to suspend the decision dismissed

Redman v RTWSA [2021] SASCA 25 - Court of Appeals majority rejected appeal for supplementary income support under s.40 following knee surgery after medical entitlements had ceased. (Chief Justice dissented)

The High Court rejected an employer's bid for special leave to appeal against a ruling by the SA Supreme Court Full Court that a woman who received death benefits under NSW workers'

compensation laws, after her son was killed, is also entitled to pursue damages in her home state of South Australia

Virgin Blue International Pty Ltd v Edwards [2021] HCATrans 102 (21 May 2021)

Edwards v Virgin Blue International Pty Ltd [2020] SASCFC 98 (23 October 2020)