

**Self Insurers of South Australia
Quarterly Meeting Presentation
8 June 2018**

**Emerging case law impacting on the
*Return to Work Act***

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Emerging case law impacting on the *Return to Work Act*

***Brennan-Lim v ReturntoWorkSA* [2017] SASCFC 105**

- A WPI case
- The importance of the presentation on the day
- The information that is to be provided
- Pre-assessment information gathering

Emerging case law impacting on the *Return to Work Act*

***Return to Work Corporation of South Australia v Watkins* [2017] SASCF 149**

- Turning an old Act injury into a new Act injury
- A retrospective time clock for entitlements
- A challenge to *Pennington's* case?

Emerging case law impacting on the *Return to Work Act*

***The State of South Australia v Roberts* [2018] SASCFC 25**

- Breaking down the new causation test
- The two legs of the test
- Part old law/part new law
- When is a cause “significant”?
 - in time
 - in circumstance

Emerging case law impacting on the *Return to Work Act*

***Return to Work Corporation of South Australia v Robinson* [2018] SASCF 32**

- The effect of a prior redemption payment
- The national minimum wage – when can you go lower?
- The inconsistency possibly arising after 52 weeks?

Emerging case law impacting on the *Return to Work Act*

***The Return to Work Corporation v Karpathakis and Rudduck* [2018] SASCF 45**

- The interaction between sections 33(17), (20) and (21)
- The specifics of one and the not so specifics of another
- The true effect of a section 33(21) request for surgical pre-approval

Emerging case law impacting on the *Return to Work Act*

Some of the pending discussions yet to be argued or decided:

- *Mitchell* – the ‘combination’ case
- *Preedy* – trauma v event
- *Renfrey* – hearing loss across two schemes
- *Vodden* – when is a notice required to cease payments?
- *Stephenson* – how far can you bind the future in Consent Orders?
- *Onody*
 - is there a threshold within a threshold?
 - to deduct or not to deduct