

# WIRO

## Supreme Court Decisions

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## ***State of New South Wales v Hill [2018] NSWSC 541***

**Decision date: 1 May 2018**

**Decision maker: Campbell J**

- > Whether a s323 deduction should have been made due to previous injury/pre-existing condition
- > What is the extent of Medical Appeal Panel's role?

### **Result**

- > The Supreme Court has a supervisory role whereas the Medical Appeal Panel is a specialist tribunal and has greater 'decisional freedom'.

## ***Nicol v Macquarie University [2018] NSWSC 530***

**Decision date: 27 April 2018**

**Decision maker: Harrison AsJ**

> Can a MAP determine causation?

### **Result**

> Yes. But they have to comply with the requirements of s9.

## ***Inghams Enterprises Pty Ltd v Belokoski [2017] NSWCA 313***

**Decision date: 7 December 2017**

**Decision makers: McColl JA, Basten JA and Bellew JA**

- > Can a Member of the WCC express a preliminary view without falling into apprehended bias?

### **Result**

- > Appeal Dismissed

## ***Mercy Centre Lavington Ltd v Kiely & Ors [2017] NSWSC 1234***

**Decision date: 14 September 2017**

**Decision maker: Wilson J**

- > Are Medical Appeal Panels restricted to dealing with the grounds of appeal on which the appeal is made?

### **Result**

- > A MAP *cannot* determine a ground of appeal not referred to in the Appeal and decide the matter on that ground.

## ***Bhusal v Catholic Health Care Ltd [2018] NSWCA 56***

**Decision date: 26 March 2018**

**Decision makers: Meagher JA, Simpson JA and Sackville AJA**

- > What is “*practical injustice*”?

### **Result**

- > Not letting someone know of a critical issue on which a decision is based

***Hunter Quarries Pty Limited v Alexandra Mexon as Administrator for the Estate of Ryan Messenger [2017] NSWSC 1587***

**Decision date: 22 November 2017**

**Decision maker: Schmidt J**

- > What is permanent impairment?
- > This Decision is on Appeal to the Court of Appeal



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