

CITATION: *Danielle Rankin v Toll Personnel Pty Limited [2019] NTLC013*

PARTIES: Danielle Rankin

V

Toll Personnel Pty Limited

TITLE OF COURT: LOCAL COURT

JURISDICTION: WORK HEALTH

FILE NO(s): 21611252

DELIVERED ON: 20 November 2019

DELIVERED AT: DARWIN

HEARING DATE(s): 26, 27, 28, 29, 30 November 2018, 14  
February, 7 June, 2 July, 8 August, 21  
August, 30 October 2019

JUDGMENT OF: Deputy Chief Judge Morris

**CATCHWORDS:**

**REPRESENTATION:**

*Counsel:*

Worker: Michael Doyle

Employer: Duncan McConnel

*Solicitors:*

Worker: Povey Stirk

Employer: HWL Ebsworth

Judgment category classification: B  
Judgment ID number: 013  
Number of paragraphs: 11

IN THE WORK HEALTH COURT  
AT DARWIN IN THE NORTHERN  
TERRITORY OF AUSTRALIA

No. 21611252

BETWEEN

Danielle Rankin

Worker

AND

Toll Personnel Pty Ltd

Employer

FINAL ORDERS

CHIEF JUDGE MORRIS

1. On 7 June 2019, I determined that the Worker, Danielle Rankin did suffer an injury in the course of her employment on 9 July 2015. Written reasons were published for that decision and I invited the parties to make further submissions on final orders and costs.
2. Written submissions were then made by both the Worker and the Employer as well as subsequent oral submissions at various mentions of the matter in Court.
3. I found that the Worker was partially incapacitated as a consequence of the injury, which finding placed the onus on the Employer of proving the value of her most profitable employment while the partial incapacity arising from the work injury persisted.
4. I found that work injury of 9 July 2015 aggravated the Worker's underlying degenerative conditions in the affected areas, but this had ceased by 4 February 2016 at the latest.
5. I have found that the Worker has not satisfied me that she had symptoms or incapacity attributable to the work injury of 9 July 2016 after 4 February 2016 nor attributable to the surgery in February 2016.

6. The Worker has a closed period claim.
7. The parties have agreed the details of all payments made to the Worker and the annexure to the written submissions of the Employer, now Exhibit E21, details all payments made by the Employer to the Worker.
8. Based on my findings the Worker is entitled to payment of the agreed normal weekly earnings from 10 July 2015 to 3 February 2016, being an amount of \$54,060.99, less the amount already paid pursuant to section 85 (4) of the *Return to Work Act*, being \$17, 269.27. Thus the Worker is entitled to be paid the shortfall of \$36, 791.72.
9. In respect of medical expenses the Worker is entitled to be paid \$4,278.41, which is the total incurred minus the expenses that appear to be related to the fusion surgery.
10. I will hear the parties as to costs and interest.

Dated this 20th day of November 2019

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Chief Judge MORRIS  
WORK HEALTH COURT JUDGE