



You are legal counsel for John Kowan (the Applicant). He has applied to the Administrative Appeals Tribunal for review of a decision made by Comcare.

The **issues** before the Tribunal are:

1. Whether the Applicant's claim for COVID-19 meets the definition of an injury as defined in section 5A and 5B of the *Safety, Rehabilitation and Compensation Act 1988* (the Act).
2. Whether the Applicant's claim for depression meets the definition of an injury as defined in section 5A and 5B of the Act.
3. Whether the Applicant's claim for myocarditis meets the definition of an injury as defined in section 5A and 5B of the Act.
4. Whether the Applicant meets the threshold for the payment of compensation set out in section 14 of the Act for any of his conditions.

You are tasked with presenting closing submissions to the Tribunal. Your role as counsel for Mr Kowan is to persuade the Tribunal that the decisions to deny liability should be set aside on the basis that they are incorrect, and in substitution that the Tribunal should find that Comcare is liable to pay compensation for one or more of the conditions claimed. You do not need to consider the precise form of compensation that John may be entitled to or in what amounts. Your closing submissions must be supported by any relevant legislation and case law supporting your contentions and with reference to the documentary material before the Tribunal. Where relevant, refer to exhibits by their exhibit number and page number. You should consider the relative strength of Mr Kowan's claims and allocate your time accordingly.

Your **closing submissions** must be restricted to issues arising from the facts presented.

Although the issues raised in this scenario are based on those found in real cases, all characters, organisations, entities and other events referenced in this scenario are fictional.