

FAQs

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Why do I need a lawyer for a personal injury claim?

The process of making a personal injury claim is complex and stressful. Instructing a lawyer as soon as possible after sustaining an injury will reduce this stress and ensure your interests are protected and the best possible compensation outcome is achieved.

Personal injury claims in Queensland are subject to strict time limits. If these time limits are missed, this may result in you losing your right to pursue a claim. Instructing a lawyer as soon as possible will ensure that all time limits are met and your claim is protected.

What types of claims are potential “no win no fee” cases?

We act in relation to claims where you have sustained injury as a result of the negligence of another person or organisation. This includes:

- Workplace injuries, including injuries sustained by sub-contractors;
- Car accidents and other motor vehicle accidents;
- Slip, trip and fall incidents;
- Public place accidents;
- Fatal accident and dependency claims;
- Nervous shock; and
- Medical negligence.

How do you determine if the case will be “no win, no fee”?

Generally all claims will proceed on a “no win, no fee” basis, unless there are liability risks clearly identified from the outset. One of our qualified lawyers will discuss any issues with you before you decide whether to proceed with your claim.

Do time limits apply to personal injury claims?

Yes. Queensland law imposes very strict time limits with respect to personal injury claims. You should speak with one of our experienced lawyers to ensure your time limits are protected.

Generally, for **motor vehicle** and **public liability claims** you must serve a Notice of Claim within one month after consulting with lawyers or within nine months after the injury occurring. If you miss these time limits, you must provide an acceptable excuse for the delay.

For **motor vehicle accidents involving an unidentified or unregistered vehicle**, you must serve a Notice of Claim within one month after consulting with lawyers or within nine months after the injury occurring. If you miss these time limits, you will lose all rights to compensation.

For **workplace accidents**, you must lodge an Application for Compensation with WorkCover (or workers' compensation self insurer) within six months after the date of the injury. In most cases you have three years from the date of the incident to commence court proceedings, except for injuries that occurred between 15 October 2013 and 30 January 2015. For injuries that occurred between those dates, the legislation effectively reduces the time limit to 2.5 years.

What kind of costs will there be if I proceed with a claim?

Professional fees - work performed to progress file. **Outlays** - money spent to obtain records and medical reports, perform searches, have you assessed, etc. There are rules in place to ensure that you will receive at least half of any compensation paid (after deducting expenses such as the cost of medical reports and barristers (if any)). If this means we have to reduce our professional fees, we will.

FAQs....continued

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How much money can I claim?

Each case is different. There are a number of factors that will determine how much you can recover. A few of these factors are:

- Your age;
- The nature of your injury and the level of impairment;
- The impact your injury has on your pre-injury lifestyle;
- The impact your injury has on your everyday activities, including any impact on your domestic duties, sporting activities, recreational activities, etc.;
- Whether you have required paid care and assistance or gratuitous care from your family and friends due to your injuries;
- Your past employment history;
- The extent of any financial loss suffered in the past due to your injuries, and the likely impact your injuries will have on your earning capacity in the future;
- Whether you have any pre-existing injuries or illnesses;
- Whether you have been involved in any accidents in the past or whether you have previously made a compensation claim; and
- Whether liability for the accident has been admitted or denied by the defendant/insurer.

My injury doesn't appear to be that serious right now. Should I wait and see how it plays out?

Even minor injuries are often worth pursuing.

How long will it take to settle my claim?

How long it takes to settle your claim will depend on the complexity of your case and the seriousness of your injuries.

On average, a straightforward claim usually progresses to a Compulsory Conference within about twelve to eighteen months after the date of the injury.

Will I have to go to Court?

Very few matters proceed all the way to a court hearing. **Most cases settle out of court.**

Before a claim can be filed in the court, a number of pre-court steps must be undertaken. The last of these pre-court steps is a Compulsory Conference. This is an opportunity for all of the parties to try to resolve the claim without the need to commence court proceedings.

If the claim does not resolve at the Compulsory Conference, you must then file court proceedings within 60 days. This does not mean your case will go all the way to trial. There are further opportunities to resolve your claim along the way, including by mediation or informal negotiations.

The majority of claims resolve prior to trial.

How do I start my claim?

In Queensland there are strict time limits for giving your Notice of Claim form to the relevant insurer. It is important to obtain legal representation as soon as possible after sustaining your injury, to ensure these time limits are met.



Still need more answers?

Call 1800 WIN WIN for a free consultation now!