

In Queensland, any person who is injured at work may be entitled to make a claim against their employer under the WorkCover Queensland Act.

Under the WorkCover Queensland Act you are entitled to lodge an application for work cover benefits if you are a worker and you have suffered an injury arising out of, or in the course of, employment and your employment is a significant contributing factor to that injury. If you satisfy this requirement you will initially be entitled to receive benefits for your lost time off work and your medical expenses.

If you can establish that an act or omission on the part of your employer has caused your injury, you may be entitled to seek common law damages for your injuries. These damages may include damages for your pain and suffering, past and future economic loss, future medical expenses etc.

The Work Cover Queensland Act is complex and requires the skill and assistance of a lawyer experienced in these types of claims to achieve a successful outcome for you with respect to such a claim.

To commence a claim, a notice of claim for damages must be lodged with WorkCover Queensland. The information contained in this notice of claim must comply with a number of legislative requirements. A compliant notice must be delivered to WorkCover within three years from the date of the injury. If a compliant notice of claim is not delivered within three years you will be prohibited from making a claim.

After a notice of claim is delivered WorkCover must satisfy itself that all the information has been provided complies with the requirements of the Act. After this date WorkCover has six months to investigate your claim and provide a response advising whether or not WorkCover admits liability for the claim. WorkCover must also make a counter offer to any offer that has been included in the notice of claim.

Within three months after receiving the above notice from WorkCover, both parties are required to participate in a compulsory conference in attempt to resolve the claim.

These issues must be attended to before any court proceedings can be commenced. The Act encourages people to resolve these types of claims without commencing court proceedings.

At Ferguson Cannon Lawyers, we understand the need to resolve these types of matters expeditiously for the benefit of our client. We have extensive experience in the area of criminal compensation and we would be more than happy to discuss with you details of costs and the procedures required to ensure a successful and speedy settlement of your claim.