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Focus on Work Related Accidents, Injuries & Diseases

Time Limits

WorkCover Claims

For anyone who has been injured at work or if there has been a work related death, it is extremely important to know that strict time limits apply for lodging an application for compensation with WorkCover Queensland ("WorkCover") and to also know that there can be serious consequences if claims are not lodged on time.

If a worker has suffered an injury at work or died as a result of work injury or illness, the claim must be lodged with WorkCover within six (6) months of the date of accident/injury or death or within six (6) months of receiving a diagnosis from a doctor of a work related illness or disease.

In our experience, WorkCover will always reject claims if they are lodged outside the six (6) month time limit.

Damages Claims

For all personal injury claims in Queensland, if an injured person wishes to recover compensation or damages for pain and suffering, out-of-pocket expenses, past and future loss of wages/income, past and future loss of superannuation benefits and future medical treatment, court proceedings must be commenced within three (3) years of the date of accident/injury. If court proceedings are not commenced within the three (3) time limit, the claim for damages will be lost forever.

WorkCover Claims

For a WorkCover claim to be accepted, the injured worker must be able to establish that when they were injured that they were a worker, that they have suffered an injury and that their work or work duties was a significant contributing factor to the injury or development of the injury or illness or death.

WorkCover Benefits/ Entitlements

Once the WorkCover claim has been accepted, the injured worker is entitled to receive:-

Weekly Benefits or Replacement Wages which acts just like Income Protection,

- Medical Advice and Treatment including Surgery,
- Rehabilitation such as Physiotherapy, Occupational Therapy & Pain Management,
- Pharmaceutical Expenses,
- Travel Expenses

An injured worker's entitlement to receive any or all over the above benefits or entitlements will continue as long as there is a current workers' compensation medical certificate to support the claim continuing for some or all of these entitlements.

WorkCover Claims are “No Fault” Claims

For all injured workers, it is not necessary to prove fault or negligence for a WorkCover claim to be accepted by WorkCover.

Proving fault or negligence is only ever necessary or relevant in a common law claim for damages or what is often referred to as a damages claim. A damages claim can only be commenced after the conclusion of a WorkCover claim (which is usually 3 to 12 months) and should only be pursued after obtaining good quality legal advice about prospects of success and the likely amount of any settlement sum or judgment award.

Lump Sum Offers of Compensation by WorkCover

At the end of any WorkCover claim, an injured worker is entitled to request a Notice of Assessment. If the injured worker has been left with a degree of permanent impairment of the whole body due to an injury or illness, they will be entitled to requested and receive an offer of lump sum compensation.

If the disability impairment is equal to or greater than 20% then the injured worker can accept the lump sum amount which will be a significant sum eg. \$60,000.00 or even much more than this **and** also be entitled to pursue a damages claim.

If the disability impairment is less than 20% then the injured worker must make what is known as an **irrevocable election** to either accept the lump sum offer or pursue the damages claim. If an injured worker accepts the offer of lump sum compensation in which the disability impairment is under 20% then they cannot ever pursue a damages claim.

For example, a lump sum offer based on a 10% disability impairment might amount to approximately \$30,000.00, however, if there is a strong negligence case, the damages

claim might be worth \$500,000.00 or more to the injured worker “in their hand” and clear of all costs and refunds. The difference between these two outcomes can be extremely important and life changing.

Therefore, it is extremely important for injured workers to get good quality legal advice about time limits, lump sum offers and potential damages claims before making any important decisions about their claims or their rights and options.

The vbr Lawyers Team

John Vandeleur, Greg Black and Sean Ryan are the Directors of vbr Lawyers.

Having worked together at a large firm for many years and with over 50 years of combined litigation experience in personal injury law, John, Greg and Sean commenced vbr Lawyers in 2017 to provide the very best quality legal advice and representation to injured workers and their families while also being completely committed to providing highly personalised service from senior practitioners and at a very reasonable price.

vbr Lawyers also provide a 30% fee cap guarantee on their professional fees to provide extra comfort and protection to their clients which is an industry leading initiative.

While vbr Lawyers act for injured workers and their families all over Australia, they have offices located at Brisbane, Ipswich and the Gold Coast.

vbr Lawyers “No Win - No Fee” Guarantee

After investigating the claim and at no obligation, if vbr Lawyers are optimistic about prospects of success or winning the case and that the claim is economically viable to pursue, vbr Lawyers will agree to take on the matter on a speculative or “No Win - No Fee” basis which simply means that vbr Lawyers will be paid a reasonable fee at the end and only at the end of the claim and only if it is successful.



call us today  1800 316 716