

Do I have a Compensation Claim?

FAQs Answered by Lawyers, Tyla Leo and Sam Stewart



June, 2023

I have been in an accident. Do I have a Compensation Claim?

You should call to speak with an experienced *lawyer who works in compensation or injury law* to find out. Time limits apply in this area of law so you should call sooner rather than later.

We understand that when you call for the first time, you could be in pain or discomfort. We try to make the phone conversation as easy as possible for you so we can give you some idea of your next steps.

What Information do I need to have ready when I speak with a Compensation Lawyer?

Some people call, others make contact by email. Either way, we want you to be able to *speak* with a lawyer in our team straight away.

Our Receptionist will ask for a few details from you and then put you through to one of our Lawyers. You will get to talk with them for about twenty minutes. They will ask you lots of questions about what happened, your injuries, and when they occurred. This information allows them to start figuring out if you have a likely claim.

If we think we can help you, we will arrange a time for your free appointment as soon as possible. For your first appointment, we prefer to meet in person at our Townsville office. However, we have clients all over Queensland. We also see people in Brisbane and Cairns, and sometimes regionally. If you are in hospital or are incapacitated and can't make it to our office, we will make arrangements to come and see you.

Accidents Happen in all Types of Circumstances

I have been in a Motor Vehicle Accident and have been hurt/injured.

When you call, we will ask you:

- About the accident
- About your injuries
- The date the accident occurred
- Where it happened
- If the police attended the scene
 - If the police attended they will have completed a Police Report (PR).
 - If you have a copy of the Police Report we will want to know about that too. Sometimes people don't have the report as the Police are still finalising their investigations.

We will also ask for your full name, contact details, and how you found us. We will arrange a time for your free appointment to discuss your claim in more detail as soon as possible.

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I have had an accident at work and have been hurt/injured. Do I have a Workers Compensation Claim?

If you have an injury from something that happened at Work you may have a **Workers Compensation Claim**. These claims are dealt with under the *Workers Compensation Rehabilitation Act* which covers all work-related injuries in QLD.

When you call, we will ask you:

- About the accident
- About your injuries
- The date the accident occurred
- Where it happened
- Your employers name
- If a WorkCover claim has been commenced

If you have not applied to WorkCover you have 1-2 months from the date of the accident to do this.

We'll make a time for your free appointment as soon as possible to talk to you about this and to discuss obtaining some medical expenses and weekly benefits from WorkCover.

If you have applied to Work/cover:

We will want to know how far along you are in the WorkCover process and if you have received a **Notice of Assessment**.

If you have a Notice of Assessment, you should NOT respond to that notice. You should be getting urgent legal advice. The 20-day reply period is not compulsory. It is there to pressure you to accept.

We'll also ask for your full name, contact details, and how you found us.

We'll arrange a time for your free appointment to discuss your claim in more detail as soon as possible.

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What can I do about Medical Negligence? I think my Doctor or the Hospital has been negligent and caused me an injury.

When you call, we will ask you:

- About what has happened
- About your injuries
- The date your injuries occurred
- Where it happened
- Your doctor's details

We will also ask for your full name, contact details, and how you found us.

We will arrange a time for your free appointment to discuss your claim in more detail as soon as possible.

I have been injured at: a shopping centre / hotel / on a foot path / in a public place. What can I do?

If you have an injury from **something that happened in a public place**, for example, a shopping centre, a park, a café, an amusement venue, hotel, a footpath etc, these are called **PIPA claims** they as come under the *Personal Injury Proceedings Act Qld*.

When you call, we will ask you:

- About the accident
- About your injuries
- The date your accident happened
- Where it happened

We will also ask for your full name, contact details, and how you found us.

We will arrange a time for your free appointment to discuss your claim in more detail as soon as possible.

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I cannot work because of an Injury/Illness.

Can I claim money from my Superannuation Fund?

Do I have a TPD (Total and Permanent Disability) Claim?

What if my TPD Super Claim has been rejected?

If you have a total and permanent disability or illness, and you are unable to do your usual occupation or other work you are trained or experienced in, you may have a TPD insurance claim.

When you call, we will ask you:

- The date you stopped work or the date you were no longer able to work in the job you are trained to do.
- What Superfund you are with or what insurance funds you have
- About your injury/illness
- The date of your diagnosis, illness or injury
- If you have lodged a claim or not (we assist people who have had their claims rejected)

Often, people have insurance built into their Superannuation (or another insurance policy) for this and they can make a claim. Quite often we are doing these claims alongside a MVA, Workers Comp, or PIPA claim.

We will also ask for your full name, contact details, and how you found us and arrange a time for your free appointment to discuss your claim in more detail.

I have Asbestosis. Can I make an Asbestos Claim?

If you have a diagnosis for **asbestosis, mesothelioma or another similar condition**, you may have a claim.

We will ask you:

- Your full name and contact details and how you found us
- The date of your diagnosis
- About your diagnosis (a form of asbestosis or cancer)
- About the type of work you have done in the past

We will arrange a time for your free appointment to discuss your claim in more detail as soon as possible.

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My partner / child / close friend has been injured. Can I call to find out if they have a Compensation Claim?

We understand that sometimes people are not up to calling themselves. We often talk to people calling on behalf of their friend or family member who has been injured. We will ask them the same questions we would ask you.

At some point after that, we will need to meet and speak with the person who has sustained the injuries. We can book in a time for a free appointment as soon as possible and will encourage you both to attend.

Other FAQs about Compensation Claims

How much will the fees be at the end of my Compensation Claim? How much will this cost?

First appointments, whether an enquiry or someone wanting a second opinion, are **FREE**.

After the first appointment, if you chose to retain us as your lawyers, we will act for you on a **No Win No Fee** basis. Also, we **do not** charge an uplift fee (many law firms do).

It's **very important** that you chose a lawyer who will charge you **reasonable fees**.

When you meet us for the first time (at your first appointment) we will talk about the stages of an injury/compensation claim, likely fees and provide an explanation of how we charge fees. Basically, we record the time spent progressing your claim and charge for that time. Our lawyers have different hourly rates based on their experience. Unlike many other firms, we don't add additional amounts to your fees, like uplift fees or care and consideration fees.

We will give you a Cost Agreement (which the Queensland Law Society requires us to do) after we have spoken with you at the first appointment and have information about your injuries and how they will affect you. We will also give you a brochure with answers to FAQs about fees. We will spend as much time as you need explaining fees. We don't charge for any time spent explaining fees.

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How long will my Compensation Claim take?

The key to finalising a claim is your injuries stabilising.

Once your injuries have stabilised, the process can be moved along very quickly.

We will actively progress your claim through the various legal stages to get the best settlement possible for you. We want to finish your claim as quickly as you do. We won't pressure you into settlements though. We want to get the best possible settlement and if that means the process takes a bit longer that's okay with us. There will be conferences and mediations throughout the claims process where there is opportunity to settle your claim. We will advise you, but we will never pressure you into settling your matter. It will always be your decision to settle or press on.

Will I be able to talk to my Compensation Lawyer throughout the Claims Process?

Yes. You will get to talk to everyone in our Compensation Claims Team if you retain us as your lawyer.

There are 6 of us who work together on all client claims. We are a close-knit team who gets an absolute kick out of being able to help people! While we would love people to have a full recovery from their injuries, it is very satisfying to obtain a good settlement for them.

Ivan Baxter (our Director) has been progressing claims for over 30 years. Ivan Baxter is a powerhouse of knowledge when it comes to injury claims. He always knows what to do, how to do it, and when to do it. Tyla Leo and Sam Stewart are lawyers who have been working alongside Ivan for many years and we also have experienced paralegals like Shelleigh Naessens and Eleanor Potter who have worked with Ivan for many years.

OSheaDyer Solicitors Compensation Claims

No Win No Fee + No Uplift

Experienced Personal Injury Lawyers

First Appointments are Free

Call (07) 4772 5155

It costs nothing to find out if you have a claim.

It costs nothing for a second opinion.

