

Do you have a Compensation Claim?



Personal Injury Lawyers, [Tyla Leo](#) and [Sam Stewart](#) answer your Questions
April, 2022

No Win No Fee No Uplift

Do you have a Compensation Claim?		
1. Call us on 47 725 155 to speak with a Lawyer over the phone	2. Meet us for a Free Appointment	3. Get your Claim underway No Win No Fee No Uplift

I've been in an Accident. Do I have a Compensation Claim?

You should definitely call to speak to a lawyer who works in compensation or injury law to find out.

It could be the best call you ever make.

We understand, when you call for the first time, you might be in pain or anxious.

Making a call takes a fair degree of courage as you need to be ready to speak about personal issues.

We try to make the phone conversation as easy as possible for you.

What information will I need to be ready to talk to a lawyer?

Some people call us. Others make their first contact by email on our website. Either way, we want you to be able to speak with a lawyer from our team straight away.

Over the phone, our receptionist will ask you for a few details and then put you through to one of our injury/compensation lawyers.

You will get to talk with them for about twenty minutes, sometimes more. They will ask you lots of questions about what has 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.

We usually have our first face-to-face meeting with people in our Townsville office, but we have clients all over Queensland. We see people in Brisbane and Cairns, and all over

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Queensland via Zoom. If you are in hospital or are incapacitated and can't make it to our office, we will arrange to come and see you.

We think it's important that in our first meeting, we get together face to face if possible.

Motor Vehicle Accidents

If you have an injury involving a **Motor Vehicle Accident** we'll ask you:

- Your full name, contact details and how you found us.
- Details about the accident.
- Details about your injuries.
- The date the accident occurred.
- Where the accident 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'll arrange a time for your free appointment to discuss your claim in more detail as soon as possible.

Work Accident Claims

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

We'll ask you:

- Your full name, contact details and how you found us.
- Details about the accident.
- Details about your injuries.
- The date the accident occurred.
- Where the accident happened.
- Your employer's name.
- If a WorkCover claim has been commenced.

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If you haven't applied to WorkCover:

You have 1-2 months from the date of the accident to do this.

We'll make an 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 WorkCover:

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

Medical Negligence Claims

If you have an injury due to Medical Negligence we will ask you:

- Your full name, contact details and how you found us.
- Details about the accident.
- Details about your injuries.
- The date your injuries occurred.
- Where the accident happened.
- The details of your Doctor.

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

Public Liability Claims: PIPA Claims

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** as they come under the *Personal Injury Proceedings Act Qld*.

We will ask you:

- Your full name, contact details and how you found us.
- Details about the accident.
- Details about your injuries.

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- The date your accident happened.
- Where the injury happened.

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Superannuation TPD: Total and Permanent Disability Claims

Many people can't work because of a health issue and have a **total and permanent disability or illness**. They may be unable to do their usual occupation or other work they are trained or experienced in. In these cases, they may be entitled to pursue an insurance claim.

When people call to find out about this, we will ask:

- Your full name, contact details and how you found us.
- What Superfund you are with or what insurance funds you have.
- Details 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 the MVA, PIPA or WC Claims.

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

Asbestos Claims

If you think you have an **Asbestos Claim**, we will ask you:

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

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

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Questions People Ask Us:

How Much Will this Cost?

We don't charge fees unless you retain us as your lawyer and only at the end of your matter. 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 don't charge and uplift fee (many law firms do).

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

At the end of your matter, when you receive your settlement money, we will send you an invoice for fees. Our fees are extremely reasonable.

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 on progressing your claim and charge for that time. Our lawyers and paralegals have different hourly rates based on their experience. Unlike many other firms, **we don't add additional amounts to your fees** like an uplift fee or a care and consideration fee.

We will give you a Cost Agreement (which is a requirement of the Qld Law Society) after we have spoken with you at the first appointment and have more information about your claim. 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.

How Much Will I Get?

This is a question that can't be answered over the phone in a first enquiry. There is a lot to be considered before this question can be answered with any degree of accuracy.

While significant settlement amounts can be obtained for people over 60 or even 70, often the larger settlements are for people who are in their mid-30s who have had significant injuries, and are established in their career. Every case is unique though.

We have been progressing claims for 40 years and have been involved in thousands of cases. Once we have spoken with you and have good knowledge of your injuries and how they will affect your future, we will be able to give you an idea.

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How Long will this Take?

The key to answering this question is your injuries stabilising.

Once your injuries have stabilised, the process can be moved along 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 takes a bit longer and you can be patient, that's what we will do.

We have a motivated group of legal professionals in our Injury/Compensation team. Ivan Baxter our Director has been progressing claims for over 30 years. Tyla Leo and Sam Stewart are lawyers who have been working alongside Ivan for over 4 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. We have experienced paralegals who have worked in Injury Claims for over 25 years.

All of us feel extremely proud to be able to help people with claims as it makes such a difference to their life moving forward. While we would love people to have a full recovery from their injuries, it is very satisfying to obtain a good settlement for them.

What if I'm Calling for my Partner, Child or Close Friend?

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 will need to meet and speak with the person who has sustained the injuries though. We'll book a time for a free appointment as soon as possible and will encourage you both to attend.

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O'SheaDyer Solicitors Townsville

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Experienced Personal Injury Lawyers

First Appointments Free

Call (07) 4772 5155

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

It costs nothing to get a second opinion.



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Time Limits Apply for Compensation Claims

Get advice as soon as possible, from an experienced
lawyer who cares.