



Dear

### **Your Personal Injury Claim**

I note that you have attended this Service and requested advice as to a potential claim for compensation for personal injury suffered by you. This is a complicated and specialised area of the law and the advice that you have obtained from this Service can only be very general in its nature. I stress the need to urgently seek further advice from a private legal practice which specialises in personal injuries litigation and which can fully investigate the circumstances of your claim and advise as to your prospects of success.

To find an appropriate legal practice I suggest that you contact the Queensland Law Society on Phone (07) 3842 5842 or via email [info@qls.com.au](mailto:info@qls.com.au).

Alternatively the following local legal practices may assist:-

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

### **Limitation Periods**

It is important that you act quickly to protect your interests and that you do not miss one of the time limits which apply to bringing a claim for compensation for personal injury. Failure to make appropriate notifications and bring claims within these time limits may result in your claim being jeopardised or even completely lost. The following summary of the time limits within which you (or your lawyers) are required to act is provided so you can ensure that this doesn't happen.

### ***Filing a Claim in a Court***

All personal injuries claims must be commenced in a court by filing a *Claim* and *Statement of Claim* within a three (3) year period beginning on the date the action arises. This is usually the date the injury is received, but the time limit can run from a later date in some circumstances. Within the three years various steps must be taken to ensure the limitation period is met. Specialist legal advice is essential.



### ***Providing Notification***

In recent years the law has been changed to require the claimant to provide early notice of an intended claim to the relevant respondent or their insurance company.

For most types of claims no objection can be taken by the respondent/insurer if a *Notice of Claim* under the *Personal Injuries Proceedings Act* is provided to the respondent/insurer within nine (9) months of the incident happening or, if symptoms of the injury are not immediately apparent, within nine (9) months of the appearance of symptoms. However once you *instruct* a legal practice to act on your behalf in the case a notice needs to be provided within one (1) month. The notification will normally become the responsibility of the lawyer in that situation.

However slightly different rules apply for certain types of claims:-

- For claims relating to injuries at work notification must be given by way of an *Application for Compensation* made within six (6) months of the injury occurring.
- For claims arising from medical treatments or procedures an *Initial Notice* given within the normal time-frames has to be followed up with a *Notice of Claim* before a Claim can be made.
- For claims arising from motor vehicle accidents where a Compulsory Third party insurer is involved, the nine (9) and one (1) month notice periods apply except that the one (1) month period runs from the time you *consult* a lawyer (including a Community Legal Service) rather than when you *instruct* a lawyer to act for you.
- For motor vehicle accidents in which the vehicle at fault is either unregistered or unidentified, the Nominal Defendant is required to be notified within three (3) months of the accident. If notice is not provided within nine (9) months you lose your right to pursue the claim.

Yours Faithfully

Volunteer Solicitor  
**Suncoast Community Legal Service Inc**

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I,.....acknowledge that I have read and understood the contents of this letter and that I have been advised to seek further legal advice and/or representation from a solicitor practicing in Personal Injuries Law.

Dated this.....day of.....20

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**Signature of Client**