Personal Injury Case Review: 2024 Cases

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Public Liability

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Gause v Alderson [2024] NSWCA 312

Mitchelmore, Stern, Price J, decision delivered 20 December 2024

- House fire killed Mr. Heafey; rental owned by Mr. Gause.
- Smoke alarm in lounge was tampered with and didn't sound.
- Court found Mr. Gause negligent for not testing the alarm.
- Initial ruling reduced damages by 25% due to intoxication.
- Appeal upheld negligence but removed contributory negligence reduction.

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Carusi v St Mary's Anglican Girls School Inc & West Coast Dance Festival Inc

[2024] WASCA 137

Justice Mitchell, decision delivered 8 November 2024

- Appellant injured ankle descending theatre steps during a dance competition.
- Sued St Mary's, alleging negligence in step design and lighting.
- Trial judge dismissed claim, finding no breach of duty or causation.
- Appeal argued risk was foreseeable and causation should be inferred.
- Court of Appeal upheld dismissal, ruling no duty breach or proven causation.

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T2 (by his tutor T1) v State of New South Wales [2024] NSWSC 1347

Harrison AsJ, delivered 25 October 2024

- 14-year-old student assaulted by 12 peers after school off school grounds.
- Attack led by a student with a history of violence, recently back from suspension.
- Plaintiff sued NSW, claiming the school failed to supervise students after hours.
- Court found the school breached its duty by not assessing risks or monitoring the ringleader.
- School held liable for lack of supervision and failure to prevent foreseeable harm.

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Cook v Riding for the Disabled Association (NSW) & Anor [2024] NSWSC 1332

Fagan J, delivered 22 October 2024

- Plaintiff with disabilities fell from a horse, suffering a serious hip fracture.
- Equestrian association failed to maintain two side walkers despite known risks.
- Court ruled this was inadequate given the plaintiff's unpredictable behaviour.
- First defendant found liable; second defendant (support provider) not liable.
- Damages awarded to plaintiff.

Stanberg v State of New South Wales [2024] NSWDC 462

Newlinds SC DCJ, decision delivered 4 October 2024

- 11-year-old student injured his back during a before-school long jump.
- Claimed inadequate sand depth and lack of raking caused the fall.
- Court found sand depth met usual school standards and was recently replenished.
- Teachers supervised and raked periodically; risk of serious injury was low.
- School not liable, as holding it to elite standards would discourage sports.Text

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DAC Finance (NSW / QLD) Pty Ltd v Cox [2024] NSWCA 170

Ward P, Leeming JA, Mitchelmore JA decision delivered 16 July 2024

- Nursing assistant injured when an elevator stopped during an unannounced power test.
- Test conducted by Mr. Hyndes and Mr. Garner from DPG Services without warning to staff.
- She sued the building owners (not DPG Services), alleging a breach of duty of care.
- District Court ruled in her favour, citing responsibility for lift safety.
- Appeal overturned decision, finding liability rested with non-party DPG Services.

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Hornsby Shire Council v Salman [2024] NSWCA 155

White JA, Adamson JA and Basten AJA, decision delivered 27 June 2024

- Ms. Salman injured her ankles in a playground controlled by Hornsby Shire Council.
- Fell due to a height difference between a mulch area and an artificial surface under swings.
- Trial judge awarded damages, reduced by 15% for contributory negligence.
- Council appealed, arguing misidentification of risk and misapplication of standards.
- Appeal dismissed; risk properly identified, and Council failed to address prior recommendations.

Gomez v Woolworths Group Limited [2024] NSWCA 121

Bell CJ, Gleeson JA, and Adamson JA decision delivered 21 May 2024

- Appellant injured after slipping on fruit in store; fruit dropped at 5:02pm.
- Store admitted duty of care but argued cleaning systems were in place.
- Trial court found missed inspection didn't cause injury; fruit dropped after inspection.
- Appeal argued employees failed to remove fruit, but Court of Appeal dismissed it.
- No evidence employees should have noticed or removed the hazard.Text

Nathaniel Corbett by next friend Debra Todd v Town of Port Hedland [2024] WASCA 9

Buss P, Mitchell JA and Vaughan JA, decision delivered 2 February 2024

- Nathaniel Corbett injured when his hand was crushed between an unsecured metal gate and post.
- Sued Town of Port Hedland, claiming the gate was a safety hazard.
- Trial court dismissed the claim, finding no negligence.
- Court of Appeal agreed the gate could attract children, however ultimately dismissed the appeal.
- Court ruled that requiring constant securing of the gate was an unreasonable burden.

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WorkCover

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Ritchie James Edward Lowes v Greenmountain Food Processing Pty Ltd [2024] QDC 204

Horneman-Wren SC, DCJ, Decision delivered 29 November 2024

- Worker at meat plant suffered partial finger amputation from bandsaw in 2019.
- Employer provided proper training, safety measures, and clear instructions.
- Court found no breach of duty; equipment and risk management were adequate.
- Plaintiff did not return to work despite medical clearance, leading to termination.
- Court ruled he failed to mitigate losses, limiting potential compensation.

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Dean v Central Highlands Regional Water Corporation [2024] VSCA 315

Macaulay JA, Gorton AJJA & J Forrest AJJA, decision delivered 12 December 2024

- Meter reader attacked by a Pitbull x Staffy in 2018, suffering severe injuries.
- Claimed dog safety training or citronella spray could have reduced harm.
- Jury found no liability for CHRWC at trial.
- Trial judge misdirected jury by only considering full prevention, not harm reduction.
- Court of Appeal ordered a retrial due to this error.

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Milne v SDN Children's Services and BRC Recruitment Pty Ltd [2024] NSWSC 149

Walton J, delivered 27 November 2024

- Plaintiff slipped on a transparent noodle while working in a childcare kitchen.
- Sued childcare centre and labour hire agency for breaching duty of care.
- Court found the risk foreseeable due to the fast-paced environment.
- Defendants failed to take reasonable precautions, like using kitchen mats.
- Both found liable; damages yet to be determined.

Manca v Teys Australia Beenleigh Pty Ltd [2024] QCA 60

Bowskill CJ, Fraser AJA and Applegarth J, decision delivered 19 April *2024*

- Worker sustained injuries falling down a staircase at Teys Meatworks while carrying tools, unable to use the handrail.
- No slip test conducted. Worker did not notice slipperiness despite blood on his boots; no expert evidence was presented regarding slipperiness.
- The trial judge found no defects in the steps and determined there was no wetness or fluid present when Mr. Manca fell.
- The trial judge ruled that Mr. Manca's failure to use the handrail contributed to his fall, applying a 30% contributory negligence discount based on Teys' submission.
- The Court of Appeal upheld the trial judge's findings.

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Bilson v Vatsonic Communications Pty Ltd; Vatsonic Communications v Bilson [2024] QCA 171. Bowskill CJ, Bodice JA and Henry J: delivered 13 September 2024

- Worker was operating a hydro vac truck for Vatsonic and injured when the vacuum hose struck him in the face.
- The trial judge found Vatsonic (70%) and Council (30%) at fault. Vatsonic failing to assess injury risks and the Council's workers not following the system of work.
- The trial judge ruled that Council was entitled to indemnification from Vatsonic for damages, and Section 236B WCRA Act did not void the indemnity agreement. Parties appealed.
- COA upheld negligence findings but agreed that the indemnity clause was void under Section 236B. It allowed Mr. Bilson's appeal, agreeing that damages should be assessed against the Council.

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Paetzold v At Beach Court Holiday Villas Pty Ltd [2024] QDC 35

Sheridan DCJ, decision delivered on 10 April 2024

Paetzold v At Beach Court Holiday Villas Pty Ltd [2024] QCA 227

Flanagan and Brown JJA and Freeburn J, decision delivered 15 November 2024

- Worker was a caretaker and injured his achilles tendon trying to push a ride on mower that had a dead battery. Due to pain he rolled down embankment and injured his knee.
- The trial judge found the injury caused by flat battery, defect known to defendant. Had battery worked, injury avoided.
- Knee injury unrelated due to lack of contemporaneous records.
- Worker failed to disclose full income to Centrelink. Despite this, loss assessed based on earning capacity, not the income disclosed to the ATO.
- COA dismissed.

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Carey-Schofield v Hays & Civeo [2024] QSC 60

Crow J, decision delivered 22 April 2024

- Worker injured his left elbow while disposing of rubbish bags in large wheelie bins at Civeo's accommodation village .
- Civeo’s system of work required bin bags to be immediately placed in a ute to prevent trip hazards, but worker instructed to place bags on ground first, which contributed to the injury.
- Worker requested assistance but ignored, increasing risk of injury.
- While removing a bin bag, the worker stepped backwards, tripping over bags on ground.
- The Court found Civeo's system of work unsafe. Apportioned liability 75% to Civeo and 25% to Hays.

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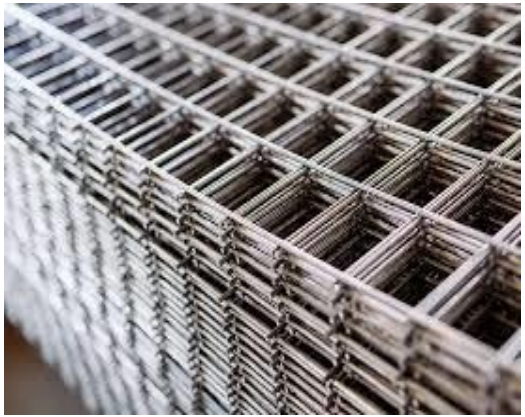
Sawyer v. Steeplechase Pty Ltd [2024] QSC 142

Crowley J decision delivered 10 July 2024

Sawyer Steeplechase Pty Ltd [2025] QCA 2

Bowskill CJ, Boddice JA and Bradley J on 24 January 2025

- Worker concreter for Cretek who contracted to Steeplechase. Injured back in 2 events – lifting and carrying mesh over 100kg on 22.08.16 and OPT from 22.08.16 to 03.07.16 for aggravation when carrying out general concrete duties.
- Worker failed to prove OPT.
- Court found Steeplechase not required to supervise Cretek's work.
- Worker's injury was caused work 22 August.
- COA dismissed worker's appeal, finding Steeplechase not liable for Cretek's work system.



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Bishop v Compass Group Remote Hospitality Services Pty Ltd [2024] QDC 14

Rosengren DCJ, decision delivered 21 February 2024

- Worker experienced right elbow pain from repetitive duties over six months in 2019, followed by left elbow symptoms after being placed on modified duties.
- Worker worked a 14 on, 7 off roster - 10.5-hour shifts, rotating every 30-60 minutes in kitchen areas.
- Court found Compass breached its duty by not enforcing proper rotation and smoko breaks, despite conducting risk assessments.
- Claim failed on causation, with the court finding it equally probable that the worker's elbow condition was caused by factors unrelated to work, such as age and constitution.

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Compass Group Hunt v ALDI Foods Pty Limited trading as ALDI [2024] QDC 15. Rosengren DCJ, decision delivered 21 February 2024

- Worker developed radial tunnel syndrome working for ALDI after extended hours and increased workload, including 7-13 hour days of shelf stacking.
- ALDI challenging extent of workload and diagnosis. They presented evidence that shelf stocking typically done before store opening and restocking occurred as needed throughout the day.
- Court found insufficient evidence that ALDI failed to provide adequate human assistance or that underperforming staff contributed to worker's increased workload. No precise evidence was presented on the weight or type of stock. ALDI's expert, Dr. Allen, found no significant pathology in the elbow imaging.
- Claim dismissed.

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Gairns v Pro Music Pty Ltd [2024] QDC 118

Rosengren DCJ, delivered on 2 August 2024

- Worker called into meeting and informed he was being demoted and salary reduced.
- Worker alleged raised voice, no prior notice, no information given on demoted role, meeting in open plan office.
- Court found Defendant owed duty of care due to the Plaintiff's psychological vulnerability, and meeting, which was not part of a disciplinary process, posed a risk of psychiatric injury.
- Defendant failed to take reasonable steps (ie; providing prior written notice, allowing a response, conducting the meeting in a calm and confidential manner, and offering a support person, each constituting a breach of duty.

Miller v WorkCover Queensland [2024] QDC 156

Loury KC DCJ, decision delivered 18 September 2024

- Plaintiff alleged she developed PTSD after she claimed her husband (had business together) strangled her and threw against wall.
- WorkCover said not a worker, asserting was a de facto director of the company. Also denied PTSD diagnosis.
- Court found Plaintiff not a worker as her role as meant she controlled the employer entity.
- Court accepted husband's version of events, which depicted Plaintiff as the aggressor in the altercation.
- No connection between the incident and PTSD, with prior mental health issues.

Cagney v D&J Building Contractor's Pty Ltd [2024] QDC 162

Horneman-Wren SC, DCJ, decision delivered 26 September 2024

Cagney v D&J Building Contractor's Pty Ltd (No 2) [2024] QDC 171

Horneman-Wren SC, DCJ, decision delivered 17 October 2024

- Plaintiff a self-employed carpenter. Injured falling from ladder provided by D&J Building, while working for cash.
- Issue was whether Plaintiff a "worker".
- Court found not a worker - worked as a subcontractor, charging an hourly rate, managing his own schedule, and paying GST without PAYG tax.
- As not worker, claim for damages under WCRA dismissed. Defendant would have been liable, but no PIPA.

Gilmour v Blue Care [2024] QDC 189

Loury KC DCJ, decision delivered 1 November 2024

- Plaintiff was a carer for Blue Care. She was sexually assaulted by a non-client resident when providing care at a hostel for individuals with mental health and addiction issues.
- Plaintiff claimed Blue Care failed to conduct a comprehensive risk assessment of the facility, did not require workers to be paired up for safety, and failed to warn her of potential dangers or provide a duress alarm.
- Court found Blue Care should have foreseen the risk of sexual assault given the nature of the residents in setting, young woman working alone. Blue Care's training did not cover risk of sexual assault or unpredictable behaviours of residents.

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Elisha v Vision Australia Ltd [2024] HCA 50. Gageler CJ, Gordon, Edelman, Steward, Gleeson, Jagot, Beech-Jones JJ, decision delivered 11 December 2024

- Plaintiff's employment with Vision terminated following allegations of misconduct. Trial judge deeming the termination "unfair, unjust, and wholly unreasonable" And awarded $1,442,404.50 in damages for the psychiatric injury due to the unfair termination, finding breaches in the employer's handling of the investigation.
- COA overturned trial judge’s decision, ruling that psychiatric injury damages for breach of contract are only available if resulting from physical injury.
- HCA allowed the appeal, recognizing that an employee can claim damages for breach of contract if the breach directly leads to psychiatric injury, particularly when the employment contract outlines a specific disciplinary process.

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Motor Vehicle Accidents

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Greentree v Nominal Defendant [2024] QDC 99

Sheridan DCJ, decision delivered 27 June 2024

- Plaintiff collided with a concrete culvert after swerving to avoid a white sedan.
- Plaintiff claimed the sedan abruptly overtook and braked, causing him to lose control.
- Witnesses gave conflicting accounts; defendant's witness claimed the plaintiff admitted to falling asleep.
- Court found plaintiff's credibility in question due to inconsistencies in medical history and behaviour.
- Claim dismissed due to lack of supporting evidence and unreliable testimony.

Ruvuta v Jaderberg & Anor [2024] QDC 107

Morzone KC DCJ decision delivered 12 July 2024

- Plaintiff struck by a four-wheel-drive while riding his bicycle at a pedestrian crossing.
- Liability admitted, but extent and cause of injuries, particularly a meniscal tear, were disputed.
- Insurer argued the tear was caused by a soccer game, not the accident.
- Court found the injury linked to the accident and aggravated later by the soccer game.
- Judgment awarded in favour of the plaintiff, considering his credibility despite language barriers.

Davie v Manuel [2024] WASCA 21

Buss P, Vaughan JA, Seaward J, decision delivered 7 March 2024

- Plaintiff appealed dismissal of her negligence claim after a car accident in June 2015.
- Lost control of a 1992 Toyota Corolla provided by the respondent, leading to serious injuries.
- Trial judge found a breach of duty due to a non-functioning speedometer but dismissed the claim.
- Court found no proof that a working speedometer would have prevented the accident.
- Appeal dismissed; plaintiff failed to establish factual causation for the injuries.

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Product Liability

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Springfree Trampoline Australia Pty Ltd v Forostenko [2024] QCA 255

Bond and Boddice JJA and Davis J, delivered 13 December 2024

- Plaintiff is a 41-year-old father and experienced trampoline user, suffered a foot injury on X-mas day jumping on Springfree trampoline, after landing near the edge where the cleat was located.
- Plaintiff alleged safety defect due to lack of warning and claimed damages under Section 138 Australian Consumer Law.
- Trial judge found trampoline had a safety defect, as users were not warned about the cleat's risk.
- COA found plaintiff did not prove that the injury would have been avoided if warnings had been present. Plaintiff failed to prove that the injury was directly caused by the safety defect.

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Costs

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Stewart v Metro North Hospital & Health Service [No. 2] [2024] QCA 247

Mullins P, Bodice JA & Ryan J, decision delivered 6 December 2024

- Plaintiff sustained significant TBI. Damages were the issue at trial, with critical point being whether Plaintiff lives independently with son and dog, rather than in care facility. Primary judge not satisfied that health benefits at home were significantly better than those likely to be achieved at residential facility. COA agreed. HCA has granted special leave.
- Court awarded the plaintiff $2,190,505.48 in damages plus fund management fees to be assessed. The defendant's $3M settlement offer was deemed non-compliant with UCPR rules due to the wording regarding the agreement of management fees, and the judge ordered the defendant to pay costs up to the date of the offer.
- COA dismissed the defendant's appeal.

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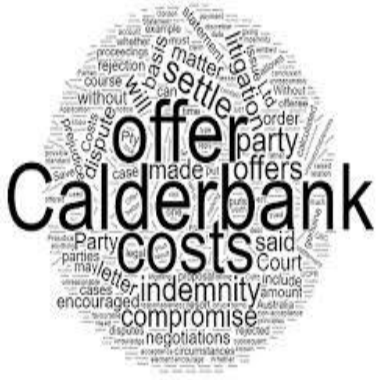
Doerr v Gardiner [No 2] [2024] QCA 21. Morrison and Bond JJA and Livesey AJA, decision delivered 23 February 2024

- Plaintiff suffered psychological injuries after her estranged husband broke into her home and assaulted her. He was acquitted of criminal charges, the Supreme Court upheld her claim for damages for battery, awarding her $967,113.40, including aggravated and exemplary damages.
- Husband appealed – COA dismissed the appeal. Plaintiff made Calderbank offer to resolve the appeal, proposing the defendant withdraw his appeal to avoid costs. The defendant did not accept the offer, leading the Court of Appeal to order the defendant to pay the plaintiff's costs.
- COA found said indemnity costs only awarded when unsuccessful party has no chance of success. COA deemed indemnity costs appropriate on liability due to overwhelming evidence supporting the trial judge's decision, making the defendant's prospects of success "hopeless."



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SSABR Pty Ltd v AMA Group Ltd (No 2) [2024] NSWSC 24. Rees J, decision delivered 2 February 2024

- Judgment awarded in favor of the defendant. The plaintiff was ordered to pay the defendant's costs of the proceedings.
- The defendant made a Calderbank offer prior to the trial, which the plaintiff did not accept. The defendant sought indemnity costs.
- Plaintiff argued Calderbank offer was not a genuine compromise but a "walk-away offer". Plaintiff argued the timeline for accepting the offer was insufficient for a fair assessment.
- Court concluded that the defendant's Calderbank offer was a genuine compromise and ordered the plaintiff to pay the defendant's costs on an indemnity basis from the date of the offer.

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Eaves v Dr Allan Bond & Associates Pty Ltd (No 2) [2024] QSC 299 Cooper J, decision delivered 2 December 2024

- Plaintiffs succeeded in recovering their deposit and interest following termination of a contract of sale.
- Both parties made offers under UCPR and Calderbank principles.
- Court reviewed whether either offer complied with UCPR rules 360 or 361 and which costs scale was appropriate.
- Court found Plaintiff's offer was genuine but conditional on the execution of a deed of settlement, which did not resolve the proceeding and did not engage r.360 of the UCPR.
- Court ruled the Defendant would pay the Plaintiff's standard costs on the Supreme Court scale.

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Procedure

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WorkCover Queensland v Perkins (District Court of Queensland, Jarro J, 11 June 2024)

- Claimant suffered physical injuries at work in February 2023, with WorkCover claims underway.
- On 13 March 2023, she sustained psychiatric injuries from another work incident, with a separate WorkCover claim.
- WorkCover rejected the Notice of Claim for physical injuries as non-compliant in February 2024, proposing a compulsory conference.
- WorkCover's s 281 response denying liability was deemed premature, lacking full disclosure.
- Court dismissed WorkCover's application for a conference, finding the response invalid and ordering costs to follow the event.

Peak v WorkCover Queensland [2024] QCA 38

Bond Boddice, JJA and Burns, J, decision delivered 22 March 2024

- The appellant, a high voltage lineman, was injured in February 2019 and filed a Notice of Claim to WorkCover Queensland in December 2022.
- WorkCover responded, stating the claim was non-compliant due to missing earnings details and documentation.
- The key issue was interpreting Section 278(2)(d) of the WCRA, regarding the period allowed to remedy non-compliance.
- The primary judge ruled the insurer was not required to explicitly state the allowed period to remedy non-compliance.
- The Court of Appeal upheld the decision, confirming the insurer only needed to inform the claimant of non-compliance and allow 10 business days to address it; the appeal was dismissed.

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Apelu v Lusty Tip Trailers Pty Ltd [2024] QCA 158

Bond and Boddice JJA and Crowley J, decision delivered 30 August 2024

- Plaintiff, a boilermaker, sustained a head injury at work, claiming laceration and PTSD, both accepted by WorkCover.
- Later diagnosed with schizophrenia, but WorkCover determined it was not work-related.
- Plaintiff amended the claim to include schizophrenia, arguing a link to the accident.
- Defendant argued that WorkCover did not recognize schizophrenia as an injury under the *Workers' Compensation and Rehabilitation Act 2003* (Qld).
- Court of Appeal dismissed the appeal, ruling the Notice of Assessment only covered PTSD and there was insufficient evidence to link schizophrenia to the work-related injury.

Ewan v Miskin Hill CTS 29107 & Anor [2024] QSC 306

Sullivan J, decision delivered 13 December 2024

- The applicant, a unit owner, was injured in a fall in a common area on 4 March 2022.
- A dispute arose over whether the body corporate management company (second respondent) was properly included in the claim.
- The applicant served a Part 1 Notice of Claim on the first respondent in September 2023 and the second respondent in July 2024.
- The second respondent argued the notice was invalid due to a late contribution notice from the first respondent.
- The court ruled in favour of the applicant, finding the Part 1 notice valid and the second respondent presumed to have accepted it as compliant.

John William Sinclair v Coles Supermarkets Australia Pty Ltd [2024] QSC 175

Martin SJA, decision delivered 21 August 2024

- Mr. Sinclair applied under Section 27 PIPA for a statutory declaration and information about missing CCTV footage and prior incidents at Coles' Hope Island store.
- Coles' objection to providing a statutory declaration was upheld, as Section 27(3) does not cover explanations of missing evidence.
- The Court found that records of prior incidents were covered under Section 27(1)(a)(i) as "other documentary material," so Coles had to provide them.
- The request for complaints was too broad and outside Section 27's disclosure obligations; Coles was ordered to pay 20% of Mr. Sinclair's costs.

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Goodhew v WorkCover Queensland [2024] QSC 66

Henry J, decision delivered on 29 April 2024

- Mr. Goodhew applied for permanent impairment assessment and lodged a Notice of Claim for Damages.
- WorkCover denied liability, arguing he was a contractor, not a "worker" under the Act.
- WorkCover refused to attend the compulsory conference, claiming no legal capacity to exchange offers.
- Mr. Goodhew sought court orders to set the conference date, and WorkCover cross-applied to declare he wasn't a worker.
- The court dismissed WorkCover's application and granted Mr. Goodhew's request to set the conference.
- Henry J clarified that "legal capacity" refers to individuals with impairments, not statutory disputes, and the court shouldn't resolve factual disputes pre-proceedings.

Vicarious Liability

Bird v DP (a pseudonym) [2024] HCA 41

Gageler CJ, Gordon, Edelman, Steward, Gleeson, Jagot and Beech-Jones JJ, decision delivered 13 November 2024

- Respondent sued the Diocese of Ballarat for psychological injuries caused by sexual abuse by Father Coffey, during his role as a priest and religious educator. Coffrey was not an employee.
- Primary judge found Diocese vicariously liable for Coffey's actions.
- COA raised three issues: the need for an employment relationship for vicarious liability, whether relationship "akin to employment" existed and whether Diocese breached a non-delegable duty to the plaintiff.
- HCA ruled that vicarious liability requires a genuine employer-employee relationship. As Coffey wasn't an employee, the Diocese was not vicariously liable for his actions.

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Bartlett v De Martin & Gasparini Pty Ltd [2024] NSWSC 1172
Elkaim AJ, decision delivered 17 September 2024

- Plaintiff, concreter employed by a labour hire company, was injured while moving heavy concreting hose at the direction of the first defendant. Injury occurred when an unidentified worker unexpectedly started walking with the hose, causing the plaintiff to be jolted forward and injure his lower back.

- Plaintiff alleged negligence on the part of the other worker for failing to coordinate the lifting process and that the first defendant, who had control over the worker, owed a non-delegable duty of care.
- Court found identity of the other worker was irrelevant, as the first defendant had control over him. The plaintiff and the other worker were working under the supervision and direction of the first defendant.
- Court found that the failure to coordinate the lift constituted negligence, and the first defendant was held vicariously liable for the actions of the unidentified worker, as they were under the defendant's control. It found no contributory negligence by the plaintiff, as the incident occurred too quickly for him to intervene or prevent the other worker's actions.

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Limitation of Actions

BEK v BEL [2024] QCA 154

Morrison and Dalton JJA and Brown J, decision delivered 27 August 2024

- The appellant raped the respondent three times in 2001; she reported it in 2017.
- He made partial admissions in 2019 and fully admitted non-consent to police in 2020.
- After learning of his intent to plead guilty in May 2021, she initiated proceedings in August 2021.
- She sought to extend the limitation period, arguing the guilty plea was a decisive fact. The primary judge granted the extension.
- The Court of Appeal upheld the extension, ruling the plea made the claim viable; appeal dismissed with costs.

Wood v Safe Place Community Services Ltd [2024] QSC 58

Coker DCJ, decision delivered 14 June 2024

- The applicant, a care worker, claimed psychological injuries from workplace incidents (2018–2019).
- She received WorkCover compensation in May 2020 and later worked elsewhere.
- In late 2021, her psychiatrist advised she could not return to work.
- She sought to extend the limitation period, arguing her inability to work was a decisive fact.
- The court granted the extension, finding no prejudice to the respondent.

Purcell v Indigenous Land and Sea Corporation & Anor [2024] QSC 58

Crow J, decision delivered 12 April 2024

- The applicant injured his knee in 2013 while working at Mimosa Station.
- He had surgery, continued working, and experienced intermittent knee issues.
- In 2021, his condition worsened, leading him to reopen his WorkCover claim in 2022.
- In June 2022, a medical report revealed he would be unable to do heavy work long-term.
- The court extended the limitation period, ruling he was unaware of the injury's full impact until 2022, with no prejudice to the respondents.

Grapes v AAI Limited [2024] QSC 267

Copley J, decision delivered 6 November 2024

- The applicant, a paramedic, developed PTSD after attending a motor vehicle accident in 2018.
- By March 2021, her psychologist linked the PTSD to the accident.
- She sought to amend her workers' compensation claim to include the time of the 2018 accident, but it was denied.
- She only obtained the at-fault driver's details in November 2023 and applied to extend the time limit for her claim.
- The court dismissed the application, ruling she was aware of the injury's cause by 2021 and failed to take reasonable steps to pursue the claim earlier.

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Abuse

Willmot v Queensland [2024] HCA 42

Gageler CJ, Gordon, Edelman, Steward, Gleeson, Jagot and Beech-Jones JJ, decision delivered 13 November 2024

- Ms. Willmot filed a claim against the State of Queensland for abuse she suffered over 50 years ago.
- Trial judge granted a permanent stay, which was upheld by the Court of Appeal.
- Appeal partially allowed; court ruled some allegations were too vague, but others should proceed.
- Stay lifted on allegations of sexual abuse by foster parents and an uncle, as they could be meaningfully addressed.
- Court rejected the State's argument that causation could not be separated for all allegations.

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Thank you

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