

Personal Injury Claims

Don't Make a Personal Injury Claim without this checklist!



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Introduction

You may be entitled to compensation if you were injured and someone else was at fault or through workers compensation. This checklist helps you to navigate the process!



Key Benefits

The main benefits of following the checklist are to ensure:

- You are legally complaint when making an injury claim
- Your claim is correctly lodged
- You understand what is rightfully yours!

If you have made a personal injury claim. Foyle Legal can guide you through the process! And, it's [No Win, No Fee](#).

Foyle Legal

Foyle Legal Team

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If you have any concerns regarding the content, please contact [Foyle Legal](#).

Free Claim Check

Use our [online claim checker](#) to confirm your eligibility for personal injury claims in WA. Don't ignore this step! This is not a legal requirement, but it will help you to proceed with with confidence.

[Start Free Claim Checker Here >>](#)

Find out where you stand in 30 seconds!

You don't need to leave the house – and there's no paperwork involved!

Seek Medical Treatment

You should seek medical treatment as soon as practicable after the injury.

When you are with the treatment provider, please inform them the cause of your injuries.

Typical causes of personal injuries are:

- [injured at work](#)
- [injured in a car accident](#)
- [injured at a public place](#)
- [injured in a criminal assault](#)
- [injured due to medical malpractice](#)

This step is not compulsory by law, but without it, it will be difficult to link you the cause of your injury to a specific accident. In other words, it reduces your chance of getting the compensation you deserve!

□ Accident Report

It is important to properly report an accident and injuries resulting from from the accident.

You should report the accident as soon as practicable and notify the police which may be necessary in a motor vehicle accident and criminal injuries compensation claim.

How the injury is reported may vary depending on the type of injury you suffered and the causes of your injuries. Typically:

- **injured at work** - you should report the injury to your employer by providing a Workers Compensation Claim Form and First Certificate of Capacity to them
- **injured in a car accident** - you should complete an online crash report and a notice of intention to make claim form.
- **injured in a shopping centre** - you should report the accident to the centre management in writing.
- **injured in a criminal assault** - you should report the accident to the police or the appropriate government authority.
- **injured due to medical treatment** - Notify the doctor or health authority in writing.

Please note - in some circumstances, it is an offence not to report an accident. In Criminal Injuries Claims it may lead to compensation being refused if you do not cooperate with the Police.

If you are an dependent of a loved one who is fatally injured, you should also make an attempt to report the injuries as soon as practicable. In some circumstances, you may be entitled to make a **fatal injury dependent claim**.

Lodge Claim

If you do not lodge a claim within time you may not be able to pursue a claim.

For instance:

- **Workers Compensation Claims:** Proceedings are only maintainable if you give notice of the injury in writing as soon as practicable after the accident and the claim for compensation with respect to such injury has been made within 12 months from the occurrence of the injury or, in case of death, within 12 months from the time of death. Exceptions apply.
- **Motor Vehicle Claims:** A person shall not commence or maintain such an action or proceeding unless the person proposing to claim the damages or some person on his behalf has given to the Insurance Commission, as soon as practicable after the occurrence giving rise to the claim, notice in writing prescribed by the regulations of his intention to make the claim.
- **Criminal Injuries Claim:** An assessor must not make a compensation award in favour of a victim, if the assessor is of the opinion that the victim did not do any act or thing which he or she ought reasonably to have done to assist in the identification, apprehension or prosecution of the person who committed the offence (usually reporting to the Police and cooperating with the Police).

In **other claims** notice of a claim should be given as soon as practicable to prevent the Defendant arguing that they are prejudiced in their defence of the proceedings.

□ Time Limit to Commence Legal Proceeding

The time limit or 'limitation period' to commence legal proceeding is 3 years from the date you sustain a not insignificant person injury, usually the date of the accident. Injured people will lose their legal right to commence legal proceedings when they are outside of the time limit.

Please note - different time limit applies if the injured person is younger than the age of 18 at the time of injury.

In some cases, where an injured person is outside of the limitation period, the Insurance Commission is willing to extend the time for commencing legal proceedings.

In criminal injuries claims a compensation application must be made within 3 years after the date on which (a) the offence to which it relates was committed; or (b) if it relates to more than one offence, the last of them was committed. An assessor may allow a compensation application to be made after the 3 years if he or she thinks it is just to do so and may do so on any conditions that he or she thinks it is just to impose.

Once you have lodged a personal injury claim, it marks the commencement of the **compensation claim process**. Here is what you should do after the claim is lodged.

Do



Get legal assistance.

Attend regular medical appointments.

Document your injury related expenses.

Regularly catch up with your lawyer, and listen to your lawyers advice!

Be smart about social media usage and personal injury surveillance.

Don't rush into settlement.

Don't



Suffer alone!

Skip appointments or refuse treatment.

Lose the records regarding your injury related expenses.

Make assumptions about the personal injury process. It is complicated and difficult.

Tell your doctor you cant do things then post damaging evidence on social media.

Take the first offer you get.



Book Free Consultation!

Don't miss out on what is rightfully yours.

Don't Wait - Get Your Obligation Free Consultation Today!



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