

## INSTRUCTIONS FOR THE NOTICE OF CLAIM FOR DAMAGES

### PLEASE READ CAREFULLY BEFORE PROCEEDING FURTHER

The **NOTICE OF CLAIM FOR DAMAGES** applies to injuries sustained on/after 1 July 2003.  
The **NOTICE OF CLAIM FOR DAMAGES** is divided into six (6) Sections.

#### **Section 1: Non-Compliance with section 275 and urgent proceedings (refer s276 of the Act)**

Section 1 comprises questions 1 and 2.

- This Section is to be completed only by a claimant:
  - a) who has an urgent need to commence proceedings; and
  - b) who is not able to lodge a complying Notice of Claim for Damages.
- The claimant should complete the Notice of Claim for Damages form with as much information as is available. That is, the claimant must complete as many questions as possible from sections 2-5 and section 6.
- The Notice of Claim for Damages must be signed either by the claimant or the claimant's lawyer if it is not reasonably practicable for the claimant to do so. For this, refer to Section 6 **Declaration**.
- The Notice of Claim for Damages may be **faxed** to the insurer in accordance with section 111 of the *Workers' Compensation and Rehabilitation Regulation 2003*. Refer to the **General Information** sheet for details.

#### **Section 2: Claimant/Event Details**

Section 2 comprises questions 3-48. The claimant must complete all relevant questions. The only exception is if the claimant's circumstances come within Section 1 above, in which case the claimant is required to answer the question as fully as possible on the information available to the claimant.

#### **Section 3: Income Statement by Worker**

Section 3 comprises question 49. This section is only required to be completed if a claim is for past economic loss or diminished earning capacity. For a claimant to whom Section 1 applies, the claimant is required to complete this section to the extent to which the claimant is able.

#### **Section 4: Liability**

Section 4 comprises questions 50-57. This section is to be completed by all claimants. The only exception is if the claimant's circumstances come within Section 1 above, in which case the claimant is required to answer as many questions as possible on the information available to the claimant.

#### **Section 5: Amount and Calculation of Damages**

Section 5 comprises question 58. This section is to be completed by all claimants. The only exception is if the claimant's circumstances come within Section 1 above, in which case the claimant is required to answer the question as fully as possible on the information available to the claimant.

#### **Section 6: Declaration**

It may be signed either by the claimant or the claimant's lawyer if it is not reasonably practicable for the claimant to do so.

#### **PLEASE NOTE:**

- **If there is insufficient space on the form, you may attach separate sheets.**
- **If you attach separate sheets, please ensure each sheet contains the following reference and is signed by both the claimant and the person witnessing the claimant's signature:**
  - “This is the attachment in answer to Q... referred to in the Notice of Claim of (claimant's name) declared before me this ... day of ... 200...
  - (signature of claimant)
  - (signature of witness)”
- **If a question does not apply, please indicate by writing “n/a” (ie not applicable) in the relevant area.**
- **Use BLOCK LETTERS and tick boxes where appropriate.**