



THOMSON REUTERS

Update Summary

PLEASE CIRCULATE IMMEDIATELY!

UPDATE 143

JULY 2024

WORKERS COMPENSATION LAW MANUAL
QUEENSLAND

Currently updated by
Hendry & Blumke

Material Code 43144750
Print Post Approved PP255003/03081
© Thomson Reuters (Professional) Australia Limited 2024

Looseleaf Support Service

You can now access the current list of page numbers at <http://www.thomsonreuters.com.au/support/product-support.aspx?id=/mediaTree/58599>. If you have any questions or comments, or to order missing pages, please contact Customer Care LTA ANZ on 1300 304 195 Fax: 1300 304 196 Email: Care.ANZ@thomsonreuters.com

COMMENTARY

The below annotations have been updated by Anna Hendry.

Workers Compensation and Rehabilitation Act 2003 – (Annotated)

Who is a worker

In *Baigorri v Workers' Compensation Regulator* [2024] ICQ 2, the Industrial Court of Queensland considered whether a courier driver described as an “independent contractor” was a “worker” pursuant to s 11(2) of the WCRA. See [2.225].

Employment must be connected with State

Waterhouse v Workers' Compensation Regulator [2024] QIRC 115 required a determination of whether the deceased worker's employment was connected with Queensland or New South Wales. See [2.1615].

General limitation on persons entitled to seek damages

In *Kalecinski v Mercy Community* [2024] QSC 49, the Supreme Court of Queensland was required to consider, amongst other things, whether the worker had entitlement to bring a common law claim for damages. See [2.3435].

The below annotations have been updated by Lisa Blumke.

Common law

Application pursuant to s 31(2) of the Limitation of Actions Act 1974

In *Kalecinski v Mercy Community* [2024] QSC 49, a maintenance assistant alleged that he sustained an injury to his back during the course of his employment whilst lifting a tent. See [5.420].

Negligence

In *Cameron v Atlas Heavy Engineering Pty Ltd* [2024] QDC 49, a machine operator fell and sustained various injuries. He had no memory of the accident and there were no eyewitnesses. An important issue in question was whether he suffered an epileptic seizure prior to being found on the floor. See [5.570].

Equipment

In *Paetzold v At Beach Court Holiday Villas Pty Ltd* [2024] QDC 35, a holiday villas caretaker used his car to jump start the battery on a ride-on mower, as the battery was flat. He subsequently got off the mower to push it forward whilst it was still running, and injured himself in the process. See [5.590].

Contributory negligence

In *Manca v Teys Australia Beenleigh Pty Ltd* [2024] QCA 60, the appellant had claimed damages for injuries he sustained when he slipped and fell when descending stairs at his employer's meatworks. See [5.710].

