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# Update Summary

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**UPDATE 148**

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## **WORKERS COMPENSATION LAW MANUAL QUEENSLAND**

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## COMMENTARY

Lisa Blumke has provided the following commentary.

### Common law

#### *Duty of care*

In *Elisha v Vision Australia Ltd* [2024] HCA 50, the plaintiff was involved in an incident at a hotel whilst on a work-related trip and was summarily terminated for serious misconduct. See [5.550].

#### *Negligence*

In *Kemp v Gold Coast Hospital and Health Service* [2024] QSC 259, a radiographer/sonographer lodged a complaint about his co-workers to the Office of the Health Ombudsman, and it accidentally disclosed his identity to his employer. See [5.570].

#### *Equipment*

*Paetzold v At Beach Court Holiday Villas Pty Ltd* [2024] QCA 227 concerned the question of whether an appeal was necessary to correct a substantial injustice. See [5.590].

Rohan Armstrong has provided the following commentary.

### Workers Compensation and Rehabilitation Act 2003

**Section 289:** Compulsory conference is discussed with reference to *Goodhew v WorkCover Queensland* [2024] QSC 66. See [2.4125].

**Section 292:** Consolidated written final offers are considered in regard to *Digby v Compass Institute Inc (No 2)* [2015] QSC 361, and later offers are looked at in regard to cases including *Bilson v Vatsonic Communications Pty Ltd (No 2)* [2024] QCA 220. See [2.4155].

**Section 293:** New commentary on settlement of claim for damages is provided with reference to cases including *Guy v Von Bibra Motors Gold Coast Pty Ltd* [2023] QDC 166. See [2.4165].

**Section 298:** *Croden v George Weston Foods Pty Ltd (t/as Tip Top Production)* [2024] QDC 214 is referred to at [2.4245].

**Section 302:** Alteration of period of limitation is discussed in regard to *Sankey v GPC Asia Pacific Pty Ltd* [2022] QSC 213. See [2.4295].

**Section 311:** New commentary on principles about orders as to costs is provided at [2.4455].

**Section 312:** Costs if there is a written final offer by a claimant are discussed with reference to *Anderson v Pickles Auctions Pty Ltd* [2023] QCA 205. See [2.4465].

**Section 313:** New commentary on costs if a written final offer is by an insurer is provided at [2.4475].

**Section 316:** Principles about orders as to costs are discussed in regard to cases including *Cagney v D&J Building Contractors Pty Ltd (No 2)* [2024] QDC 171 and *Keogh v CPB Contractors Pty Ltd (No 3)* [2024] NSWDDT 10. See [2.4545].

**Section 316A:** New commentary on principles about an order as to costs is provided with reference to cases including *Speziali v Nortask Pty Ltd (No 2)* [2023] QSC 204. See [2.4555].

