Can I bring a compensation claim if I am injured in a public place?

If you have been injured in a public place or on a private premises you may be able to seek compensation. You may be able to bring a claim if you suffer injury in a number of circumstances, including:

» injuries sustained in sporting activities
» slips and falls in supermarkets or shopping centres
» dog attacks
» falls on public property
» accidents in someone’s home.

In order to bring a successful claim you need to establish that you have suffered an injury that has been caused by someone’s negligence. In order to sue for pain and suffering damages you must also prove that you have suffered a “significant injury”.

Is my injury serious enough to bring a claim?

In order to bring a claim for pain and suffering damages in Victoria (excluding personal injury arising from an assault or other criminal activities) you must establish that you have suffered a significant injury.

A ‘significant injury’ is defined as:

» a physical injury assessed as resulting in a permanent whole person impairment of more than 5%
» a psychiatric injury assessed as resulting in a permanent whole person impairment of more than 10%
» loss of a breast
» loss of a foetus.

A claim can be brought for medical expenses and loss of wages even if the injury is not significant.

How long do I have to make a claim?

Generally, you have 3 years from the date of the injury in which to commence a public liability claim. In some instances this could be 3 years from when you first became aware of the negligence that caused your injury. Children under the age of 18 years with capable parents have 6 years within which to bring a claim.