Can I make a compensation claim if a doctor injures me?
If you have been injured as a consequence of negligent medical treatment you may be able to seek compensation. Injuries caused by the following health care professionals and providers may entitle you to bring a claim:
» general practitioners
» specialists and surgeons
» hospitals
» nurses
» physiotherapists
» chiropractors
» dentists.

In order to bring a successful claim you need to establish that you have suffered an injury that has been caused by the negligence of a health care professional or provider. In order to sue for pain and suffering damages you must also prove that you have suffered a "significant injury".

What do I have to prove to bring a claim?
In order to establish negligence you need to show that the care you received was below the standard that would reasonably be expected by a health care professional or provider. A claim can be defended if it is established that a significant number of respected doctors would have acted in a similar way, with a similar level of care.

In order to establish causation you must prove that the negligent treatment materially contributed to your injury.

Is my injury serious enough to bring a claim?
In order to bring a claim for pain and suffering damages 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 medical negligence 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.