

# Personal injury FAQs

## What is personal injury?

### Related Links

Personal injury is a term used to refer to physical or psychological harm or injury. Psychological or mental harm is sometimes referred to as "nervous shock". There are specific legal rules about what kind of psychological injury a person can claim damages for. Get legal advice.

There are different laws covering:

- work injuries
- injuries from motor vehicle accidents
- injuries suffered by victims of crime
- other personal injuries.

These laws set strict time limits and requirements for making a personal injury claim.

## What are damages?

**Damages** is the term used for monetary compensation awarded to the injured person.

The aim of compensation is that the person be put back as far as possible to the position they would have been in if they had not suffered the injury.

For some injuries there is specific legislation that awards compensation, eg from injuries as a result of a criminal offence, and for work-related injuries.

Sometimes the person injured has to seek compensation directly from the person who caused the injury. This may involve negotiation and settlement or starting a court action.

Many personal injury matters settle by agreement even after the court action has been commenced.

## Are there limits on the amount of damages?

If the injury occurred after 1 January 2003 the provisions of the *Civil Liability Act 2002 (WA)* ("the Act") will apply. The Act places limits on the amount of damages that can be awarded. For example, there is a restriction where your claim is for non-monetary (sometimes called **pecuniary**) damages. Non-monetary damages are for things like pain and suffering, loss of enjoyment of life. Get legal advice.

## Do time limits apply?

Yes. These vary in different situations. Get legal advice about the time limits that apply in your case.

## I think I may have a personal injury claim. What should I do?

If you think you may have a claim for personal injuries you should get legal advice.

## I have a personal injury claim and I have been offered a settlement. What should I do?

You should get legal advice before accepting an offer of settlement.

## What if I have been exposed to asbestos?

The National Asbestos Exposure Register has now been set up. The register is designed to capture your details if you think you may have been exposed to materials containing asbestos. The register includes:

- your personal details
- details of the suspected asbestos exposure, including date, location and description
- witness details, and
- details of diagnoses of asbestos-related disease/s.

This information may be used to contact you to provide information about asbestos safety and related activities and events, and may be used for research purposes in a way that does not identify you.

If you think you may have been exposed to materials containing asbestos register your details on the **National asbestos exposure register form**. The register is managed by the **Asbestos Safety and Eradication Agency**. You can find out more information at its website.

## Where can I get more information?

- Go to **Motor vehicle accidents** for more information on injury as a result of a motor vehicle accident.
- Go to **Workers compensation** for more information on work related injuries.
- Go to **Compensation for victims of crime** for more information on injury as a result of a criminal offence.
- Go to **Getting injured on someone else's property** for more information on injury as a result of the state of someone's land or premises.
- Go to **Negligence** for more information on injury as a result of negligence.
- Go to **Lawyers** for more information on issues you should consider before hiring a lawyer for a personal injury case.
- Contact the **Law Society of WA** on **(08) 9324 8600** for the names of lawyers who are specialists in personal injury matters.

- Go to the [Civil Litigation Assistance Scheme](#) for information about eligibility for assistance in personal injury matters.

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