



## Transcript of Proceedings

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State Reporting Bureau  
Date: 5 March, 2003

SUPREME COURT OF QUEENSLAND

CIVIL JURISDICTION

JONES J

Application No 85 of 2002

WENDY WERNER

Applicant

and

WOOLWORTHS LTD  
(ABN 88 000 014 675)

Respondent

CAIRNS

..DATE 03/03/2003

JUDGMENT

**WARNING:** The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

HIS HONOUR: I propose to grant you leave. It seems to me that the applicant was not in a position to know that there would be this unusual diagnosis of regional pain syndrome, which seems to relate to symptom rather than injury, but that now has become a diagnosis particularly in the medical report of Dr Meecham. That condition was not known to the plaintiff at the time she made her application for workers compensation or at the time of the assessment, and could not be known. It is appropriate that that diagnosis be included in the plaintiff's claim for damages and since today is the last day under the period of limitations relevant to the time at which she claims that was the onset of that condition, I should grant leave under section 305 of the Act to commence her proceedings despite non-compliance with section 208 of the Act.

I understand Mr Crummins, that you have the terms of an order that you would seek in those circumstances? Can you prepare those terms in a proper form and present them to Mr Keft for his perusal and initialling, and then make them available to my associate?

MR CRUMMINS: Certainly your Worship.

HIS HONOUR: Thank you.

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