



Transcript of Proceedings

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State Reporting Bureau

Date: 4 June, 2003

SUPREME COURT OF QUEENSLAND

CIVIL JURISDICTION

JONES J

Application No 246 of 2003

STEPHEN WILLIAM HINDS

Applicant

and

ADCO CONSTRUCTIONS PTY LTD

Respondent

CAIRNS

..DATE 02/06/2003

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: This is an application on the part of Stephen William Hinds for leave to commence proceedings against the respondent pursuant to section 43 of the Personal Injuries Proceedings Act 2002, notwithstanding non-compliance with requirements of Chapter 2 of that Act.

The applicant's claim also involves a claim against his employer, Westaff (Australia) Pty Ltd, which must be brought in compliance with the provisions of the WorkCover Queensland Act 1996.

This application is made necessary because it is impossible to comply with the various requirements of both Acts and allow the applicant the opportunity to commence proceedings prior to the expiry of the limitation period on 6 July 2003.

Part of the reason is that there is a requirement under the Personal Injuries Proceedings Act 2002 to conduct a compulsory conference. Ideally, such a conference should be held in conjunction with the WorkCover Queensland Act claim and in order for that to happen and for the action to be commenced within the respective requirements of the Act this leave is required to be granted.

I indicate that the respondent has agreed in terms of the consent filed herein on the 30th May 2003 to my making the order which I propose.

My orders will be that the applicant be given leave to commence proceedings against the respondent pursuant to section 43 of the Personal Injuries Proceedings Act 2002, notwithstanding non-compliance with the requirements of Chapter 2 of that Act.

I further order that the proceedings be stayed until the applicant complies with the requirements of Chapter 2 Part 1 of the Act.

I order that the costs of and incidental to this application be reserved.
