



How long do I have to make a personal injury claim in Queensland?

Date: Sunday July 20, 2025

The last thing that someone is thinking about when they are injured or suffer an illness is taking steps to make a personal injury claim. However, it's important that you think about this at some point because there are very strict time limits that apply to personal injury claims in Queensland.

In this blog, we look at various time limits, including notification of accident/injury, commencing a personal injury claim, appealing decisions and other time limits related to:

motor vehicle accident (CTP) claims;

workers' compensation claims;

medical negligence claims;

child abuse claims; and

public liability claims.

Motor vehicle accident/CTP claims

After a [motor vehicle accident](#), there are several time limits that apply for different stages of a claim.

Generally, the time limit to begin a claim is **three years from the date of the accident**.

If the identity of the at-fault driver is not known to the injured person, then they will only have **3 months from the date of the accident** to lodge a [Notice of Accident Claim Form](#) with the nominal defendant. A nominal defendant is a designated entity that acts as the defendant when an at-fault driver is unidentified, unregistered or uninsured. There is no ability to extend this time limit.

In all motor vehicle claims, a [Notice of Accident Claim Form](#) must be lodged with the respondent (generally the CTP insurer) within **one month of consulting a lawyer about the claim**.

Workers' compensation claims

For Queensland employees who are injured at work, and where the employer is insured for [workers' compensation through the Queensland scheme](#) (whether through WorkCover or as a self-insurer), will have different time limits that they may need to be conscious of depending on whether they are pursuing a statutory workers' compensation claim, a common law claim (where negligence caused the injury), or both.

A statutory workers' compensation claim should be commenced within **six months of the date of the injury**.

The general time limit to commence a common law claim is the **later of three years from the date of the workplace injury or six months after receipt of a Notice of Assessment**. You can learn more about this in our earlier blog, "[WorkCover Notice of Assessment | Workers Compensation QLD](#)".

If you disagree with the initial decision of WorkCover or your self-insured employer, you are entitled to request that the Workers' Compensation Regulator ('WCR') review that decision, within **three months of the initial decision**.

Similarly, if you disagree with the review decision of the WCR, then you are entitled to appeal to the Queensland Industrial Relations Commission (QIRC) within **20 business days of the review decision**.

Medical negligence claims

[Medical Negligence claims](#) are personal injury claims that involve the negligence of a medical or health practitioner as the cause of the injury or illness. In those claims, the following time limits apply.

The general overall time limit for medical negligence claims is **three years from the date of the negligent treatment**.

Within nine months of the negligent medical treatment, the injured person must give an initial notice about the claim to the medical or health practitioner or entity against whom the injured person intends to bring the claim (known as a s 9A notice).

Following the initial notice, the injured person must, **within 12 months**, serve a Part 1 Notice of Claim on the respondent and provide an expert medical report about the injury and the negligence.

If the injured person is a child at the time of the negligent treatment, then there are some additional time limits that apply where the injured child's parent or guardian consults with a lawyer about the potential to make a claim. Where this occurs, a Part 1 Notice of Claim about the injury must be served on the respondent by the earlier of:

the expiry of **18 months after that consultation**;

the expiry of **6 years from the date that the parents knew, or ought to reasonably have known that a personal injury had occurred**.

Child abuse claims

Importantly, the general three-year time limit for a personal injury claim does not apply where the injury was caused by [sexual or serious physical abuse of the injured person as a child](#). This also extends to psychological abuse perpetrated in connection with sexual or serious physical abuse. This time limit is Australia-wide, not just limited to Queensland.

Public liability claims (non-healthcare claims)

In [public liability claims](#), the general three-year time limit for personal injury claims applies, and also the injured person must serve a [Part 1 Notice of Claim](#) on the Respondent within the earlier of:

9 months of the date of the injury; or

1 month of consultation with a lawyer regarding the claim.

Time limits that apply to all common law claims due to personal injury

Other than the general three-year time limit that applies across all personal injury common law claims (except abuse claims), there are a few other time frames that apply generally to those matters:

If a matter does not resolve at compulsory conference, then the court proceedings must be commenced within **60 days of the unsuccessful compulsory conference**.

A notice of claim must be given to the respondent within **9 months of the injury**, or **within 1 month of consulting a lawyer in respect of the claim**.

Can I get an extension of time for a personal injury claim?

While some of the time limits above are very strict and cannot be extended at all, some of them are able to be extended for various reasons and in various circumstances. If you've missed a time limit, it's important that you don't simply give up. You should seek legal advice immediately, as you may be able to apply for an extension of time.

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Some reasons that a time limit could be allowed to be extended include:

where the date that the time limit begins may not be the date of the injury because of the specific circumstances;

where the injured person didn't realise that they were injured initially;

where the injured person didn't realise that their injury was caused by the respondent;

where the injured person was a child at the time of their injury;

where the claim relates to injuries sustained due to serious physical or sexual abuse of the injured person when they were a minor;

where the injured person was suffering from a disability or impairment at the time of the injury or throughout the period of the time limit that impacted their ability to make a claim or understand their situation, or rights;

where the injured person didn't realise that the respondent had been negligent when they caused the injury.

You should consult an expert personal injury lawyer, as they will be able to advise you whether they are going to be able to assist you to extend the applicable time limit that you may have missed.

In fact, IM Lawyers was recently successful in the Supreme Court of Queensland in assisting our client to commence their claim for

medical negligence approximately nine years after the treatment. You can read about this case here: ["IM Lawyers successful in medical negligence claim time limit application"](#).

Should I consult a personal injury lawyer about my claim?

As you can see from all the different time limits listed above, successfully making and progressing a personal injury claim is an incredibly complex process, and it's possible that missing any of these time limits could completely prevent you from making a claim.

Therefore, it is important that you consult an expert personal injury lawyer to assist with this process. At IM Lawyers, we offer initial free advice and run claims on a "no win, no fee" basis. So, it costs you nothing to find out where you stand.

This article is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.