

Areas of Law – icare claims

Please refer to this table when selecting an Area of Law:

Areas of Law	Definition
Dust diseases	Common law dust disease claims
Statutory Workers compensation	Statutory benefits available under the <i>Workers Compensation Act 1987</i> and <i>Workplace Injury Management and Workers Compensation Act 1998</i> . For example, weekly payments, medical expenses, lump sum compensation etc.
Work Injury Damages	Modified common law damages against a negligent employer for loss suffered as a result of the work injury. Workers are limited to recovering economic loss (past and future) and only where they have a permanent impairment of 15 per cent or more.
Common law	In certain circumstances a worker is able to make a common law claim under other legislation (MACA, CLA). If the worker is able to access these damages, they will be entitled to further heads of damages such as non-economic loss. The workers' compensation legislation sets no limits on employers' liability made under these types of claims.
Administrative Law	Matters involving administrative law issues – i.e. judicial review of a merit review decision in the NSW Supreme Court.
Third Party Recoveries	Third party recoveries apply where the compensable injury was caused under circumstances creating a liability in some other person other than the worker's employer. The worker is able to take proceedings against both the workers compensation insurer and the other person but cannot retain both damages and statutory compensation. The workers' compensation legislation allows the Scheme to recover from third parties that have a liability related to a workers' compensation claim. [also see common law claims]
icare managed claims	Where a worker has suffered an injury and the employer is uninsured, the claim will be managed by icare through the Uninsured Liability and Indemnity Scheme (ULIS).