



Form 9B - Appellant's Statement of Facts and Contentions
Physical and/or Secondary Psychiatric/Psychological Injuries

Version 1

Appellant: **MARK WINTER**

AND

Respondent: **WORKERS' COMPENSATION REGULATOR**

Nature of Appeal

1. The Decision subject of this Appeal is the Review Decision of Workers' Compensation Regulator (the Regulator) dated 7 July 2015. In that Decision, the Regulator set aside the original decision of WorkCover Queensland to reject the Appellant's application for compensation in respect of a claimed injury to the Appellant's left knee which is said to have occurred in the course of his employment with Landscaping R Us Pty Ltd (Employer) on 12 January 2015.

Background

2. The Appellant has been an employee of the Employer since 1 May 2001 as a landscaper.
3. The Appellant's duties include excavating soil, laying turf, establishing gardens, building retaining walls, installing and/or maintaining irrigation systems and laying garden edgings.
4. On 12 January 2015, the Appellant was requested by his manager, Mr Shane Sand, to attend to landscaping duties in a property in South Mackay. In the course of laying turf, the Appellant tripped, fell on the ground and injured his left knee.
5. After the Appellant's fall, and despite feeling the pain in his knee, he continued to work and finished his shift on the day.
6. On the following day, although feeling some pain in his knee, the Appellant attended work as normal and finished his shift for the day.
7. On 14 January 2015, the Appellant attended his local medical centre, Medicos on the Go, and complained of the pain in his left knee. The General Practitioner, Dr Anthony Chi, gave the Appellant a medical certificate and advised him that he should be off work for at least 5 days.

Appellant's Statement of Facts and Contentions	Name:
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8. Following his visit to the medical centre, the Appellant called Mr Sand and left him a voice message to advise him that he had injured his knee and that he would be off sick for 5 days.
9. The Appellant returned to work on 19 January 2015 and notified his supervisor, Mr Sand, of the injury and incident which occurred on 12 January 2015, completed an Incident Report and gave it to Mr Sand which he then signed.
10. On 5 February 2015, the Appellant filed an Application for Compensation for his left knee.
11. According to the Reports from Dr Chi, General Practitioner and Dr Peter Land, Orthopaedic Surgeon, the Appellant has sustained an injury to his left knee identified as a lateral meniscal tear to the left knee.

Contentions

12. The Appellant contends that he is a worker within the meaning of section 11 of the Act.
13. The Appellant contends that he sustained an injury to his left knee on 12 January 2015. The Appellant relies upon the medical opinions of Dr Chi and Dr Land in this regard.
14. The Appellant contends that the injury resulted from his fall while performing his landscaping duties in South Mackay on 12 January 2015.
15. The Appellant therefore contends that the injury to his left knee arose out, or in the course of his employment, and that the employment is a significant contributing factor to the injury.

Decision Sought

16. That the Review Decision dated 7 July 2015 be set aside.
17. That the Appellant has sustained a physical injury within the meaning of section 32 of the Act, being a lateral meniscal tear.
18. That the Respondent pay to the Appellant the costs of and incidental to the Appeal.

Filed by:

Party/lawyer/agent:

Street address:

Post Address:

Telephone: ()

Fax ()

Other:

E-mail address:

Signed: _____

(party or the party's solicitor)

Description: *(of signatory eg. applicant, appellant, respondent, solicitor)*

Dated: *(insert date)*