

Case Study of an Injured Tasmanian Worker

Peter Murray

Father of two Peter Murray, of Wynyard, was working as a sand blaster/spray painter when, in October 2002, he was badly injured in a workplace accident.

Peter was guiding a steel frame being moved by a crane when the chains holding the frame came off, hitting him and breaking his jaw. He also fractured three vertebrae and suffered nerve damage to his right shoulder. It was later revealed that the chains that came off did not have safety clips.

After being rushed to hospital, Peter underwent x-rays and his jaw was operated on a day later.

All up, Peter spent six days in hospital. His jaw was wired shut for two months and he was forced to eat food through a straw. He also had to wear a back brace and his shoulder was later operated on in 2003.

Although Peter's back and jaw have healed somewhat, he still experiences a fair degree of pain. His shoulder has never fully healed and "hangs in a deformed way". If his shoulder deteriorates any further, more surgery is likely.

As Peter is now unable to lift more than 10 kilograms and perform any overhead work, he cannot climb ladders and is unable to work again in his trade.

He has undertaken a range of voluntary work placements, but this has so far failed to lead to paid employment. Peter is now a full-time house husband and his wife has had to return to work to support their children, aged seven and nine.



Before his accident, Peter enjoyed a range of sports, including indoor cricket and fishing. Owing to his shoulder injury, he finds it extremely difficult to partake in these activities, and his back also seizes up if he stands for too long.

Because of the changes to workers' compensation laws in Tasmania, Peter was not eligible to claim a common law damages payout as he did not meet the 30 per cent whole person impairment threshold. He has received some compensation, but the accident – and loss of employment – has placed significant financial pressure on his family.

Peter believes he should have received more compensation. "A friend of mine suffered a shoulder injury in a similar accident before the changes to the law," Peter recalls. "Although his injuries were not as severe as mine, his payout allowed him to enjoy more quality of life than I ever will."

For more information visit www.taslawsociety.asn.au/tort

Fairer Compensation for Injured Workers

