

APLA Exchange

Can you help?

We act for Ashley who in 1988 when he was aged 8 got his hand caught in the cogs of a moving irrigator causing three of them to be amputated.

We were wondering whether any Australian or International APLA Members know of any action that has been taken in respect of the 70 series Hydrostatic mover (travelling irrigator) or against:

Wade Manufacturing Co
Division of R M Wade & Co. Tualatin,
Oregon U.S.A.

or the Australian importers:

Rodney Industries Pty Ltd
120 Delta Street Geebung QLD 4034

We look forward to hearing from anyone who can help by contacting:

Paul Akon, Palmers on (068) 52 1211
or by DX 3251 Forbes

I am presently acting for a woman whose intellectually retarded 15 year old daughter was placed in the care of the Queensland Department of Family Services.

It appears, and it is our client's allegation, that while her daughter was in the care of the Department her daughter was allowed to travel away from her foster carer with two other girls and three older men. At least one of the men appears to have been previously convicted of sex offences. Whilst in the company of these men our client was abused by one of the men.

My client is interested in taking action against the Department of Family Services and I would appreciate the opportunity of speaking to other APLA members who have taken action against the Department or had clients contact them with a similar claim. Please contact:

Richard Carew,
Carew & Company
(07) 3236 1528

We have a client who underwent an anterior spinal fusion from C3 to C6 in May 1993 using the material known as synthes plating. Shortly thereafter the upper fixation screws migrated through the C2/3 disc space to lodge in a position in the middle of the C2 vertebral body.

We have been told by another solicitor that the operating surgeon has reported other incidents in which this has occurred. There are also other incidents currently awaiting litigation where this material, when used for fusions, has broken.

Does anybody have similar matters in their files and does anybody have reports on this product from the United States of America?

If any members can help please contact:

Ms Lindsay Smith
Morris, Pearce & Meister
(08) 231 1933

My client was injured on 30.10.91 in Victoria in the course of employment. He was absent from work for several weeks and then returned to active employment. In 1994 his condition deteriorated and he has now undergone numerous surgical procedures to his spine.

For common law purposes I requested and received a serious injury certificate from the WorkCover insurer, settled several Section 98 claims and then issued common law proceedings. The defendant insurer's solicitors are now alleging that the provision of the serious injury certificate "was not intended and was a slip".

If anyone has experienced similar action by a Victorian WorkCover insurer please contact:

Justin Burke,
Capell Burke Solicitors,
(053) 31 1122

The facts of the matter involve a partial head on collision with another vehicle and my client's vehicle being a 1984 Toyota Tarago van. This was driven by the plaintiff. Upon impact the van, after one very short moment, exploded into flames. There were several deaths involved whilst others were very badly burnt. It was noted that the off side rear caution bar mount had severed on impact and punched through the upper area of the fuel tank. It is considered that this has caused the explosion.

We are seeking comment from any practitioners who may have had occasion to consider a vehicle defect claim in this nature.

Please contact Adrian Kiely,
Rutter Morgan & Co.
on (049) 51 2066

APLA Exchange continued over on page 24.

APLA Exchange

Continued from page 23.

We have received instructions to act on behalf of a man who sustained personal injury after being struck by a golf ball on a golf course on the Central Coast.

The writer requires an expert on golf course design who would be able to provide an opinion and a report as to whether the layout of the course in question was dangerous. If anyone knows of any golf course design experts please contact:

Alan Bingham,
Bingham Turnell Coach
(043) 42 1277

We act for woman who suffered injury to her back while using a piece of exercise equipment called ABFLEX. We would appreciate it if any member who has been involved in or has heard of cases of injury following the use of ABFLEX would call:

Robert Foggo
Baker Love Solicitors
(049) 26 1211

State Presidents of APLA

NSW President: Catherine Henry
MacMahon Drake Balding
Telephone: (02) 267 3722

QLD President: Peter Carter
Carter Capner, Brisbane
Telephone: (07) 3221 1833

VIC President: Angela Sdrinis
Ryan Carlisle Thomas
Telephone: (03) 9654 3844

SA President: Nick Xenophou,
Xenophous & Co.
Telephone: (08) 336 8888

WA President: Sukhwant Singh,
Smith Williamson and Singh
Telephone: (09) 325 7755

ACT President: Michael Higgins
Higgins Solicitors
Telephone: (06) 248 0488



- *New service options*
- *Cost effective quality service*
- *Measurable objectives & outcomes*

For further information on
NatCover Services contact:

NatCover

Level 4, John Oxley Centre
339 Coronation Drive
MILTON Q 4064

Telephone (07) 3217 6455

Facsimile (07) 3217 6686

Total Injury Management

NATCOVER offers a range of services to meet your client's needs. These services include assessment, reporting and rehabilitation case management, specialising in Worker's Compensation & Compulsory Third Party claims.

Our objective is to facilitate the early intervention in injury cases, leading towards a successful rehabilitation outcome. Thus returning the individuals (as much as practicable) to pre-injury status, including physical, psychological, social and occupational needs.

Our professional health team and expertise spans all facets of injury assessment and management, co-ordinated through a single delivery system.

- Functional Capacity Evaluations
- ERGOS Work Simulator Assessment
- Medico-Legal Assessments
- Vocational/Educational Assessments
- Home Assessment & Provision of Assistive Devices & Equipment
- Attendant Care services... in-home care services and cost of care comparison
- Redevelopment and Retraining