

APLA Exchange

Laparoscopic procedure

We are acting for a woman who underwent a laparoscopic procedure to check for ovarian cysts. Our client contends that during the operation her bowel was cut by the gynaecologist performing the surgery. She has since suffered numerous complications. Have any other members handled similar cases? We are particularly interested in hearing about medical experts who may be able to provide reports.

Please contact **Dylan McKimmie** at Carew and Company, PO Box 328 Brisbane Roma Street, Qld, 4003 **Phone** 07 3236 1526. **Fax** 07 3236 1628
E-mail carewco@ozemail.com.au

Microcephaly

Client, the mother of a microcephalic child, became pregnant for the second time and was advised by medical practitioners that microcephaly could be diagnosed by ultrasound. Failure to diagnose; second microcephalic child born.

Members who have encountered similar claims please contact **Rhona Millar** at Cridlands, Northern Territory Lawyers, GPO Box 1302, Darwin, NT 0801, Australia.
Phone 08 8943 0400, **fax** 08 8981 7020.

Defective footwear

We act for a person who was issued with gumboots for work. Walking in the gumboots caused an ankle infection which subsequently developed into septic arthritis and consequentially into a destructive arthritis resulting in the ankle being fused. We would appreciate any information concerning the unsafe nature of gumboots worn at work and/or the name of any expert in this field that may be prepared to consider the circumstances surrounding our client's injury.

Please contact **Gerard Murphy**, McCowans, PO Box 2391, Southport, Queensland 4215, **phone** 07 5531 4444, **fax** 07 5531 3999.

Bicycle helmets

We act for a client who was severely injured as a result of a bicycle accident. It appears that the helmet worn by our client came off in the course of the accident, despite being properly fastened. The helmet in question had an Australian Standard Approved sticker on the back. We note that the Standard number is the same as that found on other, quite different, helmets. After the accident, members of our client's family apparently tried pulling the helmet off their heads with the straps fastened and found that they could do so. We would appreciate information from any APLA members about helmet standards or any similar claims.

Stuart Wilson, Shine Roche McGowan, Toowoomba.
Phone 07 4638 5777, **fax** 07 4638 5481, email law@shine.com.au

Paedophilia

I would appreciate information from any member who has undertaken work in group actions against paedophilia and its cover-up.

Please contact **Jonathan Nolan** in Darwin, **phone** 08 8932 7733.

Medical examinations

I act for a plaintiff who was involved in a motor vehicle accident some years ago, when, as a minor, she was struck by a bus.

The solicitors for the defendant required the plaintiff to undergo a psychiatric evaluation.

When our client attended a psychiatrist in Brisbane in December 1997 she was required to sign two forms, the nature of which were not fully explained to her.

During the course of the evaluation our client was told by the psychiatrist that he required her to have blood testing done to find out whether she was on any form of drugs. My client was given little or no opportunity to object to this. When she attempted to do so, the psychiatrist said, "It is better for everyone if we do this". Our client then said (words to the effect) "How come none of the people I have seen before have done this?" To which the psychiatrist said, "They are not doctors. I am a doctor. I am a physician." The lady in question then sought to telephone my office but was simply not given the opportunity to do so. To add to the indignity, the psychiatrist then asked to see where on her body the blood testing had taken place.

Although I acknowledge that the lady in question probably technically consented to this procedure, she did not know what she was consenting to at the time.

Further, there was a clear power imbalance. The lady in question, although intelligent, did not know the law or her rights and felt that she was not in a position to object.

Anyone with information on similar incidents is invited to contact **Robert Puryer** at Puryer & Co, GPO Box 1187 Brisbane Qld 4001, **phone** 07 3229 9566 or **fax** 07 3229 9458.

Harrassment in the workplace/ construction of racetracks

I require assistance as follows: I am running a matter where a lady was harrassed by work mates to the point of complete mental breakdown and cannot work any longer. I need to know of anyone who has run a matter at common law against the employer for failing to provide a safe workplace.

Further I also need expert on the construction of racetracks for a trackworker who was thrown into what should have been a collapsible rail but instead hit solid steel.

Many thanks to any reader of Plaintiff who can help me.

Terence O'Riain, Border Attorneys, Suite 326/479 Olive St, Albury, NSW 2640

Tel 0500 887 529 **International** 02 6041 5190 **Fax** 02 604 15190

Email tor@albury.net.au

Parachuting accident

I act for a client who was injured in a parachuting accident at Picton, NSW. Information on this type of accident and/or appropriate experts to contact would be appreciated.

Tom Goudkamp, Stacks the Law Firm with Goudkamp Mahony, Sydney.

Phone 02 9223 6155 or **fax** 02 9223 6323.

APLA Exchange gives APLA members a chance to share information on special issues or products relevant to their litigation. If you would like to submit a request to APLA Exchange, contact Tanya Simpson at APLA on **phone** 02 9415 4233. Your query is guaranteed to be read and considered by your colleagues!