

APLA Exchange

Failure to give way in a motor accident case

Robert Harris & Co seeks the assistance of APLA members in a most difficult accident case.

Our client is a young girl from a regional town with a population of approximately 80,000. The girl finished work as a barmaid at 10pm and was travelling home by car at 10.15pm. One block from where she worked, she approached and entered an intersection which was not governed by any form of traffic control. The intersection is one through which heavy trucks regularly travel, as a major transport depot is stationed a short distance away. To the great misfortune of our client, a petrol tanker was travelling through the intersection at the same time she was, and as a result it collided with her vehicle. Subsequently, our client suffered serious head injuries.

At first glance the case seems hopeless, as our client has been breached for failing to give way. However, an engineer and myself approached the same intersection to investigate, and in a period of less than two minutes, two large trucks thundered down from the same direction as the petrol tanker.

Although it looked like a normal intersection in a sprawling network of streets, in fact this intersection was like a highway for heavy vehicles destined for the transport depot.

The engineer and I noticed that immediately after the accident, a "give way" sign had been placed at the intersection and a new white dotted line had been painted on the road. These are now a more clear indication that a driver approaching from the same street as our client did must give way (other than the simple give way to the right rule). These also now indicate where the intersection actually starts.

While we were there, we witnessed a car do exactly what our client did: in fact the driver pulled right out in to the intersection so that he could see left and right. The problem is that there is a large hotel right on the corner of the intersection, to the right, so that drivers approaching from

this street are obscured from seeing the heavy vehicles that thunder down, what is in effect, something of a highway. ■

Would APLA members who have had experience in accidents of this kind, please contact **Cam Schroder** of Robert Harris & Co in Yeppoon, Queensland, on **phone** 079 39 3533.

Stevens Johnsons Syndrome

We are acting for a client who has a potential claim for damages against a medical practitioner in relation to treatment given. Our client suffers minor epilepsy and was placed under the care of a doctor who prescribed Lamictal for fits that our client suffered. The fits did not occur for the first few days after taking this medication but soon after our client developed headaches with further symptoms appearing over a short period of time. Our client continued to take the above prescribed medication.

Our client's condition continued to deteriorate and she was admitted to hospital and was diagnosed as having "Stevens Johnsons Syndrome". As a result of this condition and its severity, our client now requires her parents to take care of her on a full-time basis.

We would appreciate any information on Stevens Johnsons Syndrome - for example, expert advice, articles, information on past assessments, etc.

Please contact **Stephanie Posniak**, Solicitor, at Geoffrey Edwards & Co, Level 4, 45 Hunter Street, Newcastle NSW 2300, **phone** 02 4926 3044, **fax** 02 4926 4801.

CSIRO

We act for a widow of a long-time employee of the CSIRO.

It would appear that the deceased for at least part of his work life with the CSIRO was engaged in laboratory duties which required him to use low level radiation mea-

suring instruments and also possibly to inject low levels of radiation into vegetation.

The deceased died of leukaemia and our client has some beliefs that the leukaemia may well have arisen from the use of those low level radiation measuring instruments, particularly as a fellow employee of the deceased also apparently died of leukaemia shortly beforehand.

From scientific literature and reports in our possession it would appear that there has been considerable debate over recent years as to whether or not exposure to low levels of radiation can be a possible cause of carcinomas and leukaemias.

APLA members with information on exposure to low levels of radiation leading to increased risk of carcinomas or leukaemias are asked to contact the address below.

We would also be grateful for information on any studies carried out upon CSIRO employees who may have been exposed to low levels of radiation in this way, as well information on damages or compensation claims on behalf of CSIRO employees of this description.

Please call **John Sibree**, at Glowreys, the Riverina Law Firm on **phone** 03 5881 3766, **fax** 03 5881 4258, DX 5567 Deniliquin, **email** glowreys@shep.deni.net.au

Bicycle helmets

I am a solicitor in the UK representing a 47 year-old man who has suffered a severe head injury as a result of a road traffic accident which occurred on 7 July 1996. He was riding a push-bike along a country lane, when he was involved in a collision with a motor car. Primary liability for the accident is not disputed. However, the third party's insurers are alleging contributory negligence on the part of my client due to his failure to wear a helmet.

I am in the process of obtaining expert evidence on this issue. In the UK there is no decided authority on this point although I understand a number of cases are pending before the Court.

I am sure that I have read somewhere that in certain states of Australia it is compulsory to wear a cycle helmet and accord-

ingly there may well be decided cases relating to contributory negligence within that jurisdiction. ■

Information confirming this would be greatly appreciated! Please contact **RD Jones** of Gamlins Solicitors & Notaries, 31/37 Russell Road, Rhyl, Denbighshire, Wales LL18 3DB.

Mercury poisoning

Information is sought on chronic mercury toxicity resulting from exposure to mercury amalgam fillings.

Contact **Greg Schipp** at Bale Boshev & Associates, PO Box 122 Hamilton NSW 2303. **Phone** 02 4969 1522, **fax** 02 4969 5284, **DX** 7819 Newcastle.

Aeroplane accident in Papua New Guinea

I am trying to find out if a particular lawsuit was ever filed in Australia, and would appreciate any information that you could offer. An aeroplane accident happened on April 7, 1972 in Papua New Guinea. The plane belonged to the Summer Institute of Linguistics, Nadzab Aerodrome, Papua New Guinea. The pilot's name was Douglas Neil Hunt. I think there may have been a lawsuit brought against the Piper Corporation or AiResearch. Any information as to where I may start a search would be greatly appreciated.

Please contact **L. Shane Seaborn** at Beasley, Wilson, Allen, Main & Crow, in the USA via **e-mail** at shane@bwamc.com or **phone** +1 (800) 898 2034.

Breast implants

If anyone has any experience in dealing with failed breast implants, in particular, Mentor Filtext saline-filled mammary prostheses, please contact:

Michael Laurence at Stacks the Law Firm in Forster on **phone** 02 6554 7766, **fax** 02 6555 4909, **DX** 7108 Forster.

Goodyear truck tyres

Advice is requested regarding this particular tyre: Goodyear truck tyre 8.25R16LT radial G114. Any proposed plaintiff and procedures to obtain particulars regarding product withdrawal.

Please contact **Philip Duffy** at Mitchell & McKenzie, Echuca, Victoria on **phone** 1800 642 555, **fax** 03 5482 5739.

Insecticide claims

Anybody with information about claims brought against CIG in relation to either Insectigas (dichlorvos based product) and Pestigas (pyrethrum based) is asked to contact:

Roland Everingham at Cashman & Partners on **phone** 02 9261 1488.

Prescription drugs

We are seeking assistance or co-operation with any legal firm who may have clients who have suffered from medical complications arising from the prescription of Biaxig (Roxithromycin) together with Digoxin medication.

Contact **Garry Scott** at Klooger Phillips & Co, Maroochydore on **phone** 07 5443 3333 or **fax** 07 5443 7525.

Buckley & Pink's Amusements Pty Ltd

We represent a client who was injured in an amusement park accident at Forster in late December. She was on a ride known as "Force 10" when the engine cut out causing the cage in which she was sitting to move from the outside of the arm on which it was mounted to the inside, crashing against the centre of the mechanism on a number of occasions.

We understand that a number of people were injured in the same incident and we would like to speak to any other firm who is conducting or has conducted a similar claim. ■

If any member can help, please contact **Sharon Alcock** of Taperell Rutledge, DX 7207 Gosford **phone**: 02 4323 3333 **fax**: 02 4323 2186.

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BRISBANE
249 Coronation Drive
Milton QLD 4064

GOLD COAST
12 Railway Street
Southport QLD 4215

Ph: (07) 3842 3104
Fax: (07) 3371 7300