

EAR SAY

Around the courts
with Mark Oberhardt



Next Monday: Don't miss the inside word on sport

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Poor training and behaviour blamed for worker claims

DURING a guest

speaking role Earsay was asked whether publicity about workplace safety had an impact on legal claims. We checked with Graeme McFadyen, head of leading personal injury lawyer Trilby Misso, who said the firm received many claims in the past six months from workers who had suffered debilitating workplace injuries.

"In most cases the injury was a result of workers being asked to do tasks beyond their training or capability, or questionable behaviour in the workplace," he said.

A cross-section included: • A 19-year-old woman working part-time at a McDonald's outlet who was knocked out when a supervisor threw a squeegee cleaning tool toward her.

• A 44-year-old arborist assistant who injured his

back when asked to haul heavy logs manually after a crane broke down.

• A man working in a bakery moving stock from a temporary refrigeration trailer who slipped on a layer of ice on the floor and broke his wrist.

A recent Supreme Court case and subsequent appeal should help weed out unnecessary estate litigation.

McInnes Wilson's succession law expert, Cate Brewer, said a judge reduced the costs payable to an estate because of the executor's conduct in defending a family provision application. The judge found that the obligation to consider the impact of costs on the estate applied with greater force to the executors than to the beneficiaries. The executors appealed on the basis that there was no

Guess they'll just have to cop it sweet

Excuse No 1: The man before a magistrates court who was found with two lots of white substance which turned out to be speed and sugar. Apparently, no one he knew took sugar with their tea or coffee, so whenever he went visiting he took the sweetener with him. As for the speed, he didn't have an excuse.

Excuse No 2: A woman driver who blamed her dog for an accident when she rolled her car.



The pooch may have been playing up and the reason for the accident but having a blood

alcohol reading of 0.15 per cent didn't do her cause any good.

Another criminal mastermind before a magistrates court left a service station without paying for petrol but was quickly pulled up by police. In fact, police originally hadn't realised he had taken the knock on paying for petrol. They had pulled him over because he had altered his number plate. He used red tape to alter a white number.

authority to support the ruling but lost. Ms Brewer said the decision meant the legal personal representatives had a greater obligation than a beneficiary to ensure no unnecessary litigation costs were incurred by the estate.

Brisbane law firm

HopgoodGanim Lawyers continues to make a name for itself in widespread

fields. It advised Australian coal explorer and developer Northern Energy Corporation on a life-of-mine coal agreement with Chinese steel making group Xinyang Iron and Steel Group Company Limited. HopgoodGanim partner Martin Klapper, who led the advising team, said it was a significant step forward for Northern Energy in building a long-

term relationship with the Chinese steel industry and in developing its high-quality coking coal resources.

One thing about courts is that you see something new every day. In the Court of Appeal there was a case involving a traffic accident in which a racehorse trainer's truck, towing a float, hit a car which stopped suddenly.

The grounds of appeal included that the truck was going so slow (10-15km/h) the trainer had plenty of time to avoid the accident. The appeal by the car driver, who lost a District Court claim, was dismissed.

We hate to say we told you so but the new child protection laws governing court reporting are causing mass confusion. While the idea behind the new legislation is admirable it might have been an idea to at least consult those poor simple souls who have to work under the new laws – including judges, magistrates and prosecutors.

An example of why many are worried about anonymously posted gossip on the internet. One site has serious allegations about members of a large Brisbane law firm. Earsay is well aware of the rumours but defamation laws prevent us even intimating them. It appears laws that monitor the media mean nothing to those who post anonymous claims on the

web, even if they are lawyers.

Ipswich continues to be a gem for producing unusual court stories. A man was jailed for four months for a drunken street assault. He was under the weather after celebrating passing a Responsible Alcohol Service course.

Judge Leanne Clare caused a stir on a recent circuit to Warwick when she questioned delays in cases getting to the courts. Earsay hears she had the Justice Department running for annual reports. Apparently, Warwick compares favourably with the rest of the state.

Chief Justice Paul de Jersey will have his walking shoes on when he leads the Walk for Justice in Brisbane on May 17. It is organised by the Queensland Public Interest Law Clearing House and sponsored by the Queensland Law Society and Queensland Bar Association. Information on www.qpilch.org.au.