

Plaintiff practitioners and the media

Peter Koutsoukis, Maurice Blackburn & Co., Melbourne

As any public figure will know, dealing with the media is always fraught with danger. As plaintiff practitioners, we all want to raise the profile of our firms and ourselves and we need the media to do so. The business of “personal injuries” carries natural media interest through personal tragedy, wrongs committed and judicial outcome. Yet Australians do not have a natural empathy with any notion of the importance of common law rights. How many times have you heard lay people express the concern that they don’t want Australia to become like America where, for example, “you can sue McDonald’s if your coffee is too hot”.

The presumption of the general public is that most compensation claims are exaggerated if not fraudulent and the participants are leeches on society. Nevertheless Australians do have a sense of requiring justice to be done particularly where the individual is pitted against the powerful. The media can slant the story for your cause or against it. They can take comments out of context or misquote you. They can even expose you to contempt of court! May I suggest adherence to some basic principles:-

- 1) Always check the wording of a press release carefully. All media is prone to quoting directly;
- 2) It is not safe to run a story during the course of litigation. Concentrate media attention on the com-

- mencement of proceedings and the outcome;
- 3) Ask the journalist to read back your quotes to you to check for accuracy but as this is not usually possible make sure they’re accurate to begin with!
- 4) Fashion your pitch to the form of media, short and punchy for television, more detailed for radio and erudite for print;
- 5) Generally the more media you do the better you become at it. Journalists have an insatiable hunger for stories and if you feed them regularly they will make sure they do the right thing by you.

As well as individual cases, we need the media to aim stories covering issues such as legislative attempts to restrict common law rights. For those you need the longer radio or television interview or the in-depth newspaper article. If you are recognised as a specialist in the field you can approach the media and offer to share your wisdom with them.

Finally, remember that as long as you’re out there fighting in the trenches and sticking your head up, you’re advancing the cause even if it offends Governments, insurers or bruises the ego of others in the jurisdiction along the way.

Peter Koutsoukis, a Partner with Maurice Blackburn & Co, has had several dealings with television, newspaper and radio media in recent weeks.

Elastic straps: dangerous at almost any extension

Dr Len Cubitt, Cubitt & Associates, Melbourne

Elastic straps are in common use for restraining anything from luggage on a trolley to covering a trailer. The elastic straps come as either a single (linear) strap or series of straps (octopus) joined together or in a web.

The fundamental problem with octopus type straps is their ability to store relatively large amounts of energy. If the restraint at the end fails for some reason or if a person carelessly releases one end when the strap is stretched, it will convert the strain energy to kinetic energy instantaneously after the strap has been released. Anyone in the path of the moving strap can be injured.

In Western Australia a 13-year-old child was killed when a strap at-

tached to the front of a line of super-market trolleys struck him in the throat.

A number of tests (load versus extension measurement) were performed on linear straps. At an extension of 600 millimetres if released in an uncontrolled manner, the velocity of a strap can be between 80 and 180 km/h.

The *Australia Standard AS/NZS 1337-1992*¹ describes a test for eye protection safety glasses which involves dropping a ball onto a lens. The mass of the ball dropped is 42 grams from a height of 1.8 metres. This is equivalent to 0.74 Joules of energy. This same amount of energy is stored in an elastic strap when stretched only

3.15 centimetres (1.25 inches).

It comes as no surprise that the typical injuries caused by these flying straps are to the eyes. A full-face mask would be required to protect a person from the impact of this type of elastic strap.

These straps are dangerous at almost any extension.

¹*AS/NZS 1337-1992 Eye Protectors for Industrial Applications, published by Standards Australia 1992 Workwords No 19 December 1996, WorkCover, Victoria.*

Dr Len Cubitt is a consulting engineer from Chelsea, Victoria.

Ph: (03) 9776 1866. Fax: (03) 9776 1766; lenc@peninsula.starway.net.au