

# Grovedale man takes workplace injury case to the top High Court claim

LAUREN PIKE

THE High Court yesterday ruled it would hear a Grovedale man's case for compensation after his arm was severely crushed in a crane accident.

Slater and Gordon lawyer Danny Connor said it was the first win for his client, Brett Dwyer, who has endured a three-year legal battle for pain and suffering compensation.

He said he expected a date for the High Court hearing, in which he could argue Mr Dwyer's case, to be set for next year.

Mr Dwyer, 43, had arm surgery after his right arm was crushed in a workplace accident on March 27, 2000.

To win a compensation claim in court, Mr Connor said, he had to prove his client suffered a "very considerable injury".

He said a County Court judge and the Supreme Court of Appeal had both rejected Mr Dwyer's injury as being "very considerable" without giving reasons, which was why he has appealed to the High Court to hear the compensation case.

"The WorkCover legislation has been drafted to put as many obstacles in front of injured workers and their lawyers as possible," Mr Connor said.

"How fair is it that you can go to work and nearly lose your right arm . . . and not be able to obtain just compensation?"

Mr Connor said Mr Dwyer was working for Calco Timbers Pty Ltd in March 2000 and was using a truck with an attached crane when the injury occurred.

He said his client was unfamiliar with the crane and while operating it the arm of the crane became caught, causing the machine to extend before plummeting to the ground and crushing Mr Dwyer's right arm.

"I was walking around screaming. I was in extreme pain and shock," Mr Dwyer said in an affidavit.

Mr Dwyer had emergency surgery to save his arm from amputation and spent several weeks in hospital.

"The blood in his right arm was causing it to swell and more than likely burst. They (medical staff) had to cut a slit from the top of his arm to the bottom on both the under and upper sides to allow the flesh to come out of the wound," Mr Connor said.

"They had to do that because if they didn't he would have lost his arm."

He said, as a result of the injury, Mr Dwyer suffers constant pain in his arm, which is deformed and permanently bent.

"Here is a man that can hardly brush his teeth or hair. He can not do repetitive movements with his

**'How fair is it that you can go to work and nearly lose your right arm . . . and not be able to obtain just compensation?'**

— Slater and Gordon lawyer  
DANNY CONNOR

arm and no forced movements. He can not lift heavy objects," Mr Connor said.

"When he wakes up in the morning, for the first hour-and-a-half he is in pain. Every morning for the rest of his life he will have pain in his arm.

"For the first couple of months in his relationship with his partner he kept his arm hidden and she was shocked when she first saw it. But apparently that's not a "very considerable" consequence for someone injured under the WorkCover legislation.

"I wonder what Geelong people would think of that?"

Mr Connor said the decisions of the County Court and the Supreme Court of Appeal in rejecting Mr Dwyer's claim were "perverse" and an "injustice".

He said he could not understand why Mr Dwyer's injuries were not considered to be "very considerable".

"In a way he has suffered these injuries for seven years and has been fighting a legal battle for three years. That's a long time but he has got to live with these injuries for the rest of his life and that is a long time," Mr Connor said.

"He is very grateful that we at Slater and Gordon are prepared to back him on this. It's not about the money, it's about the principle."



FIGHTER: Grovedale's Brett Dwyer recovers in hospital after his arm was crushed in a crane accident at his work.



Doctors sliced open Mr Dwyer's injured arm, which had swelled with blood, to save it from amputation.

## MySpace pulls fake McArthur site

MEX COOPER

MYSFACE yesterday removed a phoney profile that ridiculed Corangamite MP Stewart McArthur.

Mr McArthur was surprised to learn on Thursday that the insulting MySpace site existed and slammed it as a "total fabrication and misrepresentation".

MySpace safety manager Maureen Clifford said the profile was taken down from the social networking website yesterday.

"We weren't contacted, we

**'As soon as we saw the (Geelong Advertiser) article we took down the site.'**

— MySpace safety manager MAUREEN CLIFFORD

took it down on our own initiative," she said.

"As soon as we saw the (Geelong Advertiser) article we took down the site and that is one of the benefits of MySpace.

"The site was obviously a parody and it is the thoughts of (some) young people in the area but people who are familiar with MySpace recognise when sites are a fake or a parody."

Ms Clifford said anyone who found a sham profile of themselves should contact MySpace through its website.

MySpace is littered with fake pages including profiles of Geelong footballers as well as Labor and Liberal politicians including Prime Minister John Howard.

Ms Clifford said MySpace had a specific site, MySpace Impact,

for politicians that only included profiles of those who directly contacted MySpace.

The MySpace website advises people who want a profile removed to send a "salute" — a photo of themselves with their membership number or email address — with their request so their identity can be verified.

But Ms Clifford said if a known person contacted them and it was clear the site was false, it could be taken down immediately.

She said MySpace also featured a link to safety tips on each page.

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