

Health Practitioners

Welcome to the Spring edition of Maurice Blackburn's Health Practitioners newsletter. This quarterly newsletter is intended to keep you up-to-date with some of the recent cases and legal developments, as well as promote discussion around recent issues of relevance to your field.



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NOT EVERYONE CAN READ BETWEEN THE LINES AND IT'S JUST NOT WRITE

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In my early twenties I found myself visiting Yatala maximum security men's prison in Adelaide.

A relative had made some very bad life decisions and had

been convicted and sentenced to some quality time in the "big house".

I have always held the belief that a person's actions do not necessarily equate their being. Accordingly I visited my relative to show support.

The visitor's waiting room was full when I arrived. There were many families, absent their fathers, sitting, chatting and marking time. I thought I was in for a long wait but despite the fact that I had arrived after all of these people, I quickly filled out my forms, obtained a locker key, stowed my valuables and visited my relative.

When I returned to the waiting room to leave that day, it was still full with many of the same faces. I didn't understand why, I didn't ask, I just left.

The following weekend before returning home to Victoria, I visited my relative again. The waiting room was, as it had been on my last visit, full. There was no queue.

I was really confused. Why would you choose to come to the visitor's waiting room of a maximum security prison and not actually, once there, visit your friend or family member.

This time though, a young woman, the mother of two small children, approached me. She asked me if I was the police. I wasn't. She asked me if I was a lawyer, I wasn't... yet.

She asked me if I could help her fill in the forms for her and her children.

Of course I could, and did. She said by way of explanation, "My reading and writing isn't good." I had to show her where to sign. She couldn't spell her street name or her suburb. She was 21.

Other people in the room were now watching me. They looked like they wanted to ask for help but were nervous

about meeting my gaze and asking the question.

It struck me that maybe people weren't visiting loved ones because they couldn't fill out the requisite forms. I made an announcement that I would be here for another 20 minutes. If anyone needed help filling in their forms, I was happy to help.

The young mother assured them I was not the police. A queue then formed. I filled in paperwork for approximately 20 people that morning. I felt an enormous sense of happiness watching the waiting room empty as people actually got to see their friends and family.

That morning made an indelible mark on me. It wasn't the visit to a maximum security prison or the shock in a personal sense that someone near and dear to me had ended up in there that I couldn't process. It was the first time in my life that I realised the limitations that illiteracy places on people's lives.

Many of my clients have varying difficulties with literacy. These clients are usually male and left school in the early stages of high school. They have a huge work ethic and pride themselves in having fed and clothed their family despite their literacy issues.



The difficulty for these workers, is that having suffered a serious physical injury they are prevented from returning to an alternate form of employment because of their inability to read and write, or at last the inability to read and write well.

The difficulty for me as their lawyer is that they rarely confess to their illiteracy. I deliberately use the word confess, not because I believe it to be a sin but because they seem to.

So that I can work out whether it is an issue for them, part of my standard client questions in the initial interview now include questions about literacy.

They will often be couched in footy stats or the weather report or whether they need my letters sent to them in larger print, as "I forgot to bring my glasses" is a regular excuse used to explain why they can't follow the tables or the information they're shown.

Often, after the interview, I will get a call from their wife or child telling me in hushed tones that their husband or father can't read and write. Once I know, we can help.

An injured worker's ability to source, read and action information in a difficult legislative system is hard for most people. For those with literacy issues, it is often so difficult that they use up their sick leave, resign their employment and never take the step of lodging a Workcover claim. If they are lucky, they have a supportive doctor, physiotherapist, psychologist or family member who helps them lodge a claim and obtain information and advice. If not, they will usually end up on Centrelink and waiting in the public health queue for medical treatment they should have had in the private system through Workcover.

The Australian Bureau of Statistics 2006 Adult Literacy and Life Skills Survey revealed that there has been little

improvement in the preceding decade in literacy rates in Australia.

The study found that 46 per cent of adult Australians had literacy scores below the minimum level needed to function well in life and work. Numeracy was worse with 53 per cent of Australian adults falling below the minimum level.

'For those with literacy issues, it is often so difficult that they use up their sick leave, resign their employment and never take the step of lodging a Workcover claim.'

If you know someone who needs assistance with literacy, encourage and support them to take the first step to get help. There are many programs in Victoria that are easy to access, funded by various levels of government and effective in their methods. If that all seems too hard, then get them to contact the reading and writing hotline on **1300 655 506** or visit **literacyline.edu.au**. Every step towards better literacy is a worthwhile one.

THE ACCC BRUSH THE DUST UNDER THE CARPET

How does an automobile maker get around laws that have been in place since 2003 that ban products containing deadly asbestos from being brought into the country?

In the automotive manufacturing industry and to those that have to deal with the impact of asbestos diseases, it has been a highly topical question recently, with reports that thousands of budget-priced Chinese vehicles made by Great Wall have asbestos gaskets in them.

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The ACCC's response to the recent Great Wall asbestos gaskets revelations was completely underwhelming and quite disappointing. Simply requiring a sticker to be placed in the engine bay to indicate the presence of asbestos is not good enough. The gaskets that sparked outrage, while not a danger to drivers or the public at large, do pose a health risk for mechanics that come into contact with the gaskets. Put simply, all asbestos dust exposure introduces the risk of mesothelioma, and the ACCC could have called for a thorough program requiring the removal of the materials,

yet it chose not to. Their response was certainly not in line with the recent Asbestos Management Review Report (www.deewr.gov.au/WorkplaceRelations/Policies/AMR) delivered to Minister Bill Shorten.

The report recommends action to make Australia asbestos-free and reduce the burden of asbestos related disease by 2030, which Maurice Blackburn fully supports.

Episodes such as the Great Wall debacle demonstrate that the aim is a bold one and will require a Herculean effort from all levels of government and the private sector to achieve. Asbestos will continue to kill thousands of Australians until we address the hazards posed by asbestos in buildings everywhere. Decisive action will be needed if we are to limit and eventually stop workers and home renovators being exposed. Asbestos management is often put in the too-hard basket, and that is not good enough, hopefully the Asbestos Management Review Report will draw a line in the sand.

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