



THE 2017 - 22 MOCK TRIAL PROGRAMME

The Program

Michael Down and Nikki Cassar of Mills Oakley will lead a program of mock trials that highlight the negligence issues Councils face associated with roadworks, particularly when contractors are used.

The mock trial is based on a real case in which Mills Oakley acted for Council.

A Statewide Mutual Initiative

To ensure all members have equitable access to the program the Statewide Mutual board are subsidising the costs to engage our legal partners, leaving members with a small registration fee to cover catering and room hire.

The mock trial program is an invaluable opportunity for us to provide education to members on court protocol, operational risk management systems and the importance of information management principles.

The Scenario

Roadworks, contractors and motorcycle riders – what could possibly go wrong?

A motorcycle rider sustains serious injuries when he loses control of his motorcycle on a winding country road. There are no witnesses to the accident and the motorcycle rider has no memory of it.

Council was the road authority and had carried out work on the stretch of road prior to the accident.

Council had also engaged a contractor to apply a new bitumen surface to the road and sweep the road surface in order to remove loose material.

The road was then opened to traffic without lines being marked on the road, without warning signs indicating new work, or any signs suggesting there was loose material on the road. The motorcycle rider's accident happens over a month after the works are finished.

Who is at fault? Council, the contractor, both, or neither? All will be revealed in this new and exciting.