

APLA WA report

It is particularly disappointing to note the very limited number of WA members attending the **National Conference** in Queensland. It is still not too late and I urge WA members to take a well-earned break from work and at the same time pick up valuable information and practical skills freely available at the conference. I have urged many members personally to attend and I still have a number of conference brochures which can be delivered to members. I look forward to seeing more members at the Queensland Conference.

APLA was invited by the Principal Registrar of the District Court, Mr Michael Harding, to a detailed discussion on 10 September 1997 regarding procedural improvements to the **pre-trial conference procedures** in the District Court. In attendance were Mr Harding, Acting Principal Registrar Mr Kingsley and Deputy Registrar Ms Wallace. APLA was represented by Matthew Glossop, Donna Percy, Simon Walters and myself. The focus was on improvements to the pre-trial procedures and a report will be provided to members at the next APLA Sunset Seminar.

APLA continues to be involved in **Civil Procedure Reform** and to make submissions to the Committee headed by His Honour Judge Blaxell. The SGIC has put forward various suggestions for reform which were debated by members in May 1997 and, with some reservations (particularly focussing on the conduct of insurers), members agreed that reform was necessary for the *real* benefit of injured persons. A report to members will be provided at the next APLA Sunset Seminar.

I was approached by Channel 9 as APLA (WA) President to provide my views on the **Criminal Injuries Compensation system** in Western Australia. I was interviewed on Thursday

2 October 1997 and the programme was on air as part of news coverage on Monday 6 October 1997 at 6.30pm, entitled "A System in Crisis". I was asked to comment, from my clients' point of view, on the weaknesses of the system and I highlighted the following:

- a) the system is under-resourced and it takes between 2-3 years for an assessment to be completed by the assessor;
- b) there is an extremely long wait (although a brief letter is received from the assessor indicating the applications being dealt with according to dates). However, no prior warning is given when the assessment is made with no invitation to update submissions and claims. Quite "out of the blue" a written award is received leaving no opportunity for negotiations in respect of the amount of the award;
- c) the only option left for an injured claimant after an award is made is by way of a long and expensive appeal to the District Court. There is a need for an efficient and cost effective internal review procedure;
- d) the award is all inclusive and no breakdown is provided as to pain and suffering, loss of earning capacity, medical expenses (past and future) and other associated expenses. The claimant is left with no explanation as to what the award is made up of;
- e) the maximum amount of the award in WA is \$50,000.00, being a sum which is fixed and not index linked and no increases in the sum have been made since 1 July 1991. The maximum sum is *inadequate* and in these circumstances a claimant is justified in feeling:
 - i) that he / she has been "*led up the garden path*" in the belief that the system provides fair compensation and recognises the victim's trauma arising from the criminal offence;
 - ii) many victims of crime feel that the award is a "*slap in the face*" and it is my personal experience that many suffer aggravation of the psychological sequelae arising from the criminal act as a result of a low award (with the victim believing that society really doesn't care).

I concluded that the system itself was working and workable but was presently in crisis and required improvements and refinements to it with a focus on a real understanding of victim's trauma and loss consequent on the commission of a criminal offence resulting in injuries. ■

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APLA Membership as at 30 September 1997

NSW	360
Queensland	243
Victoria	168
South Australia	51
Western Australia	27
ACT	15
Northern Territory	13
Tasmania	9
International	36
Total	922