

APLA NSW report

Catherine Henry, Sydney

The NSW branch of APLA had its 1997 AGM on Wednesday 3 December 1997. The following members were elected to Committee positions:

President	Catherine Henry
Secretary	Rebecca O'Connell
Treasurer	Jay Anderson
Members	Diana Farah
	Tom Goudkamp
	Martin Bell
	Terry Stern
	John Watts
	Armando Gardiman
	Anne-Maree Tsoa-Lee

The following is the President's report given by Catherine Henry at that meeting.

1997 has been a very significant year for APLA's NSW state branch. The financial membership this year has almost doubled with the result that NSW members constitute in excess of 40% of the national membership. The NSW branch has only been operational since the end of 1995 and at that time, there were only 109 members. Closing this year with 400 members out of 980 members nationally is therefore particularly pleasing.

One consequence of the rapid growth in NSW is the very heavy administrative demands that a reasonable membership creates. When APLA was a small group in this state and indeed nationally, the administration side of the association was significantly less onerous. This year, three busy practitioners carried out the role of NSW Secretary. I would like to thank Helen Tsirikas, Bill Madden and for the last four months of the year, Terry Stern, for the time which they gave to this relatively thankless task.

Continued membership growth is vitally important to the financial viability of the branch. At the National Council meeting in March in Canberra this year, it was resolved that 20% of subscriptions

collected in respect of new members each month would go back to the branches. Receiving a steady stream of funds each month from the national secretariat in this way has certainly assisted us in carrying out the various member services such as monthly Litigation at Sunrise seminars and regular broadcast faxes on particular issues which require immediate publication.

APLA seminars

APLA's Litigation at Sunrise seminar program is one of the principal membership services conducted by our branch. This year, there have been ten seminars covering such diverse topics as specialised areas of medical negligence litigation, updates on workers compensation practice and conciliation procedures, as well as a very colourful address by Tim Robertson, Barrister, on environmental health litigation. All seminars have been run at the NSW Law Society. We have found that a standardised venue, time and format seems to work well. As I am aware that there are those who are not able to make the early morning time-slot either because of family commitments or due to their practice locale, we ensure that papers are made available (even if not at the actual time of the seminars). This is advertised in each issue of *Plaintiff*.

As for those who have been involved in the organisation of the breakfast seminars, thanks are due to Diana Farah of Carroll & O'Dea for her sterling performance in the organisation of speakers and papers and also to Anne Stewart who ably dealt with the bookings and venue. I would also like to thank LBC Information Services who kindly contributed towards the cost of putting on these seminars and Tom Goudkamp, one of the committee members, for facilitating that sponsorship.

Regional conferences

Non-CBD members who have personal injury practices and who miss out on these opportunities for the sharing of knowledge are of concern to us. For that reason, in 1997, a regional seminar program was initiated. Two full-day Saturday conferences were held, the first in Newcastle in May and the second in Camden (in south western Sydney) in August. The program was more or less repeated and included both "bread and butter" topics as well as new emerging areas of personal injury litigation such as chemical injury and sexual abuse litigation. I am particularly grateful to the speakers, who gave their time on two separate Saturdays.

It is my hope that APLA NSW will run similar conferences next year. I have made contact (for the purposes of pre-publicity in advance of the National Conference) with each of the regional Law Society Presidents and at this stage, it looks like events in Lismore and Wollongong will go ahead. The bottom-line financial figures for each of the regional seminars belies that fact that each contributed to a very significant degree both to increased membership and awareness of the existence of the Association and its benefits.

1997 has been a typically busy year in relation to issues and lobbying. APLA monitored and lobbied during the period leading up to the introduction of the new legislation involving the District Court transfer. After the event and on a continuing basis, APLA has been involved on the joint Law Society committee which is monitoring the effect of the transfer. In September, we were the first group to arrange a direct dialogue with Judge Garling and arranged to have him speak on the effects of the transfer and to explain how the court was to cope with the deluge of cases.

The Grellman Report

Each year seems to witness some challenge to existing workers compensation procedures and this year has been no different. The current proposal before us is the privatisation of the compensation system. The Grellman Report has been recently issued and yet again, Michael Concannon has stepped in and assisted APLA with a speedy response to the recommendations contained in the Report. In addition, a regional member from Albury, Don Cameron, represented the interests of APLA at an Insurance Council forum to discuss the Grellman Report. At the recent APLA National Conference at Cooloom, Don was instrumental in establishing a national-based Workers Compensation Special Interest Group to monitor workers compensation changes around the country. Undoubtedly, APLA NSW will be able to feed off this group.

Lobbying

Those of us who are involved in the medical litigation area have been following

the progress of the joint state government review of medical liability. Far from just sitting back and waiting for the government to release its findings, we are lobbying the relevant bureaucrats to have an open forum so that we can have a public opportunity to ridicule the untenable position taken by the combined might of the medical defence organisations in their joint submission.

Also on the subject of medical negligence, we have started this year in NSW to become active within the Medical Negligence Special Interest Group primarily due to the efforts of Rebecca O'Connell of Blessington Judd. Another local practitioner, John Watts, of Champion & Partners, is to coordinate this group at a national level and hopefully we will see the emergence in the year ahead of real cooperation on issues which affect us all. If APLA NSW could have only one success as a group, the discretionary indemnity issue would certainly be a most worthwhile one.

In 1997, APLA has worked hard to establish a presence in all relevant forums

where the interests of our clients and therefore our members have been affected. We have clearly succeeded in that objective. Indeed, the fact that the leading medical press publication, *Australian Doctor* is currently going to print with a special feature article on APLA and that APLA was contacted here in NSW first means that we've succeeded in our mission to become a real force. Various meetings have been held to establish working relationships with interested groups and associations including the Law Society, the Attorney-General, the Director-General of the Attorney-General's Department, the Justice Research Centre, the Law Foundation and the Australian Competition and Consumer Commission.

Here's to a similarly successful year in 1998 and thanks to all those who have assisted during the course of this year. ■

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APLA NT report

James Hebron, Darwin

APLA in the Territory has been concerned primarily with the reform of the legislation which has already done away with large slabs of common law rights. Many people do not realise that there are no actions for damages in favour of Territory residents as a result of motor vehicle accidents, and no action for damages lies in the Territory in favour of any worker against an employer as a result of an injury.

The *Work Health Act* is currently under review and the proposed changes are due to take effect on 1 January 1988. It has been extremely difficult to get a copy of the proposed amendments as the government has been refusing point blank to provide details to any party. Of major concern in the proposed amendments is a ban upon legal representation in the early stages of a claim and its mediation. A response has been provided on behalf of the Law Society however

APLA is in the process of responding to the draft amendments also.

On the common law front, the matter of *Romeo v Northern Territory Conservation Commission* was recently heard before the full bench of the High Court. All Justices sat at the request of the Attorney General for the Northern Territory. The case concerns a young woman who fell over an unfenced cliff in Darwin and suffered severe injuries. The Northern Territory Attorney General was submitting that the High Court should overrule its own decision in *Nagle* and return to the categories referred to in *Aitken*. ■

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