

**ACTIVATE**

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**“...access to quality treatment and rehabilitation services as well as the classification of injury and impairment need to be closely examined to ensure that positive health outcomes are achieved...”**

**O**n 28 August 2001 APLA attended the launch of the “Compensable Injuries and Health Outcomes” Report by Her Excellency, Professor Marie Bashir AC, Governor of New South Wales.

The report indicates that people who seek compensation for injuries often have poorer health outcomes than those people with similar injuries not involved in the compensation process.

The report highlights the complexity of issues faced by injured people in the compensation system and questions the adequacy of the system in providing proper rehabilitation and positive health outcomes for claimants. The report highlights the complexity of issues faced by injured people in the compensation system and questions the adequacy of the system in providing proper rehabilitation and positive health outcomes for claimants.

The research conducted in this area does not, however, extend far enough. APLA questions the adequacy of control groups used in the research detailed in the report and has methodological concerns with the studies carried out so far. It is evident from the report that extensive research must now be undertaken if solutions are to be found.

There are no studies that directly

examine the role of insurance company procedures in health outcomes or studies that compare the outcomes of those whose claims are disputed with those whose claims are not disputed. In the best interests of injured people, the delays in claims handling, access to quality treatment and rehabilitation services as well as the classification of injury and impairment need to be closely examined to ensure that positive health outcomes are achieved for plaintiffs.

Plaintiff lawyers are all too familiar with the stress that injured people suffer as they pursue their legal rights for fair and reasonable compensation. APLA is dedicated to the development of better processes and speedier outcomes for compensation claimants, so long as the entitlements of plaintiffs remain secure.

APLA is concerned, however, at comments in the report that indicate that some plaintiff lawyers are discouraging clients from returning to work until their claims are settled. However, this is unlikely to be wide spread practice among plaintiff lawyers, and doubtful to be a large contributing factor to poorer health outcomes.

The psychosocial effects of compensable injury should not be underestimated and in that regard we welcome further research in this area. **PL**



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On 31 July 2001 the Labor Party announced its policy on medical indemnity issues causing some concern for plaintiff lawyers. APLA was not consulted in the development of Labor's policy and attempts have been made to alert the Shadow Minister for Health, Jenny Macklin, of APLA's concerns. Labor's policy is in favour of capping damages for medical negligence claims, changing the discount rate to the detriment of plaintiffs and there are also concerns with their understanding of how tax-free structured settlements should operate. In light of the looming federal election, Labor's policy should be closely scrutinised and debated.

Public liability premiums have been a hot topic in the media recently. It has prompted comment from politicians in nearly all of the states and territories, and as a result, APLA's Public Liability Special Interest Group has organised to meet with the relevant Ministers and Shadow Ministers to emphasise that the crisis with premiums does not result from increased litigation or excessive awards of compensation. Rather, the collapse of HIH, the poor structuring and pricing policies of insurance companies with regard to public liability premiums in the past, and the insurers' aim to increase profits has led to the ballooning of premiums. APLA stressed that the capping of damages for injury claims will not automatically result in savings being passed on through lower premiums. As insurers again announced huge profits in the last financial year, propaganda limiting compensation entitlements to injured people should be viewed in the light of insurers' strategies to again churn out greater profits.

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