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Editorial

I have had a disturbing realisation - Joe Hockey and I are in agreement on an issue. Further, our accord does not stop at just one issue as Joe and I share an obsession about chairs - he is concerned about falling off one and I want to yank one out from underneath him. Thoughts of assault aside, however, I agree with him that 'no win no pay' cases increase litigation.

Such cases increase litigation by the reprehensible means of allowing access to justice by those who do not have money. The alternative to 'no win no pay' is 'no pay no way', a most effective technique for reducing claims, and might I respectfully suggest that the same principle be applied to resolve the problems with Medicare funding.

When a politician speaks of legal aid it is about providing equality of access to justice. When plaintiff lawyers provide legal aid by running 'no win no pay cases' we promote a lottery for the undeserving (and the clients of the undeserving).



Incidentally, I am always intrigued to read insurance company figures on the amounts that plaintiff lawyers charge for legal costs. These figures raise the burning question - who has my share? (Excuse me, but every so often my self-interest becomes overwhelming.)

We are told that the recent rash of tort reform is in response to public sentiment. I was under the impression that the law of negligence has always been about public sentiment, but now apparently the man from

Clapham has been ejected from said omnibus by Joe Hockey, Justice Ipp, and Helen Coonan et al. Do these people really have their finger on the pulse of Australia? (Well, perhaps the carotid and pressing hard.) I guess it comes down to how you define 'public'.

Does Joe Public (not his evil doppelgänger Joe Hockey) really demand that personal responsibility should be more onerous than corporate responsibility, that doctors' incomes should be subsidised by the government, that it is in the best interests of Australia that rights are lost in order to maintain insurance company profit levels, and that those legal rights which remain should be concealed by advertising restrictions presumably in the hope that they will quietly expire in the darkness...

KASSIE JAMES, TAS