

# VICTORIAN STATE CONFERENCE 2006

By Simon Garnett

Over 100 delegates attended the 2006 Victorian State Conference at the Mantra Erskine Beach Resort in Lorne. Opening the conference, Richard Morrow summarised the branch's work over the past year, including the introduction of the 'serious injury' early resolution conference protocols, revision of the TAC protocols and WorkCover costs protocols, and the branch's input into the July 2006 amendments to the *Accident Compensation Act*.



Eva Scheerlinck, CEO, Australian Lawyers Alliance and Lex Lasry QC

The calibre of speakers was outstanding and included the President of the Supreme Court of Appeal, the Honourable Chris Maxwell, His Honour Judge Bowman of the County Court, the Minister for Finance, WorkCover and TAC, the Hon John Lenders, Shadow Minister, the Hon Bruce Atkinson and Elana Rubín, Chair of the Victorian WorkCover Authority (VWA).

We were pleased to have both our national president, Richard Faulks and president-elect, Simon Morrison, in attendance.

Julian McMahon and Lex Lasry QC presented the keynote address, which reminded us of our responsibility as lawyers to ensure that human rights, civil liberties and due process are not sacrificed for political expediency. This was illustrated by reference to the detention of David Hicks, the torture of detainees immediately following 9/11, capital punishment and the new anti-terrorism laws. Brian Walters SC, President of Liberty Victoria, complemented the keynote address with a paper on the *Anti-Terrorism Act 2005*.

The Shadow Minister's presentation was a stark reminder that, although we may have issues with the current

government in relation to workers rights' and entitlements, the Opposition's policy would bring us and our clients no comfort at all should they win the 2006 state election and, in particular, no guarantee that the right to sue would remain. Nicola Ballenden of People's Rights discussed its campaign in relation to tort reform in the lead-up to the election.

Elana Rubín covered the VWA's improved performance in relation to OH&S and the new benefits package to be introduced in the near future, while Jo Carden explained the role and function of the Ombudsman in WorkCover and TAC. More practical presentations included national standards in practice management, the Superannuation and Insurance Complaints Scheme, issues to consider when defending workers' compensation or TAC fraud, WorkCover and TAC panel sessions and specific case updates. Prof Haddon Storey QC presented a paper on the Victorian Charter of Rights, which was recently introduced into the Victorian parliament, and excellent papers were presented on immigration law, medical negligence, and workplace procedures and employers' duty of care.

The Victorian Branch presented its Civil Justice Award to Julian McMahon and Lex Lasry QC for their tireless endeavours in attempting to protect and enhance the human rights of their clients.

Our dinner speaker was the president of the Court of Appeal, the Honourable Chris Maxwell. His speech was educational, in that we learned what is meant by the word 'performative'; encouraging, in that he urged us to be 'bold in litigation'; and refreshing, in that he promised the Court would simplify its judgments, interpret Acts in a sensible and practical manner and, where there is uncertainty, invited us to approach the Court for discussion and clarification. Outlining the reforms introduced since his appointment, His Honour left us with a strong feeling that we should not be hesitant in prosecuting our clients' cases before his Court.

Many thanks to the conference organising committee, Eva and her staff at the national office and our sponsors; Dolman Bateman, Evidex, Impact Funding, ipac, LawMaster and Lennon's List.

Finally, many thanks to Richard Morrow who will shortly finish his term as our state president. Richard has been a strong and influential president over the past year and has represented the Australian Lawyers Alliance with distinction. ■

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