

National President's report

Peter Semmler QC, APLA National President

Brilliantly organised...

The only difficulty was the fact that there were so many educative lectures running simultaneously...

The high quality speakers and the excellent papers presented made it a great event...

These were some of the comments which APLA has received in a deluge of positive feedback about last month's National Conference in Coolum. Over 300 delegates attended what was undoubtedly the finest personal injuries and consumer law conference ever held in this country. Every one of the 45 carefully selected speakers presented a paper which bristled with cutting-edge commentary on contemporary topics of practical importance to lawyers who act for the injured.

In addition to state-of-the-art advice on the law applied in this country, delegates at the conference were able to hear about developments which are currently taking place in Britain, the United States and New Zealand. Many of the developments in the law and attempts to restrict peoples' rights which have been encountered by our colleagues overseas are likely to surface in this country. The opportunity to hear the way in which such developments and problems have been addressed by plaintiff lawyers in other parts of the common law world was invaluable. Amongst the many international visitors to our conference, particular thanks are due to ATLA President Richard Hailey, APIL President Caroline Harmer, Michael Napier, Les Weisbrod, Kathleen Flynn-Petersen and Leslie Brown.

Apart from the wide range of exciting lectures which were given at the confer-

ence (all of which are on tapes which can be purchased by those who could not attend), APLA's special interest groups in the litigation areas of medical negligence, tobacco, chemical injuries and breast implants met at Coolum, enabling lawyers who handle such cases to draw upon the recent experiences and expertise of fellow APLA members. Three new special interest groups were established in the areas of workers' compensation, motor vehicles claims and representative actions.

Through APLA, lawyers concerned about the erosion of people's rights... can achieve a great deal.

Congratulations are due to Peter Long, who was the recipient of this year's Civil Justice Award at Coolum for his herculean efforts and stunning success in the representative proceedings on behalf of a number of plaintiffs in the Federal Court

earlier this year. Congratulations and thanks are also due to Ron Pearce for his work in organising this year's extraordinarily successful conference and for his preparedness to undertake the organisation of the conference for 1998. Ron has also recently become APLA's National Treasurer.

For APLA members who were unable to attend this year, the 1998 National Conference will be held at Hamilton Island between 15 - 18 October. Planning for that conference is already at an advanced stage. It is likely to be even bigger than the conference at Coolum but will retain the "family friendly" ambience which has been the hallmark of our first two conferences. Repeated studies have shown that, for lawyers who carry the legal and emotional load of acting for people rather than institutions, the best way to avoid burn-out is to take regular breaks. Busy lawyers need to plan such breaks well in advance. For a multitude of reasons you should set aside now this week in mid-October 1998 to attend our next conference at Hamilton Island.



APLA National Executive and Secretariat: Simon McGregor, Policy Officer; Peter Semmler QC, National President; Peter Carter, National Vice-President; Roland Everingham, National Secretary; Tanya Simpson, Member Services Officer and John Peacock, Executive Director. Not pictured: Ron Pearce, National Treasurer; Lee Carmody, APLA Victoria Co-ordinator.

On 2 and 3 March 1998, Sydney will be the host city to the joint APLA/ATLA Birth Trauma Litigation Conference. This will be of particular interest to plaintiff lawyers who specialise in medical negligence cases. It will be an invaluable learning experience for anyone who has an obstetric negligence case. The focus of the program will primarily be medical, with contributions from a number of eminent American and Australia physicians. It will take place at the Regent Hotel and numbers will be limited. Further information about this meeting can be found elsewhere in this edition of *Plaintiff*, or can be obtained from APLA's Secretariat in Sydney on (02) 9415 4233.

APLA's growth continues at an impressive rate. At the end of November

we had over 960 members. However, in order to fund our increasingly ambitious program of services to members and lobbying for the preservation of common law rights, we need to ensure that our growth continues. *I would urge all APLA members to recommend APLA membership to their colleagues.* Individually, personal injury lawyers can do little beyond protecting the interests of their individual clients. Collectively however, through APLA, lawyers who are concerned about the erosion of people's rights generally can achieve a great deal. Our campaign to secure APLA representation at the forthcoming Constitutional Convention and in turn to entrench common law rights within a Bill of Rights is a good example of the way in which APLA can

protect the interests of accident victims in this country.

The ruthlessness and celerity with which legislators can eliminate common law rights was recently illustrated in Victoria. Workers' rights to sue their employers in other parts of the country will be under threat in the coming year. Lawyers who understand must take a stand. By introducing new members you will provide APLA with the intellectual and financial resources which it will need to meet the challenges to the common law system which will undoubtedly occur in 1998. ■



Peter Semmler QC is National President of APLA.

Review of APLA structure

Roland Everingham, APLA National Secretary

Members will be interested to hear of the plans of APLA's National Council to review the structure of APLA to best achieve the objectives of the association.

Form of incorporation

At present APLA is an association incorporated under the NSW Associations Incorporation Act. As a national organisation, this may not be the most appropriate corporate structure. An alternative and possibly better a better form of incorporation for our association may be a Company Limited by Guarantee.

However, of more importance than the corporate structure, is how to ensure that the APLA National Council:

- has the right balance of continuity and new ideas
- represents our membership fairly

Current rules of APLA

APLA is currently governed by the Rules of the Association. If the membership of APLA approves a move to becoming

a Company Limited by Guarantee, this would be an ideal opportunity to review the details of the current Rules of APLA as we draft our Memorandum and Articles of Association.

At APLA's AGM, held on 2 November 1997 at Coolumb, a plan to hold a Special General Meeting to consider the introduction of a position of President-Elect was discussed. *The National Executive has postponed such a meeting to allow for more research into the members' opinions on structure.*

Issues that should be considered closely if redrafting our Rules into Articles of Association include:

- Should national elections be by postal ballot and/or at the AGM?
- How many members should there be in a branch to entitle that branch to a first, second or subsequent National Councillor?
- Should the National Council be chosen by the members directly, the members within their state or the

state committees?

- Should the Office Bearers be elected by the members directly or by the National Council?
- Should there be term limits on Councillors or Office Bearers?
- Will a limit on holding proxies disenfranchise some members?

We envisage a survey of the membership. Analysis of the opinions of members would be used as the basis for amending our current rules into a draft set of Memorandum and Articles to be accepted by the membership at our Annual General Meeting.

Therefore, you can look forward to hearing more of this interesting discussion during 1998. Hopefully, the outcome will be an even better structure to allow APLA to build on the success we have enjoyed in recent years. ■

Roland Everingham is a Partner with Cashman & Partners in Sydney, and is National Secretary of APLA.