

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.