

defence organisations who say that "the current unmitigated trend in litigation in this country will inevitably lead to a crisis worse than that experienced in the United States of America", has set up a medical liability forum to consider restrictions on the rights of people injured by medical negligence.

The Federal Government's Professional Indemnity Review spent four and a half years examining the evidence touching on the need for changes to the tort system as it applies in the health care context. The study concluded that there was no crisis in the number of claims against doctors: rather there was a crisis in the incidence of medical negligence in this country.

In addition to the Federal Government's inquiry, the Victorian Government began its own inquiry into the legal liability of health service providers in September 1995. That inquiry produced a 264 page report on 21st May this year. Its conclusions reinforced those of the Professional Indemnity Review. It found that the perception of the medical profession concerning recent increases in the costs of professional indemnity insurance is not reflected in a significant increase in either the quantity of claims or their quantum. It found that there was no real crisis in the level of

insurance premiums which was impacting on service delivery or was likely to impact in the near future. On the evidence before the committee there was no public benefit in making changes to the common law. The inquiry could find no better formulation to balance the interests of doctors and patients than the current tort system.

In the Northern Territory, not content with eliminating the common law rights of Territorians to sue for injuries sustained in work or motor vehicle accidents, the legislature is now seeking to eliminate the rights of injured workers seeking modest no fault benefits to be represented by lawyers, under changes proposed to the Work Health Act.

It is imperative that we engage in the public debate with the same degree of enthusiasm and sophistication as our opponents have historically done and will continue to do.

As part of an initiative which APLA is taking to refute the suggestion perpetrated by journalists such as Mr McGuinness, that lawyers who act for accident victims are "vultures, scavengers and night-walkers" who do things like "picking over the tragedy of the Thredbo landslide", the National Council of APLA has prepared a code of conduct which lays down a protocol for the professional conduct of our members which will effectively immunise

lawyers in our association from criticism of the kind to which I have referred.

Another step APLA is taking in the public arena to entrench common law rights is to field APLA nominees to the Constitutional Convention in five states. The title of our platform is "Bill of Rights for Australia". If we can achieve a bill of substantive rights in this country we will be able to enshrine access to justice, including common law compensation rights, as a fundamental entitlement of every Australian. At the very least our foray into the constitutional debate is likely to increase the public's awareness of the importance of the right to sue, and the harm which is done by those who seek to legislate such rights out of existence.

I believe that the rapid growth of our association reflects an awareness amongst the lawyers who act for accident victims in this country that the very system within which we work is in danger of extinction. There is no point in attending personal injury law conferences; there is no point in becoming experts in our area; there is no point in honing our skills to win individual cases, if the precious rights to bring such cases in the future are destroyed forever by the proponents of tort reform. ■

Letter to the Editor

Sir,

The Civil Justice Award that was given to Peter Long at the APLA Conference was much more deserved than many people recognise. I have been working with Peter for some thirteen years during which time I have been involved with literally hundreds of personal injury matters with him.

Almost no-one is aware of the enormous sacrifices both of a personal and professional nature that Peter has made to pursue the Helix case. When he spoke at the conference of sleeping in John Rowe's

basement (John being the barrister involved for the plaintiffs) because he could not afford to stay in a hotel, he was telling the literal truth.

What he did not mention is that he has been at work at 3.00am every morning since 1994.

What he also did not mention is that he and one other solicitor, Patricia Howland, albeit with a hoard of paralegals, were very successfully managing some 1200 personal injuries files throughout the Helix case. This is an extraordinary

effort particularly as Peter has funded all of these files from his own resources.

Yours faithfully
Dr Ian R Coyle
Consulting Ergonomist/Psychologist

If you would like to express your opinion on APLA matters, please write to the Editor, Plaintiff, GPO Box 2658 Sydney NSW 2001.