

National President's page

Peter Semmler QC, APLA National President

In this, the first edition of *Plaintiff*, it is appropriate that I refer to APLA's recent progress and the reason for the changes both to our publication and our logo.

APLA's growth

The Australian Plaintiff Lawyers Association now has 650 members. It is probably the fastest growing, most dynamic and pro-active national legal association in Australia. At a recent meeting, Patrick Fair, the President of the New South Wales Law Society, referred to APLA as "a major player on the legal landscape of this country."

There are good reasons why APLA is expanding so quickly and attracting so much publicity compared to its more conservative counterparts. Not only does APLA offer lawyers who act for plaintiffs unique benefits in the conduct of individual cases, it is also the only association in the nation which is prepared publicly to say and do whatever is necessary to protect the rights of plaintiffs in the bigger political picture. The various Law Societies and Bar Associations around the country, because of their mixed constituency, can never be so outspoken.

The National Council of our association considers that the new name of our publication, *Plaintiff* and our new logo, better convey our primary concern for plaintiffs and our mission to redress the imbalance between the resources available to tortfeasors on the one side of litigation, and the injured on the other.

APLA's Membership Directory and Web Page

In addition to *Plaintiff*, you should have also recently received your new Membership Directory containing details of all APLA members. I am also pleased to announce that APLA is about to have a presence on the internet. Bill Madden from our New South Wales Branch is putting the finishing touches to an exciting APLA web page.

APLA's Policy Officer

Consistent with APLA's concern about legislative changes which impact adversely on plaintiffs, a recent meeting of the National Council of our association approved funding for a permanent Policy/Research/Communications Officer for APLA. This person will fulfil the important role of researching, preparing and disseminating papers and publish statements on issues which affect the legal rights of personal injury plaintiffs. Through such an officer APLA will be able to give plaintiffs and their lawyers a loud and long-overdue voice on polemical issues concerning the rights of victims to tortious behaviour. By proper research and better communication APLA will be able to counter the propaganda which is fed to both state and federal governments by the insurance industry, business and professional associations about the "claims crisis" and "litigation explosion" in Australia and the alleged need to restrict rights and cap damages to cope with the perceived problem.

Medical Liability Forum

An example of the self-interested submissions on behalf of defendants which APLA must address are the representations made to the New South Wales government which led to the formation of a "Medical Liability Forum" to consider health professional liability "reform" in New South Wales. In inviting written submissions to this Forum the Assistant Director of the Legislation and Policy Division of the New South Wales Attorney-General's Department explained the need for the Forum in these terms:

In recent months, the New South Wales government has received numerous representations from a range of groups and individuals concerning legal claims for personal injury arising from the provision of health care services. Particular concerns have been raised in regard to medi-

cal negligence claims and the cost of professional indemnity premiums.

APLA has made a comprehensive 15 page submission to the New South Wales Medical Liability Forum. In due course our submission will be available on our internet web page for use by other state branches. It is reasonable to expect that the forces which seek to restrict the rights of the victims of medical negligence will not confine their campaign to New South Wales.

APLA's submissions to the Senate Legal Aid Inquiry

On a national level, on 2 April of this year oral submissions were made on APLA's behalf to The Australian Senate, Legal and Constitutional References Committee which is conducting an inquiry into legal aid. Most of the other submissions to this inquiry have concentrated on legal aid for criminal cases. APLA's submissions focussed upon the need for legal aid for people injured due to the fault of someone else who have frequently lost their livelihoods, marriages, houses and health in consequence, and how their need for legal aid is just as important as that of divorcing couples and people accused of crimes.

Nick Xenophon, the president of APLA's South Australian branch since its inception and member of APLA's National Council has resigned from both positions to give himself time to pursue a career in politics in South Australia. His efforts on behalf of APLA in that state are greatly appreciated. Similarly the efforts of Michael Higgins in the ACT should not go unnoticed. He arranged a very successful launch of APLA's ACT branch in Canberra last month.

Details of other state and territory APLA branch activities can be found elsewhere in this edition of *Plaintiff*. We welcome contributions from APLA members for future editions of *Plaintiff*.