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## APLA National Council

Peter Semmler QC	<i>National President</i>
Peter Carter	<i>National Vice-President</i>
Roland Everingham	<i>National Secretary</i>
Ron Pearce	<i>National Treasurer</i>
Catherine Henry	Stephen Lieschke
Brian Donovan QC	Ruth Carter
Audrey Jamieson	Sukhwant Singh
Geoff Coates	Matthew Glossop
Rob Davis	Michael Higgins
James Hebron	

# President's report

Peter Semmler QC, APLA National President



Peter Semmler QC

*Having had the honour of being APLA's foundation National President since May 1994, I have decided to resign from this position at the April 1998 meeting of the National Council, to be held in Adelaide. The National Council will then appoint a new National President to fill the casual vacancy until the Annual General Meeting of the Association at Hamilton Island in October.*

I believe that this is an appropriate time for me to leave the leadership of the organisation. We now have over 1,000 members and a secretariat with three full-time and two part-time staff. We are about to employ a media officer, who will raise the profile of the association even further.

It has been a pleasure to have been part of a team which transformed a fledgling group of lawyers with a shared commitment to the interests of the injured, into the healthy, vibrant, and dynamic association of which we are all members. Although I have considerable regrets about leaving the leadership of the association, I consider it is the correct thing to do after four years. The association will undoubtedly benefit from the new energy and focus of my successor; and from a personal perspective I shall have more time to devote to my four month old daughter Sophia as well as to my practice, and other commitments, including being a Commissioner on the Legal Aid Commission of New South Wales.

It is perhaps appropriate that in my last National President's Report I should review the reasons why APLA was formed and its achievements to date.

APLA was conceived by a small group of lawyers from all parts of mainland Australia who wanted to level the playing field in personal injury and public interest litigation in this country. It arose out of a recognition of the enormous problems which individuals faced in pursuing difficult but meritorious claims against much better resourced opponents, be they insur-

ers, medical-defence organisations, or governments. It was born of a desire to entrench, indeed enhance the common law rights of the injured, and to facilitate the sharing of information, expertise and experience amongst lawyers throughout Australia who act for individuals, not institutions. In short, APLA's aim was to make meritorious litigation easier for the little people and their lawyers.

Before the advent of APLA, like many of the lawyers who were responsible for its formation, I was concerned about the unfairness of a situation where people injured apparently due to negligence were unable to obtain compensation, not because they didn't have a case, but because they couldn't locate an appropriate expert to prove that case, or because they didn't know that similar cases had been successfully brought in other parts of the country.

I was troubled by a court system which appeared to devote disproportionate resources to disputes between corporations about profits compared to claims for compensation by human beings whose lives had been ruined by carelessness.

I was disturbed by the down-grading of the status of personal injuries cases in courts all over the country. I was concerned about what appeared to be a general lack of efficiency, responsibility and accountability in the insurance industry. Most of all I was alarmed that, when the costs of compensating the victims of negligence escalated, (primarily because of the extent of such negligence in the community,) governments around the country did not hear from the victims and how adversely they would be affected if their rights were restricted. Lobbied by the insurance industry, medical defence unions and other vested interests, governments seemed all too willing to extinguish precious common law rights which had accrued over centuries by ill-conceived

legislation to achieve some short term political advantage. Once removed such rights are rarely restored.

In 1991 I attended a convention in Florida organised by the Association of Trial Lawyers of America, (ATLA) a powerful group of 55,000 plaintiff lawyers which had its origins in a meeting in 1946 in Portland, Oregon of 11 workers' compensation practitioners who were concerned about victims' rights. By the time I first attended one of its conventions, that association had become the second most powerful lobby group in the United States (second only to the gun lobby) and had never lost a battle on behalf of accident victims in the United States Congress. When I attended that convention, and saw what could be achieved when sufficient numbers of lawyers who understand take a stand, I felt like the ugly duckling who had finally found his family!

Inspired by organisations such as ATLA, a nascent group calling itself the Australasian Personal Injury and Public Interest Lawyers Association (APILA) was formed in 1992. By June 1993 its first co-ordinator, Anne Purcell, was appointed. By February 1994 it had 54 members. In May of that year the group incorporated in New South Wales under the name the Australian Plaintiff Lawyers Association.

No legal association in this country has grown as quickly as APLA. Our achievements have been documented over the years in our bi-monthly publication, which began as the APLA Update and is now known as Plaintiff. One of our earliest successes was to save the right to have a civil jury in personal injury claims in New South Wales. It was only because APLA effectively lobbied independents who had previously expressed an intention to vote in favour of the Bill, that the Courts' Legislation (Civil Procedure) Amendment Bill 1994 which would have abolished the right to civil jury trials in personal injury claims in New South Wales, except in exceptional circumstances, was defeated in the New South Wales Upper House in May 1994. It was only because of APLA's intervention that a right which had been enjoyed for over 150 years in New South Wales was retained.

Since its incorporation, APLA has

made oral and written submissions to numerous federal and state enquiries into issues which affect plaintiffs' rights. Particularly important was the evidence which we gave to the Senate Legal and Constitutional References Committee enquiring into the appalling state of legal aid in this country. We have also conducted campaigns in individual states to preserve common law rights, the latest of which was in Victoria last year.

APLA's success to date has not been due to any individual. It has been very much a group effort. Branches of APLA have been formed in every state and territory except Tasmania. One of my last duties as National President will be officially to open the Northern Territory branch of APLA in Darwin on 15 April 1998.

While thanks are due to many, many people for APLA's extraordinary growth and success in less than 4 years, I would like to pay particular tribute to the following people who have held National Executive positions in that time: Anne-Maree Farrell, Sean Millard, Ron Pearce, Peter Carter, and especially Roland Everingham. Roland has devoted an extraordinary amount of time and energy to APLA and much of our success in these critical formative years has been due to his diligence as our foundation National Secretary.

As important as the "big picture" initiatives to protect victims' rights over the last four years have been APLA's services to its members to assist them with the conduct of individual cases on behalf of plaintiffs. Information exchange between plaintiff lawyers in this country has never been better since the establishment of our expert database, our membership directory and our publication Plaintiff. Our Special Interest Groups have enabled lawyers from across the country who have a special expertise or interest in particular areas such as medical negligence or chemical injuries claims to make contact and share information and expertise with other lawyers having a similar interest.

Our regular branch seminars afford the opportunity for lawyers in each state to keep abreast of local developments, the latest cases and legislative changes affecting plaintiffs in personal injuries litigation.

Our recent Birth Trauma Litigation conference in Sydney was a stunning success. And our national conference in October each year has developed an enviable reputation for the high quality of the papers presented by eminent speakers from this country and overseas.

Essential to the rapid growth of APLA and the efficiency of its member services over the last four years has been the work of the enthusiastic and dedicated national secretariat, ably led by APLA's Executive Director, John Peacock. For the last 18 months most day-to-day member enquiries have been handled pleasantly and efficiently by Tanya Simpson as Member Services Officer. Tanya, to our great regret, has recently left for an extended overseas holiday. Simon McGregor, a Melbourne barrister, has been APLA's Policy Officer for the last year and his efforts have contributed greatly to the success of APLA's lobbying on various issues.

Thanks are due to all of the people I have mentioned as well as many others who have selflessly contributed time and effort over the last four years to make APLA an association which was described by the President of the New South Wales Law Society last year as "a major player on the legal landscape of this country". There can be no doubt that APLA in less than four years has become the most dynamic, pro-active and principled legal association in the country. APLA's secret is the strength of the commitment of its members. At a time when other groups of lawyers in this country who lack our focus and ideals are losing members and becoming moribund, APLA is flourishing. This is primarily because our members genuinely believe in the importance of APLA's ambition: to protect and preserve the rights of individuals. It is because of this passionate commitment by its members that I am confident APLA, under a new National President, will consolidate the gains of the last four years and continue to grow. ■

Peter Semmler