

examine and discuss a single document simultaneously, from multiple centres.

Secondly, the ability to link over the web to your secure intranet means you can examine and annotate documents at any time, anywhere – in your office, at your client's, at home or on the road.

Which brings us to the final opportunity offered by electronic document management. With a web-based system, you have immediate access to your full range of documents, including discovery, case notes and legal team communications, within the courtroom.

The reduction in court time offered by such an innovation is the final piece in the cost-minimisation jigsaw.

In the short term, many law firms and sole practitioners view the shift to state of the art on-line systems negatively, in terms of upgrade cost and training time.

However, with the long-term reductions in case-management costs, a good on-line information solution can not only allow you to focus on the intellectual aspect of legal practice, but can significantly alter the decision to proceed with litigation.

Particularly for plaintiff firms, this enhances the credibility of the threat to litigate, which in turn improves your negotiating position. The advantages are obvious. ■

**Greg Wildisen** is a Director of Diskcovery – Australia's premier provider of information management solutions to the legal sector. Diskcovery is also the distributor of Lantern™ Software, developed by Ringtail Solutions, as Australia's first fully web-based legal knowledge management package.

## Recent developments in workers compensation in the A.C.T.

Richard Faulks, ACT



Richard Faulks

*The ACT government have released a discussion paper relating to reforming Workers Compensation in the Australian Capital Territory. At the present time ACT workers enjoy the benefit of full common law rights if injured as a result of the negligence of their employer. Their Workers Compensation entitlements are contained in the Workers Compensation Act 1951. There is no doubt that the incapacity payments available under that legislation are currently inadequate and falling well behind comparable benefits in other jurisdictions. Further there is no proper permanent impairment system under the legislation and no payments whatsoever for psychiatric injury or back injury. Notwithstanding that, the availability of common law rights means that most workers are better off in the long run.*

The discussion paper suggests that

reform is necessary because of the cost of the current system. Interestingly evidence available suggests that premiums in the ACT are lower in real terms than those in New South Wales.

The strategies which are dealt with in the discussion paper include abolition of journey claims and the restriction of common law entitlements. The aspect of the paper dealing with common law entitlements is a little difficult to follow but suggests a capping of common law damages and a threshold based on a whole person impairment of 25%. Clearly this will severely restrict common law entitlements to most injured workers.

The discussion paper does suggest the possibility of introducing a more generous permanent impairment scheme similar to that under the *Safety Rehabilitation and*

*Compensation Act* (Commonwealth).

Further, the discussion paper highlights the current inadequacy of incapacity payments particularly after the first 26 weeks following injury and suggests that after 26 weeks incapacity payments should be set at 65% of pre injury earnings. Clearly this is still inadequate and 10% lower than the Commonwealth counterpart.

ACT APLA members are currently gathering sufficient information to put forward a submission to the Government in relation to the discussion paper opposing, in particular, the abolition of common law rights and the other restriction of workers benefits. ■

**Richard Faulks** is a partner at Snedden Hall & Gallop: phone (02) 6201 8985 fax (02) 6201 8988