

Interesting times



This is my first column as the new National President of APLA. I assume the job with some apprehension about the challenges APLA and its members will face over the next year. There is no doubt that, to paraphrase the ancient curse, plaintiff lawyers live in interesting times. But more of that later!

I extend congratulations to all those APLA members who have been elected, and in some cases, re-elected, to council and committee positions throughout the country. I thank all outgoing committee and executive members for the hard work they have put in over the last year. I also thank all those who have nominated for positions within APLA. Our strength as an organisation emanates from the dedication and courage of our members. You are our power, and with your enthusiasm and commitment we will continue to grow, both numerically and in influence.

In particular I congratulate and thank those who have been elected to branch and national executive positions. At the national level Tom Goudkamp has replaced Ron Pearce as National Treasurer. John Gordon has replaced me

as National Vice President. Tom was NSW President until his election to the National Executive. John, who is now a member of the Victorian Bar, is a long time APLA member and a former partner at Slater & Gordon. Richard Faulks has retained the position of National Secretary. I replace Peter Cashman who has completed two terms as National President.

APLA owes special thanks to Peter Cashman and Ron Pearce. During Peter's time as National President he has had to face many struggles to preserve the rights of our clients. Ron has served many years as National Treasurer. Both Ron and Peter were among the small group of lawyers who first formed APLA. Ron and Peter will continue to play a prominent role in APLA's projects into the future.

I should also mention the special commitment that is made by the many firms who allow their staff and partners to discharge the considerable commitment required on our various state and national committees. That support is crucial if we are to be effective in our struggle to preserve and enhance the rights of our clients. Rights are constantly under threat in Australia. So a special thanks to all firms who support the difficult work that these individuals perform.

While we are on the subject of commitment, I encourage everyone to

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Rob Davis is the National President of APLA and is a partner at Davis Legal & Strategic, PO Box 213, West Burleigh Qld 4219 **PHONE** 07 5533 8576
FAX 07 5533 8777
EMAIL rdavis@davislegal.com.au

for plaintiff lawyers

become more active in APLA. While we have a very skilled and dedicated team of APLA employees, they are merely one part of our success. They cannot work effectively without your input and assistance, and we cannot be effective without theirs. So please give us your help in the next year to both increase our membership base and infuse our organisation with renewed commitment to the challenges that lie ahead.

I have mentioned that we live in 'interesting times'. Over the last 10 years we have witnessed a wholesale attack on the individual rights of ordinary Australians. We have seen common law access either abolished or at least seriously curtailed in every state. First was the attack on the rights of workers to compensation for workplace injury. Then came restrictions on rights to sue for injury caused in motor accidents.

The battle for workers' common law rights has occupied a large amount of APLA's time and effort over the last few years. Sometimes our efforts have resulted in victories, but more often they have merely slowed the progress of those who seek to protect the profits of business by stealing the rights of injured

workers. The most recent and shameful example of this genre is the recent spectacle of the NSW 'labour' government,

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with the support of the so-called 'opposition', abolishing worker's rights to fairly assessed compensation. Certainly the NSW workers compensation scheme is not flash, but it is impossible to blame its condition on workers and their lawyers when perhaps the most profitable

fund in Australia operates to substantial surplus with extensive common law access in Queensland.

At the end of last year we witnessed yet another front open in the battle for citizens' rights. This involved the AMA's campaign to restrict the rights of medical consumers. Increased premiums resulted in immediate calls for 'protection' against lawyers. Many in the media were quick to jump on the AMA's bandwagon, preferring press release journalism to investigative reporting they

uncritically parroted the AMA's claims that blamed increasing 'litigation' and 'lawyer advertising'. As a result, the self-styled guardians of freedom encouraged, yet again, the further erosion of civil rights by preferring media beat-ups to balanced journalism. The AMA's campaign has already paid dividends in NSW with the introduction of the *Health Care Liability Act* this month. This campaign is set to spread to other states during my term as President so I am expecting a tumultuous year ahead.

The irony of the AMA's attack was demonstrated last month when AMA President Dr Kerryn Phelps found time during her campaign against the rights of injured medical consumers to vigorously threaten defamation proceedings against the Federal Health Minister, Dr Michael Wooldridge, for injury to her 'reputation'!

The High Court's recent decision to abolish the ancient misfeasance/nonfeasance rule has caused angst among councils and highway authorities across Australia. I expect we will now see increased lobbying from these groups to restrict common law access for negligently constructed public facilities.

As I said, we live in 'interesting times'. There will be more interesting times ahead this year. ■

Rob Davis