



Jane Staley and Rob Davis preparing for battle!

Setting sail:

I remember the early weeks of this year as I sat planning the activities and operations of APLA for 2002 and beyond, I felt a sense that after some difficult years of internal change and growth we were now ready to take the organisation to the next stage. Little did I know that all my careful plans were about to be thrown out the window. We were indeed about to move into a new stage of APLA's development, but not in circumstances of our own choosing.

On January 21 this year, Minister Joe Hockey pronounced that litigation was out of control and that Australia needed to introduce a no-fault system of compensation. Thus the first political salvo was fired in a battle which had been brewing since the middle of 2001 when the insurance market hardened and premiums began to rise. Since then APLA has faced and fought unprecedented attacks on the injured, their lawyers, and on the very fabric of the common law. More than ever it is clear to me that Australia needs an organisation like APLA to stand up to the misinformation, hype and outright lies which have passed for public debate over rising insurance premiums, and to give the injured a voice.

As I come near to the end of my time as CEO, I see this past year as a critical point not only in the rights of the injured we seek to serve, but also in the history of the association. APLA's ability to respond in a coordinated nation-wide way to current challenges has only been possible because of the hard, but largely invisible work of those members who serve APLA on committees around the

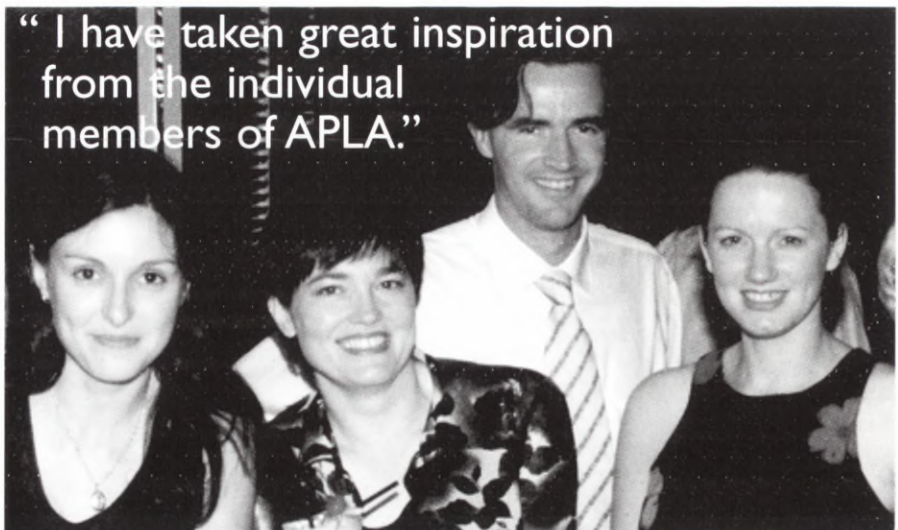
country. APLA would not exist without the dedication of these members, and my job as CEO would have been near impossible without them.

Most significantly, without the foresight of the Council in their vision to create a truly national organisation, APLA would not have been able to respond as quickly and effectively as we have to the current campaign. This issue has unfolded nationally, with governments responding federally and in each state, coordinated through the Heads of Treasury forum. The evolution of the issues and the debate cannot be seen in isolation from the single perspective of one state or territory, but action is nevertheless required in each state and territory to challenge and influence specific legislative proposals. This requires coordination, cooperation and a vision shared by all parts of the association.

The changes to the governance structure and management of APLA's resources which were proposed back in March 2000 have come to fruition in the public liability campaign of 2002. For

the first time we have been able to mount a nationally coordinated response to a nationally coordinated campaign for "tort reform" by insurers, the medical profession and local government lobbies. While we continue to fight above our weight, and take some heavy blows, our combined resources have given us greater strength than had we fought on an ad hoc basis state by state.

Although members will be focussed on the specific changes to legislation in their jurisdiction, it is equally important that APLA continues our internal governance reforms to further strengthen the organisation in preparation for the battles to come. At the AGM in October, members will be asked to vote on a special resolution to amend the APLA Constitution. These changes are the culmination of a review of the Council structure to reflect the national focus of the organisation while retaining the institutional links in and out of each state and territory. I urge members to carefully consider these changes, which I believe will strengthen the accountability of Council to the membership, and allow APLA to get the greatest leverage from our limited resources.



"I have taken great inspiration from the individual members of APLA."

From left: Tamara Dickson, Jane, Simon McGregor and Eva Scheerlinck partying at an APLA Conference.

Farewell from Jane Staley



Jane, Rob and Eva preparing for a trip to parliament.

“The commitment and passion of many plaintiff lawyers is an untold story in Australia.”

I have taken great inspiration from the individual members of APLA. The commitment and passion of many plaintiff lawyers is an untold story in Australia. I find it doubly frustrating to see plaintiff lawyers publicly denigrated when I know from personal experience that these are the very lawyers who take on significant financial risk to give the injured access to fair compensation. There are easier ways to make a living from the law, but few which deliver the personal satisfaction of fighting for people whose lives have been turned upside down, and holding the wrongdoer accountable.

Despite being in a much stronger position now than five years ago, APLA continues to face significant challenges. The public standing of the legal profession, and notably plaintiff lawyers, seems to be at an all time low. The reasons for this are numerous, and many are beyond the control of APLA, but if we are to maintain a credible voice in the community and with governments, we must take every opportunity to improve the public image and understanding of the practice of plaintiff law.

I am constantly amazed, for instance, at the level of ignorance in the

community of conditional fee arrangements. It is far too easy for APLA and its members to think that the operation of “no-win, no-fee” is self evident or widely understood. In my discussions this year with people from all walks of life, including politicians, doctors, journalists and senior business people, it has become clear that most people think conditional fees promote unmeritorious claims, or deliver a percentage of the damages to the lawyer. These misconceptions have already led to restrictions on advertising by plaintiff lawyers in some states, and led for calls to ban “no-win, no-fee” arrangements. Members should not underestimate the power of misinformation and powerful lobbying to deliver legislation contrary to all objective evidence. The public arena is not a court of law, and the truth is not enough when powerful vested interests are involved.

There is no doubt that the role of APLA CEO is challenging, and our cause is not generally popular. Some people would have us feel shame in the name plaintiff lawyers, but I feel pride in the work we do for those who have no other voice. Some would expect despair in the onslaught of politically expedient

legislation to remove rights, but I feel defiant against the misinformation and motivated by our ability to change perceptions – even if we have to do it one person at a time. Some would feel isolated by the apparent strength of the forces against us, but I have been empowered by the dedication and support of members and staff.

It is therefore with mixed feelings that I leave APLA. As APLA has grown, I have grown with it, and have made many good and lasting friends around the country. The role of APLA CEO is challenging, and I have enjoyed my time here, but I am looking forward to spending some time with my husband travelling overseas. I know my successor can look forward to working with a dedicated and hardworking team of staff, council and committee members. I would like to thank you all for your hard work and support, and I look forward to seeing APLA continue from strength to strength in the future. See you in Hobart! **PL**

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From back left: Bill Madden, Jane, and former Plaintiff editors Joanne Choe and Adam Flynn

