

Crisis? What crisis?

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Plaintiffs' lawyers did not, as far as I am aware, launch a terrorist attack on New York and Washington in September 2001, or destabilise the reinsurance market, or cause the downturn in the international equity insurance markets.

Locally, plaintiffs' lawyers did not cause HHH to implode. Nor did they impose exorbitant and prohibitive insurance premiums for public liability cover for organisations with little or any previous claims history.

Yet the politicians and the media have blamed the 'insurance crisis' on lawyers – namely, plaintiffs' lawyers – for flooding the courts with frivolous claims, and their partners in crime – judges – for finding negligence where there is none, and awarding damages when there are few, if any, injuries.

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To add to the insult, the NSW Government banned all advertising of personal injury law services, lest any member of the public may see them and decide her or she has been injured. This measure says little for the Government's regard for the integrity of its constituents.

I suspect the real motivation for the tort reform has been to reduce the practices and thus incomes of plaintiff lawyers. Mr Carr has boasted that one of his main achievements has been to reduce the influence of plaintiff lawyers. Unfortunately, in doing so, he has also acted in complete disregard for the welfare of injured workers and other accident victims in his state.

The insurance crisis occurred when Mr Carr's star was shining rather more brightly than it is today. He was able to persuade the other premiers and chief ministers to embark on tort reforms similar to those that his government created in NSW.

Where has all this led us? Well, we have seen a desperate slashing and burning of compensation payable to negligently injured accident victims

throughout Australia, thinly disguised as 'tort reform'.

I detest the words 'tort reform'. 'Reform' should denote something positive and worthwhile. But what the Australian public has received is in fact a pernicious and short-sighted stripping of compensation from injured people that has served mainly to boost the profits of insurers.

Recently, however, I sense that the media and hopefully the public are beginning to realise that they have been seriously duped. Whereas two years ago the headlines bemoaned the 'insurance crisis' and 'the death of fun', and gave great publicity to sensational cases (many of which were later quietly reversed on appeal – decisions that strangely didn't attract the same level of publicity), the headlines today are more likely to announce that insurers are reaping the benefits of the tort reform by receiving record profits, but with no commensurate reduction in insurance premiums. Some commentators are now asking why. That's a very good question.

All Australian governments, particularly the NSW Government,



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I wish to thank our outgoing President, John Gordon, for his hard work and enterprising leadership during the 12 months of his presidency. Although John's term was relatively sedate compared to Rob Davis' two tumultuous years as President during the tort reform feeding frenzy, he has nevertheless faced many significant challenges.

John and his Council have had to take stock, to see what remained after the tort reform dust had settled. He has also led the way in the move to rebrand the organisation.

We are celebrating our 10th anniversary this year. APLA's development over the past decade has been extraordinary. The next ten years, and beyond, will be very interesting and, hopefully, just as extraordinary. **PL**

stand condemned for ignoring the real causes of the insurance crisis and for promoting the dismantling of tort law throughout the country at the expense of the injured and their families.

Thus my first President's message, and no doubt subsequent messages, will be similar to those of my predecessors: namely, that the tort reform imposed on an unsuspecting and vulnerable public has been unwarranted, unnecessary and damaging

We are committed to continue the fight to preserve and restore the right to common law damages. We will endeavour to educate governments, the public and the media that injuries devastate the lives of accident victims and their families. Getting damages for these injuries empowers accident victims by providing them with the financial security that allows them to rebuild their lives and provides them with much-needed solace, in lieu of revenge, as well as encouraging potential tortfeasors to avoid harmful conduct and to comply with proper safety standards.

We are also fighting the outrageous

and unjustified ban on the advertising of personal injury law services in NSW. This is a denial of access to justice. Court proceedings are under way. The NSW Government will need to prove that the regulations banning the advertisements were necessary to solve the insurance crisis.

Meanwhile, the tort reform has undoubtedly had a deleterious effect on personal injury practices, thus creating a threat to this organisation's membership. We need to broaden our base to attract non-personal injury lawyers who are also committed to the rights and freedoms of the individual. By doing so, we will be able to continue to lobby against further tort reform and for the restoration of common law rights, as well as provide the excellent range of services that our members have enjoyed over the past ten years.

Accordingly, we will be rebranding ourselves as of October. As a member of the Council, I wholeheartedly support these changes to our organisation. Without such changes, the services and lobbying activities of APLA would be seriously jeopardised.