

NATIONAL CONFERENCE

20 – 22 October 2005

By Bill Redpath



Bernie and Karen Banton accepting the 2005 Civil Justice Award

With tropical Cairns its location, the lure of the 2005 Annual Conference was difficult to resist.

Over 230 delegates assembled to hear the official opening from National President, Richard Faulks. His address, on the state of the organisation and the role of lawyers as the only real opposition to the loss of civil liberties and legal civil rights, was littered with pithy quotes.

But proceedings were dominated by the presentation of the Civil Justice Award to Bernie Banton. Everyone was moved by the tireless campaigning of Bernie and others on behalf of workers exposed to asbestos dust and fibre at the hands of James Hardie and others.

The keynote address, by the Chief Justice of Queensland, the Honourable Justice Paul de Jersey, examined the pros and cons of a Bill of Rights, noting that common law offers little protection for many of the civil liberties that we take for granted.

A well-earned tea break (you can't just be thrown into a conference) was followed by plenary sessions dealing with medico-legal issues, substantive areas of legal practice and procedure issues.

Among the highlights were the medical papers given by Dr Patricia Jungfer and Dr Richard Williams, and the useful summary of the Comcare provisions (along with hot gossip) from Damian Clarke.

We await John Gordon's paper on asbestos (although this is not for the uninitiated), and anyone concerned with procedural developments would be wise to reflect upon the papers given that afternoon. I felt for Kevin Holyoak, a Brisbane barrister, who gave the last paper of the day. It was a terrific paper on psychiatric injury, but by then the audience was flagging. The paper contains a 'must read' two-page summary of the issues.

Fortunately light relief arrived, in the form of a welcome cocktail party sponsored by Queensland Medilaw. It was a great chance to mix with other delegates before departing for the wilds of the Cairns nightlife.

Friday was the heart of the conference, with streams on heads of damage and the ubiquitous problem of the AMA Guides. A feature of the broader reach of the Lawyers Alliance was a criminal law stream, as well as papers on a Bill of Rights and the terror laws.



Richard Faulks, National President, Australian Lawyers Alliance (centre) with Onus Maynes (left) and Gary Allan (right) from Evidex at the Conference Dinner



David Cowburn (L) from LawMaster and Michal Horvath, barrister and Qld Committee Member



L to R: Robert Ingham-Myers, barrister with Damien Gallagher, and Stanley Rickert from Perpetual Private Clients

The conference was treated to a special presentation by 'Afterburner', elite pilots from Australia's F18 squadron. The presentation, sponsored by Trust, was slick, informative and entertaining, leaving everyone with some insights into better management practice (if not how to fly an F18).

The papers continued in the afternoon with a good summation of 'obvious risk' under the *Civil Liabilities Act* and a thought-provoking paper about broadening our views of economic loss claims from Richard Douglas SC.

The last session was 'problem-based' and highlighted civil liability law in Queensland, Victoria and NSW (there are similar provisions in other jurisdictions). Besides being a useful application of the principles, the problems examined highlighted the distortions created by the wave of 'tort law deform'.

The key session on Saturday was the 'Hundred Cases for 2005' presented by Richard Douglas SC and Peter Semmler QC. The conference was worth it for this session alone, as these learned senior counsel took us through about 95 of the most significant High Court, NSW Court of Appeal and other relevant Supreme Court decisions handed down in the last 12 months in the tort area.

This session should become a regular feature of all future national conferences, although perhaps we might receive the information in smaller doses (say, 30 a day). In a word, fantastic!

The free afternoon allowed delegates to explore the tropical surrounds of Cairns or simply the pool before the Conference dinner and dance, sponsored by Evidex.

Although somewhat retro in 'style' the dance at last provided delegates with a concrete example of 'obvious risk' and 'dangerous recreational activity', also described by Ms S Ellis-Bextor as 'murder on the dance-floor'.

Like any good conference, the experience was more than the sum of its sessions. It provided the opportunity to mix with other lawyers and to share knowledge and experience as well as developing new contacts.

For the statistically minded, 36% of delegates were from Queensland, 26% from NSW, 18% from Victoria, 10% from

the ACT and the rest from the other jurisdictions. The ACT effort was particularly fine, as just under half our members turned up.

It was a credit to the staff of the Lawyers Alliance and the Cairns Convention Centre that the conference ran so smoothly and there was no doubt about the quality of the papers, as reflected in the high attendance at sessions despite the call of tropical breezes.

An informative and entertaining time was had by all. On the basis of this conference, why wouldn't you be pencilling in next year's conference at Sanctuary Cove on 13-14 October 2006!

Thanks must also go to our major partners, LawMaster and Perpetual, and our partners Benchmark, Evidex, HL Burn & Associates, Impact Funding, ipac, and Trust. ■

Bill Redpath is a personal injuries solicitor at Pamela Coward & Associates in the ACT. He is the immediate past president of the ACT Law Society and deputy chair of the Law Council Tort Law Working Group. He is a serial attender of annual conferences and his dance style has been described as 'Belushian'. **PHONE** (02) 6120 5000

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L to R: Phil Eldridge from Afterburner, Clare Stanford and Paul O'Neill from Trust, Richard Faulks, Alliance National President, and Philip Michael, Trust