

By Professor Rob Guthrie

In Roman mythology, Janus is the keeper of the gates, often depicted as the god with two heads, one looking backwards and the other forwards, simultaneously observing the past and foretelling the future. Interestingly, we derive the name of the first month of the calendar year from this noble source, and several lawyers also rejoice in this name!

Personal injuries lawyers might reflect on Janus who, if he had been a lawyer, would certainly have been required both to interpret the past and predict an outcome for his clients. Lawyers often act as gate-keepers in a world of legal mystery, especially given their special position of trust by injured and disabled clients. Those involved in workers' compensation, in particular, must translate an increasingly complex and frustrating area of law to often physically and financially distressed clients.

This edition highlights the complexity of that interpretive role. Simon Morrison's article reflects on the diversity of compensation arrangements around Australia, noting the apparent success and failure of various features of these systems. With Janus-like optimism, he looks to a future with a single system, comprising the best of the best. As if to emphasise the complexity of compensation matters, two authors focus on the issues arising from the use of medical impairment tables. Leo Grey's article on the ongoing problems with the Comcare tables is complemented by Dr Roger Pillemer's useful discussion of the AMA Guides. Together, they suggest that it is time for some revision of

the use of impairment guides. Emma Reilly and Bruce McManamey highlight the troubled area of cross-border arrangements, adding fuel to Morrison's argument that a single system would do away with the complexities and the need for a Territory or State of Connection Test. Kasarne Robinson and Stephen Campbell QC provide some important insights into the NSW scheme. The issues they discuss, unfortunately, arise in most other jurisdictions. It is pleasing to note that NSW is taking steps to improve compensation coverage for older workers, something also happening in Western Australia. Emma Reilly's second contribution focuses on the vexed problem of so-called 'stress-claims' and the various disingenuous legislative strategies used to reduce the impact of these high-cost matters. Finally, Carolyn Rose alerts us to the special issues of workers in the childcare industry, a timely reminder that each workplace has its own specific hazards.

Janus is said to have introduced a range of laws that brought peace and welfare to his subjects. Unification, like that advocated by Simon Morrison, seems to have been a Janusian theme. He is also symbolised as holding a key in his right hand, just as lawyers hope to access justice for their clients. ■

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