

Queensland State Report

Branch Launch

The State Branch was officially launched at a well attended function at the Brisbane Hilton on Monday 15 August 1994 by Heather Lamoureux QC of Alberta, Canada.

In launching the APLA QLD the Attorney-General, Dean Wells congratulated the Association on its goals of providing access to justice and championing the cause of the injured.

Heather Lamoureux QC spoke very effectively about public protection role of plaintiff lawyer

Upcoming Events

Wednesday October 26

Lexpo/APLA Advocacy Seminar
5-7.30pm (NSW Branch)

Wednesday October 26

Litigation at Sunrise, Brisbane
7.15am -8.30am(Qld Branch)

Thursday November 17

APLA Sexual Misconduct Seminar
5-8pm (NSW Branch)

Tuesday November 22

Litigation at Sunrise, Gold Coast
(Qld Branch)

**For Further information please
call Anne Purcell on
(02) 262 6960**

groups and the need for plaintiff lawyers to share resources and information. She also remarked on the operation of contingency fees in Alberta where she said that such a system has been in existence for over 20 years without controversy.

Draft Personal Injuries Proceedings Bill

APLA has lodged a submission opposing the Draft Personal Injuries Proceedings Bill. The committee is working hard on this project and is hopeful of being able to convince Government of the unfair nature of many of the provisions.

One of the major thrusts of the Bill is to impose a system of mediation with costs penalties applying where an offer made is not bettered at trial. Our view is that the costs system presently operates unfairly against Plaintiffs and any extension of that system is inappropriate. This is particularly so given the announcement in September by the Federal Government of a review of the "loser pays" rule itself.

Motor Accident Insurance Act

APLA did not have an opportunity to make submissions on this Act which became law on 1 September 1994. We are however committed to seeking the reversal of a number of inequitable provisions and the State Treasurer has assured APLA of an opportunity to be heard when the Act comes under review. Members are asked to report all examples of unfair outcomes for clients which they see in their practice. This may occur in the following areas:-

1. Insurers refusal of adequacy of particulars in Section 37 Notice.
2. Injured persons failing to give prescribed notice within 9 months of accident and being potentially barred from further recovery.
3. Insurers "suggesting" medical treatment or return to work.
4. Persons injured in an off-road accident in connection with an uninsured vehicle.

Contingency Fees

APLA has resolved to support the Attorney-General in relation to his proposal to institute a contingency fees system in Queensland and has been invited to make a detailed submission in that regard. The committee is currently working on that submission.

Court Rules

APLA has made a submission to the Chairman of the District Court for the immediate introduction of a non-party discovery procedure in the District Court similar to Order 40 Rule 38A of the Supreme Court Rules. It has been submitted that savings to the community of over \$2 million per annum in legal expenses together with a considerable reduction in the time of judicial consideration will occur if most third party discovery applications can be undertaken through a summary procedure of this nature.

Litigation at Sunrise

The first of these seminars was held at the Brisbane Hilton on 14 September when John Griffin QC spoke to members about the way in which the Workplace Health & Safety Act 1989 has created a higher standard of care on employers and those in charge of public places and has reversed the onus of proof. Peter Carter addressed the meeting on aspects of defendants' medical examination of plaintiffs. Forthcoming Litigation at Sunrise events are:-

1. 26 October 1994 - (Brisbane Hilton)
David Hirsch, Cashman & Partners,
Sydney: *Practical Aspects of Medical
Malpractice Litigation*; plus

Jeff Garrett, Attwood Marshall:
*Interstate Actions: A Guide to Stevens v.
Head, Goryl v. Greyhound and Part VI
of MVIA*
2. November 1994 (Hotel Marriott, Gold
Coast) - Dr Ian Coyle, Safety Search Pty
Ltd: *Ineffective Warnings, Evidence of
Negligence*; plus

Rob Davis: *Negotiating Personal
Injury Actions on behalf of Plaintiffs*

3. 1995 - Motor Vehicle Crashworthiness -
Traumatic Brain Injury - Defective
Medical Products - Post Traumatic
Psychological Disorders - Lead Paint
Exposure - Reviews of the MAIA and
PIPB - Premises Liability for Inadequate
Security - Highway Defects -
Psychotherapy Sex Abuse.

Special Report

10TH World Congress On Medical Law

Jerusalem August 28 to September 1, 1994.
Len Levy, QC, NSW

The congress covered a variety of topics concerning health law, medical malpractice, regulation of the medical profession, wrongful life, the right to die, genetic issues, mental illness, silicone breast implantation and other issues as well. There were contributions from United States, Europe, United Kingdom, the Middle East, Japan and Australia. Anyone wishing to review the published material [three volumes] can contact me on -
(02) 231 4988.

Anyone interested in the 11th World Congress on Medical Law to be convened in Sun City, South Africa between 28 July and 1 August 1996 can write to:-

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