

## Common Law Stays...But At A Cost

### *Workers' Compensation Bill 1995 (QLD)*

**Peter Carter, Queensland President**

Unions, professions and community groups banded together to fight Queensland's first determined government and employer attack on common law workplace compensation rights.

The government had decided to address a projected budgetary shortfall in the Workers' Compensation fund by placing an injury threshold of 25% bodily impairment on common law claims. The instigator was the Workers' Compensation Board of Queensland which is believed to have the abolition of common law rights as part of its ongoing agenda.

In a nutshell, the Government had proposed to sacrifice the rights of workers by keeping premiums at unrealistically low levels in the cause of "sound economic management".

APLA has played a decisive role in co-ordinating a major part of the public campaign waged against The result is, with all these undesirable features, a better outcome for workers than the effective abolition of common law access would have been. Time will tell us exactly to what extent the Workers' Compensation Board will have achieved its desired result by imposing these new shackles on claims.

Those members who devoted their time, energy and funds and other resources during the campaign have won the Association's and the public's enduring thanks. They demonstrated their commitment to their clients and the public by defending these basic rights. Importantly, they stood up to be counted when it mattered and avoided the temptation to "leave it to someone else" or plead that they were "too busy".

During the course of the campaign support also came from wide sections of the community. A good example of this widespread interest was in a letter of support from Rev. Howard Munro, of the Anglican Social Responsibilities Committee who announced the Church's support of the workers' position. In an article published by the Church explaining its position, Rev. Munro wrote in conclusion:-

Jesus said to his disciples "Behold, I send you out as lambs among wolves". The world is full of wolves, and no more so than in the economic sphere. Let us not be seduced into running down our legal system in a way that gives the wolves free reign.

Two people, Rob Davis and Ian Brown have provided outstanding contributions. Rob as Chair

of the Public Affairs Committee has been devoted almost entirely, including after hours, to APLA's efforts during the whole of the campaign. He was responsible for APLA's strategic decisions, prepared a thoroughly researched and meticulously presented members' discussion paper and built relationships with opinion makers across the board.

Ian has achieved enormous results through a sustained effort to co-ordinate other community groups, individuals and professionals under the one umbrella. With such steps having to be taken in such a short period of time, Ian's commitment to this task is vital in the overall campaign.

Special thanks also need to go to the following who made valuable contributions to the work and funds of the campaign.

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Bill Ferguson  
Matthew Craswell  
Steve Roche  
Wayne Cochrane  
Keith Hunter  
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John Griffin QC  
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APLA will be pressing to have the inequitable provisions reversed and, of course, to maintain effective unfettered common law access. The coming months will be particularly challenging having regard to the volatile state and federal political climates.

APLA Queensland has established a Public Affairs Committee whose task it is to co-ordinate an ongoing campaign for the preservation of the common law rights of Queenslanders. The committee will require substantial funds in order to ensure that it is always ready to meet challenges of this type.

Members should be aware that the fight that has just been is only our first battle on the front. The war is by no means won. It will not be won until those who seek to put profit before safety and the rights of individuals are exposed.

We must all remain vigilant and on guard against the next attack.