

APLA Qld report

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Over the last couple of months, APLA Queensland has continued to enjoy rapid growth in our state membership base. I am pleased to report that we have experienced strong growth in regional memberships.

I recently attended the North Queensland Law Association annual conference at Port Douglas and spoke about the good work that APLA does in protecting the rights of injury victims and generally extolled the advantages of APLA membership. I was pleased to discover a number of APLA members in attendance. I was also pleased to receive excellent feedback about our local 'Litigation at Sunrise' seminar series. In particular I discovered, first hand, how important the tapes of the seminars are as a service to our regional members.

Some time ago we received a complaint from one of our Mackay members about certain insurers who were abusing the Motor Accidents medical authority and our local Writ of Non-Party Discovery procedure. Basically, each of these procedures enables insurers to obtain 'relevant' medical records from treating doctors. Unfortunately, subsequent inquiries revealed that some insurers are routinely using these procedures by requesting doctors to supply them with 'all' medical records, not just 'relevant' medical records.

APLA is concerned at the abuse of process and at the risk that plaintiff's confidential and 'irrelevant' medical histories are being obtained so easily. As a result, the issue was publicised and received good media exposure in the Sunday Mail Newspaper (throughout Queensland) and also on Radio National and regional Queensland ABC radio. Discussions will now likely be held between APLA Qld and lawyers for the major insurers to arrive at a protocol to minimise similar abuses in the future. I shall follow this matter up at the next meeting of the Queensland Law Society Accident

Compensation Committee.

Last month I reported that the Queensland Law Society, following approaches by APLA Qld, had finally agreed to investigate implementation of Personal Injury Specialisation. A steering committee was formed comprising of two QLS council members, Elizabeth Ryan of the QLS, and myself (representing APLA). This steering committee recommended implementation of specialist accreditation along the model currently in place in NSW. The QLS has now resolved to proceed with Personal Injury Specialisation. Peter Carter, APLA's immediate past Qld President, has been invited to serve on the Specialist Accreditation Board. I have been invited to sit on the initial Personal Injury Specialist Accreditation Committee. I shall report again on the timetable for implementation of PI specialist accreditation in the next issue.

Our local Litigation at Sunrise seminars continue to be well attended. This is due, no doubt, to the high quality of speakers chosen and the relevance of topics to APLA members. I would like to thank Steve Roche and Ian Brown for all of their good work in arranging these seminars.

On the 15 October 1997, the Queensland Attorney General, Denver Beanland, launched the proposed 'Uniform Civil Procedure Rules' for Queensland's Courts. At the time of writing we have not had the opportunity to peruse or digest the proposed Rules and therefore cannot comment on whether they will receive the support of APLA. I can say however that the concept of uniform rules for all tiers of Queensland's Courts is something that we enthusiastically endorse. It is silly that in the late twentieth century we still have Court Rules designed for the days before word processors, fax machines, telephones, and email. It is clearly time for our courts to move forward, eliminate the dross, and

make the law more accessible for all. Let us hope the government's attempts at this, no matter how well meaning, will not throw the baby out with the bath water.

While they are at it, you have to wonder why the Queensland Government and our state courts continue to insist on ownership of (and presumably the right to profit from) copyright for legislation and court reports. The laws of a state ought to be freely available to all citizens. While most other Australian States have their laws published on the internet, the Queensland statutes, rules, and court reports are only available to those wealthy enough to pay publisher's subscription fees. The Queensland Government could do a great deal towards increasing 'access to justice' by waiving copyright and allowing their laws to be accessible to all. If you also feel strongly about this issue then please address your concerns to Mr Denver Beanland, Attorney General for Queensland, George Street, Brisbane, Queensland, 4000.

Finally, I would like to thank and congratulate Richard Carew for his nomination for election to the forthcoming Constitutional Convention. I encourage all APLA members to vote for Richard so we may have a voice in whether or not we are to become a Republic. ■

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