

Policy Officer's column

Simon McGregor, APLA Policy Officer

With the historic Constitutional Convention approaching, APLA has sponsored five members to nominate as delegates in the upcoming elections on a platform entitled "Bill of Rights for Australia". The candidates are Richard Carew (Qld), Catherine Henry (NSW), Jay Wetherill (SA), David Clyne (WA) and Geoff Coates (Vic).

The nomination statement reads:

The most important features of any constitution are the peoples' rights protected by it, yet our Australian Constitution contains no such safeguards. This convention is your opportunity to guarantee the rights all Australians take for granted and ensure fundamental freedoms are preserved for future generations. The Convention is a rare opportunity for us to pro-actively pursue a general right of access to justice, and as such I would ask that members lend our nominees every support possible.

In other news, during September, APLA took the significant step of meeting with senior policy officers from the Commonwealth Attorney-General's office to discuss our agenda and make contacts

for future lobbying. Peter Semmler QC and I attended the meeting on behalf of APLA. It is indicative of APLA's growing profile that we were able to arrange this meeting. It is also pleasing to see that APLA is perceived to be an organisation with a significant capacity for lobbying to the extent that the Attorney-General's Office want to know about the issues that concern us.

At the meeting we discussed rights for access to medical records, the impact of a goods and services tax on plaintiffs, the HWCA Final Report on Workers' Compensation schemes and its implications for various states, proposed changes to consumer legislation, the ALRC review of the adversarial system, and the Commonwealth position on legal aid. Regarding the latter, it was interesting to note that one of the Commonwealth's motives for the recent changes to the legal aid system is that they do not want available funds to be spent on criminal matters to the virtual exclusion of civil matters, which is a reform APLA endorses. Of course, for this policy to have a significant effect, the total amount of funding available will also need to be increased.

Interested members should have a look at www.apla.com for our policy statements on the HWCA Final Report on Workers' Compensation, Tort Reform in Medical Negligence, Patient Access to Medical Records, and the briefing paper on the proposed changes to WorkCover in Victoria.

Hopefully, the case notes provided in this issue are of assistance to members. Even where there is no major leap forward in the law propounded in a case, it is always interesting to stay up-to-date with the levels of quantum and nature of defences etc. I will take this opportunity to ask members to write brief case notes about matters in all jurisdictions so that we can help keep each other up to date. This is an invaluable way for our association to pool our considerable experience and knowledge, so don't hesitate to call me to discuss them.

I look forward to meeting you at the National Conference. ■

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APLA SA report

Ruth Carter, Ruth Carter & Associates, Adelaide

Following the South Australian State Parliamentary Elections on 11 October 1997, the SA branch of APLA is pleased to report that our past president, Nick Xenophon, is likely to be returned as a member of the Legislative Council in South Australia.

Two other local lawyers who stood as candidates for the Australian Labor Party have also been returned as members of Parliament. Patrick Conlon will be returned as the member for the seat of

Elder in the Lower House and Kris Hanna is expected to be returned as a member for the seat of Mitchell (to be confirmed on final counting). Mr Conlon and Mr Hanna are plaintiff lawyers.

The SA branch is delighted with the outcome and congratulates the successful candidates.

Another member of the SA branch of the Australian Plaintiff Lawyers Association who is pleased with the results is Paul Black, who was instrumental in the cam-

aign for returning Democrats candidates.

This news has just arrived as we go to print. The SA branch will provide a more detailed report for the next issue. The SA branch looks forward to communicating the concerns of plaintiff lawyers to our newly elected members. ■

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