

# safety

# FIRST

AT THE RECENT NATIONAL Conference in Surfers Paradise, APLA launched a new national campaign to protect Australia's children.

**T**he National Bus Safety Campaign is aimed at reducing the incidence of death and injury to children travelling on buses.

In order to achieve the objectives of the campaign, alliances have been developed with a number of organisations and lobby groups concerned with increasing school bus safety in Australia. The national campaign arises out of the successful initiative in Queensland instigated by APLA Vice-President Rob Davis.

The project will target four main areas: elimination of the practice of allowing children to stand on school buses; introduction of seat belts; the better identification of school buses; and measures to reduce traffic speed around schools. As part of the campaign, APLA will be holding discussions with parents' and citizens' associations, accident prevention organisations, medical associations, transport groups and teachers' unions across the country. Organisations such as the NRMA and the Australian Medical Association (AMA) have already expressed interest in providing support for the initiative.

As an organisation, APLA is com-

mitted to the promotion of safety. Similarly, the Association of Trial Lawyers of America (ATLA) has as one of its objectives the prevention of injury.

The recent APLA National Conference provided an opportunity to review a number of initiatives undertaken by APLA and APLA members with a view to reducing the extent of serious injury and death on the roads, in the workplace, as a result of medical misadventure and negligence and from the use of dangerous drugs and medical devices.

Recent submissions were made to the Federal Minister for Health and Aged Care, the Hon Dr Michael Wooldridge MP, concerning medical device failures and the need for legislative reforms in Australia.

A number of APLA members, who have represented the relatives of victims that have died as a result of medical treatment, have actively participated in coronial inquiries which have often made findings concerning the need for certain changes in medical practice and procedure. In a number of cases, APLA members have pursued implementation of recommendations arising out of such coronial investigations. The obvious objective is to learn some lessons from

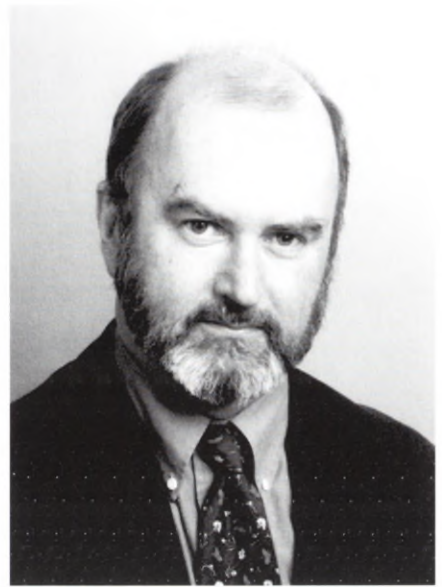
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the past with a view to ensuring that similar tragedies do not occur in the future.

Plaintiff lawyers involved in litigation should also resist confidentiality or "secrecy" orders in litigation which would have the effect of precluding disclosure of information concerning the safety of products to the public and other potential plaintiffs. In May 1999, the Board of Governors of ATLA passed a resolution that opposes secrecy agreements and orders. APLA and ATLA encourage members to oppose such orders and also encourage courts not to enforce any such orders without good cause (see the article by Dore 'The confidentiality debate', in *Trial* magazine, October 2000). Intellectual property rights and commercial confidentiality should not be permitted to prevent disclosure of public health risks.

Critics of the tort system, and those who speak disparagingly of civil litigation and the role of plaintiff lawyers, turn a blind eye to the important role played by the civil justice system. This role is not just in obtaining appropriate compensation for those who suffer serious injury, but also in deterring negligent conduct and bringing about an improvement in safety measures.

The pursuit of legal rights, and the threat of litigation, has brought about a marked improvement in safety standards including in the workplace, on the roads, in automobile manufacturing, in public playgrounds, in schools, and in public places where dangers are present.

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Automobile manufacturers have improved safety standards. Highway authorities are concerned to design and build safer roads. Public authorities and educational institutions have improved safety standards in school grounds, in playgrounds and at recreational facilities including swimming pools. The manufacturers of drugs and devices have improved standards in

manufacturing, testing, quality control, labelling and warning.

APLA members should be proud of their achievements in seeking to bring about a safer society. Those who seek to disparage our efforts need to be constantly reminded, in both public and political debate, that the civil justice system has not only achieved justice for victims and held wrong-doers accountable, but has played a major part in reducing the extent of injury.

In the fight for justice, APLA members need no reminding that it is always preferable to have a fence at the top of the cliff rather than an ambulance at the bottom. Through representation of those who end up in the ambulance, and in our policy and lobbying activities, we seek to achieve not only justice for victims but the building of more fences. 