



The Honourable John Cowdell, MLC,  
Deputy Speaker of WA Upper House

# Keeping <sup>UP THE</sup> GOOD FIGHT

**O**n 12-13 May, the 85 members of the WA branch of APLA met for the first time for a convention at the Novotel Vines Resort in Perth to discuss, among other things, recent legislative developments affecting practitioners in the field of plaintiff personal injuries.

The convention was the brainchild of APLA WA Vice-President Matthew Glossop who, after attending a National Council Meeting of APLA in Canberra last year, returned envisaging a similar convention in WA with an emphasis on addressing issues particular to this jurisdiction. The convention became a reality largely due to the inspiration of Mr Glossop, together with the tireless work of APLA WA President Sukhwant Singh. The convention, which was organised in a matter of six weeks, proved to be an enormous success and it is hoped that it will become an annual event in the future, with an expanding number of attendees and financial benefactors.

The convention was attended predominately by representatives of plaintiff personal injury firms, with the intended purpose of a free flowing exchange of ideas between plaintiff firms. Many such firms were encountering similar difficulties with the new law, and an attempt was made to devise strategies for countering those difficulties as well as discussing recent judicial decisions that are emerging.

On Friday evening, at the conclusion of the first day of seminars, the convention took on a more social atmosphere with Mr James Talijancich providing a wine talk and tasting, courtesy of the Talijancich Winery, followed by dinner and live music from "Shake Down", together with the impromptu supporting act of Paul O'Halloran and his "Elvis" impersonation.

The keynote speaker for the evening was the Hon. John Cowdell MLC who provided a humorous recollection of the Parliamentary debates which preceded the passage of the amending legislation. In particular, he recounted the references in Parliament to the 'scurrilous and unscrupulous plaintiff lawyers of APLA profiteering from their self-interest in the retention of the common law system'. Mr Cowdell acknowledged the tireless efforts of the indefatigable 'APLA Seven' who, at the time the new legislation was being debated through the Upper House, lobbied ferociously to ensure the preservation of common law claims and to oppose any aspect of retrospectivity which was the hallmark of public opposition to the 1993 amendments. All APLA members present at the convention

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**Dean Love** is a solicitor at Friedman Lurie Singh  
Level 6/573 Hay Street, Perth WA 6000  
**PHONE** (08) 9325 6133 **FAX** (08) 9421 1953.

This report describes the highlights of the inaugural WA Branch Conference. It was most important as a medium for Plaintiff lawyers to exchange notes on how to deal with the recent changes in WA law affecting common law rights for Plaintiffs. For a more detailed version of the conference and a review of these new laws please go to <http://www.apla.com/member/plaintiff/index.htm>



Matthew Glossop (L) and Sukhwant Singh

## THE INAUGURAL APLA WA BRANCH CONVENTION

(together with their many thousands of clients affected by the new legislation) acknowledge the extent to which they are indebted to the political lobbying efforts of the 'APLA Seven', namely: Sukhwant Singh, Andrew Read, Brian Nugawela, Paul O'Halloran, John Fiocco, Michael Seaman and Matthew Glossop (not to mention the countless others who contributed throughout the campaign).

### Speakers at the Convention

The papers that were delivered at the convention were all of an exceptionally high standard, and no doubt will prove of enormous benefit to practitioners practising in the personal injuries field. These include some 'must read' papers that stood out as being at the cutting edge of developments in this field, such as John Fiocco on recent reforms of employers' liability in WA, Tom Offer on "Levels of Disability", Michael Seaman on "WorkCover & Prerogative Writs" and the Hon. Cheryl Edwards MLA on "Workers' Compensation Chambers – The Rationale". All speakers are to be commended for the work that they put into the preparation of their papers, which will prove to be of enormous benefit to those of us presently grap-

pling with the more intricate aspects of the new legislation.

### From My Perspective

As a relatively junior practitioner, the APLA Convention was enormously beneficial as it provided me with some assurance that many of the uncertainties and difficulties I am currently experiencing on my matters are indeed common place. The opportunity to discuss these with many of my colleagues in other firms and to gain an insight into their perspectives has proven invaluable. This free and frank exchange of information is a great virtue of APLA, and as plaintiff lawyers are not in competition with each other for the same institutional client, this engenders a spirit of camaraderie that sadly our opposition cannot lay claim to. Indeed those firms that support APLA appear to relish their position as the underdog, taking up the fight against a better funded adversary in an unfair legislative environment.

APLA prides itself on being the 'lawyers for the people', and it is important to note that no other profession will provide its services to the impecunious client, spend money obtaining medical and other evidence on account in the hope of receiving payment at the resolution of a matter. It is for this reason that plaintiff firms will be at the cutting edge of developments in the new law and, in pursuing their clients' claims for the maximum compensation entitlement, will force insurers to remain accountable for their actions. ■

