

By Simon Morrison

This edition focuses on workplace injuries, a subject at the core of many of our legal practices. It is also a subject that is becoming increasingly topical, with uncertainty continuing to prevail over whether we will face a national workers' compensation scheme, as opposed to the existing structure of state-based schemes.

In light of the recent *Work Choices* decision in the High Court, which has confirmed greater federal powers – against the recommendations of the Productivity Commission a couple of years ago – the Commonwealth must at the very least be tempted to flex its muscle in this area.

This is not good news for workers or their lawyers. Historical attempts to develop national workers' compensation schemes have largely included plans to abolish workers' common-law rights. It is, however, an amazing irony that some of the worst-performing schemes in this country don't have common-law access, while the best-performing scheme in the country has maintained it.

At a national level, Vince Green examines the new military compensation scheme, while Phillipa Alexander looks at new costs changes in the NSW workers' compensation scheme; changes that she predicts will provide fairer outcomes.

Bernard McHardy explains the new claims resolution process that forms part of the outcome of the James Hardie Inquiry. It is certainly timely that governments actively participate with organisations like ours to improve the performance of compensation schemes.

Penelope Watson and Kylie Burns consider the important and all-too-prevalent topics of workplace bullying and

work-related stress, which sadly we see too much of through the eyes of our clients.

Richard Douglas provides us with a valuable insight into the high-profile Commission of Inquiry held into Queensland public hospitals, which of course examined the conduct of Dr Jayant Patel.

Finally, we look at the issue of *Work Choices* and two interesting decisions involving remedies related to employment contracts. We also consider the ramifications of the *Optus* decision in the High Court, which is now reserved.

Work-related issues and litigation remain at the forefront of our practices, and we hope that this edition provides a good cross-section for you to consider. ■

Simon Morrison is currently chair of the Alliance's workers' compensation special interest group (SIG), as well as national president. **PHONE** (07) 3006 6000 **EMAIL** smorrison@shine.com.au

CORRECTION

An equation was omitted from the article, '**Determining speed from braking skidmarks**', on p42 of the last edition, issue No. 76.

Under Figure 1, the copy should have read: 'The speed of a vehicle at the start of the skidmarks can be calculated by using the "speed from skid equation". This equation is often expressed as: $V = \sqrt{2fgd}$ '

And in the example shown for determining the speed at the time a vehicle's brakes were applied, the friction value should have read 0.7, not 2.7 as printed. The calculated speed of the vehicle was for the correct value of 0.7. Apologies to DVExperts for these errors.

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This issue of Precedent is cited as (2006) 77 PRECEDENT. ISSN 1449-7719 © 2006 Australian Lawyers Alliance, ABN 96 086 880 499
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