



We're alive and kicking!

By Simon Morrison

A recent journey spanning all states of Australia to conduct stakeholder meetings has taught me something about the Australian Lawyers Alliance ... we are 'alive and kicking'.

With record numbers of members nominating to be part of our state committees there is a real feeling of Alliance members wanting to effect change.

This year our real focus is on 'making right the wrongs': reforming tort reform.

Given the truly extraordinary profit results from the commercial insurance sector in the last couple of years, the temptation to tell governments, 'we told you so' is very real.

Our message to our stakeholders on reforming tort reform is simple: it's just like watching a car crash.

In the early parts of this decade, the car was running out of control. Whether the loss of control was caused by HIH, the suffering of investment markets as part of a more or less normal cyclical downturn, or perceived explosions in litigation rates, doesn't really matter now. But in the opinion of our governments, the car was out of control.

With guns to their heads, in the form of insurance policyholders being charged exorbitant premium increases, governments, led by former NSW premier, Bob Carr, moved swiftly. Tort

reform laws were passed, and they bit hard – immediately.

As far as governments were concerned, this was a price worth paying; they were just relieved that the car was back on the road, or so they thought.

Within the space of four short years, however, while levels of litigation have declined, premiums have not fallen substantially and insurance profits have soared.

The worst part about the whole sorry tale is that while the insurance industry enjoys a bonanza, you and I – the taxpayers of this country – are left to foot the bill, through Medicare and Centrelink, in the form of assistance to injury victims who have been callously denied their fair and deserved compensation.

So why will the car crash? When the taxpayers of this country realise that, courtesy of hasty tort reforms enacted earlier this decade, they are arguably funding the super profits of insurance, then governments will have a real question to answer.

As an organisation, the Lawyers Alliance is committed to winding back the disgraceful tort reforms. We need to convince governments that the only sensible course is to pass amendments without delay. To this end, we have held discussions with stakeholders around the country. What has emerged from these discussions is that it is critical for us to pull together

in this campaign. For too long, all the key players in this debate – law societies, bar associations, unions and others, as well as ourselves – have held differing positions on how to proceed and present our case. This disunity has acted to the detriment of us all. Secondly, we need an overall strategy to achieve our goal that transcends states and elections. Elections present a great opportunity to highlight the issue in a particular state: good evidence of this is already apparent in NSW, where the campaign has begun in earnest in the run-up to next year's election. Finally, it is important to learn from the success of other stakeholders around the country as to what is likely to improve our prospects of getting governments to pass the amendments that are necessary in order to correct the tort reform imbalance.

So the process has begun, but it will not be a short one. One thing, however, is for certain – we will not rest until we have achieved our objective. ■

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