

# Recent developments in Queensland

By Laura Neil



**H**appily, the Queensland Committee's lobbying efforts would appear to have paid off, with the introduction of the Civil Liability and Other Legislation Amendment Bill 2009, likely to come into effect on 1 July 2010. It contains amendments of potential benefit to personal injury practitioners, including increases to awards of general damages, as well as damages for loss of consortium or *servitium*. *Sullivan v Gordon* damages will also be partially reinstated.

Significantly, the time limitation with respect to dust-related conditions will be removed, and will be retrospective. The Certificate of Readiness regime will be abolished, although notably only with respect to the PIPA scheme, and not the *Motor Accident Insurance Act*. A streamlined procedure for urgent PIPA matters will avoid the necessity of court applications for urgent claims.

Congratulations to all those who lobbied for these changes.

On the motor vehicle front, meetings have been held with most third-party insurers in an attempt to streamline and refine motor vehicle claims, and to try and achieve some level of consistency in the manner in which the various third-party insurers conduct the scheme. The outcomes of these meetings were promising, and it is hoped that the ALA can build enduring relationships with these insurers in order to ensure the

best outcomes for our clients in these matters.

A number of national issues are of concern to our members, as they resonate at a state level, and will have serious implications for our practices.

The COAG National Legal Profession Reform discussion paper on legal costs has implications for all those practising in personal injuries law. Anthony Scarcella is heading a national costs subcommittee to prepare a submission in response to this discussion paper, and I urge members to become involved and have their input into this very important issue.

Similarly, the issue of national regulation of advertising in personal injuries law has been put back on the agenda by the NSW attorney-general. Despite our very significant restrictions in terms of advertising of personal injury services, the situation in NSW is much worse. However, Queensland members cannot afford to be complacent on this matter.

The national disability insurance scheme proposal is another issue demanding careful consideration. A draft position paper is being prepared at a national level. Certainly, while the needs of those people in our society with serious disabilities is of concern and requires resourcing, no-fault compensation schemes have been proven to deliver inadequate benefits and are chronically underfunded, leaving the shortfall to come out of general tax revenue. A lot of undefined issues within the current proposal

need to be addressed to ensure that it is not implemented at the expense of fair and just compensation for those injured by negligence, or that anyone with existing entitlements under state-based schemes would be left worse off.

Of particular importance in Queensland is the recent tabling of the *WorkCover Annual Report* which, for the first time in many years, showed a deficit in the WorkCover budget. The attorney-general has noted that important decisions will need to be made to ensure that WorkCover Queensland remains fully funded.

The ALA remains dedicated to ensuring that the rights of workers remain entrenched in the Queensland legal system, and that no undue erosion of workers' rights takes place. We have for many years had the best WorkCover scheme in the country, from the perspective of both injured workers and employers. The scheme has been one that has been affordable, with the lowest premiums of any WorkCover insurer in the country, while still retaining common law benefits for injured workers. The ALA is working hard on this issue, which we perceive to be a very important one for all our members. ■

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