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Leading the way in injury compensation

Profit Push in Insurance Crisis

The financial misfortunes of insurance companies and huge increases in public liability insurance premiums are big news.



A DECADE of fierce competition – winning customers at almost any cost – has taken its toll resulting in operating losses and a depletion of reserves.

Although they employ actuaries and economists to set premiums, insurers abandoned good sense to undersell rivals.

Insurance premiums had to rise but now insurers attribute part of their mess to increases in litigation and want a government bail out and restrictions on injury compensation payments.

The Australian public may be asked to surrender fundamental rights to

keep insurance companies profitable.

The current crisis is more to do with past mismanagement and other catastrophes that through the benefit of hindsight could have been better prepared for: –

- The collapse of HIH in early 2001 had the immediate effect of eliminating competition and driving up premiums.
- Before September 11 public risk insurers included terrorism

cover at no extra cost.

- The attack on America has caused an increase in the cost to local insurers of re-insurance.
- Insurers have for a number of years realised a low return on their investments because of declining interest rates and world growth.
- Disasters such as the recent bush fire crisis, and Esso Longford have increased payouts.

There is no evidence that litigation by individuals has any impact on insurance rates and the restriction of the people's civil rights should not be on the agenda.

It would be a tragedy if insurers could convince our leaders that citizens should surrender legal rights that society has taken centuries to acquire. ■



The Magna Carta: rights that have taken centuries to acquire are at risk.

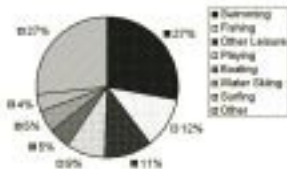
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Life's a Beach... but please take care!

Water related recreational activities are a large part of everyday life in Queensland and it is not unexpected that there are a large number of related injuries.

THE MOST hazardous water sports are swimming (28%) and fishing (12%).

Almost half (45%) of swimming related injuries occurred in a pool, followed by water park (14%) and beach (11%). More than half of those injured were less than 15 years of age. ■



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 The QLD Government mandates against public discussion of personal injury compensation

Censored? What's this...

Doctors want Immunity from Claims

The medical profession is lobbying for immunity against patient's claims for bad treatment.

THEY claim lawsuits have forced up premiums so much that doctors can not afford to pay and the justice system must be altered so premiums are lower. The federal government will convene a summit early this year to examine their allegations.

Not all doctors agree with the lawsuit contention. Dr Beth Wilson, the Health Services Com-

missioner for Victoria, describes the theory about litigation rates as a 'myth'. Other commentators also say doctors' fears are overstated.

Doctors effectively want their business overheads reduced by preventing their customers protesting substandard treatment. This would mean a responsibility free zone for doctors and care free medicine. ■

A Specialist's View

A Brisbane medical specialist spoke to Carter Capner on condition we did not reveal his or her identity.



“THE majority of specialists earn a million dollars plus and their premium is a fraction of their overheads. Some specialties like obstetricians who don't earn those fees are at higher risk and have a higher premium. That's a problem.

“Another problem is that doctors are encouraged by insurers to be outraged by lawsuits. This can increase the cost of claims. Lawsuits are just part of life.

“Don't forget the good medical litigation has done. Doctors are now concerned about listening to patients' needs, eliciting proper histories, referring on to specialists when needed and giving warnings.

“Medical insurers used to be mutual funds but now they are mainly huge companies like UMP.

“The real problem is that there is political pressure to not set premiums at a realistic level.” ■

Access to Medical Records – At Last!

All doctors and private hospitals are subject to the Privacy Amendment Act which came into force on 21 December 2001.

FOR the first time, it gives patients the right to see their medical records and even to correct them if the information is wrong.

The previous law was that doctors owned the records and did not have to provide copies to patients except under court order. This meant people often had to sue their doctor just to get to see their records.

“The changes are welcome,” according to partner Ian Brown. “The new law will save consumers up to \$2000 in investigation costs per case.”

Since 1992, public hospitals records have been available under freedom of information but the

problem has been the lack of similar laws for private hospitals and doctors.

Some health organisations had vigorously denied routine patient access to records over the years. Professional bodies such as the AMA had turned down attempts to have doctors voluntarily provide copies.

The provisions are not retrospective and patients will only have access to those records in use after 21 December as of right. It is expected however that doctors will generally be prepared to release all information.



The laws apply not just to doctors. All organisations except most small businesses (a business with a turnover of less than \$3 million) and government will be subject to them. The laws come into force on 21 December 2001. ■

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CARTER CAPNER HAPPENINGS

NEW OFFICE MANAGER

MEREDITH Hooper has been appointed office manager.

From high school, Meredith worked for three years until she had saved to travel overseas. She was away for two years travelling to the UK, Europe and the US. For 15 months she lived and worked in London.

She started with us in December 1999 as office supervisor. Previously, Meredith worked for three other law firms, mainly in the field of family law. ■



Meredith on holiday in Bali

CONGRATULATIONS LEANNE



LEANNE FRANCIS was admitted as a solicitor of the Supreme Court in December. Leanne has been with the firm since 1998.

Graduating from the University of Queensland in 1994 with a Bachelor of Social Work, she worked as a Correctional Officer for Queensland Corrections before moving to London for 18 months where she worked for the Department of Social Services.

On return to Australia that she started studying law part-time while working as a Family Support Worker with adolescents having problems at home.

The last 12 months have been extremely exciting for Leanne, she married Justin in late 2000, and celebrated her first wedding anniversary three days after her admission. ■

CLIENT ENQUIRY DIVISION

RACHELL Flores has taken up a new position as client intake coordinator – she is responsible for liaison with persons enquiring about possible injury claims.

Melanie Busato has been promoted to senior

litigation assistant and will also assist in this section. Peter Carter will continue to manage client enquiry and liaison. ■

Rachell is the new client intake coordinator



ANOTHER YEAR AT CARTER CAPNER

STAFF celebrated another year together at a 1920's murder mystery dinner in December.

An excellent night was had by all as we gathered to solve the mystery of

who murdered gang boss Ricky Prescott.

Everyone was a suspect but the villain turned out to be the shoeshine boy aka Chris Ng, with a poison barb in the heel of

Ricky's right shoe

Harry took out the lucky door prize and Melanie took home the award for best costume. ■



Carter Capner staff puzzle a murder mystery in style.

POST SETTLEMENT CO-ORDINATOR

KRISTINA Wogandt has assumed the role of post settlement coordinator. She will be responsible for chasing up slow paying insurance companies and finalising outstanding refund issues with bodies like Medicare and Centrelink. This role has been created to get around delays experienced in the past. Although the



formal requirements following a settlement take time to complete (and they are mostly out of our control) the aim is to significantly reduce the interval between settlement and payment. ■

Kristina will help streamline delays following settlement



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