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# Queensland Personal Injury Law

Recent developments and current  
trends affecting the personal  
injury landscape

13-14 November

Marriott Hotel  
Brisbane

## Don't miss this opportunity to:

- Discover how to **assess practical and procedural** aspects of a personal injury claim
- Learn how to evaluate the extent to which the **common law has been changed** by the *CLA*
- Examine how to ensure the **proper disclosure of rights and obligations**
- Find out how to assess the **strengths and weaknesses of a claim**

## Expert speakers include:

**Pat Mullins**, Principal, **Mullins Law**

**Ben Dube**, Special Counsel, **Sparke Helmore**

**Dr Dominic Katter**, Barrister, **Queensland Bar**

**John Briton**, Commissioner,  
**QLD Legal Services Commission**

**Jessica McClymont**, Barrister, **Queensland Bar**

**David Muir**, Partner, **Deacons**

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Professional Development

# Queensland Personal Injury Law

## Recent developments and current trends a

### Day one: Thursday 13 November 2008

8.30	<b>Conference registration</b>	1.40	<b>Recent cases and developments in the Queensland workers' compensation system</b> <ul style="list-style-type: none"><li>• Compliance and Notice of Assessments</li><li>• Proving one's claim – the implications of <i>Bourk v Power Serve Pty Ltd</i></li><li>• Examining oral v written settlements</li><li>• Commencement of proceedings in breach of the Act <b>Brady Cockburn, Special Counsel, Coopers Grace Ward</b></li></ul>
8.50	<b>Welcome and opening remarks from the Chair</b> <b>Stephen Hughes, Partner, NMS Gadens Lawyers</b>		
9.00	 <b>Analysing the developments of the last 12 months in the Queensland courts</b> <ul style="list-style-type: none"><li>• Recent developments in personal injury law in the Queensland courts</li><li>• The application of the <i>Personal Injuries Proceedings Act 2002</i> in recent cases <b>Pat Mullins, Principal, Mullins Law &amp; Co-Author 'Personal Injury Litigation QLD'</b></li></ul>	2.30	 <b>Overcoming pitfalls in successfully negotiating a public liability action</b> <ul style="list-style-type: none"><li>• Addressing effective document management strategies and recognising risk</li><li>• Successfully negotiating claims</li><li>• Utilising dispute resolution process as an alternative to court proceedings <b>Dr Dominic Katter, Barrister, Queensland Bar &amp; Co-Author 'Personal Injury Litigation QLD'</b></li></ul>
9.50	<b>Recent cases and developments in Commonwealth workers' compensation: implications of the decisions for the practitioner, the employer and the claimant</b> <ul style="list-style-type: none"><li>• The increase of self-insurers under the Act – same Act different workforce</li><li>• Scrutinising the Commonwealth's legislation and its impact for practitioners</li><li>• Assessing practical and procedural aspects of a PI claim <b>Ben Dube, Special Counsel, Sparke Helmore</b></li></ul>	3.20	<b>Afternoon tea</b>
10.40	<b>Morning tea</b>	3.40	<b>Determining rights and duties under the <i>Motor Accident Insurance Act</i></b> <ul style="list-style-type: none"><li>• Categorising personal injury within the meaning of s.5(1) of the <i>Motor Insurance Act 1994</i></li><li>• Impact of the <i>Personal Injuries Proceeding Act 2002</i> on motor accident injury claims</li><li>• Establishing negligence after assessing the strengths and weaknesses of the claim</li><li>• Facilitating a successful agreement between the parties on an appropriate independent expert <b>Clare Creevey, Partner, Clewett Lawyers</b></li></ul>
11.00	<b>Civil Liability Act 2003</b> <ul style="list-style-type: none"><li>• An assessment of the trends and cases</li><li>• Evaluating the extent to which the common law has been changed by the CLA</li><li>• Analysing what kind of risk will be taken by the claimant</li><li>• Assessing the future of waivers of liability and their impact on personal injury claims <b>David Muir, Partner, Deacons</b></li></ul>	4.30	<b>Grasping the significance of expert evidence rules and its impact on personal injury claims</b> <ul style="list-style-type: none"><li>• Analysing the impact of expert evidence in litigation</li><li>• Considering exclusionary rules of expert evidence and relevant court rules</li><li>• Understanding the dilemmas posed by expert evidence within the evolving litigation framework <b>Dr Jennifer Corrin, Associate Professor, University of QLD</b></li></ul>
11.50	<b>Determining negligence and failure of duty of care resulting in personal injury</b> <ul style="list-style-type: none"><li>• The application, effectiveness and operation of common law principles applied in negligence</li><li>• Limiting liability arising from negligence</li><li>• The formulation of duties and standards of care</li><li>• Successfully channelling the interface of contracts, torts and pure economic loss <b>Dr Norman Katter, Barrister-at-Law</b></li></ul>	5.20	<b>Closing remarks from the Chair</b>
12.40	<b>Networking lunch for speakers and delegates</b>	5.30	<b>Close of day one</b>

# Affecting the personal injury landscape

## Day two: Friday 14 November 2008

8.30	<b>Conference registration</b>	12:40	<b>Networking lunch for speakers and delegates</b>
8.50	<b>Welcome and opening remarks from the Chair</b> <i>Clare Creevey, Partner, Clewett Lawyers</i>	1:40	<b>Erroneous perception? Exploring real and perceived issues and trends in claims for psychiatric and psychological injury</b> <ul style="list-style-type: none"> <li>• Bullies vs the law – what are the legal standards to be met in cases brought for damages?</li> <li>• Satisfying the court of a breach of duty of care to avoid psychological injury</li> <li>• Examining the decision of the Court in <i>Hintz v WorkCover Queensland &amp; Anor</i> [2007] QCA 72</li> <li>• Lessons for practitioners on “psychological injury in the workplace” claims</li> </ul> <i>Stephen Hughes, Partner, NMS Gadens Lawyers</i>
9.00	<b>Ethical considerations for the personal injury law practitioner</b> <ul style="list-style-type: none"> <li>• Analysing the Commission’s guidelines for advertising personal injury services</li> <li>• Examining the 50/50 rule in the light of the Court of Appeal’s decision in <i>LSC v Dempsey</i></li> <li>• Looking after the client – settlement at all costs or a fair result?</li> <li>• Ethical hot spots – what to look out for</li> </ul> <i>John Briton, Commissioner, QLD Legal Services Commission</i>	2.30	<b>Negotiating successful claims for victims of crime</b> <ul style="list-style-type: none"> <li>• Recent case law</li> <li>• Examining the <i>Criminal Offence Victims Act 1995</i></li> <li>• The position of the courts when assessing compensation</li> </ul> <i>Michael Horvath, Barrister, Queensland Bar</i>
9.50	<b>The impact of other areas of law on personal injury claims</b> <ul style="list-style-type: none"> <li>• Exploring the way in which aspects of claims for damages for personal injury interact with other areas of law including: <ul style="list-style-type: none"> <li>– family law, estates law, bankruptcy law, contractual disputes and cost disputes</li> </ul> </li> <li>• Advising plaintiff clients on how a claim may affect their rights or liabilities in other ways</li> <li>• Understanding the impact of these other areas of law upon the conduct of PI claims, and the way in which settlement or judgment monies should be paid</li> </ul> <i>Jessica McClymont, Barrister, Queensland Bar</i>	3.20	<b>Afternoon tea</b>
10.40	<b>Morning tea</b>	3.40	<b>ADR in personal injuries</b> Alternative dispute resolution can be more effective than litigation in resolving personal injury disputes. This interactive session will address the reasons and processes to implement successful mediation for your client. <ul style="list-style-type: none"> <li>• Why choose mediation</li> <li>• Determining the mediator</li> <li>• Preparing for mediation</li> <li>• Examining the process</li> <li>• Considering ethical challenges</li> </ul> <i>Samantha Hardy, Senior Lecturer, Australian Centre for Peace and Conflict Studies</i>
11.00	<b>Establishing current issues and causes of action in medical negligence cases</b> <ul style="list-style-type: none"> <li>• Passing the test of “medical negligence” – establishing breach of duty and causation</li> <li>• Measuring the damage caused</li> <li>• “Loss of a chance” cases</li> <li>• The use of “medical expert” reports in medical negligence actions</li> <li>• Procedure under PIPA for medical negligence cases</li> </ul> <i>Sarah Atkinson, Senior Associate, Maurice Blackburn</i>	4.40	<b>Closing remarks from the Chair</b>
11.50	<b>Personal injury and environmental health disputes</b> <ul style="list-style-type: none"> <li>• Exploring the successful application of substantive law including statutory duties and obligations under environmental protection legislation</li> <li>• Considering scientific and legal proof of causation</li> <li>• Integrating law, science and ADR to resolve environmental conflicts</li> </ul> <i>Dr Edward Christie, Barrister, Mediator and Author, ‘Finding Solutions for Environmental Conflicts: Power and Negotiation’</i>	4.50	<b>Close of conference</b>

Interactive Session

### Who Should Attend

- Personal Injuries Lawyers
- Insurance Lawyers
- Government Lawyers
- Legal Officers & Managers
- Insurance Industry Executives
- Claims Managers

# Priority registration form

## Queensland Personal Injury Law

4 easy ways  
to register

Phone: 1800 772 772  
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Mail: Conference Co-ordinator, LexisNexis  
Locked Bag 2222, Chatswood NSW 2067  
DX 29590 Chatswood

Please complete sections A, B, C, D

Conference code: PD6818 ABN: 70 001 002 357

### A Delegate 1 details

Mr/Ms/Dr: \_\_\_\_\_  
First name Last name

Position: \_\_\_\_\_

Organisation: \_\_\_\_\_

Postal address: \_\_\_\_\_  
Suburb Postcode State

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email (required\*\*): \_\_\_\_\_

### Delegate 2 details

Mr/Ms/Dr: \_\_\_\_\_  
First name Last name

Position: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email (required\*\*): \_\_\_\_\_

### Delegate 3 details

Mr/Ms/Dr: \_\_\_\_\_  
First name Last name

Position: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

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\*\* to send conference confirmation

3rd Delegate FREE!

### B Please tick as many practice areas you work in which apply:

- |   |   |
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|   | <input type="checkbox"/> Other: _____                             |

This will help us keep you informed about topics relevant to your business needs.

### CONFERENCE RESOURCES

- I am unable to attend but would like to purchase a set of conference papers for the Queensland Personal Injury Law \$300.00 + GST = \$330.00

### TEAM DISCOUNTS\*

- Register a team of 2 for the Queensland Personal Injury Law at the same time, from the same organisation and receive a free pass for the 3rd delegate.

\* Early Bird, team discounts and any other discount cannot be taken concurrently

### C Event Pricing (please tick your selection)

#### Early Bird Special\* (register & pay before 9 October 2008)

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| <input type="checkbox"/> Two Day Conference  | \$1850.00 + GST = \$2035.00 |
| <input type="checkbox"/> One Day Conference# | \$950.00 + GST = \$1045.00  |

#### Standard Price (register & pay after 9 October 2008)

- |  |                             |
|--|-----------------------------|
| <input type="checkbox"/> Two Day Conference  | \$1950.00 + GST = \$2145.00 |
| <input type="checkbox"/> One Day Conference# | \$1050.00 + GST = \$1155.00 |

#Choose which day:  Day 1  Day 2

### Why attend this event

LexisNexis Queensland Personal Injury Law is a premier event for professionals seeking a relevant and practical approach to contemporary personal injury law. We offer:

- An outstanding speaker faculty
- Practical skills guidance
- Up-to-date expertise on legal developments
- Risk assessment strategies
- Claims management techniques
- Tips for streamlining management processes
- ... and more. It is the ultimate forum and authority on personal injury law in Queensland

### D Payment details Payment is due upon registration

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- Account number: \_\_\_\_\_
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### CANCELLATION

Your registration will be confirmed in writing when full payment is received. We will refund your registration in full less a \$165 administration fee if notification is received in writing by 16 October 2008. If we receive written notification between 17 October 2008 and 30 October 2008 you will receive a 50% refund and conference documents. No cancellation requests will be accepted after 30 October 2008. You may nominate a replacement, however no refund will be issued.

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