



## Personal Injuries

Crucial cases, injuries updates and the legislative landscape

2 May 2012, Stamford Plaza Brisbane

### Program highlights

- Recent case law update for quantum and liability issues in personal injury
- Psychological injuries in personal injury cases
- Medical negligence update
- Everything you need to know about WorkCover
- Case update on specific types of injury
- Pre-court procedural requirements for MAIA and WorkCover damages claims
- MAIA, WCRA, PIPA, CLA and CCA – coping with the interplay of the legislative acronyms
- Pain disorder issues in personal injury cases

### Speakers

- Ken Fleming QC, Barrister, Queensland Bar
- Michal Horvath, Barrister, QLD Bar
- Ken Horsley, Partner, Minter Ellison
- John Kinnane, Customer Service Manager, WorkCover Queensland
- Sarah Atkinson, Senior Associate, Maurice Blackburn
- Margaret Brain, Partner, Given Law
- Donna Callaghan, Barrister, QLD Bar
- Dr Marc Walden, Pain Medicine Specialist and Independent Medical Examiner, Brisbane
- Laura Neil, Principal, Maurice Blackburn
- Richard Douglas SC, Barrister at Law, Callinan Chambers

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# Personal Injuries

## Crucial cases, injuries updates and the legislative landscape

Wednesday, 2 May 2012

- 8:30 **Registration**
- 9:00 **Welcome from the Chair**  
**Michal Horvath, Barrister, QLD Bar**
- 9:15 **Recent case law update for quantum and liability issues in personal injury**
  - General damages: trends and issues
  - Duty of care developments
  - Obvious risk and volenti**Ken Horsley, Partner, Minter Ellison**  
■ 0.75 CPD points in professional skills
- 10:00 **Psychological Injuries in personal injury cases**
  - Statutory claims - maximising prospects of acceptance
  - Recent cases on the reasonable management action exclusion
  - Common law case update**Laura Neil, Principal, Maurice Blackburn**  
■ 0.75 CPD points in professional skills
- 10:45 **Morning tea**
- 11:00 **Medical negligence update**
  - Disclosure following *Felgate v Tucker* and *State of QLD v Allen*
  - Interim payments in catastrophic cases
  - Update on cases and issues of interest from the last 12 months
    - *Papa v Sullivan and Nicolaidis*
    - *Sarian v Elton*
    - *Gillett v Robinson***Sarah Atkinson, Senior Associate, Maurice Blackburn**  
■ 0.75 CPD points in professional skills
- 11:45 **Everything you need to know about WorkCover**
  - WorkCover's claims management framework for pre-proceedings claims
  - Rehabilitation and return to work during common law
  - Litigation framework
  - Scheme update and industry alignment**John Kinnane, Customer Service Manager, WorkCover Queensland**  
■ 0.75 CPD points in professional skills
- 12:30 **Lunch**
- 1:30 **Case update on specific types of injury**
  - School cases
  - Liability of independent contractors eg bouncers
  - Alcohol related cases
  - Liability of labour hire
  - Concurrent liability of host employers**Margaret Brain, Partner, Given Law**  
■ 0.75 CPD points in professional skills
- 2:15 **Pre-court procedural requirements for MAIA and WorkCover damages claims**

This session will provide a study of the similarities and differences between the different schemes. Ken Fleming QC brings a wealth of experience and understanding to this complex legislative topic. Case studies and war stories will illuminate the interplay between MAIA and WorkCover and how best to prepare your claim.

**Ken Fleming QC, Barrister, Queensland Bar**  
■ 0.75 CPD points in professional skills
- 3:00 **Afternoon tea**



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3:15 **MAIA, WCRA, PIPA, CLA and CCA – coping with the interplay of the legislative acronyms**

- WCRA v PIPA – *State of Queensland v Heraud*
- MAIA v WCRA – work system exception
- CLA v CCA – *Insight Vacations v Young*
- CLA v Common law – CLA s5

**Richard Douglas SC**, *Barrister at Law*, **Callinan Chambers**

■ 0.75 CPD points in professional skills

4:00 **Pain syndromes in personal injury claims**

- Overlap between physical and psychological injury
- Challenges in evidence
- Preparing the claim
- Assessment of impairment
- Assessment of quantum at common law and under statutory regimes

**Donna Callaghan**, *Barrister*, **QLD Bar**

**Dr Marc Walden**, *Pain Medicine Specialist and Independent Medical Examiner*, **Brisbane**

■ 0.75 CPD points in professional skills

4:45 **Comments from the Chair**

5:00 **Close of conference**

What delegates said about our previous QLD Personal Injuries conference:

*“Very informative, thought out and practical” (re Sarah Atkinson)*

*“Great summary & very practical”*

### Who should attend?

Those who practice in Personal Injury, Insurance Law, Medical Negligence, Motor Accidents, Occupational Health & Safety, Workers Compensation, Health Law including:

- Partners
- Associates
- Senior Associates
- Solicitors
- Barristers
- Legal Counsel
- Practice Managers
- Insurance Assessors
- Claims Managers
- OHS Managers
- HR Managers

# Priority registration form

# 5 easy ways to register

## Personal Injuries

2 May 2012

Stamford Plaza Brisbane

Cnr Edward and Margaret Streets

Brisbane QLD 4000

Online: [www.lexisnexis.com.au/pd](http://www.lexisnexis.com.au/pd)

Email: [registration@lexisnexis.com.au](mailto:registration@lexisnexis.com.au)

Phone: 1800 772 772

Fax: (02) 9422 2338

Mail: Conference Co-ordinator, LexisNexis

Locked Bag 2222, Chatswood Delivery

Centre, Chatswood NSW 2067

or: DX 29590 Chatswood

Please complete sections A, B, C, D

TAX INVOICE

Conference code: PD1312

ABN: 70 001 002 357

## A Delegate 1 details

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First name Last name

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

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

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

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

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

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

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

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

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

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- Australian Health Law Bulletin
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| Please Select | Options         | Qty | Price                 | Subtotal |
|---------------|-----------------|-----|-----------------------|----------|
|               | Full Conference |     | \$ 900 + GST = \$ 990 |          |

#### Standard price (register and pay after 24 February 2012)

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I am unable to attend but please send me the

Personal Injuries conference papers

| Qty | Price | Subtotal           |
|-----|-------|--------------------|
|     |       | \$180+ GST = \$198 |

\* Advanced price, team discounts and any other discount cannot be taken concurrently

TOTAL

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