



By Ben Cochrane

Two main themes emerged when we commissioned this edition of *Precedent*: the TPA and pharmaceuticals.

The Lawyers Alliance campaigned hard against proposed 'reforms' to the TPA during the last parliamentary term. The Senate performed its function and the most draconian of the proposed changes were blocked, for a time.

But with the last federal election the legislative logjam was broken, and further 'reforms' of the TPA joined the queue with other blocked government Bills.

Two papers explore the now amended TPA, each taking a different view on the changes, their likely causes and results.

Product liability – and other – claims against pharmaceutical companies provide the other key theme for this edition. Over the last 12 – 18 months, the Alliance has fielded many calls – from both lawyers and consumers – about people injured by Vioxx. The early response involved Australian firms acting as agents for lawyers in the US, where Australian plaintiffs could seek the advantage of a US damages award. There is now an Australian class action on foot, as

Richard Meeran and Andrew Baker report in their article.

A potentially bigger category of claim, though, is exposed in Dr Yolande Lucire's article about selective serotonin reuptake inhibitors (SSRIs) – Prozac and the like. If Dr Lucire is right, then there is a wealth of old testing material to suggest that increased suicide and homicide rates can be linked to this class of drug.

We also welcome a new regular contributor in Phillipa Alexander. Following her contribution to the last edition, Phillipa has offered to provide a regular column on legal costs. An extended first article on costs in class actions appears in this edition.

The emasculation of the TPA and growing drug claims are the key issues in product liability at present. As we go to press, a report from the Productivity Commission is also expected. The report – on the consumer safety regime in Australia – also has the potential to prompt changes in product liability laws, a situation that will be closely monitored by the Lawyers Alliance. ■

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