

By Michal Horvath

If the first question in any case is 'can we win?', surely the next is 'what will we get?' With that in mind, this edition considers damages.

The state-by-state roundup of the currently available damages for personal injuries claims should keep us out of trouble.

If you have a foreign claimant, Richard Royle's article should help. At the very least, we should know that a new regulation came into effect on 9 January 2009 affecting choice of laws rules for the UK and the EU.

Courtenay Poulden deals with claims involving children, from commencement to judgment and everything in between, including limitation periods and dependency claims.

Two contributions cover reforms: one looks at those we've had, and another at those we need. Anna Walsh deals with the reforms post-*Tame* and *Annets*. Cases applying those provisions indicate at least three different approaches throughout Australia. Make sure you know what is going on in your state.

Lynden Griggs makes a case for reform to the *Trade Practices Act* provisions dealing with misleading and deceptive conduct. He provides us with a summary of the law, including the new developments dealing with 'contributory negligence' and 'proportionate liability'.

With most cases settling these days, Gerry Mullins focuses on how to improve our settlements.

And one must not forget the tax man. Often an

afterthought, tax should be considered before you resolve your case. Andrew Rider shows us how to avoid problems, in particular those involving GST, which is still causing grief.

No edition would be complete without an article that inspires us to test the boundaries. This time breaches of employment contracts cases come under Colin Magee's microscope.

Dimitra Agiannitopoulos reviews *O'Gorman v Sydney South West Area Health Service*, a case involving a delayed diagnosis of breast cancer, where the loss of chance argument was rejected. It is now on appeal. Liat Blacher looks at *Spandideas v Vellar*, where the plaintiff issued proceedings more than a decade after the negligent operation, but was able to avoid the limitation period. As for the ACT, having read Emma Reilly's review of recent damages cases, I am packing my bags and moving there.

David Hirsch reviews the book, *Australian Medical Liability*; Andrew Stone points out the increasing cost of prosthetics and Phillipa Alexander analyses the costs restrictions in the Federal Court, when the damages are small or the claim should have been bought elsewhere.

Right, I am now off to polish some of my cases! ■

Michal Horvath is a Brisbane barrister and a member of *Precedent's* editorial committee. **PHONE** (03) 3221 7000
EMAIL horvath@starmist.com.au

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PRECEDENT Editorial Committee Sue Bence, Liat Blacher, Jnana Gumbert, Rob Guthrie, Michal Horvath, John Little, Patrick Mugliston, Amber Sprague, Emma White, Ben Zipser

Editor and Production Manager Renée Harris renee@lawyersalliance.com.au Phone: (02) 9258 7721

Legal Editor David Bolton davidb@lawyersalliance.com.au **Design** Tianli Zu tian@artstudiozz.com.au

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Email: enquiries@lawyersalliance.com.au Website: <http://www.lawyersalliance.com.au>

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