



# National Product Liability Association Inc.

ABN 52 085 192 570

PO Box 7622 Melbourne Victoria 8004 • Tel (03) 9867 0282 Fax (03) 9867 0199

## **PRESIDENT'S REPORT 2005 DAVID POULTON, PRESIDENT, NPLA**

I am pleased to report on a successful past 12 months for the Association.

### **Executive Committee**

In 2005 the Executive Committee consisted of:

David Poulton - President  
Peter Holloway - Vice President  
Melissa Daly - Treasurer  
Derek Begg - Secretary  
Andrew Morrison - Immediate Past President

and Committee Members:

Pam Madafiglio (NSW)  
Annette Hughes (Joint Brief Editor)  
Belinda Thompson (Joint Brief Editor)  
George Karalis  
Maryjane Crabtree  
Peter O'Donahoo  
Jane Wilhelm

### **Brief**

We continued this year with quarterly issues of our periodical, Brief. The standard of contributions has continued to be exceptionally high. As always we welcome contributions from all of our members. We encourage members who have not previously contributed articles and may be in a position to do so to consider submitting an article for publication. Thanks to all of our contributors this year.

Annette Hughes and Belinda Thompson have continued as joint editors this year and on behalf of the Association, I would like to thank them for their sterling efforts. In recent times Maryjane Crabtree has acted as relieving editor for Brief as both Annette and Belinda have been on maternity leave. Thanks to Maryjane for stepping into the breach with her usual aplomb.

### **Lobbying Sub-Committee**

The Lobbying Sub-Committee has done a stellar job this year. The major focus of activity has been our response to the Productivity Commission's investigation into the review of the Australian Consume Product Safety System currently being undertaken by the Ministerial Council of Consumer Affairs (MCCA).



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The NPLA had made a submission to the MCCA in November 2004 and participated in feedback and consultation meetings conducted by the Productivity Commission in February and October 2005.

The NPLA has carefully considered the issues raised by the review and has responded in a careful and detailed fashion in a manner which we believe reflects the interests of our members.

The NPLA is strongly of the view that so far there is insufficient evidence to support the proposition that a General Safety Provision, as proposed in the MCCA options paper, would generate net benefits over and above those currently achieved by existing regulation. We are pleased to note that the Productivity Commission so far has similarly not been convinced. The NPLA has made detailed submissions in a number of other areas relevant to the review. We will continue to report on these activities in Brief.

Peter Holloway, Deputy President of NPLA in 2005 and our incoming President, has led the NPLA's lobbying Sub-Committee with great distinction. The Association is deeply indebted to Peter and his Sub-Committee for the diligent work they have done again this year.

### Website

Thanks to the efforts mainly of our Treasurer, Melissa Daly and our Secretariat led by Athena Tashevskva, I am pleased to be able to report that we have been able to launch a completely re-designed website this year. The website already contains a wealth of useful information for our members and is easy to navigate. I am sure that we will continue to improve the website in coming years, but in the meantime commend the existing site to our members. If our members would care to log onto [www.npla.com.au](http://www.npla.com.au) I am sure they will be impressed.

### Secretariat

Whilst on the subject of the Secretariat, I would again like to acknowledge the excellent assistance provided by Athena Tashevskva, the Manager of our Secretariat at the Australian Industry Group. Athena and her team have again provided us with efficient, high quality service this year.

### Seminars

The past twelve months have seen a number of interesting and informative seminars for our members. Just on twelve months ago, in conjunction with our colleagues at the Australian Insurance Law Association and the Australian & New Zealand Institute of Insurance & Finance, we supported seminars in Melbourne and Sydney of the Defence Research Institute, a substantial association of US and international defence lawyers. The conference, entitled 'International Liability: New Theories of Liability from the United States - Will you be Ready?' enabled our members to hear from some of the leading trial attorneys in the United States, as well as a number of eminent local speakers, including three NPLA Committee members.



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On the same day as the Melbourne seminar the Association was also involved in the organisation of a very successful dinner entitled 'Women in Law' at which the keynote speakers were Chief Justice Marilyn Warren of the Supreme Court of Victoria and the Immediate Past President of the Defence Research Institute Sheryl J Willert of the firm of Williams, Kastner & Gibbs PLLC in Seattle.

In calendar 2005 our seminars have had something of a 'biotech' orientation. In Sydney in May, we held a successful seminar entitled 'Genetic Engineering – The Legal Implications', addressed by Professor Ron Trent from the University of Sydney and Professor David Weisbrot, the President of the Australian Law Reform Commission.

A Melbourne seminar held in June dealt with changes to occupational health and safety laws which impact product suppliers. The seminar was addressed by Chris Maxwell QC (now President of our Court of Appeal) and Stan Krpan of WorkSafe.

In October we returned to the biotech theme with a seminar entitled 'Biotech and Stem Cell Products – Invention, Commercialisation & Liability', addressed by Dr Alan Trounson from Monash University, Dr Geoffrey Vaughan from the Industry, Research & Development Board, and Maryjane Crabtree from the NPLA Committee.

I should also note under this heading that at our last general meeting we tried out the idea of inviting to our AGM a speaker on a topic not necessarily directly connected with product liability. Twelve months ago we kicked off this concept very successfully with Melbourne journalist and broadcaster, John Silvester providing our members and guests with an insight into the activities of Melbourne's underworld.

This year we are delighted to welcome Dr Leslie Cannold as our keynote speaker. Dr Cannold is a bioethicist currently employed as a Research Fellow at the Centre for Applied Philosophy & Public Ethics at the University of Melbourne, and is a well-known writer and social commentator. This year the topic is a little more product liability oriented and like all our members I am looking forward to an entertaining and informative presentation.

Over the next year we will continue to develop new seminar programs which we believe will interest our members. We are aiming to continue to raise our profile in both Melbourne and Sydney.

### **Looking forward**

This is my final AGM as President of NPLA. I am pleased to welcome Peter Holloway as our new President in 2005, and look forward to continue serving on the Committee as its immediate past President.

I would like again to thank all members of the Executive Committee for their hard work in the interests of the Association this year. I am delighted that all of our Melbourne Committee is continuing next year, that we are looking to expand our representation in Sydney, and that today we welcome a new Committee member in Cathy Scalzo who will be joining our Committee in Melbourne.



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As I mentioned above, our two Brief editors have been on maternity leave recently. It would be remiss of me not to offer the Association's and my personal congratulations - but not only to Annette and Belinda. The Executive Committee has been blessed this year by no less than four new arrivals and one more on the way very shortly. Accordingly, hearty congratulations to our two mothers already mentioned, to our other new mother, Jane Wilhelm, to new father Andrew Morrison, and to expectant father George Karalis, and of course to their spouses and proud families.

Finally, I would like to wish all of our members and friends compliments of the Season and best wishes for the New Year.

**David Poulton**  
**President**  
**NPLA**  
**17 November 2005**