

A wider focus

Welcome to the July issue of *Plaintiff*, a special 10th birthday edition.

In just ten years, APLA has really come of age. For the first time in our history we are involved in litigation in pursuit of APLA's policy objectives. Our High Court challenge to the validity of the NSW legal advertising laws, which infringe implied constitutional freedoms, individual rights and access to justice, will hopefully focus public debate on these issues.

The official government line is that the ban on personal injury advertising is designed to reduce pressure on insurance premiums. But the attacks on lawyers and their clients - even judges - have gone much further in recent years.

The consistent lawyer-bashing by members of government, both at state and federal levels, are an attack on the rule of law itself. Personal injury is of course not isolated in this respect. Law and order continues to be a priority at state level, with judges publicly condemned by parliamentarians when criminals are not locked up indefinitely. The civil liberties of people seeking asylum from persecution and reprehensible dictatorships are also brutally infringed, and lawyers who speak out against the barbaric system of processing refugees are vilified as the self-interested friends of people smugglers.

Governments have created a culture of fear and prejudice in Australian society. We are



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to be afraid of people who seek asylum in our country, and even people who claim compensation for their negligently caused injuries. Government is now reinforcing that culture, by denying the public access to information about their legal rights.

APLA's challenge to the personal injury advertising regulations in NSW is an attempt to win back access to justice. Our system of justice is based on the notion that all citizens should be equal before the law. This also implies that all residents should enjoy a measure of equality before the courts, regardless of wealth, class, gender, religion or disability. The NSW personal injury advertising ban denies equity of access to appropriate legal information, access to the legal system and access to a competent lawyer. It reduces the law to a privilege available only to the wealthy and well-informed.

Attorneys-general have been remarkably quiet in defending the profession and the legal system in recent years, with reform in the personal injuries area being treated increasingly as a Treasury responsibility. Law societies have also done little to protect their members and the rule of law, which upholds our democratic freedoms. The tirade against lawyers, and the important work they do in representing individuals who have been wronged, must be challenged.

APLA's mission is to protect and promote justice, freedom and the rights of the individual. It is time to step up and challenge the constitutionality of some of the steps taken by government in silencing the lawyers and restricting individual rights.

This challenge coincides with the

broadening of APLA's objectives. Further to the resolutions made by members at last year's AGM, APLA will change its name and its image. The next issue of the journal will also undergo a facelift - it will also bear a new name and a new look.

Both the revamped journal and APLA's new name will be unveiled in September, followed by a launch at this year's National Conference in Melbourne, on 21 October.

The focus on personal injury will remain an important component of the organisation's remit, but will be pursued in the broader context of access to justice issues and the rights and freedoms of individuals. This reflects the broader empathy of our members and their concerns about the violation of individual rights beyond the personal injury field.

All the services that members identified as valuable membership benefits in last year's survey will be maintained and, in fact, improved. Our specialised staff, dedicated committees, great educational programs and enthusiastic member involvement will continue to grow and service your needs.

Many battles lie ahead for the profession and, in turn, for this organisation. We hope that you will all remain committed to your areas of practice that are so important in upholding the democratic values of our society. APLA is the only truly national representative body for lawyers in this country dedicated to the preservation of individual rights. We hope you'll be there with us for the next ten years, to help us preserve and promote the public's access to justice.

And look out for your renewed/revitalised/new and improved journal, *Precedent*, in September. 