

Making a difference for injured workers

By Ian Brown

COMCARE

When I became president of the Australian Lawyers Alliance last July, I stated that a major goal of my term would be to fight the imposition of a national workers' compensation scheme. At that time, it had only been a little over three months since the Optus/Toll decision, and my predecessor, Simon Morrison, had done an extraordinary amount of work in exposing the significant flaws in the Comcare scheme and the disastrous impact of the imposition of Comcare more broadly.

The Alliance undertook extensive lobbying of governments, oppositions, unions and business leaders across the country.

Last December came some welcome news. One of the first positive moves made by the new Rudd government was the announcement that there would be a moratorium on new companies joining the Comcare scheme. The government acknowledged that 'Questions have also been asked about the protections available to workers in the Comcare scheme compared with those available under state and territory law'.¹ The moratorium is giving the new government time to examine the impact of an expanded Comcare scheme on the rights of injured workers and on the viability of existing state and territory schemes.

In January, the Minister for Employment and Workplace Relations, Deputy Prime Minister Julia Gillard, announced the terms of reference for a review of the Comcare scheme. The Australian Lawyers Alliance policy machine immediately kicked into gear, and we are preparing what is our most important submission of recent years.

The Deputy Prime Minister has said that the 'Rudd government is particularly concerned that all employees covered under the scheme are protected by rigorous OHS safeguards and appropriate workers' compensation benefits'.²

The Alliance submission will essentially be two-pronged. We will deal firstly with the workings of the Comcare scheme and the nature and extent of the inadequate benefits it delivers to injured workers. Secondly, we will address the impact of the migration of corporations to Comcare on workers' rights and entitlements, and on the ongoing viability of state- and territory-based schemes.

I am enormously grateful to our immediate past-president, Simon Morrison, and Comcare Special Interest group chair, Vince Green, who have volunteered to assist in the preparation of the submission and the associated lobbying efforts. The Alliance is committed to ensuring that our submission provides the government with the essential information it needs to make the correct decision.

DR MOHAMED HANEEF

In February 2008, the Queensland Legal Services Commissioner announced that he did not intend pursuing a complaint of professional misconduct against Dr Haneef's barrister and Lawyers Alliance member, Stephen Keim SC. The complaint was made by Australian Federal Police Commissioner, Mick Keelty, after Mr Keim publicly released the AFP transcript of the police interview with Dr Haneef.

At the time, Mr Keim's actions led to intense media scrutiny, forcing the Director of Public Prosecutions to



review the case, and ultimately to drop terrorism charges against the Gold Coast doctor.

Stephen Keim's actions should have been applauded. Instead, he has had to spend a great deal of time and resources defending himself for fighting for what is right.

The Rudd government has indicated a willingness to conduct an inquiry into the Haneef matter. The Alliance has been lobbying to ensure that the proposed review addresses not only the issues specific to the treatment of Dr Haneef, but also systemic and procedural issues relating to the operations of the Australian Federal Police, the Director of Public Prosecutions and Department of Immigration to ensure that such a situation is not repeated.

Although the necessity for appropriate counter-terror laws should be acknowledged, the treatment of Dr Haneef has, in my view, quite understandably undermined the public's confidence in these laws and those charged with its administration and enforcement. ■

Notes: **1** <http://mediacentre.dewr.gov.au/mediacentre/MinisterGillard/Releases/GovernmentannouncemoratoriumonnewcompaniesjoiningComcare.htm> **2** <http://mediacentre.dewr.gov.au/mediacentre/MinisterGillard/Releases/MinisterAnnouncesTermsOfReferenceForComcareReview.htm>

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