

# A chance for change

By Eva Scheerlinck



A new chapter is about to be written in Australian politics and also in the policy and lobbying work of the Australian Lawyers Alliance.

This organisation has for the last 11½ years worked with a federal coalition government on legal policy and law reform issues. For most of this organisation's history, we have lobbied Liberal and National Party MPs in the hope of protecting and promoting issues of justice, freedom and the rights of the individual.

We have met resistance on many fronts, and were unable to significantly soften the federal government's approach to reviewing the law of negligence in 2002. Our submissions to mitigate amendments to the *Trade Practices Act* and medical indemnity reform were also met with opposition. Our efforts in relation to introducing balance into the anti-terror laws and the fight to ensure that David Hicks received a fair trial were also largely dismissed. Our push for a uniform position on the death penalty, regardless of the crime committed or the condemned person's place of birth, have also been ignored.

However, our lobbying efforts have met with some success. That the Health Insurance Commission now allows claimants to be paid their damages with a maximum charge of only 10 per cent over any award until the details of the repayments have been finalised, is a direct result of our

lobbying of the federal government. Other changes that benefit claimants in the personal injury and trade practices areas have also been achieved, although not to the extent we would have liked.

Principled policy-making and law reform takes courage and patience. We hope that the new government will consider its position on justice issues carefully and consult genuinely and widely with stakeholders, rather than with a reactionary and kneejerk response.

The Australian Lawyers Alliance will soon be meeting new ministers and their staff to discuss issues of concern to our members, and build relationships for the future. On the agenda are the mooted nationalisation of state and territory workers' compensation schemes, the creation of a federal charter of rights, the introduction of safeguards into our anti-terror laws, and of course, support for Work Choices reform.

At the same time, we must work to develop new relationships with the Coalition's new leadership. We must continue to work with both sides of politics to achieve our objectives, and remember that today's opposition is tomorrow's government.

With the balance of power in the Senate lying with the Greens and independents, we will not overlook their importance in the political process. We have already begun discussions with the Greens, meeting Senator Bob Brown in Hobart last

October. We also look forward to working with former Lawyers Alliance member, and soon to be South Australian Senator, Nick Xenophon.

Kevin Rudd's government has had a positive start in key areas of professional and personal interest for Lawyers Alliance members. A review of Comcare was announced in January, which has been on the Alliance's lobbying agenda for some time. Changes to Australia's immigration detention policy and the so-called 'Pacific Solution', are also signs of hope.

Whether the new government has a different approach to policy development and law reform remains to be seen. From time to time, we have had limited success with some Labor governments at a state level. We certainly hope that the Rudd government will seize the opportunity to make a real difference and improve social justice and access to legal remedies through principled and consultative reform. ■

I would like to thank the current and past presidents of the Australian Plaintiff Lawyers Association and the Australian Lawyers Alliance for assisting me with some of the detail from the past 11½ years.

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