

# The view from Tasmania

By Greg Barns



**T**asmanian lawyers are a conservative lot. The vast majority shuns the media, and when it comes to the issue of human rights, the Tasmanian legal industry exerts very little pressure on governments.

One example will suffice. Earlier this year, the Labor government introduced a naming-and-shaming policy for fine defaulters. The Department of Justice would publish a list of those people who, for whatever reason, had not paid their fines. The list would include the full name and address of the individual. At the time, I warned that the result of this appalling disregard for privacy would be a death or an assault – people hiding from a violent ex-partner would have their protection stripped away. In July, this is exactly what happened. A woman, who had taken out a violence protection order, was named on the list. The legal industry should have campaigned long and hard to prevent the government from adopting this policy, but it didn't.

The point of this story is that ALA has the opportunity to be the voice for human rights and the law in Tasmania. There is no other – the Tasmanian Law Society rarely comments on anything that doesn't affect its members' interests.

Tasmanians deserve lawyers who stand up for their human rights. The state is the nation's poorest. It has a barely functioning health service, is particularly incompetent at delivering

effective mental health outcomes to patients, and has families living in cars because they cannot get access to housing. Last year, a woman prisoner had her baby taken away from her by government officials as punishment for being involved in an assault in prison.

The Tasmanian government of Labor Premier, David Bartlett, has been dragging its heels on introducing a Victorian-style Human Rights Act, despite repeated assurances from the Attorney-General, Lara Giddings, that she is committed to seeing one on the statute books. Not one group in Tasmania is running an active campaign to ensure the government keeps its promise on this issue. Given the ALA's national support for a charter of rights, there is no reason why the Tasmanian Branch should not adopt that campaign for Tasmania.

In the past, the only time ALA has made it to the media is on the issue of workers' compensation and personal injuries matters. This is not a criticism – ALA's roots were in those areas of the law. But now that the Alliance is aiming to become Australia's leading criminal law, human rights and civil law lobby group, the Tasmanian Branch has to recalibrate.

First things first, however. The branch in Tasmania is small and we need to grow it. This is no easy task, given the conservatism and relatively apolitical nature of lawyers in Tasmania. But – particularly among those who practise criminal law – there is an opportunity to market our

organisation and increase membership by 10 or so.

In conjunction with this objective, the Branch needs to meet senior journalists from around the state and introduce the Alliance to them, so that when stories are being filed on legal issues, the journalists come directly to us for comment.

On the Human Rights Act campaign, a useful kick-off point would be for the ALA to host a gathering, open to the public, and with National President, Mark Blumer, speaking alongside one of our prominent members, such as Rob Stary or Julian McMahon, on why Tasmanians deserve better rights protection.

Tasmanians face an election in 2010, which promises to be a close-run thing. ALA should be a player in that election, pushing issues such as prison reform, human rights and better legal services for low-income Tasmanians.

I am looking forward to working with my colleagues in the Tasmanian Branch over the next 12 months. With hard work, enthusiasm and political and media savvy, the Alliance could be a byword for law reform by the end of that time. ■

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