

# The view from South Australia

By Anthony Kerin



Recently, the ALA's national president, Mark Blumer, visited South Australia to get a feel for what was happening here (and to escape the red dust that SA had contributed to our eastern states!) During his visit, the Supreme Court handed down its decision in respect of the anti-bikie legislation, declaring an aspect of it invalid. The consequences of this decision remain to be seen. Unfortunately, SA has led the way with this type of legislation.

The current SA government does not have a good record in terms of a number of the ALA's priorities. It apparently completely opposes any human rights charter and has amended the WorkCover legislation to erode workers' rights and entitlements. It has failed to provide adequate resources for the administration of justice and has a poor relationship with the legal profession.

Clara Davies, the ALA's immediate past president, shared her view at our recent state branch conference that another wave of tort reform was fast approaching. So another challenge is to be on guard for insurance companies trying to make hay while the sun shines in the aftermath of the global financial crisis.

Legal costs in personal injuries matters are a national concern, and no-fault schemes are back on the agenda. Locally, we have an unusual situation in which – on the basis of essentially unsubstantiated allegations

that were never put to the test or even outlined in detail – lawyers acting for workers are required to comply with regulations that regulate their legal fees, whereas lawyers acting for the Workcover Corporation or exempt employers are free of such regulation.

In the area of motor vehicle law, the statutory fund that manages our CTP third party fault-based scheme is apparently suffering in the current financial climate. We hope that this will not be used as an excuse to erode rights further. The motor vehicle scheme in SA currently works well.

Despite these challenges, we are heartened by having an SA committee that is broader than it has ever been, with membership generally rising over the last few years, and a good working relationship with the Law Society.

ALA (SA) will continue to focus on personal injuries, tort reform, workers' compensation, human rights and criminal matters. It has been slow to gain traction in the criminal area, but we will persevere. We must, as it is in the criminal area that the erosion of rights is most marked. Opposition to the erosion of individual rights should not be mistaken for opposition to reform. Unfortunately, too often 'reform' is a by-word for a kneejerk political decision which has expediency at its core, and is caught up in the 'cynical electoral cycle' (Philip Adams).

Indigenous issues will become a greater focus for ALA (SA) in the future, with the aim of assisting bodies

such as the Aboriginal Legal Rights Movement and others to achieve their aims.

The next state election occurs in March 2010, and the recent WorkCover reforms are still a key issue within both government and the community.

The committee looks forward, too, to the 2010 national conference in Alice Springs. While we will continue to lobby for Adelaide as a venue, we anticipate being involved in the organisation of that conference and look forward to contributing to it.

ALA (SA) is strong and will continue to grow. A key aim is to establish our identity such that we are sought out for comment on issues locally. We are certainly not there yet.

In the context of the Tampa crisis, Malcolm Fraser once said (of the treatment of refugees and their rights) that he had thought the battles for such self-evident human values had been fought and won many decades ago. He concluded that he now realised the battle to be constant.

With that in mind, ALA (SA) will harness the enthusiasm of the new committee to increase its effectiveness in being a constructive voice for many in the community on issues that lie at the heart of the ALA's ideals. ■

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