

Individual rights under assault

By Eva Scheerlinck



We are proud to bring you the Australian Lawyers Alliance's first journal with a focus on criminal law issues.

The Alliance's membership has a real affinity with the plight of criminal lawyers. Long-established principles of law and justice are under threat in Australia in the criminal arena – the right to silence; unanimous jury verdicts; double jeopardy; detention without charge and sentencing requirements. Principles of just law are under siege in a culture ruled by fear and lowest-common-denominator populist opinion polls.

The Alliance has campaigned tirelessly against the steady erosion of the laws of negligence and consumer protection legislation over recent years. We will similarly take whatever action we can to defend and promote the essential protections built into the criminal justice system. Criminal lawyers are in need of a strong national voice to champion their cause; that is, a stable and principled criminal justice system based on an unassailable foundation of the rule of law, not a reactionary and populist regime where individual rights and freedoms are regarded as dispensable.

This overarching commitment to protecting and promoting justice, freedom and the rights of individuals reaches further than the law of torts. Naturally it encompasses individual protections in our criminal justice

system as well. As Justice Michael Kirby once said, "Criminal law should attract the best lawyers in the country. No other branch of the law is so important."

This year, the Alliance will host professional development events in the criminal law area and facilitate fora for the discussion of issues relevant to criminal lawyers.

A criminal law special interest group has been established to facilitate the exchange of ideas and developments between practitioners in the field. The continuing legal education and professional development events will be planned in conjunction with leading criminal lawyers to ensure quality service provision.

The Alliance has also made submissions to a New South Wales inquiry into the right to silence, the anti-terror legislation being considered around the country and to the Australian Law Reform Commission inquiry into the sentencing of federal offenders.

We have also lobbied government on the anti-terror legislation where the traditional safeguards of the criminal law are being all too easily discarded in the interests of political expediency.

In the coming months, we will be updating you on the likely impact of the industrial relations changes and how we are working together with lawyers in that area to mount an effective defensive. Similarly, immigration law issues will be

explored as special interest groups are established in these new areas for the Alliance. For us as an organisation it's an exciting time of rapid development and expansion, but unfortunately for all the wrong reasons: individual rights are under assault across the board. ■

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