

# Being heard in the halls of power

By Ian Brown

**T**he Australian Lawyers Alliance has been working hard in recent months, lobbying governments and other interested parties on a number of key issues.

On 13 March, the attorney-general, Robert McClelland, announced that former NSW Supreme Court judge, the Hon John Clarke QC, will head an inquiry into the case of Dr Mohamed Haneef.<sup>1</sup>

The Australian Lawyers Alliance has been closely involved in Dr Haneef's case from the time the gross injustices visited upon him were first revealed, with his solicitor, Peter Russo, and his barrister, Stephen Keim, both being members. Other members are now working on behalf of Dr Haneef and his family. Partner at Maurice Blackburn in Brisbane, Rod Hodgson, is representing Dr Haneef and his family at the Clarke Inquiry.

The Alliance has been advocating and lobbying for a wide-ranging inquiry into the handling of Dr Haneef's case. The announcement of the Clarke Inquiry is therefore welcome, particularly its broad terms of reference which, in our view, will permit an examination of the nature, extent and impact of the counter-terror laws. What is disappointing, however, is the apparent lack of any real powers being given to Mr Clarke QC – he does not have the power to compel the attendance of witnesses, conduct cross-examination or call for the production of documents. While AFP commissioner, Mick Keelty, and former immigration minister, Kevin Andrews, have stated they will 'co-operate' with the inquiry, we have grave reservations as to the commitment of all involved parties to reveal the full extent of their actions. The previous government's commitment to transparency and – more importantly, the truth – was starkly revealed by the children

overboard, AWB and David Hicks affairs.

In February, we finalised a detailed submission to the federal government's review of Comcare, currently in the consultation stage.<sup>2</sup> A number of members – the 'Comcare review team' – were instrumental in drafting the submission: Comcare Special Interest Group Chair, Vince Green from Slater & Gordon, Liberty Sanger from Maurice Blackburn, immediate past president of the Lawyers Alliance, Simon Morrison, president-elect, Clara Davies, and Alliance staff.

Our submission concentrates on the impact of the introduction of the Comcare scheme on the rights of workers and on the ongoing viability of existing state and territory schemes. A number of members also wrote letters in support of the Alliance's submission. But our involvement did not stop there.

We are continuing to invest considerable resources into lobbying governments about the inequities of the present Comcare scheme and the need to ensure strong state and territory schemes that strike the correct balance between statutory entitlements and common law access, and at the same time maintain financial viability.

In March, the Comcare review team met with Martin Fry from Taylor Fry Consulting Actuaries in Sydney. Martin is reviewing submissions to the Comcare review, and reporting his findings to minister, Julia Gillard. Also attending the meeting were representatives from DEWR's Workers' Compensation Policy Unit and its Safety, Rehabilitation and Compensation Team.

Our frank exchange of ideas with Mr Fry and his team covered issues as wide-ranging as the 'nuts and bolts' of the Comcare scheme to the essential benefits of common law access for workers injured as a result of

negligence. By reference specifically to the Victorian and Queensland workers' compensation schemes, we sought to show that a balance between statutory benefits and common law access can be struck in a well-managed system.

We will continue to lobby the government and key stakeholders to fight against the imposition of any expansion of the Comcare scheme.

Finally, the Alliance has tendered its submission on the Stolen Generations Compensation Bill.<sup>3</sup> The apology to the Stolen Generations was extremely welcome and the Alliance applauds the government on taking this very important step. But saying sorry is not – in our view – enough. Saying sorry acknowledges that a wrong was committed against many indigenous Australians and their families. The acknowledgement of a wrong should, in a just and equitable society, be accompanied by a meaningful attempt at restitution. This is the thrust of our submission. Indigenous rights are a national issue requiring a national solution, and our view is that the Rudd government should give the apology some substance by formulating a scheme to compensate the Stolen Generations. ■

**Notes:** 1 See [http://www.attorneygeneral.gov.au/www/ministers/robertmc.nsf/Page/MediaReleases\\_2008\\_FirstQuarter\\_13March2008-ClarkeInquiryintotheHaneefCase](http://www.attorneygeneral.gov.au/www/ministers/robertmc.nsf/Page/MediaReleases_2008_FirstQuarter_13March2008-ClarkeInquiryintotheHaneefCase).  
2 For submission, see <http://www.workplace.gov.au/NR/rdonlyres/CCAC688A-B663-4133-ACE3-7D51F28DCFDA/0/LawyersAllianceSubmissiontoComcare.pdf>.  
3 [http://www.lawyersalliance.com.au/documents/public\\_affairs/submission\\_to\\_stolen\\_generations\\_compensation.pdf](http://www.lawyersalliance.com.au/documents/public_affairs/submission_to_stolen_generations_compensation.pdf)

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