

Q&A with Greg Phelps – Partner, Ward Keller

What do you see as the three policy areas for the Australian Lawyers Alliance in 2015? The Australian Lawyers Alliance (ALA) started in 1994 as the Australian Plaintiff Lawyers Association, when a small group of personal injury lawyers decided to pool their knowledge and resources to secure better outcomes for their clients: victims of negligence. Various legislative schemes have seen the prescription and erosion of plaintiff rights. ALA has continuously lobbied to preserve common law rights so that damages are relevant to the individual circumstances of each case. The three areas which will continue to consume ALA's focus are: Comcare, CTP and the National Injury Insurance Scheme. In addition, ALA pass comment on a range of social and human rights issues. We have a staff of eight in the Sydney head office who monitor media on a range of topical issues and conduct conferences around Australia in relation to plaintiff law issues.

Do you have any particular issue that inspires you as President? Since I joined ALA as the NT Board member in 2012, the Board has supported human rights issues related to Australia's indifference to the rights of our Indonesian neighbours around the Timor Sea. ALA has spoken out on the hundreds of Indonesian fishing boats seized and destroyed by the Commonwealth around the sea boundary since 2002, often without legal justification. Also a key human rights issue for ALA is that the polluting oil company and Australian Government have steadfastly refused to conduct any scientific investigation in Indonesian waters following the release from the Montara wellhead in 2009 of millions of litres of oil and dispersants

into the Timor Sea and disregarding reports of widespread damage to the environment and communities in the Indonesian province of Nusa Tenggara Timur (NTT).

We have a strong history of friendship with the Timorese communities including our alliance in WWII involving tragic losses of tens of thousands of Indonesian/Timorese lives. Much more should be done to enhance our relationship with our closest international neighbours.

How did you find yourself in this area of law? I visited Kupang, in West Timor, in April 2011 on an assignment for NTLAC in relation to one client and one fishing boat seized and destroyed by Commonwealth authorities. I met with the fishing people in Oesapa, a small seaside village near Kupang and came away with a deep respect for the people there and new knowledge on the scale of the Commonwealth's campaign of seizing fishing craft. In the course of my interviews the fishermen asked what was happening with the oil and described how it had destroyed their livelihoods. For the first time, I learnt of the reported effects of the Montara spill.

On further investigation and in meeting a local spokesman, Mr Ferdi Tanoni, I was told that around 30 000 homes dependant on seaweed farming had seen their crops fail in 2009 and had not been able to grow seaweed since. Seaweed farming and fishing were the lifeblood of hundreds of poor communities on dozens of islands around the Timor and Sabu Seas. These were important small scale businesses on which families relied for their very existence and to educate their children.



■ Greg Phelps

