

# The ox is slow but the earth is patient

By Anthony Kerin

I can recall being asked in about 1994 why I did what I did. Why was I a plaintiff lawyer? Why did I act for alleged criminals?

This was not at some social setting. This was in my then principal's office in a busy plaintiff/criminal practice. There was not a lot of time for sitting back and reflecting on such matters. When I did give it some thought, the answer seemed to be that I enjoyed helping people, people who could not speak for themselves or who were too intimidated by the system to do so. It really was as basic as that. Now, almost 25 years later, I ask myself the same question in light of the continued attacks on the rights of individuals.

Very recently, NSW's Workcover system has gone from very bad to even worse in terms of the rights of the injured. Both the National Disability Insurance Scheme and National Injury Insurance Scheme have become political footballs.

Not a lot of people understand what either is about, including legal practitioners, but they represent serious threats to rights and need to be carefully monitored.

The criminal justice system has been eroded by a lack of resources, starved by governments that will not fund appropriate facilities, and by inroads such as the creation of presumptions that people facing criminal charges now have to rebut. Compared to 25 years ago, the world is a very different place, with anti-association orders, law and order debates in every state in the country, increased penalties, lip service paid by a few to rehabilitation but little serious intent backing this up. Even economic rationalists have no argument against the economic sensibilities for doing so. Workcover

debacles in South Australia, potential changes in QLD and to the CTP Scheme in the ACT all confront us. Cash-strapped state governments annually increase fees and fines to levels that are not only unheard of, but would have been unthinkable a few years ago.

A mischievous media which attracts correction only if it affects the interests of powerful political entities continues to run amok with headline-grabbing copy, which is often far removed from an accurate portrayal of what is occurring.

Throughout all of this, we need to remind ourselves that what we do as plaintiff lawyers is to help individuals who are not in a position to help themselves. Our calling can be tiring and stressful. Governments come and go. The Australian Lawyers Alliance will continue to advocate, campaign to prevent injustices and lobby in relation to unfair or discriminatory legislation. It is a big task.

The NDIS and NIIS will be a primary focus for the ALA next year. It will require the recruitment of many talented members. If there is one attribute that characterises plaintiff lawyers, it is persistence and patience, and these qualities will be in great demand.

We need new members. We need old members to be reinvigorated and we need to attack our daily task with commitment.

ALA itself has gone through many changes as the organisation now enters its adulthood. It is an important organisation and values its members. It looks forward to working with you throughout the next year on all the issues that will confront the ideals for which we stand.

On behalf of the ALA, I would



like to thank Greg Barns for his stewardship during his year as president. Greg has done great work in promoting the organisation, particularly in the areas of human rights and criminal rights, and he will continue as spokesperson for the organisation in those areas. Some fresh faces on the Board will provide fresh views. The Board looks forward to its role with enthusiasm. We welcome ideas from members and one of the other goals of 2012/13 will be to enhance the level of cohesion and communication between the state branches and head office. The greatest threat to any organisation is complacency.

Let your state committee know what it is you want from the organisation, as they are at the coalface when it comes to executing a lot of the practical, local steps that reflect the organisation's ideals. Remember, the ox is slow, but the earth is patient. ■

With full acknowledgement and thanks to Mick Malthouse for his inspiration for the title of this piece.

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