

THE MAKING OF THE AUSTRALIAN NEW LEFT LAWYER

WHEN the Fitzroy Legal Service (FLS) opened its doors on 18 December 1972, it became the first non-Aboriginal community legal centre to begin operation in Australia. Staffed entirely by volunteers in its first fourteen months of existence, FLS was open from 5.30pm until 11pm, six nights per week. Office, telephone and postage expenses were borne by the Fitzroy Council and, with the assistance of a collection of \$550 from members, the Service's operating expenses were able to be met for several months.¹ On the first night two clients sought advice, the second night brought thirty clients, and on the third night, after much media attention, about fifty clients sought advice.² After the first two weeks it was reported that around fifty volunteers had assisted individuals with a range of legal problems, from people charged with serious criminal offences, such as attempted murder, to tenants who sought to fight evictions.³ The number of clients remained steady, while the number of volunteers increased for some time. In January 1973 volunteers numbered around sixty,⁴ and by the middle of 1973 around one hundred volunteers were assisting an average of forty people each night.⁵

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1 Van Moorst, *The Fitzroy Legal Service* (unpublished thesis, University of Melbourne, Parkville 1973) p44.

2 Interview, Finlayson, 19 August 1992.

3 Newspaper article in FLS newspaper collection, annotated as "Nation Review Jan '73" but unable to be verified.

4 *Melbourne Times*, 17 January 1973 p1.

5 Kennan (conv), *Legal Aid - A Proposed Plan* (Victorian Fabian Society, Melbourne 1973) p6.

The opening of FLS drew a blaze of media attention.⁶ Television news crews came and reported, as did the print media and radio.⁷ *The Age* newspaper reported that "Australia's first free-to-all legal aid centre staffed by trained volunteer lawyers has opened in Fitzroy" and quoted an unnamed barrister who said that "legal aid run by the legal profession just doesn't provide an adequate service".⁸ The media seem to have been interested in the opening of FLS because of the Service's implicit and explicit criticisms of the legal profession. Here was a group of people challenging the idea that legal advice should be paid for. The extent of the challenge should not be understated either. An anonymous letter to a volunteer in 1973 outlined the threat which one lawyer felt FLS posed to the legal profession. The letter, in part, read:

It seems you are helping a lot of dead beats and bots. There is ample work available today, unemployment is at [a] record low, why are these people so broke? ... Things are not so promising for solicitors now, what with Murphy's \$150 divorces, do it yourself kits and [moves] to weaken our status adumbrated by this socialist government. I hope Mr Hayden gives no help and that no help comes from any man who has the welfare of the profession at heart. Charity begins at home.⁹

This article is a discussion of how one might understand and contextualise the first few months of FLS, the argument being that the opening of FLS saw the creation of a new type of lawyer in Australia, the new left lawyer. However, the task of supporting an argument that the opening of FLS constituted a manifestation of the Australian new left is doubly difficult. It is difficult enough to show that anyone was a member of, or belonged to, the amorphous new left in Australia. Yet it is perhaps harder still to argue that someone was, and could be, a new left *lawyer*. These problems arise, in part, because of definitional difficulties.

6 Interview, Van de Wiel, 19 March 1993.

7 For example, Michael O'Brien was interviewed on Radio 3LO soon after the first meeting: Interview, O'Brien, 3 March 1993.

8 *The Age*, 27 December 1972 p5.

9 FLS, *Newsletter*, June 1973 p1.

THE NEW LEFT

Definitional Difficulties

In understanding what is meant by the new left, one perhaps needs to understand what is meant by the old left. The exodus of intellectuals from the Communist Party of Australia in the late 1950s, following the Russian invasion of Hungary, provides the most distinct point of division between the old and the new left in Australia. After this time the old left came to refer to the established Communist Party of Australia, and, in a similar fashion to what was occurring in England, the term 'new left' was used around this time in Australia to describe various groupings of ex-Communist Party members.

However, this was not the only way the term was used. Indeed, as a definitional term, 'new left' is ambiguous; in being relational, one could be of the new left simply by being broadly left wing and by not being identified with the old left. This is a definitional problem which, some authors argue, leads to the conclusion that the new left can hardly even be referred to as a movement.¹⁰ Some writers have argued that the term 'new left' was applied to quite disparate groups in Australia during the late 1950s. A Sydney based group was characterised by its revival of interest in the nature of socialist ideas and theory, whereas in Melbourne a different new left was influenced more by European social democratic principles, and had an added religious component.¹¹

In addition, the new left label was grasped by students in the 1960s, when student activism abounded over issues like the White Australia Policy, Anzac Day, Nuclear Disarmament and the Vietnam War. For reasons which will become clear shortly, it is this usage of the term, in its application initially to student protests, on which I shall focus. Yet is it meaningful now to use the term 'new left' in this regard? Was there, for instance, any new left political philosophy which linked student activism against the Vietnam war to student activism against the touring Springbok rugby team, or was there simply something uniform in being oppositional in the 1960s? In short, was 'new left' a term which connoted a particular politics?

10 Gerster & Bassett, *Seizures of Youth: The Sixties and Australia* (Hyland House, Melbourne 1991) p46.

11 Gordon & Osmond, "An Overview of the Australian New Left" in Gordon (ed), *The Australian New Left: Critical Essays and Strategy* (William Heinemann, Melbourne 1970) pp12-16.

According to John Murphy, libertarian issues were at the forefront of student movements in Brisbane and Adelaide. Likewise in Melbourne, Students for a Democratic Society emerged in 1968 from the Communist Party-aligned Labor club, and espoused radical democratic and libertarian policies, with an emphasis on participatory forms of organisation. Students for a Democratic Society were also active in Sydney around this time. Meanwhile, at Monash University a strongly Maoist group emerged.¹² So it is at best misleading to suggest that there was a philosophically united student movement in Australia. This has led authors like Robin Gerster and Jan Bassett to conclude that when students in Australia objected to Australia's involvement in the Vietnam war, they did so by referring to a range of diverse political philosophies "promoted by the hybrid international political phenomenon ... called the New Left".¹³ Certainly Gerster and Bassett are correct in saying that there was no unified political philosophy which was distinctly new left; in short, there was no new left manifesto. Murphy agreed that the new left did not develop a coherent critique of society around which a movement could be formed. Humanist ideals sat awkwardly with Leninist revivals of Maoism, and pacifism and theories of participatory democracy had to co-exist with calls for revolution.¹⁴ Matters become even more confused given that the rise of student activism in the 1960s was accompanied by a contemporary manifestation of the 'culture of dissent' in clothes, popular music and attitude.

Yet herein lies the connection between the various student protests, and between two broader movements which involved many people who were not students: the anti-Vietnam war movement and the women's movement. Unity was achieved in the fact of protest, and in the method of protest. The protests concerning the issues I have mentioned were strongly oppositional, and all of the sometimes disparate groupings developed discourses against power.¹⁵ All were, to some extent, anti-authoritarian, anti-Imperialist, anti-racist, and anti-capitalist. Certainly, there was no unified call for a new political order; indeed there were often points of contradiction amongst the various protests. This has led people like Gerster and Bassett, in their book *Seizures of Youth*, to dismiss much 1960s activism as "childish insubordination".¹⁶ Yet, whilst their book -

12 Murphy, *Harvest of Fear: A History of Australia's Vietnam War* (Allen & Unwin, St Leonards 1993) p220.

13 Gerster & Bassett, *Seizures of Youth* p46.

14 Murphy, *Harvest of Fear* pp220-221.

15 On this point see Murphy, *Harvest of Fear* pp221ff.

16 Gerster & Bassett, *Seizures of Youth* p19.

which seeks to temper the often idolatrous memories of the 1960s - is welcome, it dismisses too quickly the many challenging events which occurred at this time. Indeed, I would argue that, despite its essentially amorphous nature, there is a sense in which the term 'new left' can be used meaningfully to refer to the rationales behind many of these challenges, just as it can be used to refer to a particular politics, a politics of protest.

Sites of Protest

Before moving to examine how FLS manifested many of the characteristics of what I call new left protests, I want to provide a brief overview of the principal sites of protest in 1960s and early 1970s Australia. However, I do not suggest that there was one group of people who protested about all these issues. Nor do I suggest that all these sites of protest were inherently linked such that they formed one monolithic protest movement. Rather, I suggest that there were some points of unity between the various protests, and that that unity was enough to bring them within the auspices of the new left.

The issues about which large numbers of people in Australia protested at this time were numerous. Aboriginal rights, or the lack of them, was one. Other race issues of the time saw an increasing number of Australians oppose the White Australia policy, while much support was generated here for overseas movements such as the civil rights movement in the United States of America and the anti-apartheid movement in South Africa. Rallies in Australia accompanied major overseas events, such as the Sharpeville massacre in South Africa in 1960,¹⁷ while large, violent protests followed the appearance in Australia of overseas evils, as evidenced by the 1971 protests against the touring Springbok rugby team. In addition, the Vietnam war provided students and many other people with an issue around which they could cohere, particularly after 1964 when conscription legislation was enacted. Such was the level of protest against conscription and against the war that it has been estimated that by 1971 nearly 12,000 eligible men, more than the number of Australians engaged in Vietnam, had not registered for the draft as required by the *National Service Act* 1964 (Cth). Meanwhile, over 20 suburban draft-resisters support groups had been established in Melbourne.¹⁸

17 See further Gordon & Osmond, "An Overview of the Australian New Left" in Gordon (ed), *The Australian New Left: Critical Essays and Strategy* pp21-22.

18 York, "Power to the Young" in Burgmann & Lee (eds), *Staining the Wattle: A People's History of Australia Since 1788* (McPhee Gribble/Penguin, Fitzroy 1988) p232.

This was also the time when the women's movement, doubtless the most significant social movement of the period, emerged. Equal pay, child care and abortion were the issues most commonly associated with it. But more than the issues, it was the way people protested that made the women's movement significant. Several writers have argued that the onset of the women's movement, whilst being explicable by social and economic considerations, owed much to the favourable political climate engendered by the protests against the Vietnam war.¹⁹ By asserting that the personal was political, and that 'consciousness raising' was an important political concept, the women's movement adopted many of the strategies which characterised protests against the Vietnam war. To take one example, the *Women's Liberation Newsletter* eschewed the planning and organisation which characterised social movements prior to the 1960s, proclaiming instead that "We are the revolution now" and that "Slogans achieve nothing! We express our belief in what we say only by doing it."²⁰

In an increasingly technocratic world, the new conflicts were depicted as being between the people and the bureaucracy, the powerless versus the powerful.²¹ The battles were about people's rights and abilities to control their own lives, free from the strictures imposed by an impersonal state. These protests, like the contemporaneous emergence of a counter culture, evidenced an opposition to restrictions on individual freedoms, yet were typically expressed in a communitarian form. In *The Australian New Left*, published in 1970, Dennis Altman wrote that in the culture of the new left there was both an anarchic strain as well as a search for community.²² Similarly, John Docker wrote that the new left drew inspiration from anarchism and libertarianism and interpreted aspects of each in a communitarian rather than an individualistic spirit. Thus street marches and consciousness-raising groups would be preferred to organisational structures involving meetings, chairpersons and minutes.²³ Virtually inseparable from the discourses about power which characterised the new

19 For a discussion on this see Burgmann, *Power and Protest: Movements for Change in Australian Society* (Allen & Unwin, St Leonards 1993) p81; see also Grimshaw, "Only the Chains Have Changed" in Burgmann & Lee (eds), *Staining the Wattle* pp82-84.

20 *Women's Liberation Newsletter*, August 1973 pp4-5; *Women's Liberation Newsletter*, October 1973 p8.

21 See, for example, Altman, "Students in the Electric Age" in Gordon (ed), *The Australian New Left* pp134-135.

22 As above.

23 Docker, "'Those Halcyon Days': The Moment of the New Left" in Head & Walter (eds), *Intellectual Movements and Australian Society* (OUP, Melbourne 1988) p297.

left were the ways in which one expressed membership of the new left. Rejection, or at least the appearance of rejection, of mainstream culture was an essential element.

Indeed, mainstream culture was itself a site of protest, and many of the people involved in the establishment of FLS viewed it as such. Yet although FLS volunteers adopted many of the general characteristics of the new left culture of protest, they had their own specific enemy which they sought to challenge. It was not racism, war or patriarchy which FLS's existence directly confronted, but rather a different manifestation of what was interpreted as the manipulation of people by authority: the lack of access to the law and legal processes for people on low incomes.

ACCESS TO THE LAW

Access to legal advice and representation in 1972 largely depended on one's ability to pay for it, the profession being an all but completely privatised industry. Short of relying upon the beneficence of a private practitioner, the alternatives which confronted Victorians on low incomes when defending criminal prosecutions or when wishing to initiate or defend civil litigation, were limited. Such people could represent themselves, or they could rely on either of the two organisations which provided limited free legal assistance: the Office of the Public Solicitor and the Victorian Legal Aid Committee. Federal legal aid services, other than post-war assistance schemes for people associated with the Commonwealth armed forces, did not come into existence until after September 1973.

The Public Solicitor's services were mainly available to people being tried for serious crimes in the County and Supreme Courts. Thus representation of defendants in summary Magistrates' Court matters, the vast majority of criminal law cases, was not possible through this body.²⁴ The Legal Aid Committee was a referral body appointed by the Victorian Bar Council and the Law Institute of Victoria to administer a scheme which provided

24 In the period 1970 to 1974 the average yearly number of applications for Public Solicitor aid was 1,022, with an average of 703 cases being granted assistance each year. When a grant of assistance was made, all the legal costs were covered by the Public Solicitor. Public Solicitor staff, which by 1975 included three lawyers, were salaried. Counsel who appeared were paid according to a low schedule of fees. See Sackville, *Legal Aid in Australia* (AGPS, Canberra 1975) pp101, 104. Funding for the Office of the Public Solicitor in the years 1969 to 1973 averaged out at \$322,350 per year. See Vic, Parl, *Debates LA* (1975) Vol 322 at 6301.

assistance to poor persons.²⁵ The Committee's role was to assess applications for assistance. If an application was accepted, the matter would be referred out to a private solicitor who would recover an unspecified percentage of normal professional costs. Contributions were expected from clients, often in instalments, according to their ability to pay. This often meant that a client would, over time, repay eighty per cent of the standard professional charge. The Government paid administrative charges associated with the operation of the scheme. Rates of payment to lawyers depended on the amount the Committee deemed to be equitable.²⁶

With the operations of the Public Solicitor limited to assistance in indictable criminal offences, the limited resources of the Legal Aid Committee tended to be applied to fill the void in criminal cases. By 1967 it was clear that a substantial amount of Legal Aid Committee referrals involved criminal litigation.²⁷ However, the inability of the scheme to provide for the legal needs of low income earners was illustrated by the Legal Aid Committee's report for 1966. In the year ending 30 June 1966 there were 2,168 applications for aid. Of these, 897 were rejected before being referred to the Committee. That figure represented those applicants who did not qualify for legal aid together with those who, according to the State Government, had minor problems relating to entanglements with hire-purchase companies. These people were given brief advice or were informed that "there was no need to secure legal representation in order that they might extricate themselves from their difficulties".²⁸ Of the remaining applications which were referred to the Committee, 902 were approved.

The Legal Aid Committee did provide people with free legal advice, as opposed to representation, but such advice was available only from the handful of solicitors employed by the Committee at its Central Office, high up on the eighteenth floor at a Collins Street address. The Committee was extremely reluctant to advertise its existence for fear of being deluged with applications.²⁹ When a brochure was printed in November 1972 to "inform the public as to the existence of the Legal Aid Committee", one

25 *Legal Aid Act* 1961 (Vic) ss3, 4.

26 *Legal Aid Act* 1961 (Vic) s9(4).

27 Vic, Parl, *Debates LA* (1967) Vol 286 at 3564.

28 This information comes from statements made by the Hon A Todd regarding the 1966 report of the Legal Aid Committee: Vic, Parl, *Debates LA* (1967) Vol 286 at 2988.

29 Interview, O'Brien, 3 March 1993; O'Brien, *Young Offenders in the Criminal Process in Victoria* (LL B Honours thesis, University of Melbourne, Parkville 1972) p39.

had to apply to the Law Institute of Victoria to obtain a copy.³⁰ In practice, the location and secrecy of the Committee meant that a potential applicant first had to see a solicitor before an application for assistance would be lodged. Even then the function of the Committee was often simply to allow clients time in which to repay the majority of their legal fees. As one FLS volunteer was to say:

The myth here is that the legal profession is doing a benevolent service for the poor. In fact lawyers are paid something like 80 per cent of all fees they render and although there is a means test most people have to pay on a time-payment basis.³¹

Prior to 1972 there was a real shortage of agencies which would provide free or even cheap legal advice to those who could not afford to pay for private solicitors. There were doubtless private solicitors who would occasionally, even regularly, provide services for free. Yet in the early 1970s people on low incomes had no place to go where they could be guaranteed to receive free legal assistance. In addition to the inaccessibility of lawyers, little, if any, effort was being applied to the provision of community education about the law. Community education was not a priority for the private legal profession, indeed it was and still is anathema to the operations of most private practitioners. Nor did the Federal or State Governments show an interest in remedying this situation. However, times were changing.

PROTEST CULTURE AT FLS

Many of the first volunteers at FLS were involved in the social protest movements which permeated the 1960s and early 1970s. Eilish Cooke recalls women at FLS being involved in pro-abortion marches and supporting the establishment of women's refuges.³² Even the draft-resistance movement was of direct significance for FLS. During 1972 John Finlayson, a youth worker, organised a fund-raising function for draft-resisters at a youth centre in Brighton. Police infiltrated the function and arrested Finlayson and others, charging them with selling alcohol on a Sunday without a licence. Finlayson feared he would be sacked from his position if convicted, so upon hearing about a barrister who was willing to

30 Law Institute notes: (1972) 46 *LIJ* 448.

31 Peter Faris, quoted in newspaper article in FLS newspaper collection, annotated as "Nation Review, Jan '73" but unable to be verified.

32 Interview, Cooke, 3 March 1993.

appear free for draft-resisters he arranged to be represented. Peter Faris had Finlayson acquitted, and over lunch Finlayson told Faris about his ideas for a free legal service.³³ Faris was to become an integral member of the early FLS.

Notions characteristic of the protest movements quickly became established at FLS. Anarchic and libertarian attributes were manifested when people objected to meetings being chaired and to minutes being taken.³⁴ Some volunteers even required meetings to be held in circles, without tables to lean on, in the belief that this would stop individuals dominating discussion.³⁵ 'Structure' was a dirty word in the early days of FLS.³⁶ Emphasis was on the collective, not leaders. It was on immediacy, the superfluous nature of documentation, and the importance of confrontation. The culture of protest movements also manifested itself at FLS in clothes, hair length, and in attitudes to drugs and sex. Posters in support of Ho Chi Minh adorned some of the walls, and many workers sported long hair and eastern clothes.

These were some of the outward characteristics of the new left culture of protest which were important in the early years of FLS. However, more than just affecting lifestyle choices and organisational structure (or lack of it), concerns about the ever increasing manipulation of ordinary people came to affect the Service's provision of legal assistance. FLS, like private legal offices, existed to provide legal assistance to people. However, FLS was established more on the grounds of how it would be different to private legal offices than on how it would be similar to them. Just as many of the characteristics of the new left protest culture were conceived in opposition to mainstream culture, so the method of providing legal assistance at FLS was conceived in opposition to the way mainstream lawyers provided legal services. For a start, the legal assistance was to be free. Moreover, workers at FLS did not simply want to reproduce for free the type of legal work done by private lawyers. There was the lofty and at times analytically tenuous hope that FLS would be able to facilitate change in society, that it would be a grass roots organisation which could engage people to actively work to alter their society. It was here that the new left concept of the collective against the impersonal bureaucracy took its strongest hold.

33 Interview, Finlayson, 19 August 1992.

34 Interview, Gardner, 8 October 1992.

35 Interview, Molan, 24 October 1992.

36 FLS, *Newsletter*, June 1973 p1.

Accessibility

The desire to change society relied on two crucial objectives, the existence of which would separate FLS from standard law offices: to be accessible and to de-mythologise the law. 'Accessibility' was the word used to express the hope that poor clients would feel comfortable talking to workers about their legal problems. The hope was that workers and clients would talk together on roughly the same level, rather than replicate the power imbalance of most lawyer/client relationships. Also, the objective of accessibility incorporated the understanding that it was not just for lack of finance that people declined to seek legal advice. Shyness, language difficulties and ignorance of the law were all thought to be reasons why people did not do so.³⁷ Early in 1973 a volunteer, Denyse Dawson, was quoted in *Woman's Day* as saying:

To a lot of people there's some sort of mysticism about a wood-panelled Collins Street office; about being met by a perfectly groomed receptionist who introduces you to an immaculately suited man to whom you're supposed to tell all your problems.³⁸

An article in *The Sun* in March 1973 began with a description of FLS's meagre furnishings. It then went on to quote Peter Faris, who apparently had hair below his shoulder blades and was wearing faded jeans, a yellow T-shirt and a green army jacket. Faris said that "apart from the obvious fact that we don't charge for any service, we conduct our dealings on the most informal basis imaginable".³⁹

In a bid to provide accessibility, John Finlayson made his office and the adjoining rooms under the Fitzroy Town Hall available to FLS at night.⁴⁰ The location of the Service, in what became known as 'the dungeon', and the fact that the Service was open at night, six nights per week, were crucial to its accessibility. *The Herald* reported that:

In a couple of grubby rooms and a crowded corridor underneath the Fitzroy Town Hall, Melbourne's strangest law practice is booming ... Up to eight lawyers at a time sit at desks, stand in corners, squat on their haunches, listening

37 Kennan, *Legal Aid - A Proposed Plan* p2.

38 *Woman's Day*, 9 April 1973 p9.

39 *The Sun*, 20 March 1973 p22.

40 Interview, Finlayson, 19 August 1992.

to problems and complaints from people, many of whom would never go near a normal legal practice.⁴¹

Peter Faris said that "people who couldn't afford to go near a lawyer in the past or who were too intimidated by lawyers, are now coming out of the woodwork to seek aid".⁴² Symbolic gestures reflected the priority given to accessibility. Desks were placed against walls in a bid to ensure that client interviews were informal and not prescriptive. Male lawyers were expected to at least remove their ties before seeing clients, and one lawyer even had a tracksuit waiting for him at FLS into which he could change before giving advice.⁴³ The symbols of power were at least to be hidden.

De-mythologising the Law

The second aim, which embodied the Service's desire to be an agent of change in society, was for FLS workers to remove the mystique of the law and, relatedly, to disrupt the power of lawyers. Attempts at meeting this aim took place both in individual client interviews and through more general community education about the law. It was thought that if people could become more educated about their legal rights and about the law in general, society's dependence upon lawyers would diminish. So when clients came in to FLS for legal advice, it was hoped that they would be given sufficient information to be able to make informed decisions about their own affairs. This would, in theory, both save them money and at the same time deny private lawyers the opportunity of telling more people what to do with their lives.⁴⁴

The initial uncertainty about what to call users of the Service was reflective of the organisation's objective to discard the power hierarchy of other law offices. The dilemma was that where the recipient of legal assistance is called 'the client', a model is adopted under which the recipient of advice expects to receive, and is expected to take, the legal prescriptions offered. Early FLS documents alternate between

41 *The Herald*, 31 May 1973 p4.

42 *The Herald*, 20 June 1973 p2.

43 Interview, Finlayson, 19 August 1992; personal correspondence, O'Brien, 17 February 1993.

44 An example of an expression of this aim is in the minutes of General Meeting, 29 May 1973.

"customers" and "clients", with the word "clients" often surrounded in inverted commas.⁴⁵ Slowly the inverted commas disappeared.

Certainly this second aim, which later attracted the name 'empowerment', was (and is) not without its practical and theoretical problems. The failure of FLS to provide the sort of legal environment which many associated with a high standard of assistance did occasionally lead people to question the accuracy of the workers' advice. Similarly, empowerment was not always desired by clients. People who just wanted to know a legal answer were, no doubt, often frustrated by the language of empowerment. Not everyone wanted a range of options, just as not everyone was interested in theorising legal problems in terms of middle class oppression. Nevertheless, the twin aims of accessibility and of de-mythologising the law did set FLS apart from all other law offices existing at the time.

CONCLUSION

FLS presented itself as vastly different to private law offices by aiming to be a grass roots community organisation which would work for social change. Remy Van de Wiel comments that:

We wanted to give people the opportunity to control their own lives. The legal service was meant to help people look after themselves ... I thought people could change things outside parliament and that I had a skill that I could give away which would help them and I felt I had a duty to give it away. We did have a lot of potential to change people's lives.⁴⁶

It is difficult to separate the rhetoric about the importance of changing society from the aim of making legal advice accessible. The reason for this difficulty is probably because no division between these concepts existed in the minds of many FLS workers. To make legal advice accessible was to break the mystique of the law, which then enabled people to assert control over the problems which confronted them. When

45 For example, the minutes of the Core Group Meeting on 3 February 1973 adopt "client" in inverted commas, while a discussion paper for the General Meeting on 29 May 1973 uses "customers".

46 Van de Wiel quoted in Neal, "Interviews: Some Founding Mothers and Fathers" in Neal (ed), *On Tap, Not on Top: Legal Centres in Australia, 1972-1982* (Legal Service Bulletin Co-operative, Clayton 1984) pp56-58.

numbers of individuals asserted control in this way, real social change was possible.

In many ways, FLS set itself up as counter to the legal profession. Individual problem solving was to take place in an accessible and empowering environment, and many individual legal problems would be seen as manifestations of larger societal problems, something which would inform much community development work. All of these emphases were the antithesis of standard legal practice in the early 1970s. Further, the emphases at FLS on social change and on empowering individuals to assert their civil rights positioned FLS strongly with other social movements of the 1960s and early 1970s. As with the new left on a broad scale, FLS workers did not have a united political philosophy according to which they could theorise and plan the transfer of power from the possessed to the dispossessed. However, workers at FLS did, at the very least, attempt to encourage people to complain about injustices they had suffered. This amounts to a legally envisioned politics of protest, and situates the earliest FLS workers within the political phenomenon known as the new left.

For Geoff Eames, an FLS volunteer and later Supreme Court Judge, it was a peculiarly striking thing about FLS that the radical left, having only recently and hotly debated issues like Vietnam and apartheid, should agree on a social welfare scheme like FLS, let alone participate harmoniously in one.⁴⁷ It was peculiar because it is rare that something positive is born of so much criticism. The new left culture of protest seemed to have produced a viable alternative. However, just how long FLS could remain both part of the protest culture and viable was a question which loomed.

47 Eames, "Fitzroy Legal Service Through Rose Coloured Glasses - A Personal View" in *Victorian Bar News*, July 1973 p5.