

## COMMUNITY LEGAL CENTRES IN THE NINETIES

*'Victoria takes a stand — more than 100 000 join the biggest rally since the Vietnam Moratorium'*

[Age, 11 November 1992]

It is ironic that with the publication of this *Alternative Law Journal* celebrating the 20th birthday of CLCs, Victoria is undergoing a period of social change that some would say parallels that of the early 1970s. CLCs are often said to be a product of that heady period of innovative and radical social ideas and activism. In contrast, the change which is currently occurring in Victoria is regressive and oppressive. What should be the role of CLCs in this changing political and social climate?

Within five weeks of being elected, the Kennett Government has radically altered the nature of industrial relations in Victoria by effectively destroying the State award system and requiring employees to negotiate their own terms and conditions of employment. As well, Parliament has passed legislation overhauling the workers compensation system and removing rights of workers to compensation and common law action, abolishing the Public Service Board and making all public servants subject to four weeks notice of termination of employment.

Among other changes, the Victorian Law Reform Commission has been abolished. The Government believes that law reform can be accomplished by allegedly non-partisan parliamentary committees in contrast to the partisan Law Reform Commission. The new Government has sacked the members of the Accident Compensation Tribunal, whose status is that of County Court judges. This clearly is in direct conflict with the principle of judicial independence. It is anticipated that all tribunals and boards will be brought under the umbrella of the Justice Ministry and the ramifications of this for the tribunals whose specialised nature has encouraged informality and sought to increase access for the community are as yet unknown. It is likely that individual referees will be expected to preside in a number of tribunals and not retain areas of speciality. Other significant changes are inevitable.

The new Government had not given any clear indication of what its policy on legal aid was until it slashed funding to the Legal Aid Commission of Victoria by \$2.3 million. The implications of this are not only that the Legal Aid Commission will have to restrict its operations further, but that the State's contribution is now so low that the Commonwealth, pursuant to the Commonwealth-State agreement, may also reduce its financial contributions to legal aid in Victoria. It is paradoxical that these reductions in funding were announced on the same day that the High Court, in *Dietrich's case*, found that legal representation for a person accused of a serious crime was fundamental to the right to a fair trial.

On CLCs the new Attorney-General, Jan Wade, in a pre-election interview reported in the November edition of the *Law Institute Journal*, said, 'Legal centres will continue to receive support, but again I would like to be assured that the greater part of their money is being spent on actual legal services as opposed to educational and other activities'. No action has yet been taken on CLCs but the Attorney-General's position poses a major threat to the unique nature of CLCs which have provided leadership in community legal education and law reform activities. They have been a vehicle for the views of the poor and disadvantaged in our community, views that have been often expressed through the *Alternative Law Journal* (previously *Legal Service Bulletin*).

Although the above changes are specific to Victoria, the future does not bode well nationally for those working to improve the community's access to justice. In the industrial relations arena, the Federal Opposition's policies reflect those in Victoria and the trends in the law and order and access to justice areas are also likely to be replicated at a national level. The indications throughout Australia, at both levels of government, for the legal aid system are also grim. Victoria is not alone in facing severe restrictions on the availability of legal assistance through its Legal Aid Commission.

The Federal Shadow Attorney-General, Peter Costello, recently announced in a press release that

although the GST would apply to legal services, legal aid would be better off. He also indicated that part of the \$10 million cut to the legal aid budget announced in the Fightback document will be obtained by removing the \$2.4 million funding increase obtained by CLCs in the 1991-92 budget. This is despite the fact that, increasingly, CLCs are being seen as the legal aid safety net with a government focus on individual service delivery.

The way that Victorian CLCs respond to the new Government's attack, in its numerous forms and disguises, on workers and those in receipt of low incomes, will be an indication of the role Australian CLCs will have in the future. Centres have the opportunity to take up the challenge made by their critics that CLCs are not representative, activist or innovative, but have become miniature legal aid commission offices providing primarily individual casework services and subsumed into the mainstream legal system.

The changes that are occurring in Victoria clearly demonstrate that nothing is sacrosanct. The achievements of the last 20 years in improving access to justice throughout Australia are under threat. Reforms and improvements in the substantive law, the delivery of legal services, the administration of the justice system, the development of alternative dispute resolution forums, community legal education and the delivery of legal aid can all be overturned and reversed at both a State and Federal level.

CLCs must join the struggle to retain those benefits achieved thus far. They must also continue to develop innovative strategies to address the structural injustices and disadvantages inherent in our society. This will require the adoption of a more direct political role and a preparedness to confront the consequences.

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