

BACK TO The Future

Sam Biondo and Chris Field

25 years of the Fitzroy Legal Service.

In preparing this article we delivered a questionnaire to various people who have been involved with Australian Community Legal Centres and the legal industry generally. The question asked was:

What impact do you think the Fitzroy Legal Service has had on the legal industry and on promoting social justice within the community?

The responses received appear throughout this article in italics.

As Governor-General, I am pleased to be able to send this message of congratulations and goodwill on the occasion the 25th Anniversary Celebrations of the Fitzroy Legal Service.

The Fitzroy Legal Service was one of the first community legal centres to be established in Australia. Over the past quarter of a century it has made a very substantial contribution to the pursuit of justice, especially on behalf of the disadvantaged. I congratulate the Service on its achievements, and express every good wish for the years ahead.

**Sir William Deane, Governor-General
of the Commonwealth of Australia**

Fundamentally, the Fitzroy Legal Service is about clients, who instinctively know they can turn to the staff and volunteers with the most difficult — or trivial — problem. It is a brand name that has enormous goodwill in the community and clout throughout the legal profession and the corridors of government.

Jon Faine¹

I regard the Fitzroy Legal Service, and bodies like it, as vital contributors to converting the notion of equal justice under law from mythology into reality.

Justice Michael Kirby²

CLCs are no longer on the fringe of the legal aid system but are considered to be an essential element of the system of government and the legal profession. As a result CLCs in Australia are at risk of losing 'their sense of political purpose and their innovative tendencies': they are facing an identity crisis.

Mary Anne Noone³

Fitzroy Legal Service (FLS) is 25 years old. As such, it is a time for celebration; of achievements probably not thought possible when one youth worker and two law students first had the idea to dispense legal advice from the bowels of the Fitzroy Town Hall. It is doubtful that they could have envisaged the enormous changes to the legal system which FLS, together with other Australian Community Legal Centres (CLCs), would proudly claim as their quarter of a century legacy.⁴

Over 60,000 clients have brought their legal (and non-legal) problems to the FLS seeking a solution, often when the mainstream legal system has failed them. It is not only individual casework that FLS has championed. It, like other CLCs, has been involved in developing and running important test cases brought before the Australian courts. Alongside these achievements sit a range of other 'non-casework' activities. These include numerous publications, advice services and various

Sam Biondo is a Community Development Worker at the Fitzroy Legal Service.

Chris Field is a Melbourne lawyer and legal centre volunteer.

The authors wish to thank Natalie Bannister, Mary Anne Noone and Greg Smith for their generous assistance with this article. We especially wish to record our appreciation to those people who took the time to respond to our questionnaire. All were interesting and some, quite personal. These recollections added considerably to this article.

community development strategies, encompassing law reform campaigns, policy submissions and lobbying.

More broadly than any of this is the very real sense that FLS is one of those organisations that, on a daily basis, really does what so many inquiries, committees, parliamentary pronouncements and the like too often fail to do; it converts the rhetoric of access to justice into reality.

Yet despite all these reasons for satisfied reflection, this is a time of considerable consternation in the community legal sector. FLS, along with other CLCs, has not escaped the sweeping changes which are currently severely impacting upon the community sector; changes that are challenging the very foundation of the welfare state. With both Federal and State Liberal governments seduced by the free market mantra, Victoria is a place where economic imperatives have become a religion and a commitment to community-based, government-supported advocacy a sort of blasphemy.

The history

At different times FLS has stood for different things. But the consistent thread throughout is the preparedness of the staff and volunteers to stand up on a difficult issue and often run a case or a campaign no-one else was prepared to get their hands dirty on. When I was lawyering at FLS (1984-1987) we acted for the Paedophile Support Group; no-one else would, so we did. Just in my three years, amongst many others, we acted for prisoners who were taking on the prison administration, we sued the Attorney-General over the conditions in the police lockups, Tim McCoy was involved heavily in the anti-ID card campaign and over many years we pioneered the notion that lawyers ought to be accountable to their clients. The 'Complaints Against Lawyers' chapter in the Law Handbook led to a stand up blue with the Law Institute, but the sort of advice in that section of the Book is now the backbone of the Institute's own requirements of disclosure. The Law Handbook in itself deserves an entire chapter to explore how that has affected the delivery of legal services in Australia.

And on another — somewhat personal — level, the legal service movement has been responsible for my most treasured friendships and indeed is responsible for many family partnerships, including my own. The mentoring role of the FLS and its symbolic role legitimising an alternative career path within the law cannot be overlooked. But fundamentally, the FLS is about clients, who instinctively know they can turn to the staff and volunteers with the most difficult — or trivial — problem. It is a brand name that has enormous goodwill in the community and clout throughout the legal profession and the corridors of government.

Jon Faine, lawyer and broadcaster

FLS was formed by the local Fitzroy community seeking to take control of the problem of unmet legal need.⁵ It all began at a local council meeting on 14 December 1972 at the mayoral rooms of the Fitzroy Town Hall. Around 80 people⁶ had met to discuss an agenda item that would seem unassuming enough these days: the establishment of a free legal service.

Among those 80 people, only some of whom supported the idea, was John Finlayson, a Fitzroy youth worker. He had come to the meeting with 17 of his clients, youth who had been denied proper legal advice or court representation, despite the claims of those at the meeting that there was no such unmet demand. His ploy was successful and a quote

from one of the lawyers present shows the level of feeling it had summoned:

John's got the evidence. The kids are here. There are lots of people out there who need legal aid. You can get fucked, we're going to start with John.⁷

This was a resolution of sorts. John and two lawyers were joined by others at the meeting to begin the FLS. Armed with little more than an eager enthusiasm to provide legal service where there had previously been none, an aggressive articulation of all that was wrong with the legal system and a desire to push barriers in pursuit of social justice, the FLS had set up for business. Located in an empty and borrowed space in the bowels of the Fitzroy Town Hall, irreverently referred to as the 'Dungeon', so began Australia's community legal centre movement.⁸

The context

FLS has created the environment in which access to the law is seen as a fundamental feature of the justice system. It has been pivotal in changing the attitude of governments at Federal and State levels and the legal profession so that legal aid is now regarded as a basic right and an essential feature of the judicial process.

Eilish Cooke, Victorian barrister

To say that the impetus for FLS was the need for legal services is only to tell part of the story. To complete the picture, it is essential to source the origins of the FLS within the broader socio-political movement of the time. The FLS was born at the height of the protest movements of the late 1960s and early 1970s; the Whitlam Labor Government had been elected less than two weeks before FLS began.

It was a time when Australian politics saw the emergence of the New Left, a disparate grouping of people roughly aligned by a feeling of discontent with, and wish to protest against, the reactionary culture around them.⁹ It was a time when these Australians looked beyond our shores for inspiration. The birth of the FLS followed quickly upon similar international developments attempting to improve access to justice for the poor and disadvantaged. At this time CLCs (or similar bodies) had been formed in England, the US and the Netherlands.¹⁰ Indeed it was at this time that:

... Fitzroy was the social welfare capital of Australia, home to an extraordinary number of accessible community-based welfare institutions. For example, The Brotherhood of St Laurence, Community Aid Abroad, Fitzroy Ecumenical Centre (later called the Centre for Urban Renewal) as well as a welfare focused local council. Involved in these organisations were leaders of the calibre of Peter Hollingsworth (now Anglican Bishop of Brisbane), Brian Howe (Deputy Prime Minister in the Keating Government) and a number of others who would later also have influence on the national stage. In such a fertile environment it is perhaps not surprising that FLS came into existence. It was simply another 'shop-front' community service but, this time, dispensing legal services in an alternative way.¹¹

This sense of community was an essential part of FLS's development. Who better to know what unmet local need was than the local community itself? Who better to provide for that need than a local shop-front service? These practical matters aside, the involvement of the 'community' in CLCs satisfied a broader political ideal of change through empowerment, that 'ordinary people be given greater control over their own lives' and that CLCs be 'community-based agent[s] of social change.'¹²

Ironically, it is this very sense of community, so central to legal centre philosophy, that is threatened in these times of economic rationalism and concomitant amalgamations.

Before the establishment of FLS (and many services thereafter), there had been a very different ideological approach to the provision of poverty law services.¹³ Previously, the approach had been both miserly and ad hoc.¹⁴ For too long legal aid had been seen as a charitable notion.¹⁵ The late 1960s and early 1970s saw growing disenchantment with this situation and an embracing of rights-based thinking and the empowerment of people to make those rights meaningful.

In this context, FLS was a forerunner of the important developments in legal aid that were to follow. It was not a collection of wealthy lawyers giving of their time if they thought the case 'deserving'. It was a centre established from the bottom up, to provide specific poverty law services, to be activist and tackle the systemic causes of legal problems. It was using the legal system to bring about structural change; using the law to alleviate poverty itself. This was a clear break from the charitable ethic. Within the year, the then Attorney-General, Lionel Murphy, (building on developments overseas, especially the US) would establish the Australian Legal Aid Office (ALAO). The ALAO's charter was to be a 'new kind of legal service, an activist legal service emphasising "preventative law and impact legislation"'.¹⁶ That the ALAO was scuttled by both the private profession and the politics of Federalism is incidental to the story here. The significance of the departure from an ethic that patronises the poor, to one that empowers them, was fundamental and must be seen as an enduring legacy of Australian CLCs.

FLS, and other CLCs, have been a major force for change in the delivery of legal services. FLS has achieved major breakthroughs in case law, law reform and community education and continues to provide a credible voice in the debate on social issues.

FLS confronted the very 'clubby' nature of the legal profession and, with other CLCs, established a different way of working in the law. The dilemma for FLS is to walk the tightrope between being co-opted on the one hand and being marginalised on the other. In its first 25 years, FLS has negotiated the tightrope while maintaining considerable momentum. Good luck for the future!

Jeff Giddings, Senior Lecturer in Law, Griffith University

Achievements

The Fitzroy Legal Service, and other legal services throughout our country, have had a tremendous impact on the provision of legal services. More importantly, they have contributed significantly to a change in culture of the delivery of legal services to Australians. They have set high standards and helped to bring legal advice to many people who might otherwise have been neglected and ignored.

At a time when the organised legal profession seems more interested than ever in the economics of the provision of legal services and when publicly funded legal aid is being reduced or capped, it is reassuring to see the continued strength of bodies such as the Fitzroy Legal Service. A major challenge facing the legal profession in Australia is the improvement of its efficiency in the delivery of its services without a loss of the professionalism and idealism which are essential to its mission.

I regard the Fitzroy Legal Service, and bodies like it, as vital contributors to converting the notion of equal justice under law from mythology into reality.

Michael Kirby, Judge of the High Court of Australia

FLS, like all other CLCs, must walk a tightrope. How does a centre balance the use of resources? Should it prioritise the provision of advice or should its central concern be the empowerment and education of clients? How can it best achieve systemic change? Most CLCs grapple with the dilemma of providing adequate casework services whilst not allowing that casework to overwhelm the wider reform agenda. In this regard FLS has been no different. Indeed, it is generally accepted that casework can be vitally important in informing community legal education and law reform work that a CLC will undertake. It is for these reasons that CLCs like FLS seek to run cases which themselves have the capacity to bring about change to the law in the interests of the community. Many of these cases have been 'test' cases, run in areas that have otherwise been shunned by the private legal profession: tenancy and housing, prisons, violence against women and children, security and discrimination.¹⁷

Fitzroy Legal Service? It's the name the public thinks when it thinks 'community legal centres'. Like McDonalds is to the fast food industry perhaps.

Is it a Victorian thing? What I recall — as one of the proudly non-FLS people — are the rivalries generated. Who started first; who's bigger: Fitzroy or Springvale? Who ran the better campaigns; who worked better at grassroots level: Fitzroy or the Tenants Union? Whose offices were the smallest, the darkest, the dingiest? And who really founded FLS? Who really cares? Even today I still feel a little buzz of excitement as I set foot in the FLS. Even if it used to be the offices of an estate agent. And no longer 'downstairs and dark' or 'chilly and claustrophobic'.

In my mind's eye I see FLS as the flagship of the CLC movement. Big, takes a long time to change course, bit full of itself, but great to have on your side in a stoush.

Gary Sullivan, Community Lawyer,
West Heidelberg Legal Service

Casework and advocacy

So what is FLS doing and what has it done? At present, FLS is involved in civil actions in relation to the baton charge protesters at the Richmond Secondary College and pressure point pain compliance techniques so infamously utilised during that protest (and later again at an East Gippsland Forests demonstration held in East Melbourne). It is watchful and investigating the policy of zero tolerance policing.¹⁸ In recent times FLS has sought to do more casework of special interest to women. The Women's Trust has provided establishment funds for a women's only afternoon advice session and particular emphasis is being put on making the service accessible to women from non-English speaking backgrounds.

In the past, FLS has also run cases for Save Albert Park protesters defending their right to access a public park. It has sued the Attorney-General over conditions in police lockups. In earlier years, it ran immigration cases and tenancy cases which provided information contributing to the establishment of specialist centres.

FLS has also provided other innovative means of ensuring access to advice for the community. FLS has long targeted the unmet legal need of young people (indeed, this was a large part of the impetus for the establishment of FLS). As part of that commitment, 'Alphaline', a round the clock emergency advice line for young people who are in trouble with law, was established.

Three things stand out. First the *Law Handbook* (formerly the *Legal Resources Book*) which for the first time in Australia provided citizens and consumers with a low cost, easy to understand resource on how to solve everyday legal problems. Second, the *Alternative Law Journal* (formerly *Legal Service Bulletin*) which provides an accessible national forum for debate on current and emerging socio-legal issues. Third, because of its geographical convenience to city lawyers, Fitzroy has given establishment lawyers the opportunity to have a 'legal aid experience' and thus shaped the awareness of the profession about its obligations towards delivering accessible legal services.

Simon Smith, Melbourne lawyer working on consumer issues in the insurance industry

Community legal education

Community legal education is a vital component of a CLC's mission. It seeks to inform members of the community of their legal rights; to empower people to deal with legal problems without recourse to lawyers. A survey of FLS's most recent publications gives an indication of the breadth of legal education topics that FLS tackles. Few lawyers in Victoria, for example, would not be familiar with the *Law Handbook* (which began its life as the *Legal Resources Book* in 1977). A self-help guide to the law in Victoria, it is written in plain English and is ambitiously wide in its scope. The importance of this publication is immeasurable; it has helped countless members of the community, as well as law students and practitioners alike, to navigate the too often incomprehensible nature of the law.

The *Alternative Law Journal* began its life as the *Legal Service Bulletin*, an initiative of the FLS to provide, among other things, a medium for the distribution of educational material and general information relating to legal aid in Australia. Other publications include *Where You Stand*, a controversial youth rights publication that engendered significant hostility upon its release. It instructed in safe sex and drug use practices, something that raised the ire of both police and church groups. Despite this controversy, 45,000 copies have been either freely distributed or sold, over six editions. The *Youth Advocates Guide* assists youth workers to better assist young people in trouble with the law. *Women & Imprisonment* is a book predominantly written by prison activists and ex-prisoners themselves about their experiences of the women's prison system. The *Activists Rights Handbook* informs activists about the legal position of protesters and other information relevant to progressive campaigns.

Law reform

Social justice is a concept that has gone out of favour. The Fitzroy Legal Service was one of the pioneers of a public commitment to social justice and inspired many other lawyers, including myself, to take poverty law seriously. With social justice being out of favour, we desperately need the vigilance and example of the Fitzroy Legal Service to continue its vocation.

Reverend Tim Costello, Director, Urban Mission Unit

CLCs seek to change disadvantaged peoples' experience of the law. FLS uses casework as one of the techniques to do this. It also employs many other methods to trigger and implement systemic change. It has shamelessly used the media. It has sought to influence politicians and decision makers through attending their meetings or making submissions to their inquiries. Above all it has tried to ensure that it

represents the voice of its community: the poor, the disadvantaged, the marginalised and the unpopular.

It has, over the years, fought hard for changes around police interview practices, prison practices, the rights of young people, drug law reform, motor vehicle accident insurance and many other issues.

Perhaps, even more importantly, it has helped shape the thinking of a generation of lawyers who have been employed by it or have volunteered for it. Many of them have gone on to battle for change from other places, but their experience at FLS and, of course, at other CLCs, has been crucial to their legal and life education.

25 years on: an identity crisis?

In light of the decline of the welfare state, the rise of neo-conservatism, changes to the legal aid system, the legal profession and the economic imperatives of market forces in the way government operates, it is not surprising that CLCs are facing an identity crisis.

Mary Anne Noone¹⁹

The Fitzroy Legal Service began with the aim of 'keeping the bastards (i.e. lawyers) honest'. Interviews used to be conducted in the presence of a non-lawyer to prevent the use of legal jargon and lawyerly domination. The object of the consultation was empowerment of the client. It was thought (in those heady days of the early 70s) that in this way we could overcome poverty and its attendant imbalances of power.

Now, CLCs must ask ... Have we been co-opted by mainstream lawyers and values? Are we actively working to alleviate poverty? Are we merely a band-aid when the problems of structural poverty are causing a haemorrhage?

Helen Brown, Lecturer, School of Law and Legal Studies, La Trobe University

Fifteen years ago, in a reflection upon the first 10 years of the FLS, David Neal posed this question:

The new found place of legal centres in the legal aid establishment is cause for some reflection. In 1992, at the twentieth anniversary of FLS, will legal centres be the sort of establishment complained of by the movement's founders?²⁰

The FLS, like other CLCs, has weathered shifting political and social climates and survived. Has it survived due to its growing 'political acceptability'?²¹ Are CLCs, like Fitzroy, no longer angry; challenging the system? Have they been 'co-opted' by the system they once promised to tilt? Richard Abel puts the matter this way:

[i]s legal aid a promise or a peril? Is it a non-reformist reform that not only offers material gain to its beneficiaries but also permits them to gain control over their lives and to organise for further action? Or is it a sop, a diversion from the important tasks of social, political, and economic mobilisation?²²

These questions are not necessarily new, but they are sharply focussed by the current political climate. Economic rationalism favours 'user-pays' models, smaller government and, as a corollary, contracted welfare provision. Legal aid throughout Australia is under threat, by reviews and funding cuts. Also threatened is the funding of CLCs. The concept of community-based and government supported advocacy is in rapid decline. At best such concepts are being transformed by the 1990s techniques of 'amalgamation', 'contracting out' and increasingly restrictive and controlling 'service agreements'. In light of all of this comes a comprehensive review of CLCs by its funders. Maintaining an innovative and

purposeful identity when the environment is so inhospitable, or even threatening, is an enormous challenge for all CLCs, including FLS.

Along with the other advocacy and 'rights' agencies, the FLS, and CLCs generally, are being increasingly forced down the path of residual service delivery. There is an increased focus on casework, and an awareness that other, arguably more important aspects of CLC work, such as law reform, campaigning and community legal education may no longer be the core activities that they once were. To be faced, then, is the enormous dilemma of whether CLCs, like FLS, will become unwilling or unwitting parties to the clawing back of past achievements. There is considerable irony in the prospect of FLS, such an influential symbol of innovation, becoming part of the move back to earlier charitable models of legal services for the deserving poor, rather than a broad-based universal access to justice system.

The future challenges

The dilemma for FLS is to walk the tightrope between being co-opted on the one hand and being marginalised on the other.

Jeff Giddings²³

There is no doubt that in the current political climate the portent of doom looms large over most welfare agencies. However, the nature of politics is cyclical. It is likely that five years of the current Victorian Liberal Government will inspire a swing back of the political pendulum. (Recent developments concerning the Auditor-General and Workcover changes and the early opinion polls for the Mitcham by-election seem to bear this out). There is cause for optimism: better times do await the next cycle.

This optimism cannot, however, be overstated. Cyclical politics may be, but no-one these days seriously thinks, for example, that the next Australian Federal Labor Government will be modelled on the reformist Whitlam Labor Government. The last 25 years has seen changes. The policies of fiscal restraint and smaller government are now firmly entrenched on both sides of politics. The political shifts will be small as each side of politics grabs for the elusive middle-ground.

The relatively secure legal aid and CLC funding of the 1980s has now passed, and there is no reason to think that it will return. CLCs can expect that both sides of politics will, now and into the future, not increase funding but, rather, demand that resources stretch further, efficiencies be increased and measurable through-put be delivered. The pressure will increase to change the nature and type of work to be undertaken and channel energies into more and more direct casework.

The future looms as a period when the broader aims of community legal education, policy reform through test cases and law reform will be sacrificed on the altar of economic rationalism — a time when the band-aid approach to poverty law services makes more economic sense than structural reforms which address the causal root of problems. In this, the fifth anniversary year of the Kennett Liberal Government, there could scarcely be a time imaginable where the environment could be less amenable for questioning the foundation of government policy. To be a strong advocate for alternative policy in Victoria is a singularly dangerous occupation.

At this point in time, legal centres are not so much searching for the ideal model or increased funding; they are moving towards survival. Such an environment, more than

ever, threatens the integrity of Australian CLCs. Reporting this, 25 years after the birth of the FLS, is a matter of considerable regret.

Conclusion

In the early 1970s, the notion of a 'store front legal service' was seen as an outrage by most members of the legal profession in Victoria. Within a very short time, the work of the Fitzroy Legal Service in a couple of rooms underneath the Fitzroy Town Hall became accepted and admired by the community. It took a little longer for many members of the legal profession to embrace it, but ultimately they did.

The presence of Fitzroy and the wave of support around it, made the profession understand that the community expected that legal advice should be available to all citizens without regard to their ability to pay. That also meant lawyers too had to do more to meet that expectation.

That last 25 years have also shown how important it is to have a respected advocacy body that can assert rights in the courts when appropriate.

All this is the proud record of Fitzroy.

John Cain, Premier of Victoria, 1983-1990

Anniversaries tend to inspire histories. Histories, in turn, have at least two obvious values. First, they serve as a 'time-capsule' of knowledge they represent. The achievements of FLS should be recorded and celebrated. Second, and perhaps more importantly for present purposes, histories have the capacity to focus future development and ongoing debate. What does the history of the FLS tell us? Twenty-five years ago, the founders of FLS were angered about unmet legal need. They were angry that this afflicted the poor, and that generally lawyers not only did very little to improve this situation, they perpetuated it. They were faced by a world without the existence of Australian community legal centres. Nowadays that void is almost unimaginable. It is time to imagine that possibility. It is time to harness the same anger, passion, and relentless commitment to making ordinary people's lives better that originally inspired the CLC movement. This way, the 25th anniversary of the FLS will not be remembered as a requiem, but as the beginning of the next 25 years.

References

1. Questionnaire response.
2. Questionnaire response.
3. Noone, Mary Anne, 'Mid-Life Crisis: Australian Community Legal Centres', (1997) 22(1) *Alt.LJ* 1 at 25.
4. Throughout this article the focus is on FLS. There are many reasons for this. FLS was among the first of the current 160 Australian CLCs (see discussion at note 8 and accompanying text). It is also among the most well known of CLCs (a 'brand-name', to use the words of Jon Faine). This is explained by its ability to attract funding, a large base of volunteers and media attention (see Smith, S., 'Review of Poverty Law and Social Change, The Story of the Fitzroy Legal Service' (1997) 22(5) *Alt.LJ* 1 at 52.) None of this, though, is meant to suggest that the work of FLS is more important or vital than that of other centres. CLCs are in one sense discrete. They work to serve the particular need of their local community. Many issues, however, will cut across communities and not all can possibly be tackled by each centre alone. In these days of contracting budgets, it makes sense to see each CLC as both zealously community based, but also working as part of an organic whole.
5. For a detailed history of the FLS, see Chesterman J., *Poverty Law and Social Change — The Story of the Fitzroy Legal Service*, Melbourne University Press, 1996; Chesterman J., 'Twenty Years of the Fitzroy Legal Service — A Look Back for a Look Forward', (1992) 17(6) *Alt.LJ* 255; and Neal, D., 'Ten Years After — The Victorian Centres', *On Tap, not on Top, Legal Centres in Australia 1972-1982*, Legal Service Bulletin Co-operative Ltd, 1984. We are aware that our brief reflection could

- also suffer the same (gentle) criticism made of John Chesterman's substantial account of FLS's history; that it is polite and 'captures little of the flavour of the personalities and intrigues that are the history of the older legal centres': Smith, S., above, p.52.
6. This number has been recorded differently by other authors. David Neal, writing 10 years after the establishment of FLS, observed that 40 were in attendance (Neal, D., above, p.6). Some 10 years later this had doubled to a figure of 80 (Chesterman, J., above, p.257). The Chesterman figure is used here. Neither of the co-authors of this article either lay claim to founding the FLS, or being able to confirm, first-hand, the accuracy of the adopted figure. Perhaps, like who actually founded the FLS (and that debate could provide material for an entire article), the event is of such importance that those claiming to be there will grow at each anniversary.
 7. See Chesterman, J., above, p.12.
 8. We are aware of the debate about the actual beginnings of the CLC movement. The Aboriginal Legal Service was probably formed prior to the start of the FLS. Springvale Legal Service also began operation very shortly after the start of FLS, and had been operating in a somewhat less formal way prior to that time. Suffice to say, the early 1970s saw the birth of the CLC movement and FLS as a vital part of that beginning.
 9. Chesterman, J., above, pp.13-16.
 10. Chesterman, J., above, p.5.
 11. Smith, S., above, p.52.
 12. Chesterman, J., above, p.192.
 13. A detailed history of the provision of free legal services (legal aid in its widest sense) is clearly beyond the scope of this article. Such an account is given in Field, C. and Giddings, J., 'The History of Legal Aid', Giddings J., (ed.), *Legal Aid in the 90s — At the Crossroads Again*, Fitzroy Legal Service Publications, 1997
 14. Biondo, S., and Field, C., 'Legal Aid in the 1990s — The Slide Back to Charity', (1996) 8 *Just Policy* 39.
 15. Robertson, D., 'Poor Laws — A History', (1994), 19(1) *Alt.LJ* 21.
 16. Noone, Mary Anne, 'Imperatives for Community Legal Centres', (1992) 17(3) *Alt.LJ* 120.
 17. For a detailed analysis of the use of casework in achieving legal and social change, see Giddings, J., 'Casework, Bloody Casework', (1992) 17(6) *Alt.LJ* 255. CLCs have also been heavily involved in police issues, an area 'well serviced by the private legal profession' (p.263).
 18. For a detailed explanation of this policy, see Palmer, D., 'When tolerance is zero: is this the future of policing and crime prevention?', (1997) 22(5) *Alt.LJ* 213 at 232.
 19. Noone, Mary Anne, ref.3 above, p.29. The current pressures on CLCs are outlined comprehensively at p.26.
 20. Neal, D., above, p.6.
 21. Noone, Mary Anne, ref.3 above, p.26.
 22. Able, R., 'The Paradoxes of Legal Aid' in Cooper and Dhavan (eds), *Public Interest Law*, Basil Blackwell, 1986, pp.379-93.
 23. Questionnaire response.

Sex-starved, suit-wearing volunteers say 'we don't know' to service restructuring

Volunteers at Fitzroy Legal Service

Arna Della-Vergini

There have been about 800 volunteers involved in FLS since its inception. They have ranged from legal to non-legal, night to day time volunteers, women and men, and people who move in between and/or around all of these categories. I am a 1990s, Aussie female, not (quite) legal, day — and (more recently) night-time volunteer. And although this makes my experience pretty typical of other volunteers in FLS today (in that the majority of volunteers are 1990s Aussie female, not (quite) legal, night-time volunteers) I can't claim that my views are in any way representative of all (or indeed any) of the volunteers who service FLS today, let alone lay claim to a mutuality of opinion with volunteers of the past.

It is crucial to an understanding of FLS that the importance of community participation and empowerment be recognised. FLS was not supposed to be a mere legal service but had the other equally important aims of law reform and social critique, and community education. Significantly, this was one of the main ideas behind having non-legal volunteers. It was the non-legals who would bridge the gap between the community and the lawyers, and who would explain the gap between experiences of the members of the community and the rhetoric of law and justice. The community-based 'flat' management structure of the service would encourage members of the community to become involved beyond meeting their immediate needs for legal advice and/or representation. The unthreatening casual environment of a dingy and crowded

basement below the town-hall would also facilitate this process.

The four noble truths of FLS which emerged are: servicing the community, empowering the community, involving the community, educating the community. Ironically, writes Chesterman,* as early as 1973 any realistic hopes that the members of the community would become more involved in the administration of FLS (let alone their own collective emancipation) had well and truly ossified. In 1973 I was two years old; 24 years later, I find myself constrained and frustrated by that continuing reality.

I am not alone. I recently attended an FLS General Meeting (GM) where the

*Acknowledgment: The writer gleaned much of the information for this item from John Chesterman's book *Poverty Law and Social Change*, Fitzroy Legal Service, 1996.

debate about community and volunteer participation raged. The context was a proposal put forward by some members recommending that FLS be restructured. Instead of four GM's a year, it was proposed that a Committee of Management be introduced, to be elected at the AGM. Other committees would be created and forums held with the purpose of facilitating community involvement. The restructuring was described as necessary, not only in terms of improved efficiency, but also in terms of best suiting the needs and skills of current FLS volunteers. The argument, as I understand it, is that current volunteers are more interested and skilled in the area of service delivery than in the other aims of legal reform, community participation and issues of empowerment. This is particularly reflected by the lack of volunteer involvement in the GM's which is where the policy decisions about FLS are canvassed and voted on.

Sam Biondo, the current FLS Community Development Worker, sees the concern about low levels of community-based participation in FLS and the resulting restructuring as part of a more general scepticism about community-based management welfare organisations. He argues that the current