

## Poverty Law and Social Change The Story of the Fitzroy Legal Service

by John Chesterman; Melbourne University Press, 1996; 258pp; \$24.95 softcover.

In the early 1970s the likes of Barry Berger and Sam Chisik (St Kilda); Adrian Evans (La Trobe); John Finlayson and Julian Gardner (Fitzroy); Peter Hanks (Monash and Springvale); Phil Molan (West Heidelberg); Dennis Nelthorpe (Tenants and Poverty Law Practice); Neil and Dawn Rees (Springvale); and Erskine Rodan (Nunawading) would no doubt have been surprised to have heard themselves described as part of the New Left, a movement that

projected a political world view that coupled an emphasis on collective action with a powerful belief in personal liberation and individual rights, and rejected a social order in which individuals were seen as straitjacketed by an unbending bureaucratic state (p.3).

They and many others like them were probably too busy meeting the demands for accessible legal advice and assistance through the newly established Free or Voluntary Legal Services (now known as community legal centres (CLCs)). Providing definitions, descriptions and analysis is the role of the historian and political scientist, and it is probably a reflection of the ageing of the CLC movement (25 years old in 1997), that such histories are now emerging. As such, John Chesterman's *Story of the Fitzroy Legal Service* is the latest and most scholarly so far. It will no doubt generate debate amongst legal aid workers (particularly those associated with Fitzroy Legal Service) and will, hopefully encourage other scholars to critically assess the development and impact of the movement on the Australian legal system and wider community.

Chesterman makes it clear that his work is not a comprehensive history of the CLC Movement or a social history of Fitzroy Legal Service (FLS) clients although he does suggest rather boldly, that it is a 'critical history of the law and the legal profession in contemporary Australia' (p.1). It is difficult to see how it can be such a history without that wider context.

The eight chapters trace FLS from its beginnings in December 1972 until the present day including a valuable description of the growth in legal aid and legal aid structures through the 1970s

and 1980s (Chapter 3). Perhaps, the most interesting chapter is that which describes the community politics of Fitzroy in the 1960s and 1970s (Chapter 2). In that period 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 Eucemenical Centre (later called the Centre for Urban Renewal) as well as a welfare focused local council. Involved with 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, one dispensing legal services in an alternative way. Disappointingly, the book does not canvass in any depth why there was all this action in the late 1960s early 1970s or indeed what caused these agencies to congregate in Fitzroy. Its treatment of similar developments occurring at the same time in England and the United States is also cursory.

Afficionados of legal aid culture will be disappointed by this book. Its politeness means that it captures little of the flavour of the personalities and intrigues that are the history of the older legal centres. On that score FLS has had its fair share. For example, the treatment of the return to FLS of John Finlayson at a time when Gardner was going/gone, glosses over the destabilising effect that his return caused at FLS and in the Victorian movement. The mention of the Jon Faine and Jean Melzer struggle does not reflect the paralysing effect that this incident had on FLS at the time. What also of the struggle over administration of the *Legal Resources Book* (now the *Law Handbook*)? A close examination of the personal styles of these high profile workers and others such as Sue Bothmann, Domenica Whelan and Tony Lawson would have made for a different history. Perhaps you had to be there?

Missing too is the 'outside in' perspective. Here, Chesterman (a FLS volunteer himself) acknowledges that his main sources of information are FLS records and interviews with FLS staff and volunteers both past and present. An examination of external records such as those of the Victorian Legal Centres Working Group (the precursor to the Federation) and interviews with non FLS pioneers, like those people mentioned earlier and others from interstate, would almost certainly have introduced a different perspective on the place of FLS in the legal aid world. For example, how was it that for many years FLS was the only centre allowed access to the 'referral back' fund, a legal aid funding benefit that disadvantaged less well resourced centres and inhibited their ability to be as involved in policy work as FLS? Similarly, how has FLS maintained such a high public profile compared with other centres with similar or greater caseloads? Is it simply the initial blaze of FLS publicity building on itself or the geographical convenience of Fitzroy to a lazy media seeking 'alternative' lawyer comment? Probably both.

Finally, three matters for the historical record. First, the name Community Legal Centres only came into use in 1979 following a decision of the (then) Victorian Legal Centres Working Group that the presence of full-time paid staff made the names Free Legal Services and Voluntary Legal Services inappropriate. Second, the controversial Poverty Law Practice was first established at Footscray and not at Flemington (p.100). Third, the late Tim McCoy's chocolate éclair summit with the Chief Commissioner of Police took place at Fitzroy and not Springvale (p.156).

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