LEGAL CENTRES IN AUSTRALIA

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The 1970s saw the birth and growth in Australia of a network of legal centres independent of the government and the private legal profession, a development that has significantly altered the country's legal culture. This article examines the establishment of the legal centres' movement against the changing political climate of the 1970s, describes the centres' structures and operation and outlines the changes they have brought about.

I. INTRODUCTION

The advent of a Labor government in 1972 heralded a period of great optimism. Within days the reformist Whitlam government had terminated Australia's involvement in the war in Vietnam; expatriate Australians returned from their self-imposed exiles abroad, eager to participate in the new cultural milieu surrounding the Labor government. The reformist mood permeated all walks of life. It came at a time when an unprecedented wave of dissent had emerged in Australia. The Vietnam war had polarised the community. There was growing concern with the plight of disadvantaged groups, and calls for an increased role for government to play in ensuring a more equitable share of what were considered Australia's bountiful resources.[1] This concern had gone so far as to prompt the McMahon Liberal government to establish a National Commission of Inquiry into Poverty in 1972.[2]

When Labor came to power, it increased the scope of the Poverty Inquiry and appointed, amongst others, a Commissioner to deal exclusively with Law and Poverty.[3] A comprehensive health insurance system ("Medibank"),[4] was established (and subsequently dismantled), a national no-fault accident compensation scheme,[5] and a universal superannuation plan[6] were mooted. The government planned to decentralise the operations of government, actively pursuing a policy aimed at regionalising services, not only for the purpose of making them more efficient, but also to fulfil its stated aims of community participation in local decision-making.[7] New programmes, with names like the Area Improvement Programme, Regional Employment Development Scheme and Australian

Assistance Plan,[8] enhanced the visibility of federal government involvement in service provision, though some states opposed what they perceived as this extension of the federal government's reach, claiming that it violated the Constitutional distribution of powers.[9]

The new programmes reflected the belief that a guaranteed minimum income had to go hand in hand with a guaranteed minimum level of services, if the quality of life in Australia was to be enhanced.[10] It was against this background that people critically concerned with the law began to see a broadreaching legal aid scheme as a vital part of any programme of social reform. They believed that the courts in Australia could play a significant role in bringing about social and political change, but had failed to do so because of limitations on access. In this way, they echoed the sentiments of their American counterparts, combatants in President Johnson's War on Poverty, though this congruence was largely coincidental; there was little knowledge in Australian legal circles about the Office of Economic Opportunity (O.E.O.) legal services programme which partly explains the indigenous character of the Australian legal services movement.[11]

II. LEGAL AID BACKGROUND

To understand the background to the development of legal centres it is necessary to describe the nature and operations of pre-existing and, in some cases, co-existing legal aid and advice services. These include the schemes run by the state law societies, commonly described in the United States and elsewhere as "judicare", the limited salaried services available in some states and the development by the Whitlam Labor government of the Australian Legal Aid Office.

When Labor came to power in 1972, legal aid was a matter for which the state governments were responsible; virtually no federal funds were allocated to those services.[12] The states in turn largely left their responsibilities to the private profession. For many years, private lawyers had assisted indigent clients in a random and *ad hoc* fashion, either through undertaking *pro bono* work or by accepting occasional court appointments to act for individual parties. Their involvement became formalised through the establishment of statutory legal aid schemes in each of the states, under the aegis of the professional associations.

The first of these schemes began in South Australia in 1933. It was given statutory force by the Poor Persons' Legal Assistance Act 1936 (S.A.).[13] Not only was it the first to be formally established, but of the state schemes, it was also the broadest in scope, providing for legal aid to be available for any type of legal problem (though the means tests used were fairly stringent).[14] New South Wales was the last of the states to enter the "judicare" field in 1971, though it was also the state which had the most well established salaried service of Public Solicitors and Public Defenders. This has operated since the 1940s, and despite shortcomings of the government services, there appears to have been less need for a scheme run by the private profession in New South Wales than in other states where, with limited exceptions,[15] such schemes operated in a legal aid vacuum.[16]

Funds for the "judicare" schemes came from three sources. First, there was money from solicitors' statutory deposits. Solicitors in all states are required by

statute to deposit a certain proportion of the money they hold on trust to guarantee against defalcations.[17] Interest on that money is used for a variety of purposes, including legal aid. Government funds provided a second source of income, though this was more important in the smaller states of South Australia, Western Australia and Tasmania.[18] Finally, contributions from legally assisted persons constituted a third source of income, the extent of which varied from state to state: in South Australia, contributions alone accounted for 36.2% of the 1972-73 income.[19] By requiring contributions, legal aid became for many, little more than a time payment system of obtaining legal services.

A range of criticisms was levelled at the various schemes. Their disparate nature led to inconsistency in determining eligibility; confusion was caused both by overlaps and by gaps in service. Their eligibility criteria were too narrow, their time for responding to applications too slow, and public knowledge of their operations inadequate. For many clients who managed to pass all these barriers the open-ended nature of the liability to make contributions proved too great a deterrent. But probably gaps in service constituted the greatest deficiency.[20] For example, in New South Wales the Law Society scheme offered no assistance in criminal cases whilst the Public Defender acted only in indictable matters, and only at the trial — not usually at committal proceedings. The position was similar in Queensland. Thus there was a complete failure to provide representation in the magistrates' courts where most criminal cases are heard. Similarly, in civil matters, legal aid was generally available (subject to the imposition of a merits test, which required a determination that a case had a reasonable prospect of success) for litigation, but not for other, non-litigious matters. This, coupled with the fact that few of the schemes provided freely available legal advice, impeded their ability to fulfil any kind of preventive function. They could act only at the stage where legal problems had already arisen, rather than assist in avoiding them. Finally, the schemes tended to use means tests. Despite intentions to ensure that legal aid would be available to eligible persons unable to afford the costs of a private lawyer, the stringent means tests in fact excluded most of the population. The New South Wales Public Solicitor's means test illustrates this clearly.

In 1943 when the office was first established, it was estimated that 75% of the New South Wales population was eligible for assistance. The office used a fixed means test, which set out a specified income level: persons whose income was above that level were ineligible, and there was no flexibility in the application of the test. In August 1974, that figure had fallen, by virtue of inflation, below the poverty line set by the Poverty Commission; at that time it was estimated that only 12.9% of households in the state fell below the poverty line. Accordingly an even lower percentage of households contained people eligible for assistance from the Public Solicitor.[21] These discrepancies in guidelines and service provision gave rise to confusion, vast gaps in coverage (though sometimes they also led to overlap) and generated widespread dissatisfaction. They led to a desire on the part of more progressive and concerned legal activists to develop a more effective and just system of providing access to legal services. Legal centres appeared to provide this possibility.

To complete the background, two other initiatives, both from New South Wales

remain to be discussed, if only briefly. The first of these is the network of chamber magistrates and clerks of court who are based in each of the local magistrates' courts throughout New South Wales. These are public servants from the state Attorney General's Department whose function is to give legal advice and limited assistance to members of the public who come to the courts. They fulfil an essential referral role, often being the only source of information about legal aid for persons who subsequently require more extensive legal assistance. A study conducted as part of the Poverty Inquiry found that in 1973 chamber magistrates were the most well known source of legal advice in the three low income areas surveyed, despite the fact that salaried services had operated in New South Wales since World War II.[22] The chamber magistrate system still operates, though it has never extended beyond New South Wales.

The other significant pre-Labor government initiative was the founding of the Aboriginal Legal Service in the inner Sydney suburb of Redfern, in 1971. Australia's history reveals a systemic pattern of discrimination against and oppression of Aborigines, who are particularly disadvantaged in their dealings with the legal system.[23] The story of the Aboriginal people's struggle in Australia, and their particular relationship with the legal system warrants separate detailed treatment, beyond what is possible here. For present purposes, however, it is important to note that the network of Aboriginal legal services which has been established throughout Australia since the Redfern office opened in 1971[24] is arguably the only truly community based legal service in Australia. In addition to providing legal representation for individual Aborigines, it has played a significant role in political matters involving the Aboriginal people, most notably the campaign for recognition of Aboriginal land rights.[25] Operating in areas with proportionately high Aboriginal populations, it uses para-legal field officers who work in the community, and it is managed and run by councils of Aboriginal people employing white lawyers (the number of Aboriginal lawyers in Australia can still be counted on the fingers of one hand). The Aboriginal legal services operate independently of other government and non-government legal aid and are funded through the Department of Aboriginal Affairs.[26]

1. The Australian Legal Aid Office

Aside from the Aboriginal legal services, the first significant involvement of the federal government in legal aid came with the establishment of Labor's national legal aid service, the Australian Legal Aid Office (A.L.A.O.). Established in 1973 as part of the new Labor Government's programme of promoting equality of access to services and resources not previously available to any but the rich, it came to be described as "the light that failed".[27]

This extension of the "access to services" philosophy took the legal field almost unawares. Legal aid had not so much as rated a mention in the 1972 election policy speeches yet by July 1973 the Attorney-General had announced plans for the A.L.A.O. and it was established in September of that year by executive action. The A.L.A.O. was intended to be a nation-wide network of storefront law centres, envisaged, in the Attorney-General's plan, as being modelled on the American legal services programme. It has already been noted that the early proponents of

community legal centres had not been particularly influenced by developments in the United States, but had instead evolved indigenous plans to deal with what they perceived as local problems. The Attorney-General, by contrast, had visited the United States and was clearly impressed with the O.E.O. legal services programme. His vision was that the A.L.A.O. would provide a new kind of legal service; rather than merely financing impecunious clients in traditional legal matters, it would be an activist legal service emphasising "preventive law" and "impact litigation".[28] That, at least, was the plan. In practice, the A.L.A.O. was doomed from the very start, at least insofar as achieving those aims.

First, it never achieved independence from the Attorney-General's Department and accordingly, it functioned as a part of the federal bureaucracy. Administrative and policy-making powers were centralised in Canberra with little discretion left to the local offices, thus depriving them of the flexibility necessary to respond to local needs and local issues.

Perhaps more significantly, it was a salaried service in name only. In practice, it resembled the "judicare" schemes already being operated by the private profession since an overwhelming proportion of its work was contracted out to private practitioners who undertook the work on a fee for service basis.[29] Salaried legal staff became for the most part high level clerical officers whose responsibility it was to assess eligibility, assign particular cases to particular private lawyers and generally provide administrative support to the private profession who received 90% of the full scale fee for the service provided. When the salaried lawyers did attempt to undertake casework, they were subjected to overt hostility, both by the private profession, and the bench. The former brought a constitutional challenge to the A.L.A.O.;[30] various judges refused to allow A.L.A.O. lawyers to appear in their courts. In one case, the Supreme Court of the Australian Capital Territory ruled that such salaried lawyers were not entitled to act as solicitors on behalf of legal aid clients.[31] The judges took the view that when a solicitor is employed by one person and does legal work for another person, there is a possibility of conflict between the duties to the employer and the client. The conflict problem, according to the Court, could be overcome only if the employer was sole client, or another solicitor.[32]

This decision was not followed by other courts and its effect was soon overcome by an amendment to the legislation regulating the legal profession in the Australian Capital Territory. However, the opposition to the scheme did not end there. Deciding on a full frontal attack the Victorian Law Institute resolved to challenge the constitutionality of the A.L.A.O. in the High Court of Australia.[33]

The whole adventure with a federal legal aid service was shrouded in a haze of constitutional uncertainty from start to finish. As has already been noted, the office was established by ministerial (executive) directive, rather than by legislation. It is still unclear whether national legislation to establish the A.L.A.O. would have survived a constitutional challenge as there is no clear head of Commonwealth legislative power which would specifically support the enactment of legislation providing for legal aid. This was a matter considered closely by the Law and Poverty Commission in its report on legal aid in Australia. That Commission had recommended that a national Legal Services Commission be established as an independent statutory authority.[34] There was little doubt that the federal

government had power to establish a scheme on a constitutional basis similar to that upon which the A.L.A.O. was operating, that is confining itself to dealing with federal law matters, or state law problems encountered by persons for whom the federal government has a special responsibility. But the Poverty Commission found more problematic the issue of whether the Australian government could legislate directly for the establishment of a comprehensive national legal aid programme.[35] There was the possibility of relying on section 81 of the Constitution, giving the Commonwealth power to appropriate moneys "for the purposes of the Commonwealth". This was the section relied upon in the establishment of the Australian Assistance Plan (A.A.P.), a federal programme which involved paying money to Regional Councils for Social Development, thus bypassing the states. The A.A.P. survived a High Court challenge by several disgruntled states without the scope of the appropriations power being tested to its fullest extent.[36]

A further possibility, given added force by recent High Court decisions, was the use of the external affairs power, secton 51 (xxix). It has been clearly established since the 1930s that in certain circumstances, the federal government has the requisite legislative power to pass laws for the purpose of implementing within Australia its international treaty obligations.[37] This position has been considerably reinforced by the 1982 and 1983 High Court decisions in the *Koowarta*[38], and *Tasmanian Dams*[39] cases. Various articles of the International Covenant on Civil and Political Rights, signed by Australia in 1972 and ratified in 1980, guarantee access to legal services, in particular for persons charged with criminal offences.[40]

Had the Law Institute's challenge to the A.L.A.O. proceeded, it is unlikely that it would have met with any success, since at the time, as already noted, the A.L.A.O. was operating on executive authority only in narrowly circumscribed areas of federal law (especially family law) and state law involving "persons for whom the federal government has a special responsibility".[41] But the case never came before the High Court. After much delay in the prosecution of the challenge and the accession to office of a conservative government in 1975, the challenge was discontinued. This change of heart provides an indication that the Institute's opposition to the scheme was essentially political — the same programmes which exemplified "creeping socialism" under Labor became a little less unpalatable when administered by a conservative government. Furthermore, like lawyers' professional associations in many other countries, the Law Institute (and its counterparts in the other states) came to perceive the financial rewards that a "judicare-style" legal aid system could bring to its members.

The broad-ranging proposals made by the Poverty Commission in regard to legal aid were never adopted by the government. Ironically, a Legal Aid Bill to establish an Australian Legal Aid Commission, seemingly a hybrid of the existing A.L.A.O. and the Poverty Commission's proposals, was before Parliament on November 11, 1975. It was not proceeded with.

2. Legal Aid After the Whitlam Government

The Whitlam government's years in office were characterised by an enhanced role for the federal government. The change to a conservative government in 1975 by contrast heralded a period of "new federalism". In essence, this involved the

Commonwealth government devolving its responsibility in many policy areas to the states: legal aid was one of the first areas to be subjected to it. The plan was to abolish the A.L.A.O., and to encourage each state to establish a Legal Aid Commission, to which the Commonwealth government would provide the amount of funding needed to maintain the same level of legal aid as had been provided by the A.L.A.O. in the previous twelve months. Formally, the Commissions would be independent statutory authorities; their enabling legislation was to be passed by the states, rather than the Commonwealth. The states' rights lobby had finally succeeded.

Meanwhile, the A.L.A.O. continued to exist, whilst negotiations over transferring its functions took place between state and federal governments. It never achieved anything like the grand plans made for it by the Attorney-General in 1973. By December 1975, 33 offices had been opened; 28 more were planned for the next year, but the conservative federal government did not go ahead with them. In South Australia, for example, the entire population was served by only two offices, one in the downtown area of Adelaide and another in a suburban area. The scheme never became the storefront network of local offices envisaged by its early proponents.

Even had more offices been opened, it is unlikely that the A.L.A.O. would ever have become a real alternative legal service. Its method of delivering aid predominantly through private lawyers has already been referred to and this practice made it most unlikely that the office would ever develop expertise in dealing with particular areas of law encountered by disadvantaged people or in dealing with particular client groups. Its approach to legal work was overwhelmingly traditional: the then National Director has been quoted as emphatically denying that the service had any responsibility toward low income groups.[42] Though a handful of important cases were undertaken, there was no policy favouring impact litigation or law reform activities. Most of the lawyers employed by the office either came directly from the ranks of the Attorney-General's Department or were young and inexperienced; and as a group it would be misleading to describe them as radical, or committed to any particular vision of social change. Even more significantly, because of the constitutional constraints on the type of work which could be undertaken, family law was an area in which the office did a disproportionate amount of work. Large amounts of money were channelled into a plethora of divorces[43] with little opportunity for undertaking work likely to have significant effects beyond the individual clients served.

Initially eligibility guidelines were flexible, the only relevant criterion being inability to afford the cost of private legal services. In August 1975 means test guidelines were introduced, although their application remained flexible. A contributions policy was also introduced at this stage requiring a minimum contribution from each client. It would appear that this latter policy paved the way for the introduction of a draconian means test shortly after the change of government in March, 1976, the effect of which was that many people living solely on government pensions and benefits became ineligible for assistance.[44] At the same time, further restrictions were placed on the type of work that could be

undertaken and work which could in any way have been described as "preventive" went from low priority to virtual non-existence.

Despite the exhortations to function in a manner which fostered a preventive law approach in its initial directive, the A.L.A.O. almost invariably operated during office hours only, on an appointment basis, and waiting times sometimes extended over several weeks. Possibly the single most important factor responsible for its lack-lustre approach to law and social change issues was its failure to build up links with welfare and community organisations. In this way it was unable to build up a constituency, as many of the American legal services programmes had, and as the legal centres came to do.[45]

III. THE GENESIS OF LEGAL CENTRES

We now turn to the birth of the legal centres themselves. The following pages cover three states — Victoria, New South Wales and South Australia. This article omits discussion of Queensland, Western Australia, Tasmania, the Northern Territory and the Australian Capital Territory (Canberra). With the exception of Queensland, the omitted jurisdictions have only very recently established full-time funded centres. Caxton Street Legal Service in Queensland received its first federal funding in 1979 and other centres in Queensland, Western Australia, Tasmania and the Australian Capital Territory have recently been established. The history of the movement, however, begins in Victoria.

1. Victoria

The political events of the early 1970s and the legal aid system at that time provide the background from which the legal centres movement emerged. These events had politicised a number of lawyers and convinced them of the possibility of significant social change through the legal system and the possibility of significant change in the legal system itself, especially in the way in which it operated in relation to the poor. Their emergent critique found form in the Fitzroy Legal Service which opened in the inner Melbourne suburb of Fitzroy in December 1972. Followed in the early part of 1973 by half a dozen other similar services in the Melbourne area, Fitzroy Legal Service established a model of legal service delivery that has spread throughout Victoria to include some fifteen centres employing staff (usually one or two people) in addition to their volunteers, and about sixty-four others solely reliant on volunteer staff.[46] A description of Fitzroy Legal Service gives a reasonable representation of the key elements of the Victorian legal centres' movement.

Fitzroy Legal Service sprang in large measure from three members of the Young Catholic Workers (Y.C.W.), all of whom did youth work in inner-Melbourne areas during the late 1960s. One was a law student who visited young prisoners at Pentridge prison and developed contacts with a number of local lawyers to arrange representation for the youths he had interviewed. A second, then a youth worker in Fitzroy, had also been involved with young people in conflict with the law. Giving character evidence for young people charged with criminal offences convinced him of the need to obtain proper legal representation. There was no legal aid scheme which provided assistance on the spot and applications to the Legal Aid Committee, run by the legal profession, were either refused or not processed in time for the court

hearing. Discussion of their common problems suggested the value of establishing a scheme to provide representation by sympathetic lawyers at short notice. They explored the possibilities of obtaining office facilities from the strongly Labor Fitzroy City Council and were able to arrange rooms in the basement of the Town Hall, underneath the court and adjoining the police station — not comfortable but very convenient.

At the same time a group of left-wing lawyers had formed to do defence work for people resisting the military draft and the Vietnam war. The catalyst that brought the two together — in a genuinely Australian moment in history — was a "pleasant Sunday morning barrel" (of beer) organised to raise funds for the Draft Resisters Union. The police found out about the nature of the gathering and arrested the organiser, the Fitzroy youth worker, for selling alcohol without a licence. His friend, the law student, rang a left-wing barrister and arranged for him to appear on the charge. The developing momentum led to plans for a public meeting, which was held on 14 December 1972, less than two weeks after the change of government, when some 40 activists, leaders of the profession and local councillors met in the plush Fitzroy Council Chamber to discuss plans for improving the delivery of legal services. The trend of the discussion, towards forming a committee, was abruptly interrupted by one activist lawyer who jumped up on his seat to announce that since they already had office space available he was going to open for business straight away. On December 18, 1972, the media watched as he and some others did just that.

So Fitzroy Legal Service started without much in the way of structure — indeed structures were eschewed by many of the founding members. Policies did emerge nevertheless. "Community" formed a cornerstone of the F.L.S. ideology: lawyers would be put at the disposal of the community which would decide policy at public meetings. The first few public meetings, a testimony of the times, attracted hundreds of people and media attention. Related to this notion of "having lawyers on tap, not on top", were office procedures that put lawyers and lay workers on an equal footing: clients were involved in their own problem solving; the office opened in the evenings (and weekends, for a while) to allow clients to attend without losing time from work; the legal situation was explained in terms clients could understand and, most importantly, services were provided free of charge and free of means tests. Chaos reigned — volunteers coped with a flood of clients amounting to over 270 per month by June 1973. But the Service, when it came to draw up a constitution, also had broader aims which included community legal education, test cases, law reform — it planned to avoid the "band aid" case work approach.

Funding followed the *ad hoc* style characteristic of the rest of the Service's operations. Fitzroy City Council provided an office, phone and postage; the adjoining council, Collingwood, made cash contributions of $3-4,000; and there were donations and membership fees of about $2,000. The Service was run entirely by volunteers until February, 1974 when the first significant federal funds ($20,000) enabled it to employ a full-time solicitor. He was replaced in April 1975 by an administrator, to co-ordinate the volunteer staff, and a Legal Co-ordinator. The Regional Employment Development (R.E.D.) Scheme allowed for employment of a full-time secretary. A further addition to the paid staff came in April 1976 with

the employment of a solicitor who was self-funding, through client contributions and referrals-back from the Legal Aid Committee and the A.L.A.O., a process whereby the Fitzroy lawyer is paid to undertake casework through the "judicare" scheme. An articled clerk made up the complement of paid staff in 1976. The primary case work was done, however, by seventy rostered volunteers, lawyers and non-lawyers, who saw clients in the evenings between 6 p.m. and 10 p.m. This reliance on volunteers continues to be a distinguishing characteristic of legal centre operations.

2. New South Wales

The Redfern Legal Centre, established in a low-income area of inner-Sydney, was not the product of local resident action nor of local youth workers; rather it was an initiative of a group of law students and lecturers at the University of New South Wales. In a sense, its location was fortuitous — a number of areas were considered, each of which being reasonably accessible to the U.N.S.W. Law School with the existence of a large population of migrants, pensioners and other disadvantaged social groups. Redfern was chosen because the South Sydney Municipal Council was immediately sympathetic and offered rent-free use of the unused premises in the old Redfern Town Hall and financial assistance.

By 1976, when R.L.C. was conceived, the University of New South Wales had become a focus for people concerned with legal services. Two founding professors in the law faculty had been instrumental in obtaining professional support for the A.L.S. Another professor was the Poverty Inquiry Commissioner on Law and Poverty and his research officer joined the lecturing staff in 1974. Two other members of staff were New South Wales editors of the Legal Service Bulletin and through it had contacts with the Fitzroy Legal Service in Melbourne. Through them one of the founders of the F.L.S. was invited to attend the first planning meeting of the University of New South Wales initiative.

Redfern started in March 1977, with a team of students only during the days, but with volunteer lawyers from private practice and the university seeing clients on two afternoons and five evenings each week. The first paid employee was a social worker whose salary was provided by the local council. She had worked briefly as a volunteer with the North Kensington Law Centre in London, but had no other experience of legal practice. Nevertheless, she was later to be appointed as a commissioner on both the Commonwealth Legal Aid Commission and the New South Wales Legal Services Commission when they were established in 1978 and 1980 respectively.

Some teachers at the Law School, aware of the obstructive attitude taken by professional associations in England and Victoria, decided not to seek Law Society approval before starting the Centre. Several months after the opening of the centre, the Council of the Law Society took the initiative and made inquiries of the Law School. On being shown around the Centre, then in operation, one senior member was heard to remark, "[i]t is just like a legal practice, really."

Conscious of the need to be above criticism as far as standards of competence, a system of regular file checks was established at the outset, each file being read by a lawyer who had not worked on it. As the work-load grew, the demands of such

a system became gruelling, and the system itself was slowly run down as more full-time legal staff were employed and the experience of the evening volunteer lawyers grew.

While the Centre never had any local residents on its management committee, that committee actively sought comment and criticism from other social agencies in the area. The management committee never had a fixed membership and was open to anyone working at or interested in the operations of the Centre. Meetings have been held monthly or fortnightly and are generally attended by Centre staff and a handful of volunteer assistants (mainly law or social work students), lawyers and social workers. Roughly twice a year weekend "retreats" are held, usually attended by some thirty to forty people.

In 1984, four other established legal centres are operating in Sydney. Redfern still maintains its informal links with the University of New South Wales, but students from the other university law schools have helped establish other centres, and the University of New South Wales has funded and opened the Kingsford Legal Centre as part of its clinical teaching programme.

3. South Australia

The move towards neighbourhood legal services in South Australia had its origins in the broad community development programmes generated by the 1972-75 federal Labor government. One of these was the Australian Assistance Plan which funded Regional Councils for Social Development. Their task was to foster local and regional services and initiatives appropriate to the needs of a particular community. "Community participation" was the catchcry of the A.A.P: public meetings were held and local residents were encouraged to involve themselves in the activities, and thereby play a role in making funding decisions of the Councils. The scheme was never fully established, though six pilot regions around Australia received two dollars per head of population within the region to spend as they saw fit, subject to certain guidelines. Western Adelaide was one of those regions, and the bodies funded by its Regional Council included many inner city and inner suburban community action groups.

Two of these were immigrant information centres; a third was a drop-in centre for unemployed youth and a fourth was a group called the "Bowden-Brompton Action Group," which established, among other things, a community school with its A.A.P. funding. Recent law graduates and residents of the region established night-time legal advice and information services at each of these centres with the assistance, where required, of interpreters. Other community centres in the region followed suit and several one-night per week legal advice services were operating by the end of 1975. Many of them continue to operate in 1983 and though there was to be a time lag of several years, it was these early, volunteer initiatives which were the forerunners of the small number of fulltime services established some considerable time thereafter.

In 1976, the Western Adelaide Regional Council and the South Australian Council of Social Service, (an umbrella body of non-government welfare and community service organisations) combined to draft a blueprint for the establishment of a full-time salaried legal service for the western region of Adelaide.

A submission was made to the State Attorney-General to fund it as a pilot, community-based legal service, responsible to, and providing services for, residents of the region. The money was not forthcoming and the project went into abeyance until the establishment of the South Australian Legal Services Commission in 1978. In 1979, its first year of operation the Commission made funds available and the "Parks Legal Service" (named after the neighbourhoods of Angle Park, Ferryden Park, Dudley Park, Athol Park and Woodville Gardens), opened for business that year.

A separate but related initiative of the 1972-75 federal Labor government was the large capital expenditure on community facilities, especially in disadvantaged areas. One of these was a mammoth community centre complex in the Parks region which includes a high school, sports centre, library, branch office of the State Community Welfare Department, and a medical service; it was in that complex that the Parks Legal Service came to be established.

From the time it was first proposed, the Parks Legal Service has always seen itself as more than just a centre for "reactive" legal advice and assistance. The history of its development demonstrates that the people involved in it, lawyers and non-lawyers alike, perceived it as one part of a broad range of community services and facilities, the combined aim of which was (and is) to enhance the quality of life of the region's residents. In that sense the legal service is intended to cater not only for individual residents, but also to provide advice and support to community groups in the region and to combine with those groups in carrying out local campaigns.

Two other non-government legal centres were established in South Australia and their history in some ways resembles that of the Parks. One is the Norwood Legal Service which, in common with the other centres in South Australia, began its existence on a one-day-per-week basis, operating from the premises of a centre for unemployed people. The centre received funds from the State government which enabled it to rent premises and hire a full-time co-ordinator. It operated primarily as a skills training centre, and an information resource and "drop-in" centre for unemployed people. The co-ordinator received frequent requests for legal advice and assistance and, with the initial support of some lawyers on the local council, established a voluntary roster of solicitors who made themselves available one night a week to provide legal advice and assistance. Eventually, the service was in such demand that a Norwood Legal Service Co-ordinating Committee was established and applied successfully to the State Legal Services Commission for funds to employ a full-time lawyer. Though its work is not strictly limited to law relating to the needs of the unemployed, the centre has developed a considerable degree of expertise in social security matters and is used as a resource centre in that particular area.

The Bowden-Brompton Legal Service established in 1980, was a direct descendant of one of the part-time advice services which operated back in the days of the heightened community activity generated by the Australian Assistance Plan. Though it regularly provided a weekly advisory service for over six years it took that amount of time for the centre to procure sufficient funds to enable it to employ a staff lawyer. It closed in 1983.

IV. CONSOLIDATION

Since the Fitzroy Legal Service obtained its first grant of $20,000 in 1974, legal centres have grown dramatically in size. In 1983 there were some thirty-five legal centres in receipt of federal government legal aid funding totalling approximately $505,000 out of a federal legal aid budget of $45.7 million.[47] However, this is not itself a true indication of the resources of the centres which have been able to attract other grants and subsidies of various kinds. For example, disregarding the value of voluntary service, rent-free premises and a salary provided by a local council, Redfern Legal Centre alone had a budget of $192,000 in 1982 and had some 11 full-time paid staff. It also had the assistance of some 50 students, 25 solicitors and 5 social workers on its volunteer rosters each week.

The total federal grant of $505,000 is a small sum when compared, say, to the Aboriginal Legal Service (A.L.S.) budget of $4.2 million. But a direct comparison would be misleading. First, while the Aboriginal Legal Service is funded entirely by the federal Department of Aboriginal Affairs, the law centres have a variety of sources of funds. Thus Redfern Legal Centre receives only a portion of its funds through federal funding, the remainder coming from the state government and the local council. Moreover, these figures ignore the time provided by volunteers.

Secondly, the Aboriginal Legal Service does a high proportion of court work in criminal cases. While the legal centres largely choose to leave criminal defence work to the large government services, the Aboriginal Legal Service does all court appearances for Aboriginal people, and therefore has solicitors appearing virtually daily in some magistrates' courts.

Thirdly, the Aboriginal Legal Service needs to cover vast areas of the country-side and thus incurs very high travelling expenses. The legal centres by contrast see their areas of operation as highly localised.

The workload of legal centres tends to have two separate components. A large volume of individual case-work is undertaken by the rostered volunteers (whether lawyers, social workers or assistants) on the evening sessions. Day-time volunteers and full-time staff undertake follow-up work, court appearances and also interview clients.

The second component involves "non-casework" activities, including collection of statistics, writing submissions, planning campaigns, advising groups, and preparing talks, pamphlets, books, radio and television programmes. The topics covered — social security, immigration, mental health, prisons and other institutions, domestic violence and so on — are the staple concerns of poverty law practices around the world. The state of play in many such fields around the country is monitored by the *Legal Service Bulletin*, a bimonthly journal, which started life in 1974 as the newsletter of Fitzroy Legal Service. It quickly outgrew its origins and, while maintaining close links with law centres around the country, is now published by an independent organisation with assistance provided by a university law faculty. The Bulletin expanded in 1981 to include a Social Security Reporter and a separate Aboriginal Law Bulletin.

Alternative legal publications have formed an important part of the legal centres' work. In May 1977 Fitzroy Legal Service produced a 500 page *Legal Resources Book*, a looseleaf, frequently updated guide to twenty or more areas of law written

for non-lawyers. This highly successful venture was followed elsewhere: Redfern Legal Centre produced a New South Wales edition in 1978 and the Legal Services Commission co-ordinated the publication of a South Australian edition which was released in 1981. Work is in progress in other jurisdictions. The Legal Resources Books were followed by pamphlets and radio and television programmes. One series on domestic violence was shown by a leading commercial network as part of its evening news for a week. In addition to this material which is specifically directed towards the public, Redfern and Kingsford Legal Centres have published a practice manual for New South Wales lawyers on a wide range of "poverty law" topics not covered by the commercial publishers; a "lawyers' legal resources book," as it has come to be known. Its Victorian counterpart is in preparation.

The centres have faced the problem of balancing this sort of work against the demands of heavy caseloads. Not only does individual casework tend to swamp other work, it is also capable of overwhelming centre staff if control mechanisms are not developed. The centres have attempted to deal with this problem in a variety of ways and the control mechanisms most frequently adopted to channel their casework reflect one of two underlying philosophies. On the one hand, some centres perceive a need for themselves, as community organisations, to impose geographical restrictions on the clientele, providing services only to those who live in the immediate area. On the other hand, the belief that the centres are most effective if they represent particularly disadvantaged groups, rather than act for all individuals who walk in the door, has led to a level of specialisation. As early as 1975, workers at the Fitzroy Legal Service directed all tenancy work to the newly-formed Tenants' Union. Among the New South Wales centres, expertise has been developed in the particular areas of consumer credit, anti-discrimination law, and welfare and tenancy matters. One centre runs a children's legal service, another is the base of a prisoners' service and both the latter services have been approved for separate funding by the State's Legal Services Commission, though government budget constraints threaten their creation. Women established their own legal service in Melbourne as early as 1975 and a Women's Legal Resources Centre has now been established in New South Wales. Yet a further development has been the establishment in New South Wales of both a Welfare Rights Centre and a Public Interest Advocacy Centre. Both have been funded by sources other than the normal sources of funding upon which the centres must rely and for which they necessarily compete. Moreover, the latter provides a different kind of service, moving away from the "community" ideal of the legal centres. Its concerns are more eclectic than those of the centres and its role is perceived as being exclusively to run campaigns and test cases.

A feature of the legal centres which has tended to mark them out from other systems of legal aid delivery has been their use of volunteers. Indeed, this component of their operations has led them to be called "voluntary legal centres", though we have avoided this term as more misleading than useful. Most centres provide much of their advice and on the spot assistance through evening rosters of volunteer solicitors who are supported by evening and day-time rosters of volunteer assistants; these assistants tend to be drawn from the local community or are law students. The value of the volunteers increased dramatically with the introduction

of full-time staff. The role of the employed staff permitted efficient co-ordination of larger numbers of part-time voluntary workers and allowed for "in-centre follow-up" on cases, thus lowering the rate of referrals required of the evening intakes.

Despite their valuable work, the role of volunteers, especially volunteer lawyers, has been a consistently contentious one within the centres. Volunteer lawyers have tended to be more politically conservative than either volunteer non-lawyers or the full-time staff. Regardless of the motivations of particular individuals, criticisms have been levelled at the use of volunteers which is perceived as being redolent of the charity days of the nineteenth century. This was especially problematic during the years of the Fraser government since it was the policy of the conservative federal government that voluntarism in the welfare sector ("self-help") be the preferred mode of service delivery; this policy was totally opposed to the welfare state model. In day to day operations, problems with the use of volunteers have been more apparent than real. The centre staff have been concerned to ensure that so far as practicable, volunteer lawyers understand and maintain the legal centre philosophy in their relationships with clients and other workers, and the problems have tended not to surface.

The use of volunteers, while setting legal centres apart from other legal aid services, places them in the same category as other welfare services. Nevertheless, the legal centres have always been concerned to preserve their position in the legal aid system. As noted above, in the early days in Victoria interest centred on the plans of the federal Labor Attorney-General, Lionel Murphy, to establish a national network of local Australian Legal Aid Offices. These were foreshadowed in a speech delivered by the Attorney-General in 1973, which was quickly followed by the opening of the first Victorian office in 1974. The Victorian legal centres welcomed the development: their example had impressed some of those responsible for the A.L.A.O. initiative and several legal centre workers took positions with the A.L.A.O. The Victorian centres were also able to undertake paid work on referral from the A.L.A.O. (being paid to take on their own cases on a fee for service basis). In this way Fitzroy partially funded one lawyer.

Nevertheless, in the longer term the Victorian centres were concerned to maintain their independence of the A.L.A.O. and to avoid competition for funds with the A.L.A.O. As we have seen, the A.L.A.O. never achieved maturity and before it had opened all its offices, the Labor government fell and the incoming Liberal government soon started a process of handing the A.L.A.O. over to the States. At the behest of the new government the States began planning their own legal aid commissions to co-ordinate and administer legal aid within their jurisdictions. While anxious not to lose federal funding and fighting to maintain federal involvement in legal aid, the legal centre movements in Victoria and New South Wales also turned their attention to the planned state commissions. In 1978 the legal co-ordinator of Fitzroy Legal Service had been appointed as one of seven part-time commissioners on the newly established Commonwealth Legal Aid Commission. In 1980 he became the first full-time director of the Victorian Legal Aid Commission, and in both Victoria and New South Wales the legal centres secured statutory recognition in the legislation setting up the Commissions, and representation on their respective Commissions. Nor were the centres' efforts restricted to securing

their own futures; they battled hard to obtain legislation that recognised wider goals for legal aid than individual case work and litigation. Again they achieved a large element of success.

In the smaller states, both the rise and fall of the A.L.A.O. and the establishment of state commissions tended to precede the growth of legal centres. In South Australia the new commission was, as we have seen, sympathetic to and actively supportive of new legal centres. Nevertheless, such patronage has not enabled the development of a politically strong movement, and early in 1984 the future of some South Australian centres was in doubt; there was some talk of incorporating the centres into the Commission structure, thus making them regional offices.

In Queensland the story is one of struggle against a hostile and highly conservative State government. Apart from a student legal aid clinic run from the University of Queensland, the first voluntary service was Caxton Street Legal Centre. Caxton Street had to battle to obtain its first federal grant in 1979 and then had to wrangle for months with the State government and the Queensland Legal Aid Commission to have the federal funds released to it. They claimed the money could not be used to employ a solicitor as this would breach the federal/state legal aid agreement. Caxton then raised the money from private sources. The federal money was eventually released on condition that it not be used to employ a solicitor. This condition has subsequently been dropped and relations between the State Commission and the legal centres are good. The story does capture some of the difficulties and politics of federal involvement in legal aid.

As the state commissions became effective, they took over responsibility for providing assistance through the established salaried schemes and through the private profession's "judicare" schemes. The A.L.A.O. was taken over by state commissions in all states except Tasmania and New South Wales, where state-federal haggling over future guarantees of federal funding were still continuing in early 1984. Only the Aboriginal Legal Services and the legal centres remained independent of direct Commission control.

V. EVALUATING THE LEGAL CENTRES MOVEMENT

Evaluating the legal centres movement presents difficult problems if for no other reason than that legal centres fall into a "motherhood" category; everyone agrees they are good but for different and sometimes quite contradictory reasons. Conservative and reform governments have supported them; their own workers comprise a diverse coalition ranging from radical activists to "do gooder" volunteers. There can be little dispute, however, that the legal centre movement has established an alternative model of legal service delivery and effected structural changes in the way legal issues are dealt with in the political process.

1. The Alternative Model

We have already outlined the large political issues at work in Australia in the early 1970s. These had a profound effect on the founders of the legal centres movement and the model of legal service delivery they evolved. The word evolved is used advisedly here since there was no *particular blueprint* from which they worked. Rather the model developed as a working critique of the relationship between the

legal system and the poor in the early 1970s. That critique was informed by the political ideology of the late 1960s and early 1970s, and especially by a belief in the possibility of significant social change through a style of activism that can most clearly be traced to the welfare movement: a commitment to "grass-roots level activity, community control, empowering the recipient, de-professionalisation, assertion of rights, de-mystification and free access to services," to quote the terms of the contemporary discourse.

All these, a liberal dose of older charitable models concerned with the "deserving poor" and social obligations, plus the ideology of equality before the law found their way into the legal centre model.

Of course some of these ideas, such as equality before the law were not new. For the founders of the legal centres movement, however, they had quite concrete implications. In their view the deficiencies of the legal aid schemes operating in 1972 rendered equality before the law a meaningless cliche. To them the right to legal services required that barriers to the exercise of that right be torn down.

The first and most obvious of these barriers was economic. Hence one of the most important aspects of the early legal centres was that they offered *free* legal advice. Free legal service proved enormously successful with the public; the centres became popularly known as "free legal services". Politically this aspect was very important; it attracted extensive media interest and forestalled the objections of the legal profession which felt somewhat threatened by the idea. Perhaps most importantly, it emphasised the key concept that access to legal services was a *right*, rather than a privilege for those who could afford to pay.

Psychological barriers to access were also considered. Legal centre workers believed that working class clients felt threatened by the flashy trappings of legal offices and formal attire of lawyers. They attempted to deal with this problem at Fitzroy Legal Service, for example, by using low-key premises, dressing in casual clothes, meeting clients as they arrived, engaging them in conversation, offering them coffee and generally putting people at their ease. Pamphlets and posters about various legal issues were displayed in the waiting room and occasionally clients would be invited to assist the work going on in the office. Reception tasks would be performed by a non-lawyer who would also take details of the client's (or "customer's" as some preferred to say) problem and then introduce the lawyer. The non-lawyer remained present during the interview to maintain continuity with the client.

Psychological barriers only partly explain the rationale behind the choice of office procedures. The nature of relationships between professionals and their clients also came under attack. Legal centre workers saw suits, ties and sitting behind desks as emphasising the power and, for working class people, the social distance of lawyers. Technical language, incomprehensible legal documents and fitting people into abstract legal categories all constituted further evidence of this chasm. To combat these traditional forms of alienation, lawyers at the legal centres had to explain the legal considerations in clear language and to look at the person's legal problem as but one part of their day-to-day struggle; for example, a summons for debt would be looked at in the context of that person's overall financial position. Part of the non-lawyer's function at the interview was to ensure that these objectives were met.

The client would be invited to participate in the solution of his or her own problem by writing letters or carrying out negotiations, using the lawyer and non-lawyer to assist.[48] Here was another point in the legal centre ideology.

Involvement of the client was meant to overcome the powerlessness felt by many people confronting the legal system. Clients would be put in touch with other people facing similar problems which, according to the model, would relieve the sense of isolation and encourage people to see their legal problems in a broader context of, for example, inadequate low-cost housing and tenancy laws which overwhelmingly favoured landlords. Formation of groups of such people in the community, so it was hoped, would develop a sense of solidarity which in turn, would lead to campaigns to change the oppressive circumstances they so often faced; campaigns where, importantly, people in the community would sense their power and take the initiative. In these campaigns, the legal centres could be called upon and used as and when the community saw fit to do so.

Whether these aspirations in dealing with clients have always been met in practice or have been perceived by the clients as successful is largely a matter for speculation.[49] The model has been widely duplicated and there is a sustained high demand for the services.[50] More detailed and extensive evaluation awaits research. For the moment we have simply outlined the key features of the model and its ideological foundations.

The model for relationships between workers in the centres also reflected the equality expected in the lawyer-client relationship. Lawyers would be on the same footing as other workers in the centres and the hierarchies of traditional legal practice would be avoided. Although hierarchies have emerged to some extent, the upper positions have not necessarily been taken by lawyers. One result of this, combined with the political-activist orientation of the legal centres, has been that many left-wing lawyers have been attracted as employees. Women workers too, perhaps less than anxious to be drawn into the exhausting battles against sexism likely to be encountered in traditional practice where women occupy the low status, non-professional positions, have also been attracted to the centres. The possibilities of a broader range of work (again an important consideration for women who have tended to have imposed upon them restrictions which confine them to areas of traditional practice such as family law) and the opportunity to pursue social and political objectives through the work at the centres has provided these lawyers with employment opportunities in law not hitherto available in Australia.

The relationship of the employees to the legal centres varies considerably. Unlike the position in private practice, however, policy is not necessarily determined by the full-time workers. The typical model has been for policy to be determined at general meetings by all members of the legal centre. Membership criteria vary but typically allow for all employees, volunteers and people living in the area served by the centre. The original idea of the general meeting at centres like Fitzroy, which stressed the notion of community control, was that "the community" would determine the policies and priorities of the centre through the general meeting. In general this aspiration has not been realised.[51]

The advent of significant numbers of paid workers to the centres (Redfern and Fitzroy now employ some ten to thirteen people each, though the norm would be

two or three paid staff) raises problems about the governing structures of the centres and the relationships of the paid staff to them. Initially when the services were provided only by volunteers the general meeting was a more significant event. It was the occasion when volunteers who had little day to day contact with one another could convene to discuss policy questions. The advent of paid staff with a full-time commitment to and knowledge of the centre changed the character of the general meeting. Those meetings now tend to react to the issues, decisions or recommendations of the full-time staff. Continuation of this trend could lead to a review of this type of governing structure. One issue which may bring this to a head concerns the unionisation of centre employees.

Workers in legal centres have not generally been members of unions. As far as the lawyers are concerned it is unusual for them to be union members but this is not unprecedented; lawyers in the government-run legal aid schemes belong to a union. One of the problems about unionisation of legal centre workers stems from the unusual structure of the legal centres which obscures the nature of the employment relationship. The source of the funds for salaries is, to a large extent, the government. The specification of job role, however, is the responsibility of the general meeting which, as we have noted, is dominated by the employees.

In the early years of funding, lawyers working in legal centres have been paid lower salaries than their counterparts in private practice or the government-run services. This was justified by a desire to see limited funds go as far as possible and by concern about the differential between professional and non-professional salaries. As government legal aid commissions have taken up responsibility for funding centres, setting the level of a centre's grant by reference to award wages paid to lawyers in government legal aid agencies, the unionisation issue has come to the fore. For the centres, payment of award wages means they can employ fewer staff and somehow strains against the altruism often found among legal centre workers. On the other hand, Australia has strong pro-union traditions, especially on the left.[52] Increasingly welfare workers, with whom legal centre workers identify, have come to see the need to unionise to prevent conservative governments capitalising on their altruism and thus getting welfare services "on the cheap". The same argument applies to the legal centres though, as with the welfare sector, the split between the funding source and the source of job direction, and the altruism of legal centre workers considerably complicate the standard union-employer roles. As this issue is worked through it may well be that the general question of governing stuctures of legal centres will come up for review.

The legal centre model, however, holds interest not only for its internal dynamics but also for the effects it has had at a structural level broadly defined, both on the legal system and on the way the political system responds to legal issues.

2. Structural Changes

Legal aid in Australia in the early 1970s was controlled by legal professional organisations and by government bureaucracy. They defined the extent of legal need, the type of service offered and the manner of its delivery. When issues of law reform arose, professional organisations and the bureaucracy dominated the field. On controversial legal issues the media and the public looked to the professional

bodies for the official view. Given a structure dominated by lawyers engaged in city practices on behalf of institutional clients, the conservative views taken on law reform, legal aid and controversial legal issues were the norm and hardly surprising. The emergence of the centres radically changed this picture. The strength and dynamism of the few pioneers established an organisational framework which tapped the idealism and energy of many lawyers and non-lawyers. Without that structure the energy of such people would almost certainly have dissipated.

The mechanics of this growing structure centred on case work. Case work provided an organisational focus which required groups of workers to be at the same place at the same time each week. It asserted a priority over other outside commitments and served as a means of workers legitimating their activities both in their own eyes and in the eyes of the public. Heavy case load demonstrated the need for the service they provided and that, together with extensive media coverage, effectively countered the objections of representatives of the professional bodies. As legal issues developed legal centres were able to tap their growing resources to prepare press releases and submissions to the extent that they often came to supplant the professional organisations in the media.

The most dramatic outcome of this change has been in the field of legal aid itself. The 1970s saw dramatic changes in this area and the centres had a profound effect on the policy development. At the crudest level one can point to the vastly increased levels of funding, and to the influence of the centres in demonstrating the need for legal assistance and in politicising the issue. At the time the professional organisations had claimed that legal aid was adequately serviced; ironically the legal profession is a significant beneficiary of the increase in the available funding since most schemes rely heavily on the private profession.

The structure of legal aid has altered dramatically too. All of the pre-1972 schemes have been either abolished or re-vamped to take account of the changes brought about by the rise and fall of the A.L.A.O. and the subsequent creation of legal aid commissions in the states. The impact made by the centres has enabled them to secure positions at the federal level on both the original Commonwealth Legal Aid Commission and its successor the Commonwealth Legal Aid Council as nominees of the Attorney-General. The presence of a representative of voluntary social welfare agencies also owes something to the arguments of the legal centres. Their presence on the federal body has in turn influenced the structure of the state commissions. As the dictates of the new federalism policy started to bite in the middle to late 1970s, legal centres lobbied intensively over the composition of the new state legal aid commissions established to take over the functions of the A.L.A.O. In Victoria, for example, the centres and a local university organised a conference to discuss the draft legislation for that State's Legal Aid Commission. The draft had been largely dictated by the professional organisations. The centres ensured the presence of the State Attorney-General and the President of the Law Institute of Victoria by inviting them to speak; however most of the other invited speakers were highly critical of the draft which was soon withdrawn. A committee, including a centre representative whose ideas were clearly reflected in the final outcome, redrafted the legislation. The same representative later became the first director of the Victorian Legal Aid Commission. A former centre worker now heads

the South Australian Commission and the New South Wales and Victorian Commissions include centre representatives. All the state commissions include a representative of legal aid recipients; the Victorian Commission also has a representative of the voluntary welfare agencies while New South Wales has a trade union nominee. The composition of these commissions represents a radical departure from the pre-1972 schemes dominated by the legal profession and the bureaucracy, and is due substantially to the efforts of the legal centres. Their position on these bodies alongside the representatives of the professional bodies reflects the degree of acceptance legal centres have been able to win as an alternative to the profession on legal aid issues.[53]

On a broader front, the professional organisations and the bureaucracy no longer dominate debate on public issues and law reform. Legal centres have been active in submissions on a variety of poverty law issues and, in conjunction with sympathetic academic lawyers, they have been able to put forceful arguments on behalf of their clientele. Tangible results are not easy to identify. The fact that these points of view are put at all represents an advance, but it would be naive to suggest that the legal centre view has carried the day on any specific issue, save that of legal aid. Tenancy law reform, consumer credit legislation and social security law have been areas of significant activity in which legal centres could claim some success for the acceptance of their views by government and law reform bodies. Certainly they have been able to command a considerable degree of media coverage for their views, which have come to be seen as the popular view, whereas the positions put by the professional bodies have increasingly been identified as self-interested. The political importance of this coverage is not insignificant but must be seen against the perspective of strong, vested interests involved in areas like tenancy and consumer credit.

In terms of law reform, conceived as effecting alterations to existing practices, there have been a number of changes. At the level of case work, the fact that lawyers acting for finance companies or landlords can now reasonably expect the people they seek to sue will have some representation has curbed some of the worst abuses. For example, legal centres would routinely defend default summonses by one large finance organisation which would then routinely withdraw them and endeavour to negotiate a settlement. Eventually it emerged that their records system was defective and they could not prove their debts. Those running this campaign have been able to convince the state government to employ a number of financial counsellors through its social welfare department. The practices of police, prison officers and government welfare agencies have also been affected from time to time as legal centres have mounted publicity campaigns and in some instances, test cases, to focus attention on their methods.[54]

The growth of the legal centre movement in Australia has coincided with a critical reappraisal of the structure of the legal profession generally. In New South Wales, the State's Law Reform Commission is in the final stages of completing a large scale review which reached conclusions highly critical of the rigid structure of the profession and many of its restrictive practices.[55] Legal centres have attacked many features of traditional professionalism as elitist and inconsistent with the ideal of equality before the law which the profession purports to support.[56] Limited success

has followed the exposure of glaring examples of hypocrisy. In a recent decision concerning the activities of a barrister who had worked closely with Redfern Legal Centre, the New South Wales Court of Appeal accepted the principle that,

> [b]ecause of the need which these Centres meet and of the limited funds which are available to them, it is necessary to relax strict compliance with some of the rules which regulate the conduct of barristers.[57]

In relation to the barrister, the Court noted:

> Practically all his experience had been derived from the Centre, with its limited resources. It is apparent that this limitation throws on to barristers many of the responsibilities of solicitors, and the traditional line of demarcation being broken, it is not always clear what the new line is. In such a situation the court should be reasonably flexible in the adaptation of rules established in a different context.[58]

Critics of the centre movement have often asserted that the informality, lack of proper standards of dress, failure to require appointments and other similar deviations are indicative of lowered standards. From our observations it is clear that legal centre workers, for whom increased workload means not financial reward, but a diminution in work conditions, are acutely aware of the tension between increasing the available services and increasing the resources devoted to each case. They are also acutely aware of the economic stratification of private practice where services must be bought by clients. Rules that may be ignored to provide services where resources are limited are also suspect in the "different context" of private practice. By illustrating the gap between the ideology and the practice of the private profession, the centre movement can have an effect on the structure of the profession. An appreciation of the danger posed by legal centres to professional ideology motivated the negative attitudes towards such centres displayed by the United Kingdom Royal Commission into Legal Services.[59]

Access to information about the law has been another achievement of the legal centre movement. Legal resources books, radio programmes, articles in the newspapers (especially foreign language newspapers catering to large immigrant groups), stalls at local festivals, campaigns on particular issues and lectures for schools and community groups all comprise new fields of endeavour opened up by legal centres.

While important in themselves, the case work and the campaigns have also been stucturally important in knitting together an alternative community of legal workers. The initial enthusiasm of the early 1970s might have been expected to diminish, but unlike some purely political movements, the tangible nature of the case load has produced a steady stream of volunteers and ongoing commitment. Turnover remains high but there is more scope for different types of work in the movement than in the early days. Aside from the case work the variety of non-case work options allows people to move into different aspects of legal centre activity before the seemingly inevitable demands of career, family and burn-out draw volunteers (and other workers) away from the centres.

A further structural development has occurred at a career level. As noted above, many centres now employ staff, thus providing a few jobs directly in legal centre work. These jobs are attractive in that they allow political ideals to be combined with innovative legal practice. Some of these workers have been able to move on

to jobs in policy-making or research areas. Furthermore, there is a growing tendency for employers, especially the legal aid commissions but also private practitioners, to ask prospective employees whether they have had experience working in legal centres. For volunteer lawyers, working at legal centres has become an activity which can add to their employability. Hopefully legal centres inculcate some of their ideals into their volunteers and thus contribute to a growing pool of lawyers sharing those values. Unfortunately though, one cannot discount the cynical view that many lawyer volunteers in a tight job market use legal centres as an entree to the profession and that they neither share nor imbibe the values espoused by the centres. Nor is there much evidence to determine whether those who do share those values translate them into private practice.

The influence of the legal centre movement can also be traced to some extent in Australian university law schools. During the 1970s, some academic lawyers became closely involved in the legal centre movement as founders, workers and researchers. This was particularly true of the newer departments and faculties; the impetus for Redfern Legal Centre, for example, came from the University of New South Wales Law School. New courses were developed in poverty law areas and old courses, like administrative law, were changed to take account of the new social security appeals tribunals. Clinical legal education sprang up in projects modelled on the legal centre format.[60] In many ways this constituted a mutually beneficial expansion of the new legal community which formed around the legal centres. The legal centres gained research resources, otherwise unavailable, and people who could articulate the legal centre viewpoint at a policy level. The academic lawyers were able to find expression for their aspirations of change in the legal system and a practice oriented field for research. There seems to be some doubt, however, that this level of involvement will be sustained as the new law schools age, the academics move out of universities or into other areas and students, influenced by harder economic circumstances, opt for business law subjects rather than poverty law options.

VI. CONCLUSIONS

There is no doubt that the primary role of legal centres has been played within, or in relation to, legal institutions. Nevertheless, the genesis and role of legal centres cannot be fully understood unless seen as part of the outburst of social action groups which came about in the late 1960s and early 1970s. These groups arose outside the framework of political parties and the established welfare system. They undoubtedly constituted minor political forces of the left, but in general were not aligned to any party, not even to the small parties of the left. Indeed they tended to be spontaneous coalitions of local activists, sometimes collaborating with welfare workers. The groups we have in mind include a wide range of Residents Action Groups, Tenants Unions, Prisoners Action Group, Women Behind Bars and the Workers Health Centre and Rape Crisis Centres, among others. Some of these groups, especially those with welfare roles obtained government funding. Some, as noted above in relation to the genesis of legal centres in South Australia, received funds through the short-lived federal initiative, the Australian Assistance Plan. Other groups had purely political objects and never received public funds.

They had the effect of spawning other organisations. In the area of Aboriginal

affairs it is clear that the Aboriginal Legal Service in Sydney was the parent group, formed largely in direct response to police harassment in the streets of Redfern. The formation of the A.L.S. then led directly to a whole range of analogous Aboriginal organisations, including the medical service, housing co-operatives, theatre groups and others.

Thus it appears that the time was ripe for an outbreak of politically motivated service organisations in the sense that each was committed to an amelioration of powerlessness in relation to a particular social group. They had, in general, reasonably specific focuses of interest and combined broad political commitment with services to individuals. Often there was overlapping membership of organisations, especially in the case of middle-class political activists. The legal centres tended to be involved in specific campaigns, sometimes providing lawyers to assist at negotiations, on other occasions acting on a legal front while others raised public pressure by circulating petitions, organising vigils, attending demonstrations and so on.

While sometimes spinning off a new group from within, legal centres have not played a major role in mobilising community groups. Rather the relationship to community groups has been that of sympathetic assistance to, and work on, specific campaigns for groups that already existed and employment of social workers to foster and maintain that relationship.

A commitment to social change has been a common characteristic of legal centres and centre workers. There is no doubt that there are greater opportunities to press for social change in legal centres than in any other kind of legal practice. However, it would be naive political theory to believe that major changes will be effected through changes within the legal system; to start out with such a belief is a recipe for the destructive "apolitical" cynicism so often displayed by lawyers. As indicated above, we do not discount the catalytic effect of legal action, nor its scope as a means of legitimising demands. Nevertheless the limitations of legal reforms without a grass roots movement to ensure that they are given effect, particularly in the manner that most benefits those they were intended to help, have been well documented.[61] It is clear (with the possible exception of the Aboriginal legal services) that Australian legal centres have not themselves been a community based movement.

Within their own areas the centres have achieved much, but now they are a part of the established legal aid structure there is a great need for them to channel their resources in order to preserve their independence, their sense of uniqueness and to continue to identify political goals. To maintain an active and critical approach to the law requires a level of political commitment which is less apparent today than it was in the early 1970s. It is also clear that the young activists of the 1970s have made new careers out of their political radicalism. As Piven and Cloward noted,[62] there is a strong tendency for welfare agencies to syphon off the leaders of protest movements which attacked them. So the young lawyers who helped set up legal centres are now running State Legal Aid Commissions in various jurisdictions.

Of course, a turnover in staff is essential, but it will be important to maintain a level of commitment in new lawyers; those who are simply seeking new and acceptable careers in legal practice will not necessarily maintain vitality in a political

movement. In any event, an exceptionally high rate of staff turnover is undesirable. Realising this, the centres have been anxious to keep some of their older and experienced workers. This need has led to a widening of salary levels and disparities in effective influence within centre management.

The centres now have a degree of legitimacy which the early founders would have found disturbing. Indeed much of their early strength derived from their independence of, and opposition to, the professional bodies. Their emphasis on voluntarism, independence and absence of bureaucratic structures led some of their founders to oppose the first grants of government money. The present degree of accountability to legal aid commissions, representation on these commissions and agreements between the commissions and centres runs counter to the anarchic features of their birth.

Even if those fears prove extreme the degree of legitimacy enjoyed by centres does give rise to concern. In the first place the prospect of taking a soft line on issues that may upset government or funding agencies assumes greater proportions as the level of funding increases. Secondly, there is the danger of legitimating an unfair system. The centres provide good, inexpensive welfare services. Voluntarism is attractive to conservative governments because it supplies the system with a veneer of fairness, costs little and proves that big government is not necessary in the welfare field.[63] Although legal centres consume only a very small percentage of the legal aid budget, relying heavily on voluntary workers, they provide governments with valuable campaign material in the welfare area at small expense.

Social conditions in Australia are far worse in 1984 than they were in 1973. Yet to some extent the availability of legal services and the reorganisation of the legal community has rendered the face of the law more benign. Those who expected more profound social changes through the legal system and the centre movement must be disappointed. With the benefit of hindsight it seems to have been an unrealistic goal. On the other hand, the legal centres can claim to have established a much more humane model of legal service delivery, to have made the legal system accessible to many more people, and to have set up a platform from which the interests of the poor on legal issues and law reform can be voiced. These are significant achievements.

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FOOTNOTES

1 See J. McLaren (ed.) *Towards a New Australia* (1972) where several of the Australian Labor Party members who were later that year to assume ministerial positions in the new government set out their plans for their respective portfolios.

2 For a pre-1972 discussion see R.F. Henderson, R.A. Harcourt and R.J.A. Harper, *People in Poverty: A Melbourne Survey* (1970). The main findings and recommendations of the Poverty Commission are set out in R.F. Henderson, *Poverty in Australia: First Main Report of the Australian Government Commission of Inquiry into Poverty* (1975).

3 A summary of that work is contained in R. Sackville, *Law and Poverty, Second Main Report of the Commission of Inquiry into Poverty* (1975).
4 See generally R.B. Scotton, *Medical Care in Australia: An Economic Diagnosis* (1974).
5 See O. Woodhouse, *Compensation and Rehabilitation in Australia* (1974).
6 See K. Hancock, *A National Superannuation Scheme for Australia: Final Report of the National Superannuation Committee of Inquiry* (1976).
7 See, for example, W.G. Hayden, "Health and Welfare Services" in J. McLaren (ed.) note 1 *supra*; Social Welfare Commission, *Annual Report* (1975); Social Welfare Commission, *The Australian Assistance Plan*, Discussion Paper No. 1 (1973); Australian Council of Social Service, *ParticipACTION* (1975).
8 Social Welfare Commission, *Report on the Australian Assistance Plan* (1976); Social Welfare Commission, *An Idea Before its Time* (1976).
9 See M. Crommelin and G. Evans, "Explorations and Adventures with Commonwealth Powers" in G. Evans (ed.), *Labor and the Constitution* (1976); *Victoria* v. *Commonwealth* (Australian Assistance Plan case) (1975) 7 A.L.R. 277.
10 See R.F. Henderson, *Poverty in Australia*, note 2 *supra*, 125-27.
11 For a description and commentary on the O.E.O. Legal Services Programme see, for example, E.C. Bamberger Jnr, "The Legal Services Program of the O.E.O." (1966) 41 *Notre Dame Lawyer* 847; Handler, Hollingsworth and Erlanger, *Lawyers and the Pursuit of Legal Rights* (1978); M. Cappelletti, J. Gordley, and E. Johnson Jnr, *Toward Equal Justice* (1975) esp. 451; and, M. Cappelletti and B. Garth, *Access to Justice* (1978), Vol. 1(2), 913.
12 The one extremely limited exception was a Legal Service Bureau in the Commonwealth Attorney-General's Department which, since 1942, had provided limited advice and assistance to members and former members of the armed services. It was a narrow service, dealing mostly with repatriation cases and employed only thirteen lawyers nationally in 1973.
13 Similar schemes were established in other states at various times thereafter; Queensland, 1965; Western Australia, 1960; Tasmania, 1954; Victoria, 1964; and New South Wales, 1971.
14 The scheme was extended considerably by the Legal Practitioners Act Amendment Act, 1969 (S.A.).
15 These are the Office of the Public Defender in Queensland, which has a long history prior to receiving independent status in 1967 and the Public Solicitor's Office in Victoria. The latter dealt only with criminal law matters under the Legal Aid Act 1969 (Vic.).
16 For an exhaustive account of the various states' Law Society "judicare" and salaried schemes operating in the early 1970s, see R. Sackville, *Legal Aid in Australia* (1975) chapters 2 and 3.
17 See, for example, Legal Practitioners Act 1898 (N.S.W.), s.42A, s.42B and s.44A.
18 For a detailed breakdown of the schemes' funding arrangements see R. Sackville, note 16 *supra*, Table 5.18.
19 *Ibid.*
20 *Id.*, 119.
21 *Id.*, 79.
22 *Id.*, 114; M. Cass and R. Sackville, *Legal Needs of the Poor* (1975), Chapter 11.
23 See, for example, E. Eggleston, *Fear, Favour or Affection: Aborigines and the Criminal Law in Victoria, South Australia and Western Australia* (1976); H. Reynolds, *The Other Side of the Frontier: An Interpretation of the Aboriginal Response to the Invasion and Settlement of Australia* (1982). For a 1976 survey of aspects of Aborigines' dealings with the law see Legal Service Bulletin, Special Issue, *Aborigines and the Law* December, 1976 (Vol. 2. No. 4). Perhaps the most illuminating evidence of the treatment received by Aborigines from the criminal justice system is in the comparative imprisonment rates. The rate of imprisonment in Australia is 67 per 100,000 persons, compared with 775 per 100,000 persons in the Aboriginal community. Figures vary enormously from state to state; in Western Australia the general imprisonment rate is 109 per 100,000 and the Aboriginal rate 1448 per 100,000. (Australian Bureau of Statistics, *1981 Population Census*, Prisoners: Racial Origin, Sex; States and Territories). These figures refer to prison population; the intake, or "penal receival rate" is often higher. For Western Australia the prison population is ⅓ Aboriginal and ½ of the intake is Aboriginal (see O.F. Dixon, *Report of the Committee of Inquiry into the Rate of Imprisonment* (1981).
24 Details of the operations of the various Aboriginal legal services in Australia are contained in *Aboriginal Legal Aid*, Report of the House of Representatives Standing Committee on Aboriginal Affairs (1980) 218-222.
25 For an interesting discussion of the Aboriginal legal services' role in the civil area see C. Tatz, "Aborigines: Access to Civil Law" (1980) 5 *Legal Service Bulletin* 9 and C. Tatz, "Aborigines: Legal Aid and Law Reform" (1980) 5 *Legal Service Bulletin* 91. See also *Coe* v. *Commonwealth* (1978) 52 A.L.J.R. 334; (1979) 53 A.L.J.R. 403.

26 *Aboriginal Legal Aid*, note 24 *supra*, 35. This report is the most comprehensive account to date of the activities and singular mode of operation of the Aboriginal legal services. It contains detailed information about, amongst other things, their management structures, the use made of paralegal staff, court cases which the services have brought, and more generally, it highlights the enormous value which the services have been to other Aboriginal groups and the community in general.

27 S. Armstrong, "Labor's Legal Aid Scheme: the Light that Failed" in R.B. Scotton and H. Ferber (eds), *Public Expenditures and Social Policy in Australia: Volume II; the First Fraser Years, 1976-78* (1980) 220 *et. seq.* The material in this section relies heavily upon this article.

28 According to the Attorney-General, speaking at the opening of the Blacktown (N.S.W.) A.L.A.O. office, 15 May 1974 (quoted in Armstrong, *id.*, 221). See also his Ministerial statement on legal aid, in C.P.D. (Senate), 13 December, 1973, reprinted in (1974) 1 *Legal Service Bulletin* 52. The speech delivered at the opening of the Sunshine (Victoria) office is reproduced in (1974) 1 *Legal Service Bulletin* 7.

29 See D. Hay, *The Delivery of Services Financed by the Department of Aboriginal Affairs* (1976) 161-63. That assessment found that, insofar as efficiency of service delivery was concerned, the Aboriginal legal services compared favourably when contrasted with the operations of the Australian Legal Aid Office, which had enormous overheads for the largely administrative work it undertook. See also Armstrong, note 27 *supra*, 233.

30 This was brought by the Law Institute of Victoria, the solicitors' professional association. The motions passed by the Institute when resolving to undertake the challenge are reproduced in (1975) 1 *Legal Service Bulletin* 164.

31 *Re Bannister; ex parte Hartstein* (1975) 5 A.C.T.R. 100 (Supreme Court A.C.T.).

32 For a discussion of the potential impact of this decision on salaried legal aid schemes see J. Disney, "Salaried Legal Aid Lawyers and the Courts", appendix to R. Sackville, note 16 *supra*, 193.

33 See generally, "Forum: Constitutional Challenge to A.L.A.O." (1975) 1 *Legal Service Bulletin* 163.

34 R. Sackville, note 16 *supra*, 184-86.

35 *Id.*, 184.

36 *Victoria* v. *Commonwealth* (Australian Assistance Plan Case) (1975) 7 A.L.R. 277. Three judges decided that s.81 would support the scheme; three decided it did not, and the remaining judge found that the State Attorney-General did not have standing to bring the action. For a fuller discussion of this case see Crommelin and Evans, note 9 *supra*, 41-45.

37 *R.* v. *Burgess; ex parte Henry* (1936) 55 C.L.R. 608.

38 *Koowarta* v. *Bjelke-Petersen and Others* (1982) 56 A.L.J.R. 625.

39 *Commonwealth* v. *Tasmania* (1983) 46 A.L.R. 625.

40 See Article 14, para 1, para 3(b) and (d), though note Australia's reservation to Article 14:

41 Australia interprets paragraph 3(d) of Article 14 as consistent with the operation of schemes of legal assistance in which the person assisted is required to make a contribution towards the cost of the defence related to his capacity to pay and determined according to law, or in which assistance is granted in respect of other than indictable offences only after having regard to all other matters.

Welfare recipients and students, s. 51 (xxiii) and s. 51 (xxiiiA); members and former members of the armed forces, s. 51(vi); migrants, s. 51 (xxvii); and Aborigines s. 51 (xxvi). Aborigines were served, however, by the Aboriginal Legal Service, see note 24 *supra*.

42 See S. Armstrong, note 27 *supra*, 235. This can be contrasted with the stated aims and subsequent operation of the O.E.O. Legal Services Program. See, for example, E.C. Bamberger Jnr, note 11 *supra*.

43 By 1978, the guidelines had been tightened and simple divorce proceedings and maintenance applications were no longer assisted, except in cases of special hardship. This policy has been continued by most state legal aid commissions.

44 S. Armstrong, note 27 *supra*, 229-33.

45 *Id.*, 236.

46 Gardner, Neal and Cashman (eds) *Legal Resources Book* (1977) 1-4. Forty-six of these centres are in the Melbourne area and the remainder in rural Victoria. The range of services available varies considerably from simple advice and referral to the conduct of litigation. Victoria has a population of three million people.

47 On funding of legal centres see K. Bell, "Funding Legal Centres, the Political Dimension" (1982) 7 *Legal Service Bulletin* 265 and D. Neal, "Legal Centres: A 'National' Movement" (1983) 8 *Legal Service Bulletin* 178. The federal allocation to legal centres was doubled in the 1983 budget. The figures quoted precede the 1983 budget.

48 Whether these perceptions were accurate or the remedies effective are separate questions. A study

of Fitzroy Legal Service clients found that 89% of the sample thought the premises were "friendly" or "acceptable" and 78% found the people with whom they dealt "friendly while 18% said they were acceptable. On the other hand only 45% said they understood everything that went on, 40% saying they did not expect to understand because that is what a lawyer is meant to do. S. Bothmann and R. Gordon, *Practising Poverty Law: Towards the Organisation of Law Based Action for the Poor* (1979) 112-14, 45.

49 Bothmann and Gordon's study, note 48 *supra*, takes the matter somewhat further. See also D. Neal, "Delivery of Legal Services — The Innovative Approach of the Fitzroy Legal Service" (1978) 11 *Melbourne University Law Review* 427.

50 *Id.*, 431.

51 Arguably the Aboriginal Legal Service and, in its early days, the Broadmeadows Legal Service, started and run by a group of housewives living in that area, are the only examples of a significant degree of community control. On Broadmeadows Legal Service see F. Gallagher, "Broadmeadows Legal Service" (1974) 1 *Legal Service Bulletin* 120 and L. Blundell, "Sour Bikkies" (1975) 1 *Legal Service Bulletin* 185. On community control in Australian welfare agencies, see L. Bryson and M. Mowbray,"'Community': The Spray-On Solution" (1981) 16 *Australian Journal of Social Issues* 255. On community control in the context of legal centres, see J. Basten and R. Lansdowne, "Community Legal Centres: Who's in Charge?" (1980) 5 *Legal Service Bulletin* 52 and a reply by R. Gordon, "Community Control of Legal Services" (1980) 5 *Legal Service Bulletin* 186.

52 In 1980 55% of Australian employees were union members, a figure that has been fairly constant since the early 1950s (1982) 2 *Australian Labour Law Reporter* 55-535. This may be compared to a figure of 52.6% in the United Kingdom — Smith and Woods, *Industrial Law* (1980) 13. The figure for the United States in 1978 was 23.6% of the non-agricultural employees *Statistical Abstracts of the United States* (1981) 411.

53 The relevant legislation is: Federal: Commonwealth Legal Aid Commission Amendment Act 1981, s.4 (now repealed); N.S.W.: Legal Services Commission Act 1979, s.8; Victoria: Legal Aid Commission Act 1978, s.4; South Australia: Legal Services Commission Act 1977, s.6; Western Australia: Legal Aid Commission Act 1976, s.7; Queensland: Legal Aid Act 1978, s.7; Tasmania: Legal Assistance Act 1962, s.4A. Note that Tasmania is the only state which does not have a legal aid/services commission.

54 See, for example, P. Hanks, "School Leavers, Government Policy and the High Court" (1977) 2 *Legal Service Bulletin* 251, commenting on *Green* v. *Daniels* (1977) 13 A.L.R. 1; and *McPherson* v. *R* (1981) 55 A.L.J.R. 594, to mention cases argued in the High Court by Fitzroy and Redfern Legal Centres respectively.

55 See N.S.W. Law Reform Commission, *General Regulation and Structure*, First Report on the Legal Profession (1982); *Complaints, Discipline and Professional Standards*, Second Report on the Legal Profession, (1982); *Advertising and Specialisation*, Third Report on the Legal Profession, (1982). A fourth report on Solicitors' Trust Accounts and the Fidelity Fund is due for release in 1984.

56 *Cf.* the style, practice and recruitment patterns found in corporate law firms described by Mendelsohn and Lippman, "The Emergence of the Corporate Law Firm in Australia" (1979) 3 U.N.S.W.L.J. 78.

57 *Bar Association* v. *Livesey* [1982] 2 N.S.W.L.R. 231, 237 *per* Hope J.A.

58 *Id.*, 246.

59 B. Garth, "The Benson Report: A reactionary view of community law centres" (1980) 5 *Legal Service Bulletin* 147.

60 There are two such programmes, one attached to Monash University Law School in Melbourne and another at the University of New South Wales in Sydney. A similar centre is attached to the Department of Legal Studies at La Trobe University, Melbourne, though that department does not offer a qualification to practise law.

61 F.F. Piven and R.A. Cloward, *Poor People's Movements* (1979).

62 *Id.*, 32-34.

63 Bryson and Mowbray, note 51 *supra*.