

Community legal centres

Two views of the national agenda

It may surprise some that the agenda of the 1992 National Conference of Community Legal Centres was notable for its concentration on issues concerning community legal centres (CLCs).

As the number of legal centres has increased, their circumstances, communities and legal practices have diverged, and their funding and politics have become extremely complex. An unconscious response at increasingly larger national conferences has been to concentrate on the law that the legal centres practise at the expense of a continuing analysis of the structure, functioning and purpose of centres.

This conference saw a return to the confronting and difficult issues of legal centre identity and purpose. The tone for the conference was set with the 'getting to know you' session, at which participants let loose their imaginations and dreams, creating the ideal CLC. The thread then ran through the conference including, importantly, Mary-Anne Noone's keynote address on the opening day. Mary-Anne's paper, which fol-

lows appears in this issue of the Journal, anticipated the resolve of legal centres to reaffirm their distinctive place in the legal aid system in Australia. The National Conference agenda reflected this, addressing issues such as CLCs — The National Agenda, Career Paths for CLC Workers, Issues for Remote Centres, and Community Management.

David Kemp's paper also follows. The paper was delivered during an important panel session titled Economic Policy and Legal Aid. David raises important contemporary issues for legal services generally, with particular emphasis on the implications of economic rationalism. In the context of the conference, however, the references made to community legal centres overly simplify centres' role in the legal aid system.

'Legal services' are defined in the article as free of assisted legal advice and representation, and the work of community legal centres is assumed to fall within this. More pointedly, CLCs are discussed as if they are legal aid

commissions on a local level. The National Conference agenda gave the lie to this view of centres, emphasising their commitment to a unique form of legal service delivery: Strategies for Entrenching Rights, Evaluating Community Legal Education Projects, Skills for Lobbying, Law Reform Strategies and Black Deaths in Custody. It is vitally important to the continued viability of a diverse and responsive legal service system that community legal centres are distinguished, on the basis of purpose, structure and function, from the legal aid commissions.

Mary-Anne Noone's article moves from the broad approach to legal aid in David Kemp's article, to a discussion of the particular concerns of community legal centres. These two articles, read together, will assist in identifying matters that are of common concern to two different services: government sponsored legal aid, and independent community legal service.

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Imperatives for community legal centres

Mary Anne Noone

At what cost are community legal centres (CLCs) prepared to accept fame and fortune? To put it another way, what are the issues that CLCs cannot avoid in the current political climate?

To plan and prepare for the future, it is important to know a little about the past. This is particularly so in the legal aid area as the system we know is just 14 years old. The possibility of a change

of federal government in the near future provides an appropriate backdrop against which we can analyse the current role of CLCs in the delivery of legal aid and discuss strategies for advancing the movement in the future.

Some history

The 1970s were, for legal aid, a time of great change. In 1973 the then Attorney-General, Lionel Murphy, established the Australian Legal Aid Office (ALAO); its aim was to provide a nationwide network of storefront law centres, a combination of salaried lawyers and its 'judicare' system, i.e. referrals to the private profession. Murphy had been to

America and was impressed by its innovative system of neighbourhood law centres established under President Johnson's war on poverty. Murphy had a vision that the ALAO would provide a new kind of legal service, an activist legal service emphasising 'preventive law and impact litigation'.

Unfortunately this idea was not given the opportunity to develop fully. There were constitutional issues surrounding the establishment of the ALAO, and the private profession which was opposed to the use of salaried lawyers mounted a High Court challenge. Before the scheme had a chance to develop (33 offices were opened to the end of 1975)

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