
OPINION

25th Anniversary Issue

In May 1974, the Fitzroy Legal Service began to publish a newsletter for its members. Produced on a typewriter, roneoed and naming its 'superstar' of May to be Gough Whitlam, it was the birth of a publication that would ultimately become the *Alternative Law Journal*. Its editor, Bryan Keon-Cohen, set out three modest aims for the newsletter. It was to:

1. provide a regular means of communication between Fitzroy Legal Service members, and perhaps other interested persons or organisations;
2. provide a forum for the exchange of views, criticisms and suggestions relating to the operation of the Fitzroy Legal Service; and
3. provide a medium for the distribution of educational material and general information relating to Legal Aid in Australia.

The first edition was said to be 'largely experimental, and certainly in haste'. As if to underline the assertion, it was said that perceptive readers would 'ntoice [sic] faults, both in substance and presentation'. By September 1974, the newsletter took the name it would become known by for the next 18 years; the *Legal Service Bulletin*. Only four months after the newsletter had first appeared, a grander vision was set out for the new Bulletin:

This Bulletin in a new, expanded and more responsible format ... [will attempt] to introduce an entirely new concept into legal periodical publishing in this country: to speak to 'Everyman', layman and lawyer, with one voice; to disseminate the law as widely as possible in a responsible, attractive and comprehensible form; to attempt a programme of community legal education, and thus, it is hoped, practise preventative law.

The evolution increased costs, from 20 to 40 cents, but saw the diversity of subject matter increase as well. Many matters canvassed in the first edition of the Bulletin were to appear again (often almost every issue) throughout the next 25 years. The September 1974 edition examined community legal education, legal aid, community legal services, clinical legal education, civil liberties, credit law, criminal law, juvenile justice and consumer protection. Contributors included Peter Cashman, Eilish Cooke, Gareth Evans, Peter Nicholson and Phil Molan. The Bulletin emerged alongside the legal aid and legal service movement. The fledgling movement (Fitzroy Legal Service was only two years old itself) recognised the need for communication and co-ordination in the practice of 'poverty law' and perhaps a desire for more formal written discussion and reporting.

July 1975 brought inflation, taking the Bulletin to 90 cents, and a 'Women's Issue' and the institution of 'editorial assistance' from New South Wales, Victoria and Western Australia. With the sale price crossing the \$1.00 mark later in the year, editorial assistance was recorded also as coming from South Australia and the ACT. At this point a newsletter based in Fitzroy, Victoria had evolved to making legitimate claims of national coverage. By issue number 13, two new phenomena were apparent: a major contribution by Michael Kirby and the appearance of cartoons in the form of curiously bewigged legal figures.

In 1992, we took a leap of faith into the future, proclaiming the Bulletin now the *Alternative Law Journal*

and launching it with a spectacular cover with a red heart on a yellow background. The edition, dedicated to 'Scarlet Issues', wondered whether: 'Your next lover could be that very special person: the one that gives you AIDS'. This change was not designed to 'signal any change in focus, content, direction or philosophy' but 'simply reflect what this publication had been for a long time'. The goals of the Journal were said to be:

- the promotion of social justice issues;
- critique of the law and legal system;
- the development of alternative legal practice;
- the development of community legal education; and
- the support of law reform activity.

The Bulletin/Journal has always sought to be on the cutting edge and to present perspectives that either do not figure in conventional law journals or are fresh and confronting. While often the commercially generated publications of the legal publishers seem somewhat tired, formulaic and legalistic, the Bulletin/Journal has consistently sought to take a broader perspective of how the law actually operates. The Bulletin/Journal has posed, and continues to pose, the uncomfortable questions, challenging the assumptions and the prevailing ideologies of the day.

It would, however, be overly generous to suggest that the Bulletin/Journal has always remained entirely true to its 1974 pledge to speak with one voice to every person in a comprehensible way. In one memorable letter to the editor in 1996, a writer complained that the Journal was causing him distress by adding unnecessarily to the English language by inventing the word 'contestation'. The writer suggested that 'a number of ALJ articles have had this effect on me in recent years' and wondered whether the Journal could devote 'a space to explain unusual and post-modern concepts and expressions'. There have certainly been times when the Bulletin/Journal has lapsed into confusing intellectual rigour with stylised inaccessibility or been seen to be out of touch with its roots. Warranted criticisms aside, the publication, on the whole, has avoided a large number of footnotes and the unnecessary stylistic pretensions of old-style legal scholarship, and has concentrated on ideas and issues, both legal and non-legal. At the same time, it has provided a publishing start for many lively legal minds, without large amounts of publishing experience, excited by analysis of public interest issues.

The relentless struggle for consistent publication standards has been handled with the appearance of ease. David Brown's comment in the Bulletin in 1984 remains true:

[A]ll these activities have been carried out at a high level of competence and reliability. The *LSB* has been remarkably free from delays, poor production, the lurching from issue to issue, the chaotic and inefficient administration of subscriptions, etc that characterises so many other publications of a progressive nature. Production, printing and layout standards have been high.

Of course, those associated with the Bulletin/Journal realise that much of the thanks for this sustained high quality

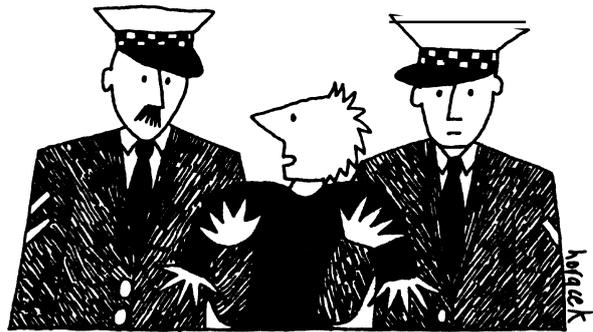
should not be directed towards the editors or editorial committees but the editorial assistants, most notably Liz Boulton.

The Bulletin/Journal's quarter of a century life has not always been easy. In fact, some times have been particularly tough. Financial pressures have been the greatest burden: as recently as last year the Journal faced closure due to inadequate revenues. Whilst this situation has been rectified, no doubt new, unexpected, problems await the Journal. Ironically, the Journal maintains subscription levels the envy of profit-oriented journal publishers. There is hardly a legal periodical that has greater readership-exposure than the Bulletin/Journal has commanded for 25 years.

With such a rich history to draw on, we spent some considerable time deciding which topics should be discussed in this issue. A survey of the past 25 years of the Journal/Bulletin suggested, however, that there were constant themes which we should reflect on in this 25th Anniversary Issue. Many of the most lively legal issues of our times — the regulation of environmental abuse, the role of family law legislation, the powers of police, the way in which indigenous people are affected by the law, the role of women in the legal system, the function of coroners in ascertaining what causes people's deaths, the protection of consumers' rights, the future of legal aid — have been written about for the life of the Bulletin/Journal. The times, as of 1999, though, are different from those of 1974 and the preparedness to engage in reform is far different from the era that spawned Lionel Murphy's Law Reform Commission. Inevitably, a number of the articles in this collection have been affected by developments of the last part of our century — the attempts at abrogation of responsibility by government for what were once organs of the state but are now privatised instrumentalities; the rapid development of new technologies, such as DNA profiling, which provide whole new frontiers of criminal investigation; new modes of information access via the now ubiquitous internet; and threats to the rights of the disempowered who are now more and more marginalised with the increasingly straitened circumstances of legal aid bodies.

Contributors to this edition of the Journal have explored the chosen themes with a view to looking at where the law can and should move. Our aspiration is not so much to set an agenda for where free-thinking participants in the legal system might squint, but to foreshadow some of the issues which will challenge the legal system and all affected by it in the years to come. A number of the topics covered constitute a reformulation of, or a new perspective on, issues that have been traversed for the quarter of a century that the Bulletin/Journal has been on the legal landscape. Some of them are new, such as those relating to information technology which will dominate the way in which we grapple with the new world of communication and knowledge to which we now have such extraordinary access. Along with such a facility is the opportunity for abuse and misuse, and the need for construction of far-sighted and sensitive rules and protocols. The role of the law will remain immensely significant over the next quarter of the century but its structures, its modes of functioning, and the ways in which it resolves disputes are under a new focus. If the law is to retain community respect and relevance, many changes will be necessary. The critiques advanced yesteryear in the pages of this publication have often already been acknowledged and implemented. The challenge for the Journal is to keep facilitating innovative critiques that will prompt re-evaluation

I refuse to say anything until I've read the back issues of Legal Service Bulletin



and reconstruction of how the legal system can mould a more humane and harmonious society.

The Bulletin/Journal has turned 25 in 1999. Does the Journal have a place into the year 2000 and beyond? We think it has. There is still a lack of alternatives in legal publications and an ongoing need to communicate amongst those concerned with injustice. There is, unfortunately, as much need today as there ever has been to critically examine the law and the legal system and suggest positive reform. The Journal certainly has a large and loyal subscriber base (23 subscribers have been with us for every edition since 1974). It definitely has a worthy and colourful history upon which to build. Whilst it is highly unlikely that 1999/2000 will bring developments as singularly significant as the *Trade Practices Act 1974* (Cth), the *Racial Discrimination Act 1975* (Cth) and the *Family Law Act 1975* (Cth), the new millennium does bring pressing challenges to the rights and expectations of the poor and disadvantaged, the disenfranchised and less powerful. There may be little in the way of positive reform to report, but there is much to analyse in a time when policy makers are seduced by 'rationality', and notions that private is always better than public, and cost and price always more important than process, quality or fairness of outcome.

Our birthday wish for the second quarter century of the Journal is that it maintain the integrity of its first 25 years. It should continue to pose (and sometimes answer) the difficult questions and report, analyse, even inspire, the practice of public interest law and progressive legal thinking. It should look forward, whilst remembering its roots at the heart of the practice of poverty law. It will need to be embraced by a new wave of enthusiastic editors and writers. It must always continue to be affordable in price and accessible in style and content. On behalf of past and present editors, subscribers and readers we wish the Journal a very happy anniversary.

Chris Field and Ian Freckelton

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