

Activists making legal history

The establishment of Redfern Legal Centre 1977

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On 14 March 1977, the first non - indigenous community legal centre in New South Wales, established in Redfern Town Hall, opened its doors to clients. The centre has become an icon in Australian legal history and developed a number of other centres critical to the provision of legal aid services in Australia such as the Welfare Rights Centre, the Consumer Credit Legal Centre, Redfern Legal Centre Publishing, the Intellectual Disability Rights Service, the Accommodation Rights Service, Streetwise Comics, Campbelltown Legal Centre, Prisoners Legal Service and the Domestic Violence Court Assistance Schemes. Community legal centres in Australia have been responsible for significant changes to the Australian legal system and legal profession.

This paper uses archival material, newspaper reportage and personal reminiscences from lawyers, activists involved with the Centre in the 1970's. It examines factors leading to the Centre's establishment including the nature of the area of Redfern where the Centre is situated, personal motivations and sectoral influences at work in its formation and development particularly at UNSW, engagement in community partnerships, the innovations to legal practice the Centre introduced, and the centre's sometimes fraught relationship with the wider legal profession.

Keywords: Redfern, urban history, legal history, community legal centres.

'Something big happened to public consciousness about law and power in the 1970s. Somehow law got caught up in a broader social upheaval about equality and poverty and the scales that masked the power embedded in legal relations fell away. People joined the dots about law and power at all sorts of levels — neighbourhoods, schools, universities, courts, the media and legislatures — and used it as a means of redressing inequality and achieving social change. They lit fires which burned brightly for a couple of decades and made significant and lasting contributions to the distribution of power in Australia and to the inflection of its legal institutions.' David Neal

'Hearty congratulations to Mary Anne and Joe on the occasion of their engagement. Mary Anne a barrister and Joe (in the final year of his LLB) first met while interviewing a

client who was charged with rape. Due to the couple's valiant efforts- the client (who will act as best man at the wedding) was held to be innocent'

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Redfern Town Hall, 73 Pitt Street, is an imposing building designed in 1871 by George Allen Mansfield. The suburb of Redfern, one of the most famous in Australia, is now closely associated with the Aboriginal community of Sydney, but the Town Hall has another history, separate yet connected. It has long been the site of significant community, political and protest events in Sydney. Labor party luminaries have chosen the hall for campaign launches and speeches. The rugby league team South Sydney Rabbitohs was officially formed on the premises in 1908 (Rabbitohs 2015) and the Redfern All Blacks rugby team held large dances there in the mid-20th century (Hartley 2002, p.158). In 1943, Bill Ferguson hired the Town Hall at Redfern for a public meeting, where he launched his nomination for a place as the first Aboriginal person on the Aborigines Welfare Board. Anti-conscription meetings were held there in the 1960s. Anzac Day gatherings and were held at the hall and it was often the site for polling booths in elections. Notable rugby union player Nicholas Shehadie remembers in 1947:

'When I was first selected to go to England with the football and the people of Redfern gave me a farewell at the Redfern Town Hall and Johnnie Wade was the compere And they had this big function at Redfern Town Hall and I remember Johnnie Wade saying "This is a fun night. Everyone leave the hardware outside" – the guns and the knives were left outside' (Shehadie 1994).

Large political meetings still go on in the upstairs hall along with the ballroom dancing sessions and recent dancing innovations such as the free-form dance phenomenon No Lights No Lycra. It is a hub for the local community. But in addition to all of the above, in 1977, it opened its doors as Redfern Legal Centre - an organisation that was to become synonymous throughout NSW and nationally with the struggle for justice and equality through law.

The Redfern area

Redfern itself in the 1970s was an area of significant social disadvantage. This had not always been the case. The suburb's name came from Dr William Redfern, who received a grant of 100 acres from Governor Macquarie in 1817. The land was described as a rich alluvial flat, surrounded by and partly encroached upon by sand hills. In 1842, after the area was subdivided, Pitt Street was one of the finest streets in the area with grand Victorian terraces and the courthouse, police station, post office and fire brigade station all built on the land between Pitt and George Streets.

In the 20th century, the suburb of Redfern was a hub for a diverse set of populations. By Federation, many Lebanese people (known as Syrians) had settled in Redfern establishing retail and warehousing business and factories. These businesses often supplied suitcases of drapery and manchester to Lebanese hawkers who, unable to gain employment in other industries, would go out on the road with these goods, often to get capital to set up their own business in the area (Convy 2006). Other residents were working in the Eveleigh train workshops and the many manufacturing businesses in

the area. Max Neutze (1972, p. 30) describes Redfern before World War II as a “stable working class inner suburb.” After the war, however, with the availability of better working class housing in outer suburbs, it was common for Redfern to provide temporary accommodation where families lived in rented premises while waiting to save the deposit on a new cottage or move into Housing Commission accommodation and the suburb was operating almost as a “migrant reception area” for the Greek, Italian and Maltese migrants arriving in the country (Neutze, p.19). From 1947 onwards, the area experienced significant change. Neutze notes two major sources of change as being the displacement of old housing by the Housing Commission towers and large scale movement of migrants into the area. The area prospered until the exodus of manufacturing from the central city in the mid 1950s (Redfern Estate Heritage Conservation Area 2015). Slum clearances in the same decade destroyed the heart of the old Lebanese quarter at a time when many Lebanese people were settling in the western suburbs (Convy 2008). Many older people stayed in the area due to rent control provisions, and there were also large numbers of single people living in boarding houses (Neutze 1972, p. 120). By the late 1960s the area was described thus: “Redfern is an economically and socially depressed area. Sydneysiders, on the whole, regard it as a slum, an attitude shared by many of its residents” (Jakubowicz 1969, p. 6).

The traditional owners of the land are the Cadigal and Wangal bands of the Eora but since white settlement there was no large Aboriginal population in Redfern until the 1920s and 1930s when Indigenous people from rural areas moved looking for work. In the 1960s, many Aboriginal people moved to the inner city after closure of rural reserves and estimated numbers for Aboriginal people living in the Redfern area by 1971 ranged between 4,000 by a government commissioned survey and 9,000 by Aboriginal estimates (W. D. Scott and Company 1973). In 1973, houses on the block near Redfern station occupied by Aboriginal people were bought by the Commonwealth Government and given to the Aboriginal Housing company. There were ongoing conflicts between the police and Aboriginal people of Redfern. In the 1960s, discriminatory policing practices had even led to the establishment of a curfew for Aboriginal people. Justice Wootten (1974) noted:

‘I found, as most people do, it [the curfew] a little hard to believe when I first heard it, but when I observed it operating with my own eyes, I was left with little doubt. The simple position was that any Aboriginal who was on the streets of Redfern at a quarter past ten was simply put into the paddy wagon and taken to the station and charged with drunkenness, and that was something that was just literally applied to every Aboriginal walking along the street, irrespective any sign of drunkenness in his [sic] behaviour. This and the associated problems gave rise to very strong feelings amongst Aborigines here.’

As a result of these activities, Aboriginal activists and lawyers set up the Aboriginal Legal Service in Redfern in 1970, staffed by volunteers, including law students to provide advice to Indigenous people in the area (Aboriginal Legal Service 2015). A number of these students and lawyers were associated with the University of New South Wales.

The role of UNSW

UNSW Law School was a new law school in Sydney established in 1971. In Australia in the early 1970s, there were mass demonstrations against the Vietnam war and apartheid in South Africa. Free tertiary education was introduced and this may have had an effect on student radicalism by allowing

students from different social backgrounds the chance to engage in university education and, subsequently, university-related activism. Crowley (1986) describes the 1970's in Australia as "a time of street protest that would have been unthinkable 20 years before except by waterside workers." 1972 saw the advent of the Whitlam government, which focused activities on "the progressive elements of Australia and New Zealand and prioritised human rights, international organisations, racial equality, decolonisation and détente...heavily influenced by the new left social movements" (Doig 2013 p. 560). There were signs of protest across the nation in many sectors.

Although legal aid was not at the forefront of issues debated at the time for many in the community, Crowley (1986, p. 6) notes an 'increasing public awareness that a significant proportion of the population lived in poverty, especially single mothers, unskilled recently arrived migrants, the permanently unemployed, the aged and the Aborigines.' This poverty, then as now, led to social problems such as evictions, violence, unscrupulous finance deals, discrimination, family breakdown, imprisonment - all matters where the law played a major role.

The first UNSW Vice-chancellor, Sir Phillip Baxter (1905-1989), believed that "the University '... must endeavour to meet the needs of a changing society, not be afraid of innovation, and be radical rather than conservative in its attitude to its responsibilities" (French, 2011). This attitude was reflected in his appointment of the first Dean of the Law School, Hal Wooten (1922 -), a leader committed to social justice and determined to create a law school with a difference. Legal academics and students at the university were aware of developments in the USA in poverty law theory/services and two Faculty members were NSW editors of the Legal Services Bulletin and in contact with the new legal service at established in 1972 in Melbourne. One professor at UNSW Law was Ronald Sackville who was appointed Commissioner for Law and Poverty on the Australian Government Commission of Inquiry into Poverty which ran from 1972 -1975. In Australia, Sackville's Report on Poverty endorsed probably the most radical approach to lawyering in any Australian government report to this day (Fleming and Regan 2006, p. 91). Legal academics at the Faculty worked with prisoners and students worked on practical legal problems such as assisting at the Children's Court (Haesler, 2015). As Terry Buddin, (2015) UNSW academic and one of the RLC founders puts it "the concept that law could be a force for social change not social control" was a defining thematic link between people in the Faculty. Another student at the time, Andy Haesler, comments, "Barriers between staff and students were low in terms of age and experience of the law. ...People were pushing the boundaries about what was taught, what was learnt and what classes were...Students were taking an active role. Academics were encouraging research that had a practical outcome" (Haesler 2015).

It wasn't long before discussions were held between academics and a group of interested students about possibilities of setting up either a legal clinic for students as part of the UNSW curriculum or a stand alone legal service - a community legal centre.

A legal centre is born

In 1975, a meeting was held in Redfern at the St Luke's Community Centre in Regent Street to discuss ideas about community controlled legal services. This meeting included a visit from Fitzroy Legal Service's Phil Molan. By 1976, the idea of setting up a legal advice centre became a focus of the group at UNSW. Accounts vary as to whose idea this was. Law Faculty members, Terry Buddin, John

Basten and maybe George Zdenkowski have been named as possibly being responsible (Haesler 2015). No doubt the truth is that it was the culmination of a number of group discussions. Various locations for the Centre were considered - Mascot, Botany, Redfern - the spot had to be within reach of students from UNSW and accessible by volunteer solicitors from the city. It was understood that this group had no hierarchy as such, (Buddin, 2015) but people were allocated specific tasks. In late 1976, Terry Buddin was allocated the task of finding accommodation. South Sydney – a firm Labor Party council - was seen as being receptive to an approach. Buddin (2015) describes the experience of dealing with the Council as being somewhat cloak and dagger. “For reasons that were never explained meetings had to be conducted away from the public gaze usually in some obscure back room.” Council was interested in a deal - the RLC

group was offering to provide free legal advice to people the Council felt a responsibility for. The Council actually had a number of underutilised halls after amalgamations of local suburban councils in South Sydney in 1968. The group had decided that Redfern was the best location as it was an area that was critically short of legal services – there was nothing provided there at all apart from the ALS and an evening advice session run at Redfern Town Hall by Law Society volunteers on Wednesday evenings that often only had 2 or 3 clients. Redfern was seen as an epicentre of disadvantage...and they had decided that Redfern Town Hall was a good spot (Buddin 2015). It was close to the city for volunteers, close to a court as well as the railway station. Probably the deciding factor, however, was that the Council offered the hall for free rent. In return the RLC group would provide lawyers providing free advice. Dominic Gibson (2015) was a student at UNSW law school in 1977. “I started to see signs going up around the law school about Redfern Legal Centre ...looking for volunteers.”

The Centre opened on 14 March 1977 and was set up by 31 March 1977 as an unlisted non profit company limited by guarantee. Law students were rostered on during the day and solicitors came at night and two afternoons a week. Andy Haesler was rostered on the second day the Centre was open with another student Peter Barling.

‘There were folders and a big table and we must have had some training - probably out at uni the week before. Because it was alien but not totally alien. We had a phone and we had a number. The phone rang and we answered it... People were wandering in... we took details and got information and clients could come back to get advice in the evenings. ...I can’t remember sending anyone away. The advice was always free. There was never a means test.’

The Council decided it would pay for a social worker to staff the Centre (Buddin 2015). Somewhat to Terry Buddin’s surprise, the Council asked him to sit on the selection committee at which Clare Petre was employed as the first worker at the Centre commencing on 1 August 1977. That a social worker was the Centre’s first employee was probably a result of the Council’s offer to fund a position, but it was also in keeping with the Centre’s ethos of offering a holistic service to clients. Clare had been a student politician while studying at Sydney University and had worked in juvenile justice in London. She had a background in law and justice and was at the time working in the inner city at Royal Prince Alfred Hospital.

The RLC group had no funding or assets. “The Council paid for cleaning, maybe a few bits of furniture. Everything was donated. The first photocopier held together with a paperclip literally - to

do a copy you had to move a paperclip. We got some old furniture from law firms who would give furniture as they were upgrading.”

The first RLC newsletter was produced in October 1977 (RLC News 1977). By this time there were three people employed at the Centre as a result of some State government funding. John Terry, a solicitor; Sue Davitt, a secretary (later to study law and become Principal Solicitor) and Petre. RLC News (1977 Vol 1 no 1 p. 2) cheerily reported that John Terry had become a lawyer ‘for all the wrong reasons having drawn his inspiration from preposterous television programmes of dubious entertainment value. He feels that this is indicative of the general ignorance of law widespread in the community and sees the task of RLC as being broader than merely providing advice and representation to persons who are already in trouble.’ Despite being only six months old, the Centre had been assisting in cases in all areas of poverty law, (RLC News 1977 Vol 1 No 1 p. 3) including family, tenancy, consumer, employment social security and others; the Centre was also taking proactive approaches outside the remit of standard legal practice by making submissions to Law Reform Commissions, Ministers and government departments about areas of law needing reform and engaging in community legal education programmes.

The Centre’s ethos

The lawyers at the Centre had a radical approach to legal practice, as Petre (2015) recalls:

‘They felt that a lot of people who came face to face with the legal system had a whole range of problems and a lawyer might represent them, get a plea in mitigation or get a reduced sentence but they still had all these other problems, domestic violence, income problems etc. We wanted to focus on helping clients with a range of other services and if you are a low-income disadvantaged person in poverty, almost by definition they needed other services. We also wanted to help people not getting legal services, for example prisoners and tenants, gay people and other minority groups were identified as groups who were missing out...We wanted to be proactive and reach out...We wanted to set up a model that would be different, that would be holistic and wouldn’t just look at the black letter law part of a person’s problem because they wanted to focus on poverty law. The lawyers felt that there were people who fell through the gaps in traditional law and that’s where they wanted to focus.’

Giddings and Noone (2004) identify the features that distinguished the early CLCs from the services provided by the private legal profession or other legal aid providers as being:

- ‘. free legal assistance was provided to anyone who walked in the door;
- . centres were staffed by both lawyer and non-lawyer volunteers working on an equal footing;
- . centres were open out of normal office hours, usually in the evenings;
- . the physical surrounds of the offices and the clothing of the lawyers were informal;
- . there were often no formal organisational or administrative systems; and

. clear explanations of their legal situation were given to clients and clients were involved in their own problem solving.’

These were all features of the services provided by RLC.

The staff and volunteers were incredibly active. Planning for a Legal Resources Book started, a Plain English guide to the law about family, insurance, wills, small estates, maintenance orders, motor vehicle accidents, etc which was published in 1978. High Court Justice Lionel Murphy’s visit to the Centre in November 1977 was followed by a lunch at Dilina’s, which was described as most convivial. The RLC News (1977 Vol 1, 3 p. 4) commented that “John Terry’s and John Kirkwood’s respective faith in lawyers has been partially restored by the visit and they have graciously agreed to be available for any such lunches in the future.”

The Centre was not a grassroots community organisation. There were always tensions between the needs of the local community and the wider population and debates as to what extent the Centre should be community controlled. Most of those influential at the Centre’s beginning wanted community focus, not community control. At the beginning of the Centre’s operations, John Basten et al (1983 p. 173) write, although the centre

‘never had any local residents on its management committee, that committee actively sought comment and criticism from local social agencies. The management committee never had a fixed membership and was open to anyone working at or interested in the operations of the centre.’

It seems that the RLC crew were wary of certain very outspoken Redfern identities who may have had views on how the Centre should run that differed from the direction it was going. Clare Petre (2013) says

‘the legal advice was locally focused – that’s where the need was, but I think that the other characteristic of RLC right from the start is that they would identify a need relevant to the local area—and prisoners was one of the first. Volunteers would go out to prisons, Long Bay particularly and provide legal services and advice out there.’

The Centre’s work revolved around issues rather than just individual local casework.

Staff and volunteers at the Centre were very close. Petre (2013) says that, “Wilson’s, the oldest continuing Lebanese restaurant in Sydney was a big hangout for people from the Centre as well as the pub across the road. After work and weekends people would have parties in their houses.” The Sydney CLC group was known for having fun. Despite close links with colleagues at Fitzroy Legal Service in Victoria, the two Centres seemed to take a different approach. One saying at the time was “If you have an idea in Victoria you call a meeting, if you have an idea in Sydney you have a party” (Petre 2013).

The Centre was well accepted in the area. “Locals got used to everyone. We ended up very good mates with the publican. We developed good relationships with local doctors and Roger the Shoeman.” Petre points out that “When people understood what we were doing there was huge acceptance of the Centre... Lawyers from the big commercial firms were often frustrated with their

own work and enjoyed coming to RLC. At RLC they had autonomy and could pick their area of interest, criminal, tenancy etc.”

Relations with the private legal profession

The Centre’s advent was not greeted with joy in all quarters. The general attitude of much of the legal profession especially those in positions of authority is illustrated by the “Dialectical Diatribe” in RLC News Dec 1977. This short piece also illustrates the ongoing confusion of the Centre with the Aboriginal Legal Service that still persists today.

‘Scene: Any suburban Court of Petty Sessions

Players: Magistrate, his attendants, a lone solicitor and client

ACTION

Solicitor: If Your Worship please I appear for the Defendant in this matter

Magistrate: Your Name is M....?

Solicitor: Terry, Your Worship from the Redfern Legal Centre

Magistrate: From the what?

Solicitor: Redfern Legal Centre, Your Worship

Magistrate: What is that Mr Terry? Do you mean the Aboriginal Legal Service?

Solicitor: No Your Worship its...

Magistrate: Redfern Legal Centre?! It’s extraordinary

Solicitor: I couldn’t agree more Your Worship

REPEAT AD INFINITUM’

NSW Supreme Court Judge Justice Yeldham thought the operations of the Centre so extraordinary in the course of a tenancy matter in court in 1977, that he found it necessary to report his concern to the Law Society for investigation. The lecturers 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, one senior member was heard to remark, “[i]t is just like a legal practice, really” (Basten et al 1983, p. 172). One volunteer lawyer said he used to leave his commercial firm carrying a sports bag with a squash racket when en route to RLC as sport was more acceptable to some partners than volunteering at the legal centre.

The work begins

The Centre had an extraordinary immediate impact. By the Centre's first birthday in 1978 it was firmly established. RLC News (1978) recorded that over 1125 clients' cases had been opened. The Legal Resources Book (later to become the famous Law Handbook) was about to be published and a column called You and the Law in the Australian Women's Weekly would regularly refer readers to Redfern Legal Centre for assistance. The Centre was engaged in work in the areas of consumer credit, tenancy, criminal law, gay and transsexual rights issues, social security cases and prisons work. The foundations had been laid for the development of what was probably to be RLC's greatest achievement - the development of the 'babies' as they were called- the Welfare Rights Centre, the Consumer Credit Legal Centre, Redfern Legal Centre Publishing, the Intellectual Disability Rights Service, the Accommodation Rights Service, Streetwise Comics, Campbelltown Legal Centre, Prisoners Legal Service and the Domestic Violence Court Assistance Schemes. Many of those initially involved with the Centre were to take what they had learnt and go on to have a significant impact in the law; they became High Court, Supreme and District Court judges, Ombudsman, journalists and senior legal aid and commercial lawyers. In the following years the Centre would consolidate its position and develop a distinctive reputation that made it a nationally recognised organisation.

Redfern is in many ways a different area to forty years ago. House prices are high. Fancy restaurants and bars line the streets. But these sit side by side with the housing commission flats, long term residents in boarding houses, international students crowded into small flats, and clients with complaints about breach of tenancy laws, abuse of police powers, domestic violence, discrimination etc still find their way to the doors of the Town Hall searching for legal assistance. In many ways the Centre has transcended the place where it was set up. It is now a first port of call for media seeking comment on justice issues. It is perceived as an example of the best side of the legal profession, of selfless lawyers working to create a better society - a model of what can be achieved when committed, intelligent people use the power of the law creatively. The name Redfern Legal Centre has become recognisable nationwide – a beacon of hope in our legal system- a recognition that access to justice is vital to all in our society.

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