

## Community Legal Education A Core Component of Community Legal Centre Work

Community Legal Centres (CLCs) carry out free legal advice, assistance and representation, community legal education and law reform activities. They do these within a community development framework. (See: *Information Sheet 3 – Community Development and Community Legal Education*).

“CLCs in Victoria operate from the belief that the legal welfare of our communities is dependent on the active integration of a number of roles and functions...namely, to provide legal assistance, to provide legal education and information, and to promote the reform of laws and procedures which inhibit justice.

CLCs in Victoria acknowledge that a person’s relationship with the law cannot be separated from the socio-economic circumstances of their lives. Structural inequality has been institutionalised by the legal system, and structural change is essential to overcome this.

It is this commitment to a holistic and integrated approach to service delivery that sets CLCs apart from mainstream, user-pay legal services. And it is this difference which must be protected, promoted and advanced.”

VAN MOORST ET AL, 1992, P290.

Legal advice, assistance, casework; community legal education and law reform and legal policy work are generally recognised as the three core, non-negotiable and inter-related components of the work of CLCs. These elements are sometimes referred to as the “strategic service delivery model”.

These components combine with:

- independence from government;
- connection with community and a community development approach;
- use of paid staff and volunteers to deliver services; and
- social justice perspectives,

to create the unique role and position of CLCs within the broader legal and justice sectors.

These elements distinguish CLCs from private law firms and from legal aid commissions such as Victoria Legal Aid. They provide the ideological, practical and service delivery framework from which centres seek to resolve individual legal issues and to address the broader structural factors that create and perpetuate them.

Even with the general support and recognition that they have achieved, at times throughout their history, CLCs have had to fight hard to maintain their fundamental approach and principles. Factors such as resource constraints, demands for services, reporting requirements, the changing policy

environment and funding priorities, have put pressure on centres to focus their energies on direct service delivery.

At each challenge, centres have reasserted their commitment to the strategic service delivery model, holistic approaches to social justice, and community development principles and organisational independence.

## Relationship between core components

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In CLCs the three core components are inter-related and integrated.

The legal advice, assistance and casework undertaken by CLCs often highlight underlying structural issues, or the need for better information in the community. CLCs may decide to address this through CLE and or law reform activities.

CLE activities can impact upon the demand for advice and casework services. CLE may prevent people from getting into legal difficulties, or else assist them to identify and deal with the problem at an earlier stage. Alternatively, CLE activities may create demand for advice and casework services as people become increasingly aware of their legal rights and responsibilities. CLE may change the nature of legal advice and casework service provision, with clients being given the tools to be more active in the resolution of their own matters.

The law reform and policy work undertaken by a centre is generally directed by the issues and concerns of that centre's community. Centre advice and casework data is an important tool for identifying issues and trends. Statistics and case studies are powerful lobbying tools. Changes in laws and legal process may impact upon casework levels. The centre may educate the community about the change and hear about the impact of change through CLE activities. CLE may be a mechanism through which the centre informs their community about relevant issues and involves the community in raising concerns and seeking reform. CLE can provide a mechanism for the two way exchange of knowledge between centres and communities that informs structural change and law reform.

### Case Study

In 2006, following a request from local youth workers, staff from Flemington and Kensington Community Legal Centre attended a meeting with local young people. The purpose of the meeting was to inform the young people about the Legal Centre and its services and to answer questions they had about legal issues. At the meeting, the young people expressed concerns about how they were being treated by local police, including allegations of targeting based on race, harassment and excessive use of force.

In response, Legal Centre staff provided information about rights and responsibilities in relation to the police and offered the young people the opportunity to speak directly to staff regarding individual issues. In conjunction with other community legal centres and the Equal Opportunity Commission, the Legal Centre met with young people again a few months later. Further information about legal rights and options was provided.

“Based on the instructions provided to the staff and volunteers by many of these young people, the Legal Centre submitted 10 complaints to the Office of Police Integrity...As a result of these complaints, the Ethical Standards department of the Victoria Police launched two separate inquiries. The first is an investigation into the complaints themselves. The second is an ‘Ethical Health Check’ of the local Flemington Police Station, where many of the police complained about were based...To assist the ‘Ethical Health Check’...the Legal Centre provided a submission containing background information on the complaints.”

HOPKINS, 2007, P32.

## Community Legal Education

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“Community Legal Education (CLE) is the provision of information and education to members of the community, on an individual or group basis, concerning the law and legal processes, and the place of these in the structure of society. The community may be defined geographically or by issue.”

NATIONAL CLE COMMITTEE, 1995, P1

While both are seen as components of CLE, the above definition makes a distinction between information and education. Information provision may form part of the overall educative process; however, information by itself is not necessarily education. The production and distribution of a booklet about a particular area of law, for example, could be seen as information provision. If representatives from the centre’s community were involved in researching and producing the booklet - or if the booklet is used in a workshop as a basis for discussion and exploration of issues, then it becomes an educative tool.

This distinction is further explored by the National CLE Committee (1995, p1),

“CLE comprises legal information and legal education, both of which have a legitimate role in the delivery of CLE, but should not be confused. Legal information is important because many people are powerless in particular situations primarily through lack of knowledge – knowledge is power. This is CLE at its most basic level. Information without education, however, may not achieve the objectives of CLE.

Legal education encourages a critical understanding of the law and the legal system and allows an assessment of its impact or usefulness. It is contended that education must be a mechanism for consciousness raising, not simply an unquestioning acceptance of the status quo.”

Goldie (1997, p11) defines CLE as

“a learning process about the law which empowers people who share common problems or issues through knowledge, skills and/or attitudinal changes to be able to do things differently.”

She stresses that empowerment and community participation are important principles in CLE.

In discussing community education more generally, Nash (2001, p141) states that,

“Community education that is only about providing information has become a common and at times insufficient palliative for resolving discrimination and disadvantage, There is an assumption that when information or ‘education’ is provided, people will have the power to act on their concerns, or their concerns will evaporate...Information with little or no opportunity to question or to reject its content is not what we mean by community education.

Community education needs to be seen as a tactic or tool for achieving change”.

The vision, goals and objectives of CLE are explored in the *Guidelines for the Management of Community Legal Education Practice* (National CLE Committee, 1995), see Information Sheet 2.

## Scope

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The scope of CLE is broad. CLE activities may address:

- substantive areas of law;
- legal structures and processes;
- the administration of the legal system;
- the making and reform of law and legal processes;
- the impact of the law and legal processes upon individuals and groups;
- current issues; and
- past, present and future contexts and perspectives.

Activities may be once-off, repeated or ongoing, and undertaken in the short, medium and longer term. The strategies for the design and delivery of CLE are limited only by the imagination and resourcefulness of the CLE provider.

## Community

Decisions about areas in which a centre will undertake CLE work are usually closely related to the identified needs, interests and concerns of the community that the centre has been established to serve. A centre's "community" may be defined by geographically based catchment areas, it may be a "community of interest", for example, public transport users, it may be an identified community, such as Sudanese people living in Footscray, or a mixture of these.

As communities often share similar characteristics or concerns, the work done by a particular centre may have wider relevance, both in terms of content and strategies. There may also be opportunities for collaboration, partnerships and joint initiatives. Contacting the Federation and/or getting involved in the Federation's Community Legal Education and Community Development Working Group is a great way of finding out about what other work is happening in the sector.

### Tip!

The acronym "CLE" is used in more than one way in the legal sector and this can create confusion. "CLE" is as an abbreviation for Clinical Legal Education – programmes run by university law schools to provide 'hands-on' experience to law students. "CLE" is also used for Continuing Legal Education – ongoing training undertaken by legal professionals to assist in the development and maintenance of relevant knowledge and skills. It is essential that the acronym be clearly explained and used appropriately in a given context. The terms are quite distinct and not interchangeable.

## Conclusion

CLE is a core component of the work of CLCs. Through CLE, centres aim to inform and educate individuals and communities. This enables

"the community to evaluate the significance of the law to their particular circumstances and make informed choices about the legal options available to them"

NICOLL, 1987.

CLE also seeks to assist individuals and communities to understand and assess the impact of broader legal structures, processes and issues, and to take action accordingly.

CLCs have an enormous amount of experience and expertise in the design and delivery of CLE. The connection with community makes centres very well placed to continue and to develop this area of work. The sector can learn from and extend what has been done to date. It can also look forward to initiatives, underpinned by trademark CLC resourcefulness and innovation.

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FURTHER READING & RESOURCES

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- Biondo, S., (2001), *Community Legal Centres and the Role of Community Legal Education as a Tool for Social Change*, article published in the *Bulletin of Good Practice in Popular Education*, Issue 6, 200, Victoria.