

## **Speech by Chris Webster to the 40<sup>th</sup> anniversary of HCLS, 25 July 2025**

I welcome everyone to this evening's function to mark 40 years since the establishment of the Hobart Community Legal Service in 1985.

500 years ago on 14 October 1495, Parliament in the reign of King Henry VII passed a statute entitled "a mean to help and speed poor persons in their suits".

This was the commencement of legal aid. In that Act, Counsel were ordered to undertake cases for poor people without any prospect of remuneration.

It was not wholly a free ride as persons who received assistance under the statute of 1495 ended up being flogged when their civil cases were lost. Others were sent to the workhouse for a month.

When I was admitted as a practitioner in 1974, Legal Aid in Australia had not progressed much beyond the 1495 English Act.

The Australian Legal Aid Commission did not exist.

There had been attempts in Tasmania to establish a Legal Aid Scheme under the Legal Assistance Act 1954, but that scheme had collapsed in the 1960s and had only partially been restored in the 1970s on the basis that "Government offered to meet the bills of The Legal Aid Scheme on the understanding that it would be administered with moderation"

In 1974, Legal Aid was provided by the State government and administered by the private legal profession through the Law Society.

Members of the legal profession serving on the legal aid committee would approve grants of aid and the practitioners undertaking such work would receive a very low rate of remuneration (only a slight improvement on the 1495 Act).

In that same year the Australian Legal Aid Office was established by the Commonwealth government but no legislation had been passed to support the establishment of the office and aid was only granted for Commonwealth matters.

It was only in 1977 that the first Legal Aid Commission was established in Australia.

The Legal Aid Commission was established as an independent statutory corporation.

Eventually the State Legal Aid committees ceased to exist, and legal aid was administered and paid through the Legal Aid Commission.

The Community Legal Centre movement began in Australia with the establishment of the Fitzroy legal service in December 1972. It was an initiative of a small group of lawyers; law students; and social workers to fill the gap in the provision of legal services.

The service had four broad objectives:

1. To provide an easily accessible free legal service for people in Fitzroy and neighbouring suburbs.
2. To function as a centre which would develop a local awareness of legal rights.
3. To forestall legal problems by practising preventative law.
4. To provide legal education and foster community involvement.

Following the establishment of the Fitzroy Community Legal Service, a number of community legal services were established around Australia and numbered approximately 100 by 1983.

Up to 1983 no one in Tasmania was really talking about the establishment of a Community Legal Service. (I'm not even sure that I knew that such organisations existed elsewhere in Australia.

In 1983 a group of students at the University of Tasmania led by Alison McKirdy had the idea of establishing a Community Legal Service in Hobart.

At that time there was Commonwealth employment program money available to undertake research for such a project and by 1985 the group had obtained a modest sum of money to open an office.

The goal of this committee was "to provide lawyers to meet the undermet legal needs of low-income earners while at the same time trying to liberate people from an unquestioning reliance on lawyers". (Alison's words not mine). In other words, to provide legal aid to people who were missing out or to give general legal advice so that people did not have to go to lawyers.

Names that I can recall (in addition to Alison) that were associated with obtaining the initial grant were Wayne Briscoe; Harry Derkley; Wanda Buza; and Colin McKenzie.

In mid-1985 I joined the committee to actually set up an operating HCLS. Others that joined at that time were Reg Marron; Leanne Topfer and Diane Briscoe.

We began limited operations in 1985 from our premises in the Mother Craft Nurses premises at the rear of the State Cinema.

We had one coordinator, one secretarial staff and a lawyer.

Evening legal advice sessions were conducted by volunteer lawyers and social workers. These legal advice sessions were the mainstay of the community legal service up until Covid restrictions when evening sessions ceased.

The office at Strahan Street was officially opened by the Prime Minister Bob Hawke in 1986. The opening was accompanied by a Scottish pipe band (organised by Wayne and Diane Briscoe who played in the band).

We were obviously enthusiastic in our youth as in 1988 the first "The Law Handbook-- Your Practical Guide to Law in Tasmania" under the editorship of Ken Mackie (a university law lecturer) was produced.

As Sen Michael Tate, the then Commonwealth Minister for Justice said in the foreword to that book

"The Hobart Community Legal service was set up in 1985 and in a mere three years has established itself as not only a provider of advice and referral for those seeking its aid but has acted as a catalyst in many areas of the law, including reform and the raising awareness of legal rights.

This Law Handbook epitomises the best of that approach. It is an important directory to the various parts of the law which affect people's lives. It does so in a very accessible way, striving to be clear, and free of technical jargon and complexities".

(Over the years Michael has been a great friend to the HCLS particularly with his timely reminders to apply for funds to establish other services)

Two more Hand Books followed; the last being an electronic version on the Internet.

The HCLS moved for a relatively brief time to an office in Elizabeth Street which it shared with Elizabeth College and then moved to its present premises which it has occupied for about 30 years.

Unfortunately, the then director of the HC LS had failed to advise the Board that she had unilaterally negotiated and signed a lease for the new premises without notifying or seeking approval of the Board. Not surprisingly the Board and that Director parted ways soon after.

This was the nadir of relations between the Board and the Director and staff at the HCLS.

Of course, like any marriage of 40 years (except mine), there have been differences between the Board and the Staff and a number of occasions when feathers have been ruffled. I am sure that at times members of the Board had regarded the Directors and staff as running a Workers Collective whilst the Director and the Staff no doubt have had grievances with the Board over its micromanaging or its non-management.

In any event following the move to its present premises (30 years ago) the relationship between the Board and the staff at the HCLS has been professional, courteous, and fruitful.

During the 40 years of the HC LS there have been many long serving staff members some of whom I recall (and some who I don't want to recall). These include --- Grazina Smith; Jane Hutchison; Robert Johnson; Chris Rice (both a solicitor and director), Harry Derkely and Duncan Kerr (who went on to bigger and better things as Commonwealth Minister for Justice and Federal Court Judge).

(Duncan apologises for not attending tonight as he is on safari in Africa).

Of course, an acknowledgement of staff, past and present, would not be complete without mentioning long standing receptionist and ultimate utility person Bernie Reid (who I suspect runs the HCLS even if no one else realizes).

Over the years, many community workers and lawyers have served on the Board. Three of the longest serving members being James Walker, Anne Horner and the late John Green.

I could mention a few others but the more I mention the more likely I am to be criticised for omitting someone from the very long list of those who have contributed to the HCLS.

I notice a large number of people present today that contributed in some way to the HCLS over the years, namely as volunteer for legal advice sessions or contributing to chapters for the law Handbook.

Over 40 years the HCLS has:

- Been instrumental in establishing other community legal services throughout Tasmania.
- Expanded its operations by establishing a Bridgewater office and outreach services in neighbouring towns and community groups in prison.
- Produced Law Handbooks.
- Been active in law reform with its views being sought by government on many occasions.
- Provided Solicitors for after-hours bail applications in the magistrates Court.
- Run the Duty Solicitor scheme.
- Run free “after hours legal advice services” through volunteer lawyers and social workers (though not since Covid). A service that I would like to see resumed.
- There has been an increase in the number of staff and services which is now provided by the HC LS and with the increase in staff has been an increase in professionalism
- The HCLS now employs 15 staff including 11 lawyers (working full-time or part- time).
- This has enabled many services (some previously provided by volunteers) to be provided by in-house lawyers including:
  1. a) Legal advice during office hours in matrimonial; consumer; employment; Social Security; criminal; Redress applications and anti-discrimination matters.
  2. b) A telephone advice service for family law matters.
  3. c) Representation in the magistrates Court and Tribunals.
  4. d) Management of duty lawyer program.

In short, the HCLS has for the last 40 years been an important contributor to the legal system and the provision of legal services as the result of its dedicated Staff and many Volunteers and I for one hope that it will continue to do so for the next 40 years.

Thank You