



## **COMMUNITY LEGAL EDUCATION**

### **Never a Last Resort**

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## **Community Legal Education – Never a last resort**

Community Legal Education (CLE) can only be effective if it is to the forefront of any program that involves early intervention in the prevention of crime. The earlier the education process is introduced the better and the longer its introduction is delayed the less effect it will have, indeed, if any at all.

It should never be used as a last resort when all other measures have proven fruitless as it may simply be a case of closing the stable door when the horse has bolted.

### **CLE and Emerging Communities**

Western Sydney is the home to a number of emerging communities, notably those originally from the African Continent. Statistics show that many young men in particular from these communities are now appearing in the local courts and the children's court.

In their countries of birth, they would never have been exposed to the level of regulation in their daily lives that they find themselves exposed to in Australia. Things such as traffic regulations, driving licences, motor vehicle registration and insurance requirement are things that they and their families may have no concept of. As a result of ignorance they can easily find themselves being labeled as "repeat offenders" before the local courts.

Many of these young people have been exposed to routine violence and criminal activity in their countries of birth and are easy prey to those ruthless individuals, often from within their own communities, who would lure them into criminal activity with the promise of rewards, which to us may not be significant, but to them often represent a small fortune.

Many of these families have never had any experience of tenancy regulation or consumer rights and fall victim to unscrupulous landlords, tradesmen and others, again often from within their own community.

CLE is one way of empowering these people in avoiding these pitfalls. In many cases it may be the younger generation of these communities who educate the older generation and it is thus vital that intervention is achieved as early as possible.

A positive measure here has been the training of individuals from within those communities who can assist presenters in the delivery of CLE and the advancement of the concept of social justice.

## **Can we do CLE better?**

CLE is described overseas as Public Legal Education (PLE).

In the UK, the Public Legal Education Network (PLENET) is looking to ways to develop PLE in the UK, recently completed an analysis of funding for PLE/CLE activities in Australia and Canada.

The report found that Australia had adopted a mixed model approach with Government funding for community legal services including an element of PLE/CLE. It singled out the strength of this mixed model approach as enabling services to be responsive to community needs by maintaining close contacts with the communities which they serve.

It singled out the weakness of the arrangements in the Australian model to be the lack of any sole-purpose organization or body that can help to maintain momentum in the development of PLE/CLE across the board with NALC currently undertaking some of this work with limited resources. It concluded that the need to avoid overlap, identify gaps and to coordinate activities across states requires an overview and focus that is not presently established in this model.

The report found that Public Legal Education and Information (PLEI) in Canada is funded by the Government, Law Foundations and Legal Aid Ontario which funds Community law clinics. Primarily PLE/CLE is carried out through sole purpose organisations funded by Law Foundations using revenue raised from interest on lawyers trust accounts.

It singles out the strengths of the Canadian model as stemming from the commitment to funding sole purpose PLEI providers that are then best placed to focus and target PLE/CLE needs across provinces. It sees this model preventing overlap and ensures gaps can be identified through a more rationalized production of PLE/CLE resources that can then be disseminated through intermediaries to reach those communities most in need of support. It also singled out the potential weakness of this model as being the heavy reliance on Law Foundation funding placing sole purpose PLEI organizations in a precarious position in view of the risks associated with interest rates falling.

The report also recommends that there be a clear delineation between PLEI activities and Government communications, PLE/CLE being about education providing practical legal information with the capacity to be critical.

The analysis of the funding arrangements for both Australia and Canada underlines the difficulties in ensuring adequate funding for PLE/CLE and in the end recommends that a combination of approaches be taken. This would involve an investment in integrated delivery such as through existing legal and advice

services as well as adult learning and basic skills provision (Australia) together with the funding of sole purpose PLE/CLE (Canada).

What we currently have in Australia does not reflect a commitment to sole purpose CLE. Funding is regularly provided on an ad hoc basis for “new and innovative” projects for limited periods only. This approach often results in worthwhile, proven and productive projects being denied funding. CLC members making funding applications are often frustrated in their efforts to re-badge existing worthwhile projects in order that those projects can then be seen as “new and innovative”, thus ensuring the continuance of funding. In addition, recruiting staff is also a problem.

We can do better than this.

### **A Comprehensive Schools Program**

Through sole purpose PLE/CLE funding, the PLE Association of Saskatchewan, in conjunction with the Youth Justice Renewal Initiative, Department of Justice, Canada has developed the Youth & Schools Program, entitled “*Elementary Justice – Introducing Principles of the Youth Criminal Justice Act to Children*, a comprehensive program to be implemented in schools from kindergarten upwards

The program has been developed to introduce young children justice themes using literature for law related education and material that they are familiar with. So in the kindergarten age group *Goldilocks & The Three Bears* has been used to illustrate concepts such as trespass, break and enter, theft, property damage and squatting. The program comes complete with teaching aids, activity resources and classroom visits by lawyers.

The following illustrates how the values that many children are familiar with are reflected in different aspects of law:

<b>Values &amp; Beliefs of Society</b>	<b>The Law</b>
Children appreciate the need to tell the truth	Reflected in libel & slander laws or perjury penalties
Children value personal safety	Reflected in traffic laws or traffic regulations
Children want to be respected as special individuals	Reflected in human rights laws or family & child legislation
Children value fairness	Reflected in the right to be heard by an impartial adjudicator & the right to express one’s point of view
Children appreciate the need to keep promises	Reflected in contract law

Given that Australian schools are continually seeking out programs that would be suitable for presentation to their students, the Canadian Schools Program could be adapted for Australian schools. It all comes down to a commitment to providing sole purpose ongoing funding.

As part of its Youth Education Program (YEP), Macquarie Legal Centre in Parramatta has, over the past number of years, delivered a program to local high schools which has been similar in form to the Canadian model.

Topics covered included *Think Before You Act, Think Before You Drive & Think Before You Party*. The program was delivered using an interactive format using actors, short scripts and local police involvement, with class participation by the class students.

The program proved very successful and there has been continued demand both from the police and the school teachers for it to be repeated. Ongoing funding has not been available however and so the program cannot be continued.

### **Juvenile Justice & CLE**

In a paper presented to the 2010 National Juvenile Summit, Sheree Vertigan, President of the Australian Secondary Principals Association reported under the heading "Reality of Schools", that there has been an:

- Increase in the number of students with social emotional issues
- Increase in the number of dysfunctional families/communities
- Mobile phone/SMS/facebook/youtube –instant outrage & payback
- Overflow of the community into school
- Street smart but immature

She reported that it is often the case that schools are the first to see that things are not going well for a young person but that there is very little intervention beyond the school gate and that requests for support from other agencies is often negative.

Among the intervention strategies she proposes are:

- Youth Education Programs (YEP)
- Community programs

In another paper to the Summit entitled "*Releasing the Pressure on Remand*", one of the recommendations made is to increase the resourcing of early intervention programs for children and young people at risk of entering the juvenile justice system.

With respect to the program delivered to local high schools by Macquarie Legal Centre referred to above, this program was also delivered to several “Links to Learning” groups, where the focus is on children at risk, and again the feedback was very positive.

CLE is all about early intervention and a commitment to providing ongoing funding to maintain the regular delivery of service to individuals and communities. It should never be a last resort.

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