Volunteers and Community Legal Centres: A Partnership Under Threat

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1 Introduction

This paper examines the notion of partnership, including definitions and some of the rhetoric surrounding the term. Western governments, such as Australia, Britain and Canada have enthusiastically embraced the notion of partnership in recent times. It became quite fashionable to bandy around the term partnership as a means of describing a new era in relationships between governments, business and the community sector. Of course, these groups have very different ideas about what this term means and their practical experiences of it. They range from cynicism about the extent to which funding bodies will engage in a real or mature partnership to an attitude of genuine engagement with business or government, where all parties feel they have an equal stake and input into the process. There are challenges, opportunities and problems associated with the way in which partnership can operate in the community sector, especially when there is a dependent ‘funding relationship’ involved in the equation.

The second part of the paper outlines a case study of a successful partnership between the legal profession, Law Schools, professional legal bodies and community legal centres. The main impetus for the establishment of this partnership came from within the legal profession, training institutions and professional bodies. One of the main outcomes has been the continued supply of legal and para-legal volunteers to help staff small community based legal centres, which are under-funded and short-staffed. The unique partnership has facilitated the provision of legal assistance to low-income Australians for over thirty years. There are benefits and costs involved in this partnership for all parties, but on the whole it has been able to survive because of the highly motivated and skilled volunteers who provide their services to community legal centres (hereafter CLCs). However, this unique partnership is perceived to be under serious threat because of the foreshadowed introduction of competitive tendering and contracting.

1 Author’s note: This paper is derived from a report entitled ‘My Time is not a Gift for Government’: A Study of NSW Community Legal Centre Volunteers (Melville, forthcoming 2001). The author wishes to acknowledge and thank the following people. The volunteers who participated in the study, Myfanwy McDonald who redesigned the questionnaire, Roberta Perkins who entered and analysed the quantitative data, and Ros Batten whom assisted with the literature review.

2  Partner – Partnership – What Do We Mean?

If we look at the Oxford dictionary, we find that there are a number of meanings attached to this term, but they all have several things in common. They include an assumed equality or implicit value in what each brings to the partnership or relationship, and also that both parties are perceived to share the hazards and benefits in the relationship.

Sharer (with person, in or of thing); person associated with others in business of which he [sic] shares risks and profits; a player associated with another in a game and scoring jointly with him [sic]; state of being a partner, joint business, associate [persons, one with another] as partners, be partners of (Sykes, 1976: 804).

It probably goes without saying that values of trust and reciprocity are also implicit in the notion of partnership, although not necessarily in the way partners or partnerships operate in practice.

If we use a thesaurus, and look up the word partnership we come up with two key words: company (noun) and affiliation (noun). If we examine these further we get the following terms.

<table>
<thead>
<tr>
<th>Company</th>
<th>Affiliation</th>
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<tbody>
<tr>
<td>Business</td>
<td>Association</td>
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<tr>
<td>Corporation</td>
<td>Collaboration</td>
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<tr>
<td>Enterprise</td>
<td>Companionship</td>
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<td>Joint venture</td>
<td>Alliance</td>
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<tr>
<td>Organisation</td>
<td>Relationship</td>
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On the left hand are words often associated with the market, whereas on the right-hand side we have words associated with the social sphere or civil society. Whilst I acknowledge that the latter qualities are not the exclusive province of the social being or social realm, they do allude to various ways and value bases in which partnership [s] can be conceptualised and as a consequence, different ways in which partnerships are acted upon.

3  The Literature on Partnerships and its Relevance to the Community Sector

A brief review of some of the literature on community sector– business/government partnerships indicates a wide range of theoretical and values bases, which informs the discussion. Literature about partnerships comes from the field of public policy, academic and pedagogical theory, organisational and management theory, non-profit, community work/community sector literature, as well as numerous case studies of partnerships between government, the community and business. Before canvassing some of the major ideas in this literature, let us examine some definitions of the term.
The Voluntary Sector Round Table in Canada (hereafter VSR) provides a good starting point (1998). This paper cites three recent definitions. (See, for example, Rodal and Mulder, 1993: 28; Treasury Board, Canada, 1995b; New Economy Development Group, 1996: 16, cited in VSR, 1998: 1).

The VSR document identifies four common elements, which differentiate and describe partnerships including:

- common objectives and goals among partners (objectives may be the impetus of the partner or may evolve over time);
- shared risks and mutual benefits (risks and benefits may be different for each partner and may accrue with different time frames);
- contributions from both partners (including monetary and non-monetary);
- shared authority; responsibility and accountability (VSR, 1998: 1).

According to this document, the term partnership also implies that a lot more can be achieved by working together – thus there is an added value to the relationship. They argue that the term is not new – but in the new policy environment its meaning now describes the collaborative work of multi-agencies with the general public, government departments, the private and business sector. The rhetoric of partnership has been extended to try to entice the voluntary (community) sector into relationships with government and/or business (VSR, 1998:1).

**A Typology of Partnerships**

One common way to analyse or describe the way partnerships operate is through classificatory systems (VSR, 1998: 1), such as that of Torjiman (1998). This system is based on notions of social change practices and activities.

- Public education partnerships or 'strategic alliances'
- Social marketing partnerships
- Community investment partnerships

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2 An arrangement between two or more parties who have agreed to work collaboratively towards shared and/or compatible objectives and in which there is shared authority and responsibility; joint investment of resources, shared liability or risk taking; and ideally, mutual benefits’ (Rodal & Mulder, 1993:28 cited in VSR, 1998:1). A relationship in which government and other agents work co-operatively to achieve a … goal at the community level. It requires the sharing of resources, responsibilities, decision-making, risks and benefits, according to a mutually agreed –upon formal or informal arrangement’ (New Economy Development Group, 1996:16 cited in VSR, 1998: 1).

3 Many community sector organisations initiate partnerships – they are not merely passive recipients or unequal partners in any joint enterprise.
Power, and the way in which it is shared, is a central dynamic in one model (VSR, 1998: 1).

They may range from consultative partnerships where the primary purpose is for government to seek advice or obtain input to collaborative partnerships or real partnerships, where there is joint decision-making, pooling of resources and sharing of ownership and risk (Rodal and Mulder, 1993, cited in VSR, 1998: 1).

The VSR (1998: 1) document lists three other models:

- the kinds of partners involved in the relationship - for example government, non-profit organisations, educational institutions and private sector (Klein, 1992);
- the aim or focus of the partnership (Long and Arnold, 1995); and
- the configuration, presence or absence of formality, whether it be contractual, representational or transactional (Environment Canada, 1992).

There are numerous case studies of successful as well as unsuccessful partnership ventures, especially between academic institutions and community groups. There is a very interesting Canadian case study of the successful establishment in 1963-64 of an Institute of Criminology outside a Faculty structure at the University of Toronto. This decision was a major risk – but it has meant that strategies had to be developed so that the different and possibly competing internal and external partners could be catered for in a unique and productive way. It has not been an easy process. The institute has gone through a long struggle to obtain ongoing and secure funding as well as to maintain an independent research agenda while undertaking contract work. Through a great deal of hard work, they have been successful at securing funding from a number of sources including private foundations and government bodies, such as the Attorney General's Department of Ottawa (Edwards, 1985).

In a recently published US anthology, Chibucos and Lerner (1999) have compiled a series of success stories about university-community partnerships, which were established to serve children and their families. They note that much of the success is due to the commitment and passion of the participants, especially those working within universities. Often faculty staff has to fight a culture that works against the development of successful external partnerships. To quote Vortuba (1999: 27):

In the process of building partnerships they have had to challenge traditional views of scholarship and the role of the university in society. At times, they have even placed their careers at risk because of a lack of both understanding and support for their work among department chairs, deans and promotions and tenure committees. The result is that, far too often, the building of community-university partnerships takes place at the periphery rather than at the centre of academic life.

Vortuba (1999: 28-29) identifies six factors, which he argues help to both create and sustain successful university-community partnerships. The main ingredient is what he
calls the scholarship of engagement, a term originally used by Boyd (1996), between universities and communities.

Before going any further, I should clarify that I am going to focus on community sector (or nonprofit) and government partnerships or relationships. This is a narrower and more specific focus. There are three reasons for this stance. First, these relationships have been in existence for a long time. Second, we desperately need a better understanding of how to make them work in a more constructive and mutually interdependent manner than they do at present. Third, the state and the community sector are inextricably linked in the delivery of services and policy development. If anything, the role of the community sector will continue to increase in the foreseeable future.

Community Sector Partnership – Relationship

To those familiar with the community sector, the term partnership is not new, and unfortunately it has been both abused and used over time, which makes some rather sceptical about the re-working of it at this point in time. However, not everyone feels cynical about the possibilities this poses for the community and voluntary sector. The VSR document provides a very balanced viewpoint about the opportunities and potential costs involved in forming closer partnerships with government and business. These include the following:

- the general public and the community sector want to be involved in policy making as well as service delivery;
- the nature of the relationship between funded agencies and government funding bodies makes an equal partnership impossible because of the power imbalance between the agencies;
- there is enormous potential for the community sector to seize the moment and show it has skills and knowledge that make them an indispensable asset to government in the new millennium (VSR, 1998: 2).

The Canadian Voluntary Sector claims that the skills which the sector can bring to the table include 'expertise, links to the community, speed and flexibility and commitment' (VSR, 1998:3).\(^4\) Similar claims about the strengths of the sector were made prior to and during the formation of the Blair Government’s Compact with the British Voluntary Sector (1998).

Opinions vary considerably about the ability of government to seriously take up the challenge to involve the community sector in a truly valued partnership with government. According to Pascal (1996) the term government partnership, is an oxymoron in light of the difficulty government frequently has in sharing power and decision-making. More frequently voluntary sector partnerships and government bodies undertake relationships involving joint programs and constituents rather than partnerships.

\(^4\) Whilst sympathetic to these claims I would say that there is very little empirical evidence to support these assertions.
The evidence for this opinion lies in the problematic and thorny nature of the funding relationship between governments and agencies. These problems are well rehearsed and tend to echo around the sector regardless of the country or policy context. They include the loss of autonomy and ability to undertake advocacy, increasing bureaucratisation and accountability requirements, disillusionment of volunteers, mainstreaming of services and narrowing of client groups. (See Dow, 1997 cited in VSR, 1998: 2; Leat, 1996; Baldock, 1990; Foreman-Nowland, 1998; Kloosterboer, 2001 and Melville, 2001).

A British writer, Marilyn Taylor (1997,1998) has made an attempt to test empirically how both parties understand the real working of the rhetoric of partnership. She provides some astute observations about what makes government with community partnerships successful.

Effective partnership is not easy. It requires clear allocation of responsibility within partner organisations, with resources, time and incentive structures for partnerships working. Partners need to be prepared to change their cultures and ways of operating to accommodate voluntary sector, community and user participation (Taylor, 1997: 1).

Taylor goes on to say that:

…the most effective partnerships have been those where there has been a long tradition of local organising. This gives people the skills, experience, confidence and infrastructure to engage on their own terms and to gear up to new opportunities, from community care planning and the contract culture to the Single Regeneration Budget and the Lottery (Taylor, 1997: 3).

According to Taylor’s research successful partnership with the community sector involves seven elements:

• precise objectives, which involve voluntary and community organisations in policy and service delivery planning. Outcomes which include measurement of the quality of involvement and not just counting numbers;

• management and organisational commitment: for instance, front-line staff must know they will be supported if they are involved in risk taking or when adopting new ways of working;

• acceptance of organisational responsibility to develop and service partnerships; this includes dedicated time and resources;

• evaluation, benchmarking and review mechanisms must provide incentives for, and reward, partnership;

• voluntary sector partners must be adequately resourced and trained so they can effectively participate in making key decisions;
mechanisms for involvement, which accommodate the heavy demands made on organisations with limited resources and time use; and

- the ability to work with and respect the different cultures, values and resource capacities of voluntary agencies (Taylor, 1997: 7).

Despite this recipe for successful partnerships with the voluntary sector and local government, Taylor (1997, 1998) among others, remains somewhat pessimistic about the ability of government to work in a meaningful partnership with the sector. One of the major findings of her research is that governments, and especially local authorities, find it exceptionally difficult to work in an equal and consultative manner with individuals, community members and voluntary sector agencies. They will not share power, resources, knowledge and skills in a way that enables the outsider groups to make a significant impact on policy or decision-making. Many people were very sceptical about the whole idea and process of consultation (Taylor, 1998: 5-10). They considered it a useless process (1998). According to Taylor (1997: 8) a great deal more work has to go in to developing real meaningful partnerships before the sector really feels involved as equal partners. Of course, Taylor (1998) is not alone in this assessment. Many others have noted the same problems in other countries, including Australia (Melville, 2001).

The next section of this paper present a case study of a successful partnership between public and private sector law professionals working with community based legal centres. The partnership has been mutually beneficial to both parties for a long period of time. But the partnership or relationship is also very delicate and finely balanced and is in danger of being disrupted by particular policy decisions, namely the introduction of competitive tendering and contracting.

4 CLCs - A Partnership with the Legal Profession and Volunteers

Apart from the work of Chesterman (1996), there is little formal documentation about the establishment of community legal centres, hereafter CLCs. The most extensive account documents the history of the Fitzroy Legal Service (Chesterman, 1996). Noone (1992, 1997) has written about the rationale underlying the unique characteristics of legal centres. These characteristics make CLCs different to the legal services previously provided, or not provided, to low-income Australians. From these and other potted histories, it would appear that CLCs came into existence because of a strong alliance and commitment from individual legal professionals, state professional bodies, and various academics in law schools. A motivating factor was the desire of law professionals and students to gain relevant work experience in poverty and family law, in the context of social justice. This kind of expertise is not obtained through the normal course of work in many private legal firms.

Volunteers have played a central role in CLCs since their inception. Like many organisations of this era, community legal centres were established and operated by volunteers until granted government funding (Noone, 1992: 121). Volunteers have continued to play an important role in supplementing and supporting the work of paid staff in community legal centres. Volunteers in CLCs work in three main areas. They provide legal advice and information/referral assistance to clients. They undertake
policy-related and law-reform work. They are members of management committees, which oversee the administrative and governance functions of centres.

Over the past three decades, these innovative, community-based organisations have grown into an integral part of the Australian legal system. They fill an important gap between private legal professionals and the state Legal Aid Commissions. This is partly because of the clientele they serve. Most clients seen by community legal centres are neither eligible nor able to access other legal services because of financial or language and cultural barriers. According to Jukes and Spencer (1998: 5), the legal profession has come to accept this hybrid model of service provision. There is no doubt that CLCs should be seen as partners in the overall provision of legal services. Such a partnership remains precarious, however, because of the continued reliance on external government funding.

In most Australian states, funding of CLCs is a joint responsibility between state and federal governments (Noone, 1997: 27). Community legal centres were often established on minimal amounts of funding. Consequently, funding has always been precarious and inadequate for their operation (Noone, 1997; Williams; 1999). The most recent threat to this funding is a Commonwealth Government proposal to move to competitive tendering and contracting. CLCs are concerned that such a move will place severe strain on the partnership between volunteers and community legal centres because of the opposition of these policies amongst volunteers.

5 The Research Project

This paper reports on some of the important findings of a study of NSW CLC volunteers conducted during 2000 (n=208). The study was partly instigated in response to a proposed Commonwealth Government review of NSW CLCs, which was due to occur in 2000. It provided an opportunity for CLCs and interested parties, such as the NSW Law and Justice Foundation and the NSW Law Society to find out about the role and motivations of CLCs volunteers, as well as to explore their attitudes about the proposal to introduce competitive tendering and contracting into CLCs.

One of the main aims of the research was to try to gauge the impact of such policies on the retention rate of CLC volunteers. Overseas evidence indicates that the introduction of these policies has a detrimental impact on both the recruitment and retention rates, as well as the types of tasks undertaken by volunteers (Scott and Russell, 1997; Hedley and Davis-Smith, 1994).

The study was conducted in two phases. The first phase consisted of an extensive literature on volunteers in general, and more specifically on volunteers and competitive tendering. The second phase involved the distribution of a questionnaire to volunteers in 36 CLCs in NSW (from unknown clusters of volunteers) during February 2000. The survey instrument contains open and closed-ended questions about the activities and motivations of volunteers, as well as their attitudes to competitive tendering. Volunteers at 24 of the 36 centres completed and returned questionnaires, representing a response rate of 66 per cent. For the purposes of this study, voluntary work was defined as something done ‘freely, without remuneration and of benefit to

5 The response rate of volunteers is a little bit more problematic – see full report for discussion of these methodological issues.
the wider community’ (Noble, 2000: 156). The quantitative data was coded and entered into File maker Pro V 3. The qualitative data was coded thematically. This paper discusses data relating only to the major issues raised by volunteers about contracting and tendering.

6 Discussion of Findings

This discussion focuses on issues that concern possible changes to the accountability requirements and the introduction of competitive tendering policies on volunteers in CLCs. The quantitative and qualitative data provide us with information about the impact of significant changes to the location, activities, structure, funding and philosophy of CLCs on volunteer retention rates.

Move to Another Centre

We asked volunteers if they would be prepared to go and volunteer at another legal centre if their legal centre closed down or moved elsewhere. Eighty-one (40.7 per cent) people said yes, they would volunteer at another centre, thirty-nine (19.6 per cent) said no, they would not volunteer at another centre. A surprisingly large number of volunteers (39.7 per cent) had not decided what they would do if their centre closed or moved elsewhere (see Table 1).

Table 1 Volunteer at Another Centre?

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<tr>
<th></th>
<th>Number</th>
<th>Percentage</th>
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<tr>
<td>Yes</td>
<td>81</td>
<td>40.7</td>
</tr>
<tr>
<td>No</td>
<td>39</td>
<td>19.6</td>
</tr>
<tr>
<td>Undecided</td>
<td>79</td>
<td>39.7</td>
</tr>
<tr>
<td>Total</td>
<td>206</td>
<td>100</td>
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</table>

Of the thirty-nine (19.6 per cent) of the respondents who said they would not volunteer at another centre, thirty-one of these people provided reasons for their negative response. Twenty-four people said the main reasons were distance and time constraints. A small group of respondents (seven) said that their skills were too specialised, that the current centres pursued social justice goals of interest to them for example, women’s issues, or they liked particular qualities of the centre.

Distance Volunteers Will Travel to Another Centre

The majority of people (86 per cent) were prepared to travel between 15-45 minutes to volunteer at a centre, while only 12 per cent were prepared to travel over 45 to 75 minutes to do voluntary work in a CLC. Seventy-seven percent of people preferred to travel 30-45 minute to do volunteer work at a legal centre. This is consistent with the findings of earlier questions about distance. Distance is clearly a major factor influencing people's decisions to volunteer. One could hypothesise that the number of current volunteers would drop off substantially if they had to travel greater distances than they currently do to volunteer at a legal centre.

6 The term ‘volunteer’ and not pro-bono work was used to describe an unpaid worker at CLCs. Pro-bono work is also done by legal firms of behalf of CLC clients but the legal staff are doing it as part of their paid work, even though the firm may not receive payment for the case.
Volunteer at Centre if Nature and Function Changes

Nearly two-thirds of the volunteers (61.2 per cent) indicated that they were undecided about whether they would continue to do voluntary work if the nature and/or function of their centre changed. Nearly 23 per cent said they would continue to volunteer despite any changes and 15.9 per cent said they would no longer volunteer at the centre. When one considers the size of the sample of this study, this represents a significant number of people who are signalling they would no longer volunteer at CLCs.

Surprisingly, 52 respondents provided additional explanations to their answer to this question. The largest group (38 people) said their decision depended on the types of changes to legal centres, such as changes in philosophy, issues of access and the nature of services provided by CLCs. Some provided quite specific reasons, which included: the loss of focus on consumer credit; lack of skills and expertise; loss of special qualities of legal centres; for instance the focus on disadvantaged in the community; distance; and time.

Table 2: Volunteer at Centre if Nature/Function Changes

<table>
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<tr>
<th></th>
<th>Number</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Yes</td>
<td>46</td>
<td>22.9</td>
</tr>
<tr>
<td>No</td>
<td>32</td>
<td>15.9</td>
</tr>
<tr>
<td>Undecided</td>
<td>123</td>
<td>61.2</td>
</tr>
<tr>
<td>Total</td>
<td>201</td>
<td>100%</td>
</tr>
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Major Policy Changes - Fees, Merit Testing and Centrally Determined Casework Guidelines

One of the major changes mooted to current community legal centres is the introduction of fees, means/merit testing and centrally determined casework guidelines (Attorney-General's Department, 2000). Many community legal centres have argued that the introduction of these policies would make them similar in character to state legal aid services. The respondents were asked whether any of these foreshadowed changes to CLCs would deter them from volunteering. A majority of people indicated that the introduction of fees for service would deter them from volunteering and a significant number were opposed to means/merit testing and centralised casework guidelines, as indicated in Table 3.

It should be noted that 20-30 per cent of respondents had not yet decided whether the introduction of the above policies would deter them from volunteering. However, if a significant number of the undecided group were to oppose the introduction of these policies, there could be a bigger drop-off in volunteers than the above figures suggest. These policy proposals prompted a large number of people (71) to make additional comments on the questionnaire. The themes are outlined below.
Table 3: Introduction of Fees Means/Merit Testing and Centralised Casework

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>%</th>
<th>No</th>
<th>%</th>
<th>Undecided</th>
<th>%</th>
<th>Total</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fees for service</td>
<td>100</td>
<td>49.5</td>
<td>62</td>
<td>30.5</td>
<td>40</td>
<td>20</td>
<td>202</td>
<td>100</td>
</tr>
<tr>
<td>Means/merit testing</td>
<td>63</td>
<td>31</td>
<td>89</td>
<td>43.8</td>
<td>51</td>
<td>25.2</td>
<td>203</td>
<td>100</td>
</tr>
<tr>
<td>Casework guidelines</td>
<td>77</td>
<td>38.7</td>
<td>62</td>
<td>31.1</td>
<td>60</td>
<td>30.2</td>
<td>199</td>
<td>100</td>
</tr>
</tbody>
</table>

Objections to Introduction of Fees and Means/Testing

As can be seen from the comments below, there were strong objections expressed to the introduction of fees and mean/merit testing.

I would object very strongly to fees, means test and casework guidelines (Respondent 41).

If CLCs are to fulfill their aspirations to provide access to justice, then they should not charge fees and apply means tests (Respondent 70).

Effect on Autonomy and Unique Character of CLCs.

Many volunteers were concerned about the potential impact of such policies on the loss of autonomy, the unique characteristics and local community focus of legal centres. The comments below highlight these concerns.

I would be extremely hesitant about continuing my involvement with … Centre if its autonomy was to be undermined and or it fell prey to increasing bureaucratic intervention (Respondent 79).

These sorts of polices are incompatible with the notion of community legal centres is all about. ‘Would like fries with that?’ – corporatising community services is a ridiculous notion (Respondent 124).

I would not want to see the autonomy and scope of legal services limited, nor should access be limited for the general public who need these services. I believe access to justice is an important right for all, not just the rich (Respondent 128).

I volunteer for a CLC because it is not a legal aid office. If the CLC is run as a legal aid office I would not be able to contribute in the same way as I contribute to the CLC (Respondent 55).
Increase in Bureaucratic Control

Several people mentioned that it would increase bureaucratic control of centres, and one person said that neither profit-motivated nor bureaucratic organisations have a role for volunteers. One person argued that government had an obligation to provide services to disadvantaged. Several people mentioned that the changes would seriously diminish access and equity of certain groups to quality legal services.

It would be a shame to see central bureaucratic decision making as presently exist in LAC brought to bear on community legal centres (Respondent 15).

If centres make a profit why should they need volunteers? (Respondent 189).

The charging of fees would be detrimental to the services of CLCs, and if we were charging fees and charging money, then why not pay some one to do my job? (Respondent 131).

The data provides important information about the particular qualities of CLCs that motivate volunteers. Some of the main qualities that draw volunteers to CLCs include their non-bureaucratic nature, community-based focus, free service and specialised services, all delivered within social justice goals. The quantitative and qualitative results of this current study indicate that fewer people will be inspired to continue volunteering in an organisation, which resembles the kind of institution they work in on a daily basis. In other words, if there were no major difference between the different kinds of legal services, then what would be the point?

Influence on Volunteer Retention Rates if CLCs Become Like a Semi-government Organisation

We asked respondents if they would continue to volunteer if the centre was changed and run as a semi-government office. About one-third of people (35 per cent) indicated that they would not stay, another third (32 per cent) said they would continue to volunteer and about one-third (33 per cent) said they had not made up their minds. Fifty (50) people provided additional comments to this question. The main themes are outlined below.

Opposition to Structural Changes to CLCs

Some people said that they would edeterred from volunteering, depending on the kinds of structural changes that could take place in CLCs.

It would strongly depend on the extent of government intrusion - the greater the intrusion the less likely I would continue to volunteer (Respondent 79).

... It would depend on the culture in a semi-government CLC (Respondent 80).

It would depend on the nature of the changes involved. Would not volunteer if place became bureaucratic (overtly) (Respondent 96).
Depends on how the changes would affect the nature of its services. I want to help people rather than subject them to further bureaucracy (Respondent 128).

**Exploitative Labour and Lack of Appreciation of Volunteers**

Some volunteers expressed concerns about exploitative labour and lack of appreciation by semi-government organisations of voluntary labour.

Government must not rely on unpaid work - as it is, people work in excess of wage value so NO exploitation of willing committed community members (Respondent 122).

Firstly, I would then not be a volunteer. What I do with my time, I decide, it is not a gift to government. (How many times has government not understood this - let me count the ways?) (Respondent 81).

As a semi-government organisation it is more likely that funding will not be reduced as it is in community based programs because funding should cover wages [and then you wouldn't need my voluntary labour] (Respondent 108).

**Centrality of Community and Community Control**

A recurring theme in the empirical findings of this study is the centrality of community and community participation to the functioning of community legal centres. Many respondents see this as a defining characteristic of CLCs.

I would object strongly to such a change. A semi-government organisation is not a community organisation (Respondent 41).

The centre currently has a high level of community ownership - this would be lost if the centre changed into a semi-government agency (Respondent 197).

**Compromises to Independence and Criticism of Government Policy**

Several volunteers mentioned that increased bureaucratic control would compromise the ability of CLCs to be both critical and independent of government policies.

The value of the centre is its independence and commitment to social justice. There is no such thing as a 'semi' government organisation. It is either government affiliated or it is free and independent (Respondent 124).

Government meddles and destroys worthwhile community programs (Respondent 53).

I volunteer as a person interested in access and equity principles and actually having the opportunity to do something about it, even if it means criticising, for example, the police (Respondent 107).
Which government? - if Federal then very hard to convince clients of confidentiality (Respondent 169).

The independence of a community organisation promotes the empowerment of the community volunteer (Respondent 195).

Loss of Autonomy and Identity

A number of people were concerned about the loss of autonomy and identity of CLCs and the affect on the quality of services provided to clients and on certain types of activities undertaken by CLCs.

This would completely change the ability to give independent advice (Respondent 165).

... centre needs to remain an autonomous centre run on CLC principles in order to maintain its integrity and the quality of its services (Respondent 83).

CLCs need to be independent as possible from government - they wouldn't be able to offer an appropriate service if they were government affiliated in that way (Respondent 84).

CLCs must be independent of government. To do otherwise would be to compromise the integrity of CLCs both in the impact on their work on law reform and in its perception within the wider community (Respondent 70).

Semi-government organisations will compromise the philosophy of CLCs, in particular law reform (Respondent 106).

Loss of Appeal to Volunteers

It was clear that the proposed changes to CLCs would act as a significant deterrent to a number of people. Some respondents would no longer find it appealing to do voluntary work if it became too similar to their current place of employment. People need to be able to do voluntary work somewhere that is different to their waged employment and in a place that appeals to them (Pusey, 2000).

What's the point if we can't decide policies and activities (Respondent 59).

If the standard of service provided and/or number of clients changed - would not volunteer (Respondent 101).

In my day job I already work for the government, so if my centre became a semi-government agency there would be little point [in volunteering] (Respondent 152).

I am an employed solicitor and if the centre became a government agency. I would see no need to provide a free service (Respondent 155).
Volunteer in a Private or Profit Organisation

We wanted to find out if volunteers would continue to volunteer if community legal centres were transformed into a privately run or contracted service provider. An overwhelming majority (118) of volunteers said yes, that it would definitely affect their motivation to volunteer. Forty-four volunteers said that it would not affect their motivation to volunteer and 44 were undecided. Fifty-six people provided additional comments to this question. The themes are discussed below.

Table 4 Volunteer in a Private For-Profit Organisation

<table>
<thead>
<tr>
<th></th>
<th>Number</th>
<th>Percentage</th>
</tr>
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<tbody>
<tr>
<td>Yes – will affect motivation to volunteer</td>
<td>118</td>
<td>57.4</td>
</tr>
<tr>
<td>No - will not affect motivation to volunteers</td>
<td>44</td>
<td>21.3</td>
</tr>
<tr>
<td>Undecided</td>
<td>44</td>
<td>21.3</td>
</tr>
<tr>
<td>Total</td>
<td>206</td>
<td>100</td>
</tr>
</tbody>
</table>

Opposition to Privatisation and Profit CLCs

A number of respondents expressed concern and criticism of policies to privatise or introduce profit run organisations into community legal centres.

Privatisation has destroyed enough (Respondent 94).

Private organisations are more than likely operated on a market driven philosophy and goals and maximising profit rather than human/community needs (Respondent 108).

You cannot provide these services for a profit (Respondent 113).

Very bad idea, privatisation of this legal service is not the answer (Respondent 127).

I have already seen the commitment of service providers become skewed where private service providers have been introduced in other areas to the great detriment of consumers (Respondent 143).

Withdraw Labour from For-Profit CLC

A number of people stated that they would withdraw their labour from a for-profit organisation. One volunteer said that they would want to be paid if CLC services were privatised, as this would be contradictory to the philosophy and ideals motivating them to volunteer. It was also clear that volunteers felt that government should not abuse volunteer labour.

I will not do voluntary work for anything other than a not-for-profit organisation (Respondent 138).

I cannot think of anything that would put me off more. If I wanted to be involved in a private situation I would work for a private law firm (Respondent 124).
If I wanted to volunteer at a privately run organisation I would have applied a long time ago, but I prefer CLCs (Respondent 135).

**Threat to Unique Character and Quality of CLCs.**

Privatisation and profit run organisations are seen by many as a significant threat to the unique character and quality of community legal centres. Respondents pointed out that this would make CLCs much more like existing private and state run legal aid services. In addition, there would be no place for volunteers in such services.

A contracted service provider is not a community legal centre. It is a law firm and we have plenty of these!! (Respondent 41).

Absolutely, the privatisation of legal centres would be devastating and absurd. The point of being a public service [community-based] organisation surely, is that such centres follow procedural fairness and accountability requirements (Respondent 56).

It would no longer be a community legal centre would it? (Respondent 111).

No place for volunteers in such a place - it would lose its access and equity focus (Respondent 168).

**Effect on Financial and Administrative Operation of CLCs**

Several people mentioned that such a change would affect the internal financial and administrative operation of CLCs, as well as the kinds of services they provide. Centres would change to focus on budgetary performance and run on numbers/results lines so that casework would dominate centre activities.

Yes, if it meant that organisations looked only at casework and not broader issues (Respondent 43).

Would be concerned that centres will run on a results/numbers line rather than focusing on client needs (Respondent 104).

Probably withdraw my services - it may as well be legal aid at best and a private firm at worst - budgetary performance would become the essential determinants to action taken (Respondent 17).

**Community Focus and Involvement under Threat**

Community legal centres were seen as public interest focused, in danger of losing their autonomy and having to compromise in the sort of environment being foreshadowed. Community involvement is seen as an essential ingredient of the continued success and legitimacy of community legal centres.

Community legal centres should belong to the community (Respondent 128).
I do not know whether I would volunteer. It is supposed to be a community centre (Respondent 178).

Again, the independence from Government or from the process of competitive tendering ensures community involvement is regarded as valuable for its own sake (Respondent 195).

Privatisation - A Significant Deterrent to Volunteering

The issue of privatisation and the introduction of profit-operating legal centres came across as one of the most important for volunteers in the questionnaire. A number of people emphasised how this would change their willingness to volunteer.

I would never volunteer to work for a private organisation that is profit-oriented (Respondent 58).

Would question a possible profit motive in comparison to a service run only to meet community needs (not to make dollars) (Respondent 73).

I assume it would change the culture for the worse - I'm not interested in volunteering my time so that someone else can make a big profit. That's why I don't work for a private law firm in the first place (Respondent 90).

Privately run equals profit. The two don't fit with objects of CLCs …. (Respondent 120).

Profit motive might become paramount (Respondent 121).

For-Profit Change - Focus of CLCs.

Some other respondents thought that profit-oriented organisations had enormous potential to change the focus of CLCs. In addition, some saw the services as being compromised, in a way that would affect the conduct and activities, making it pointless to participate in such an organisation.

This would definitely affect my attitude, as private firms are generally influenced by economic rationalism and are committed to profit rather than moral issues/values (Respondent 130).

In private organisations the emphasis becomes profit making as opposed to provision of service. Ability to work on social justice issues would be compromised (Respondent 205).

If it is privately run, then it might affect the conduct and activities provided as opposed to being a community organisation (Respondent 75).

Volunteering in an Externally Controlled Organisation

Respondents were asked if they would continue to volunteer if decisions influencing centre policies and guidelines were outside local committees. Seventy-six (37.2 per
cent) said they would not continue to volunteer if decisions were made externally to local committees, 28 per cent said they would continue to volunteer and 34.8 per cent said they were undecided.

Table 5: Volunteering in an Externally Controlled Organisation

<table>
<thead>
<tr>
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<th>Number</th>
<th>Percentage</th>
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<tbody>
<tr>
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<td>28</td>
</tr>
<tr>
<td>No</td>
<td>76</td>
<td>37.2</td>
</tr>
<tr>
<td>Undecided</td>
<td>71</td>
<td>34.8</td>
</tr>
<tr>
<td>Total</td>
<td>204</td>
<td>100</td>
</tr>
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</table>

Fifty-eight people provided additional comments. The themes identified were similar to those expressed above. They included the need to maintain local control and autonomy, that government was out of touch with the local community and already had sufficient control over the way legal centres operated. Volunteers expressed strong opinions about the need for community legal centres to be able to respond to local needs and be accountable to the local community. It is clear that the loss of autonomy would obviously influence people's decisions to remain as volunteers.

Law Reform and CLC Volunteers

Law reform, social action and test case work have long been a core part of CLCs’ activities. Ninety-two people (46.3 per cent) said they would not continue to volunteer if centres were not involved in these activities. Sixty-two people (30.5 per cent) said they would continue to volunteer and forty-seven (23.2 per cent) said they were undecided. Many volunteers expressed the need to know a lot more about the proposed changes before they would be in a position to make up their minds.

Forty people provided additional comments about this issue. The proposition evoked some strong reactions from some people as demonstrated by the following comments. Some of the themes are outlined below.

Why ever would they do that, it would make them nothing other than another law office? (Respondent 32).

Law reform, social action is intrinsic in the characteristic of CLCs. To divorce law reform from CLCs is like taking the ‘sausage out of the hotdog,’ there is no hot dog at all! (Respondent 70).

Yes, I would continue to volunteer. But I would be most disappointed - centre would become a 'toothless tiger' (Respondent 24).

An essential feature of CLCs is the law reform work, etc (Respondent 28).

It is critical that the people at the point of contact with the public are involved in this kind of work [law reform]. Otherwise, grassroots experience is only about processing
people and not attempting to change the law according to the needs of the public (Respondent 56).

Without law reform work and social action, CLC work would just be band-aiding (Respondent 64).

One respondent commented that they did very little of this work in their legal centre, so it would mean little or no change. However, the majority of respondent's (39) emphasised the importance of law reform to CLCs. It is seen as an integral part of the function of legal centres.

**Summary of Main Effect of Competitive Tendering and Contracting on Volunteer Retention Rates**

One of the biggest concerns to volunteers was that centres would undergo fundamental changes in their client focus, accessibility, community and social justice orientation. They also feared that they would lack skills and expertise in a new voluntary work environment. Although 23 per cent of people said they would continue to volunteer if the functions of their legal centre changed, 15.9 per cent said they would not volunteer. In addition, over 60 per cent said they were still undecided.

When it came to the introduction of fees for service, merit testing and centralised casework guidelines, the results are mixed. Nearly half of the volunteers (49.5 per cent) said they would not volunteer if fees were introduced, the majority were less concerned with means testing (43.8 per cent) and volunteers were evenly split about the issue of the introduction of centralised casework guidelines. A significant number of people indicated that they had not formed any definite opinions about the proposed changes. Yet it became clear in analysing the qualitative data that many people were opposed to the introduction of these policies. Many of the volunteers in the 'undecided' category had specific beliefs and expectations of CLCs. This in turn influenced their motivations in working with them. It was clear from the data that any major transgression of these expectations and beliefs would deter them from volunteering.

Volunteers were very concerned about possible changes to the auspice and structure of CLCs. Respondents are evenly split on the question of whether they would continue to volunteer if the agency became a semi-government organisation. About one-third said they would stop volunteering, a third said they would continue and a third said they were undecided. However, when one examines the qualitative data, it is clear that any attempt to alter the fundamental nature of CLCs would evoke a strong reaction amongst volunteers. Volunteers are committed to the philosophy and current structure of CLCs, their community focus, independence from government and their ability to be critical and to advocate on behalf of people.

Respondents expressed their strongest reactions to the suggestion that CLCs be privatised. A majority of respondents (57.4 per cent) said they this would deter them from volunteering. Twenty-one per cent were undecided and 21.3 per cent said they would continue to volunteer. The finding that 21 per cent would continue to volunteer in a private for-profit organisation is not surprising given that a lot of voluntary work occurs in private corporations.

For many volunteers, the opportunity to be involved in law reform, social action and test casework is a crucial component of CLC work. Nearly half the respondents (46.3
per cent) said they would not volunteer if these activities were no longer part of CLCs. Surprisingly, when one examines the activity volunteers are currently involved in, only a small number of people are actually engaged in this work. However, this finding is extremely important because it means that one of the strongest attractions for a current volunteer is the possibility that this work exists. If this opportunity does not exist then the motivation for some volunteers falters, if not fades completely.

A significant number of people indicated that they would discontinue doing voluntary work if the fundamental services and nature of CLCs change. Some volunteers indicated they are adopting a wait and see approach prior to making any firm decisions, as no policy changes have been put into practice as yet. At the same time, many in the undecided categories stated that there was a point at which once passed they would withdraw their labour. If a high proportion of the undecided category become disillusioned then the attrition rate of volunteers in CLCs could be quite high. However, it is the group of current volunteers who are indicating that the kinds of changes that often accompany competitive tendering are unacceptable, and who would withdraw their labour. This is a major concern.

7 Conclusion

This paper has examined two major issues. The first concerns the notion of partnership in the literature and in Australian policy formation. For many in the community sector, the relationship they have with funded agencies is barely a relationship let alone a partnership of any consequence (Nyland and Melville, 1997; Melville, 1999a). One of the main reasons for this is the dependent nature of the relationship and the impact of this power imbalance on the weaker party.

In the second part of this paper, the author has outlined a case study of a successful partnership between the legal profession and community legal volunteers. The main beneficiaries of this partnership have been low-income Australians gaining access to legal services. The arrangement has also benefited legal volunteers who feel they are contributing to society and helping low-income people, as well as gaining valuable skills in a specialist area of law – namely poverty and family law. The arrangement has also benefited the community legal centres that are chronically short of funds and have few paid staff. This partnership is under threat from proposed changes to the funding regime of CLC.

Overseas experience indicates that the introduction of competitive and privatisation policies is done with little thought of the consequences for volunteers. One of the main outcomes is an increased workload and responsibility for voluntary workers and management committee members. Overseas evidence demonstrates that this leads to a significant attrition rate amongst volunteers. It also becomes harder to recruit and retain a pool of volunteers in a contracting regime (Hedley and Davis-Smith, 1994; Russell and Scott, 1997). Volunteers in this study expressed some of the same concerns about the introduction of such policies as those surveyed in the overseas literature. Given the importance of volunteers in community-based organisations it is up to policy makers to take heed. They need to ensure that the constructive and mutually beneficial partnerships that already exist between community service providers continue. To turn ones back on these concerns will no doubt have serious consequences for the continued provision of legal aid to low-income Australians.
References


Pascal, C. (1996), Speech to the Canadian Centre for Philanthropy, Second Annual Symposium