



Remembering Tim McCoy

Those of us who knew him will never forget Tim McCoy: 9 November 1997 will mark the tenth anniversary of his sudden death (see Obituary (1987) 12 *LSB* 235). He remains a source of inspiration at a time when notions of social justice are increasingly under threat. Many of the issues which Tim worked on (police powers, privacy, legal aid, young people, corrections) are still very much in the spotlight today. This article reflects on the value of Tim's contribution to debate and work on these issues and the need for the community sector to work together in support of those people who continue to find it difficult to have their voices heard.

The people who have contributed to this article all have long histories with the Community Legal Centre (CLC) movement. At the end of the day, the success or otherwise of efforts of the community sector (including CLCs) to influence the debate on important public policy issues has much to do with the commitment of the individuals involved. The example which Tim provided to us all, in terms of his compassion, his determination and his love of fun, are worth remembering in this way.

Thanks for the continuing inspiration, Tim.

Jeff Giddings

Jeff Giddings teaches law at Griffith University and is Editor of this issue of Alt.LJ.

Tim and the National Association of CLCs

Mary Anne Noone

Tim used to describe himself as the 'national body'. He was the sole national representative of CLCs for three years — way before the National Association of CLCs had a constitution, let alone any funding or staff. The national representative (and their CLC) performed the role of clearinghouse, liaison person with government and representative on the Commonwealth Funding Committee (those were the days when there was extra money to distribute).

Before taking on this role, Tim had experienced(!) a number of national conferences. In particular Tim was present at the notorious Canberra conference in 1982 when the national unity of CLCs was threatened over issues of funding and the perceived dominance of 'a Victorian perspective'. When he became national representative he used his numerous skills to nurture a sense of unity between States and bring rationality to the debates between States. Tim wrote a paper on funding which supported a per capita approach instead of continuing to rely on the status quo. In this way he was encouraging of new centres in all States as well as seeking to protect the interests of the existing ones.

Tim put his considerable ability to relate to all people to productive use when dealing (on behalf of CLCs) with politicians, bureaucrats and the legal profession. In particular he pursued funding for the National Association. Tim was present at the Hobart conference in 1987, when Michael Tate (Minister for Justice), announced that Commonwealth funds would be available, for the first time, to enable State representatives of CLCs to meet face to face outside of national conferences. Unfortunately, Tim died before having the chance to chair what was in effect the first national meeting. He also missed the opportunity to participate as a CLC nominee on the newly formed National Legal Aid Advisory

Committee. However, his work with the then Attorney-General, his advisers and the Canberra bureaucrats laid a solid foundation of support for CLCs within these arenas.

Much has changed in the ten years since Tim's death. It is unlikely that any of the national representatives would now address their correspondence to centres 'Dear Comrade' as Tim used to do! Yet those who represent and work for the National Association still have the task of nurturing unity and cohesion of purpose between CLCs. This is a much harder task in 1997 for numerous reasons: there are many more centres with greater diversity; the political and economic climates are harsher and the issues more complicated; and support for advocacy and activists has declined. But those who seek to advocate on behalf of the poor and disadvantaged should not lose sight of the value of having a strong and persistent national voice. Tim developed this concept on behalf of CLCs and the National Association and its representatives now carry on that tradition.

Mary Anne Noone teaches law and legal studies at La Trobe University. She has worked at Springvale Legal Service and West Heidelberg Community Legal Service and from 1987 to 1991 was the CLC National Representative.

Prisons and Corrections

Amanda George

Tim McCoy would no doubt turn in his grave with some delight at the prospect that Jika Jika — the inhumane maximum security 'sensory-deprivation electronic zoo' section of Pentridge Prison — may now become a secure government archive facility. Jika Jika, along with the rest of Pentridge, would no longer function as a centre of punishment and abuse. Tim would 'flip' on being told prisoners now have some value in corporate society — at the bottom of profit and loss statements.

When Tim died he was working with family members of five men who died in a fire at Jika, protesting its sadistic and

manipulative regime. The work Tim did around prisons has been continued by many people who worked with him and huge numbers who have become involved since.

Tim would have been amused and shocked that the Government thought it could change Jika's nature by changing its name to 'Fairhaven' (a beautiful Victorian beach), when it wanted to transfer all women and children from Fairlea into it in 1993. A massive community campaign, with a seven-month, 24-hour vigil outside Fairlea, eventually led to one of the few Kennett backdowns.

During the past ten years, CLCs, in coalition with many community organisations, have been extremely vocal and active on imprisonment issues. The introduction of the home detention scheme was stopped. This scheme, promoted on the basis that turning homes into prisons is better than 'big prisons', failed to answer the question 'If they're safe enough to be in homes (overwhelmingly the site of most violence) then why aren't they safe enough to be on a community-based order?'. Homes should be for living in, not incarceration.

What would have had Tim spitting chips is Victoria's fire sale of assets and institutions, including prisons. The pox of private prisons, as well as being profoundly disturbing has been full of the blackest humour. The new women's prison for a time tried to 'humanise' the prison with animals — donkeys that broke free out of their enclosure and bucked and bit their way amongst the women, geese that hissed, chased and bit, and a type of wallaby that effected an escape on its second day. The animals were then put in lock up and have since been removed.

Tim would have remembered the days too when you could write to government departments with a question and get an answer. Since then we have moved through the introduction of payment for 'freedom of information', to now the exclusion of even this, because prisoners lives have become commercial secrets. So serious is this that the 'disciplinary regime of the Metropolitan Womens Correctional Centre is commercially confidential'!

The current drug debate and the hallucinatory visions of a drug free prison would certainly have engaged Tim. No doubt he would have laughed, rolling bloodshot eyes. On the fashion stakes, although Tim was an avid model for overalls, no way would he have been seen in the anti drug and contraband overalls most prisoners have to sport — baggy, daggy and fastened with a garbage tie. He would have understood the symbolism though ... but who knows, he may have appropriated and refashioned them.

Amanda George is a long time active member of the Corrections Working Group of the Federation of Community Legal Centres (Victoria). She has worked at CLCs including Fitzroy Legal Service and Essendon Community Legal Centre.

Privacy — Ten Years after the Australia Card

Andrew Haesler

On 2 April 1987 the *Australia Card Bill 1986* was defeated for the second time in the Senate. By September it was dead. The Bill was framed as a panacea to cure the ills of 'rampant' tax evasion, social security fraud and working illegal immigrants. It proposed a National Identity Scheme and an associated Identity Card — The Australia Card which all adult citizens would carry. Without your Australia Card most everyday financial transactions — banking, borrowing; obtain-

ing employment — would be impossible. With an Australia Card government monitoring of and location of citizens by interlinked data collectors would be available to any authorised agency. No limits to the extension of such agencies was entrenched in the Bill.

A concerted national campaign spearheaded by the Community Legal Centres ('Thankyou Tim') and the Democrat balance of power in the Senate saw the Australia Cards' unlamented demise. The *Privacy Act 1988* (Cth) sought to protect the rights of people not to be subjected to arbitrary or unlawful interference with their privacy, family, home or correspondence. However, the Act was limited in its operation to Commonwealth government agencies and credit reporting agencies. It did not extend to the activities of corporations and business generally.

An 'alternative Australia Card' was generated in the form of the tax file number. Thanks to what those in the know call 'function creep' these little numbers have, despite initial protestations to the contrary, been extended into benefit administration, superannuation, and child support enforcement. Despite some restrictions imposed by the *Data Matching and Assistance Act 1990* (Cth), further 'function creep' remains a constant threat.

In its policy statements before the March 1996 Federal election, the Coalition promised to reform Australia's 'anti-quoted' privacy laws. An Attorney-General's Department discussion paper on extending the *Privacy Act* to the Private Sector led to over 100 submissions. Only those opposed to further regulation of business were acted upon. On 21 March 1997 a press release from Prime Minister John Howard announced his Government would not legislate to extend privacy laws because of compliance problems.

The Government has abandoned the legislative model in favour of a voluntary code for business privacy. The Human Rights and Responsibilities Commission will now have to formulate a voluntary self-regulation scheme. The European Community has foreshadowed that it will not export personal data and related business information to countries and organisations that do not have appropriate privacy protection. As a consequence, business is not uniformly opposed to legislation. Peak business organisations are also concerned about piecemeal and inconsistent State privacy and data protection legislation.

The last decade has seen phenomenal advances in the sophistication of electronic surveillance tools. You can now buy a program to snoop on your child's or employee's internet connections. One cannot help but notice the proliferation of closed circuit television (CCTV) monitoring of public and quasi public places, although it's the unnoticed CCTV monitoring that is more of a worry.

Equally troubling are proposals to introduce into NSW prisons an identification system based on stored digitised images of fingerprints and ID photos for all visitors and inmates of NSW gaols. There are no enforceable legislative provisions limiting the potential uses of this information.

As the tools available for invasion of privacy have increased, as more and more data is in private hands, the more legislative protections are needed. The response of our legislators over the last ten years has been woeful. Adequate protections securing the simple right to be left alone, have yet to materialise.

Andrew Haesler is a Public Defender based on the New South Wales South Coast. He previously worked at Redfern Legal Centre.

Police — History Never Repeats?

Gary Sullivan

The Victoria Police is as sound and honest as any in the world but unless policemen [sic] are given the authority and power to safeguard life and property as is their charter, this country can expect to face soon those problems now apparent in New York.

Letter to the *Age* (8 Jan. 1985) from
Chief Inspector L. J. Blogg.

In preparing this article I came across the minutes of a meeting in 1982 I'd quite forgotten about. The context was that those in attendance felt a little overawed about the complexity of the tasks ahead. The minutes recorded:

...Tim McCoy then made what may well become a famous statement: 'Expertise is not gained. It is thrust upon you' ...

Tim was an active member of the Police Powers group, a working group of the Federation of Community Legal Centres (Victoria). A couple of themes keep appearing out of the mass of material, press releases, minutes of meetings, publications — abolition of the 'six-hour rule' limiting police questioning, abolition of the independent Police Complaints Authority, the police push for more resources and powers ... and police bashing. Conventional wisdom, until Tim came along, was that it was a waste of time (and counter productive) to complain about police misbehaviour. Certainly to criticise the police complaints system itself — who would listen!

It is history now that Mick Miller, then Chief Commissioner of the Victorian Police, accepted an invitation from Tim to a CLC morning tea, and took part in a challenging discussion while munching on Tim's chocolate eclairs. One of Tim's strengths was his ability to sum up and outline an opponent's position better than his opponent. His conclusions (interrupted by explosions of laughter from the rest of us) often brought forth a similar response from his opponent. A non-verbal embarrassed half-smile and shrug of shoulders, in other words an acknowledgment of Tim's point. I can't remember exactly the occasion, but Tim was speaking from the floor at a meeting to a senior police officer who had completed his address. Tim's point was that the hierarchical structure of the police force had failed, because senior police were unable to restrain the 'youthful exuberance' of their younger police officers. The message hit the target.

What has Australia witnessed in the last decade? Evidence to the Wood Royal Commission suggested that up to one third of Federal Police had engaged in corrupt practices. In Queensland the Fitzgerald Inquiry was said to have brought down the State Government of the day (a good thing too). A couple of dozen Victorians have met their deaths at the hands of the Victoria Police. We have witnessed the rise and rise of the National Crime Authority, John Elliott notwithstanding. Even supposedly corruption-free police forces such as the Victoria Police have been shaken by the window shutters scandal.

In an era of economic belt tightening, most police forces have at least retained their numbers and resources. A number have defied the trend of reviews and consolidations and increased their resources. Certainly, there is no reduction in police powers.

Like death and taxes, police issues are here to stay. The reason? Perhaps George Bernard Shaw put it best: 'The worst of our crimes is poverty'.

The *raison d'être* of the law and order mob — who received slavish media attention in the 1980s was to put

pressure on government to provide more resources and police powers. Their technique was to whip up public fear and hysteria about the apparent increase in lawlessness. Tim's response worked beautifully: the calm voice of sweet reason and his humour certainly helped to diffuse the hysteria.

Our various meetings and get-togethers covered relentlessly depressing topics. The police were continuing to mistreat people. Yet political parties were queuing up to offer more resources and powers to the police. *Gravitas* was not for Tim. He organised one meeting where the flyer announced:

... Flavours of the month: Pleasure/celebration/hops ...

and continued further down

... Agenda: A bit of a meeting (Nothing too strenuous) ...

Cheers Tim.

Gary Sullivan has worked at West Heidelberg Community Legal Service for the past 15 years. He is the convenor of the Police Issues Group (formerly Police Powers Group) of the Federation of Community Legal Centres (Victoria).

The Tim McCoy Trust

When Tim McCoy passed away so suddenly on 9 November 1987 there was a reaction of shock and grief amongst his many friends and family. This was particularly so in the CLC movement where there was a strong desire to ensure that Tim's memory and work lived on. The vehicle chosen for this task was an informal Trust. The original trustees were Robin Banks, Jenny Clark, Jon Faine, Wilma McCoy and Simon Smith. The current trustees are Sue Campbell, Jon Faine, Alan Nicoll and Simon Smith.

Early ideas to fundraise in order to purchase a permanent home for first, the Fitzroy Legal Service and later the Federation of Community Legal Centres (Vic.) did not continue when those organisations made other arrangements. Since then the Trust has focused its efforts on the Annual Tim McCoy Dinner; the award of the annual Tim McCoy prize and the distribution of small seeding grants and donations to causes that Tim would have supported.

The dinner is now a ritual in the calendar of Victoria's legal aid pioneers. In recognition of Tim's single minded obsession with the Hawthorn Football Club it convenes every year on the closest Friday to 9 November at the Hawthorn Social Club. Attendances are always in excess of 100. Over the years, guest speakers have included Barney Cooney; Jim Muirhead; Tim Anderson; Geoff Eames; Duncan Kerr; Sharon Firebrace; Joan Kirner and Noel Pearson. For 1997 the speaker is Tim Costello.

The annual Tim McCoy prize of \$1000 is awarded to an individual or organisation the trustees feel best reflects the ideals Tim worked for. Past winners include the Legal Centres: Flemington/Kensington; Refugee Advice and Casework Service; Essendon; Women's Legal Resources; Fitzroy; and the Federation of Community Legal Centres (Vic.).

Small seeding grants and donations have gone to many campaigns and causes as well as the Asthma Foundation. The Trust fund currently has \$5000 in reserve and the Trustees invite views on whether — ten years down the track — the fund should continue to function or, instead, wind down by distributing its remaining funds?

*Sue Campbell teaches law at Monash University. tel 03 9905 3352
Jon Faine is a radio broadcaster. tel 03 9626 1765
Simon Smith is a Melbourne lawyer. tel 03 9208 1517*