

20 April 2018

Mark Fitt  
Committee Secretary  
Senate Standing Committees on Economics  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

By email: [economics.sen@aph.gov.au](mailto:economics.sen@aph.gov.au)

Dear Mr Fitt,

**The indicators of, and impact of, regional inequality in Australia**

The Law Council welcomes the opportunity to provide feedback to the Senate Standing Committee on Economics (**the Committee**) in relation to its inquiry into the indicators of, and impact of, regional inequality in Australia (**the Inquiry**).

The Terms of Reference for the Inquiry include the indicators of, and impact of, regional inequality in Australia, with particular reference to government policies and programs in the following areas:

- a) fiscal policies at federal, state and local government levels;
- b) improved co-ordination of federal, state and local government policies;
- c) regional development policies;
- d) infrastructure;
- e) education;
- f) building human capital;
- g) enhancing local workforce skills;
- h) employment arrangements;
- i) decentralisation policies;
- j) innovation;
- k) manufacturing; and
- l) any other related matters.

The Law Council recommends that the Committee consider including access to legal services in the terms of reference for the Inquiry.

The Law Council is concerned about the shortages of local lawyers in rural, regional and remote (**RRR**) areas of Australia. While almost 30 per cent of Australians live outside

major cities in a country or rural area,<sup>1</sup> national data on practising solicitors indicates that just 10.5 per cent of solicitors nationally practice in these areas.<sup>2</sup>

Significant concerns have been expressed regarding the levels of unmet legal need in RRR communities, particularly in remote communities. Scarcities of locally available lawyers can create conflict of interest problems and impose significant additional cost and distance burdens on residents, who need to travel further to find help. In areas without lawyers, individuals either need to travel long distances to seek help or go without assistance.

This year the Law Council of Australia launched the Justice Project, a comprehensive national review into the state of access to justice in Australia, focusing on challenges for people who experience disadvantage under our justice system, including people residing in RRR parts of Australia. This project has launched a range of consultation papers relating to 13 groups identified in the terms of reference, which are available [here](#).

One of the key findings of the Justice Project is that people living in RRR areas experience legal problems slightly less often than those in major cities, but are more likely to experience multiple legal problems. The decline in population in certain RRR areas results in pockets of concentrated disadvantage, with high numbers of residents who are with disability, unemployed, elderly, sick, and Aboriginal and Torres Strait Islander peoples. These residents can be very vulnerable to multiple legal and non-legal problems, and may lack the ability to resolve legal problems on their own.

There are a number of barriers constraining this group from accessing justice, including economic exclusion. In addition to cost, key barriers include distance and a lack of public transport, and technological barriers including poor quality internet access and limited telephone services, particularly in more remote areas. Poor health, limited literacy and education levels, as well as communication difficulties and mistrust of the system (particularly amongst many Aboriginal and Torres Strait Islander residents) presents severe barriers for considerably disadvantaged RRR residents.

Decreases in local court services in RRR communities further exacerbate distance and cost barriers for individuals. RRR residents are often disadvantaged by a lack of local access to courts, particularly in smaller towns and more remote areas, as well as uncertainties in regional circuit dates, infrequent sittings, poor court amenities and infrastructure, and limited access to tribunals. A lack of quality alternative dispute resolution services, specialist courts, diversionary programs and support services which underpin alternative sentencing options have also been identified, further disadvantaging residents.

It is important to ensure that there is a rural dimension to access to justice discussions, so that law and policy can be considered in the context of application in RRR communities.

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<sup>1</sup> Figures are based on the estimated resident population, which refers to the number of usual residents in a region. The definition of usual residence in the Census is the location where a person spends more than six months out of the year: Department of Infrastructure and Regional Development ('DIRD'), *Progress in Australian Regions – Yearbook 2016* (Australian Government: 2016), 172, citing Australian Bureau of Statistics ('ABS'), *Regional Population Growth, Australia, 2014-15* (cat. No. 3218.0).

<sup>2</sup> Barristers are not included: Urbis, *2016 Law Society National Profile of Solicitors 2016 Report* (2017). <https://www.lawsociety.com.au/resources/surveysandstatistics/index.htm>, 29.

For instance, while technology is an important consideration for RRR communities, many disadvantaged communities lack access to technology or the skills to use it effectively, and local advice provided face-to-face is often what residents trust best. Some laws can also have a vastly disproportionate effect on such communities - for example, mandatory loss of licences for driving offences.

Given the diversity amongst RRR communities, area-specific, tailored and multi-faceted responses are required to address the specific needs of communities, as opposed to 'blanket' solutions informed by local data and priorities.

The Law Council considers a lack of access to legal services to be an important indicator of regional inequality in Australia impacting RRR communities, and for this reason it recommends that the Committee include access to legal services in the terms of reference for the Inquiry.

The RRR Australians Consultation Paper is available on the Law Council's website at URL: <https://www.lawcouncil.asn.au/justice-project/consultation-papers>, and the final report will be released later this year.

Please contact Emma Hlubucek on 02 6246 3726 or at [emma.hlubucek@lawcouncil.asn.au](mailto:emma.hlubucek@lawcouncil.asn.au), in the first instance, should you require further information at this time.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Jonathan Smithers', with a long horizontal line extending to the right.

**Jonathan Smithers**  
**Chief Executive Officer**