



# Report into the Rural, Regional and Remote Areas Lawyers Survey

Prepared by the Law Council of Australia  
and the Law Institute of Victoria

July 2009





“...country Australia is facing a crisis in the area of access to justice...”

# Executive Summary

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## Introduction

The Law Council is concerned that ongoing problems in recruiting and retaining legal practitioners in country Australia is negatively impacting on the ability of individuals residing in rural, regional and remote (RRR) areas to access legal services.

Like many other professional groups, such as doctors and nurses, lawyers in regional areas are experiencing increasing difficulties in attracting and retaining suitable staff. These recruitment problems have a direct effect on the legal sector's ability to service the legal needs of regional communities.

Many law firms and community legal centres are unable to find suitable lawyers to fill vacancies when they arise and are being impeded by the drain of corporate knowledge caused by a constant turnover of staff. There is also evidence to suggest that this situation will deteriorate further in the next five to ten years as a large number of experienced principals retire.

In March 2009, the Law Council coordinated a nationwide survey of legal practitioners in RRR areas. The survey was conducted in order to obtain empirical support for anecdotal evidence which indicates that there is a shortage of legal practitioners in regional areas of Australia. The online survey was sent by the law societies in each state and the Northern Territory to their members working in RRR areas. Practitioners were given four weeks to complete the survey.

The survey elicited strong support from the country legal community with a response rate of 24% (in total 1,185 practitioners completed the survey).

The Law Council gratefully acknowledges the extensive assistance provided by the Law Institute of Victoria in undertaking the survey.

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## Main findings

The survey data shows that:

- ◇ In a time of unprecedented economic crisis, a large number of legal practices in country Australia do not have enough lawyers to service the legal needs of their communities. Overall, 43% of principals surveyed indicated that their practice currently does not have enough lawyers to serve their client base.
- ◇ A large number of legal practitioners, many of whom are sole practitioners, will retire in the next five to ten years. Sole practitioners made up 46% of all responses to the survey. Of this group, 30% have been practising in country areas for more than 21 years and almost 36% of these practitioners do not intend to be practising law in the next five years. Overall, 42% of the legal practitioners who responded to the survey do not intend to practise law in five years time. It is necessary to find skilled practitioners to fill these gaps, or else many legal businesses may close for want of successors.
- ◇ Principals of country firms are extremely worried about the future of the profession in their regions. In particular, the principals who responded to the survey cited succession planning as their biggest concern (71%), followed by concerns about attracting additional lawyers to the firm (58%) and about attracting lawyers to replace departures (51%).

- ◇ Many young lawyers are intending to leave their work in RRR areas to seek better remuneration or work in the city. Of the younger lawyers surveyed (20-29 years), 30% indicated that they only intended to practise in their area for less than two years. For this group, remuneration is also extremely important, with 25% indicating that they would leave the country for better pay. Further, 28% of this younger age group would leave their current firms to join a city based firm and 15% would leave to start a new career.
- ◇ Country practitioners undertake a significant amount of legal aid work, with 51% of respondents indicating that their firm accepted legally aided matters. Of those firms, the majority (50%) dealt with more than 30 cases per year. These findings support the *2006 TNS Report, Study of the Participation of Private Legal Practitioners in the Provision of Legal Aid Services in Australia*, which found that law firms in regional and remote areas provide larger quantities of legal aid work than do their city counterparts. A reduction in the numbers of RRR lawyers undertaking legal aid work is making it difficult for country people to access legal aid and place increasing pressure on the remaining services.
- ◇ Lawyers are integral to country communities providing significant pro bono assistance and undertaking voluntary work within their communities. More than 64% of respondents indicated that their firm undertakes pro bono work, and 71% of respondents undertake other unpaid voluntary work within their area.

Overall, the survey results indicate that there is a significant problem for access to justice in regional Australia. Action is required to ensure that viable practices are retained and country Australians are able to access legal services within their communities. The loss of legal practices will impact negatively on rural and regional commercial infrastructure and also on the community life of country towns.