



Law Council
OF AUSTRALIA

*From the Office of
the President*

Senator Mary Jo Fisher
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Dear Senator Fisher,

RECRUITMENT AND RETENTION OF LAWYERS IN RURAL, REGIONAL AND REMOTE AREAS

Thank you for raising the issue of lawyers in rural, regional and remote ('RRR') areas at the public hearing of the Senate Standing Committee on Legal and Constitutional Affairs *Access to Justice Inquiry* ('**Inquiry**') held on 27 October 2009 in Canberra.

As you are aware, the Law Council of Australia ('**Law Council**') is concerned that shortages of lawyers in RRR areas are negatively impacting on the ability of individuals residing in RRR areas to access legal services. The results of the enclosed Law Council Survey into RRR areas demonstrate this problem will only worsen in coming years.

The survey findings also indicate that law firms in RRR areas undertake larger quantities of legal aid work than their city counterparts. The majority of these firms also provide legal services on a pro bono basis. The Law Council believes that the impending crisis in access to justice, together with the diminished availability of other essential services such as health care, is likely to have detrimental effect on the infrastructure of these communities. The consequence of the compounding effect of these factors is that many RRR communities, particularly those in rural and remote areas, will cease to exist.

The Law Council has actively addressed this issue in the past 12 months through initiatives such as the undertaking of the Law Council RRR survey, establishing schemes to place and support solicitors in RRR areas to undertake legal aid work and providing professional support and services through the various Law Societies. The Law Council is now calling on the Government to take a number of initiatives to respond to the shortage of lawyers. On 25 September 2009, the issue was raised with the Attorney-General, Robert McClelland, by way of a submission. The Law Council is currently awaiting the Attorney-General's response.

The submission urged the Attorney-General to work with the profession on this critical issue by facilitating the implementation of the Government initiatives identified in the submission. The government initiatives prioritised by the Law Council and recommended in the submission include:

- (a) Waiving fringe benefits tax (FBT) liabilities on RRR employer payments of employee benefits, which could attract both new legal practitioners and experienced practitioners looking for a career change.
- (b) Monetary allowances and bonuses for relocation or remaining in a RRR area
- (c) Repaying completely or partially HECS-HELP or FEE-HELP liabilities for legal practitioners who practice in RRR areas for a certain number of years following the completion of their degrees.
- (d) Increasing opportunities for clinical placements in RRR areas for law students and graduates.

These initiatives are explained in more detail in the enclosed Discussion Paper.

I trust that the information I have provided you with will be of relevance to the present Inquiry. If you any questions, in the first instance please contact T ea Paris, Policy Lawyer, on (02) 6246 3711.

Yours sincerely,



John Corcoran

2 November 2009