



Law Council  
OF AUSTRALIA

*From the Office of  
the President*

The Hon Robert McClelland MP  
Attorney-General  
Parliament House  
CANBERRA ACT 2600

**JOHN CORCORAN**  
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Dear Attorney-General,

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

Thank you for the opportunity to meet with you on 18 September 2009 and discuss the concerns of the Law Council of Australia ('**Law Council**') regarding the shortages of lawyers in rural, regional and remote ('**RRR**') areas.

As I indicated to you, the Law Council believes that ongoing problems in recruiting and retaining lawyers in country Australia are negatively impacting on the ability of individuals residing in RRR areas to access legal services. The results of the Law Council Survey into RRR areas demonstrate this problem will only worsen in coming years.

The Law Council welcomes your request to make a formal submission in relation to this issue. The submission by the Law Council and the relevant attachments are enclosed for your reference.

I strongly encourage the Government to consider the initiatives identified in the enclosed submission and to engage in discussions with other members of the Ministry and the Law Council about the implementation of the initiatives.

Yours sincerely,

John Corcoran

25 September 2009

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# **Recruitment and Retention of Lawyers to Rural, Regional and Remote Areas**

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**To the Attorney-General, The Hon Robert  
McClelland MP**

**25 September 2009**

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## Executive Summary

1. The Law Council of Australia (**'Law Council'**) is concerned that ongoing problems in recruiting and retaining legal practitioners in country Australia are 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 RRR areas are experiencing increasing difficulties in attracting and retaining practitioners. These recruitment problems have a direct effect on the legal sector's ability to service the legal needs of RRR communities.
2. The Law Council is committed to maintaining access to justice in RRR communities. It believes that if the shortage of lawyers in RRR areas is not addressed as a priority, access to justice will be seriously impaired and the future of communities in RRR areas will be in doubt.
3. The Law Council through its Recruitment and Retention of Lawyers Working Group (**'Working Group'**) has actively addressed this issue in the past 12 months and is now calling on the Government to take a number of initiatives to respond to the shortage of lawyers. The Law Council and its Constituent Bodies have already acted to address the situation and will continue to develop initiatives but need Government to support such initiatives in a multifaceted response to a real crisis in access to justice for RRR communities.
4. Initiatives taken by the legal profession include:
  - (a) The Law Council RRR survey in March 2009 which established the extent of the problem and lifting the profile of RRR practice through the media
  - (b) Establishing schemes to place and support solicitors in RRR areas to undertake legal aid work
  - (c) Providing services through Law Societies to link RRR employers with graduates or practitioners looking for work or a career change
  - (d) Providing professional support through Law Society Country Lawyer Committees, establishing Online Forums for RRR practitioners and increasing the availability of Continuing Professional Development for RRR practitioners
  - (e) Liaising with the Australian Law Students Association to provide more information to law students on RRR practice
5. The prioritised government initiatives recommended by the Law Council 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.

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6. The Law Council will refer to the Working Group the initiative raised by the Attorney-General during the discussions held on 18 September 2009, namely that the Law Council should enlist the support of universities in RRR areas to lower the entrance scores for students from those areas to encourage them to study law and remain there.
  7. The Law Council submits that the Attorney-General should work with the profession on this critical issue by facilitating the implementation of the Government initiatives identified in this submission.

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## Table of Contents

<b>Executive Summary</b> .....	<b>2</b>
<b>About the Law Council of Australia</b> .....	<b>5</b>
<b>Background</b> .....	<b>5</b>
The RRR Survey .....	7
<b>Access to Justice in RRR Areas</b> .....	<b>8</b>
<b>Recommended Government Initiatives</b> .....	<b>10</b>
Repaying, completely or partially, HECS-HELP (or FEE-HELP) liabilities.....	11
Waiving Fringe Benefit Tax (FBT) liabilities on employer payments of employee benefits .....	13
Monetary allowances and bonuses for relocation or remaining in a RRR area .....	14
Increasing opportunities for clinical placements in RRR areas for law students and graduates .....	14
<b>Initiatives by the Legal Profession and by Employer Firms and Organisations</b> .....	<b>16</b>
<b>Conclusion</b> .....	<b>18</b>
<b>Recommendation</b> .....	<b>18</b>
<b>Attachment A: Profile of the Law Council of Australia</b> .....	<b>19</b>
<b>Attachment B: Recruitment and Retention of Legal Practitioners to Rural, Regional and Remote Areas Strategy: Discussion Paper</b> .....	<b>20</b>
<b>Attachment C: Law Council Submission to Treasury</b> .....	<b>21</b>
<b>Attachment D: Report into the Rural, Regional and Remote Areas Lawyers Survey</b> .....	<b>22</b>

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## About the Law Council of Australia

8. The Law Council is the peak organisation representing the Australian legal profession on issues of national and international concern. The Law Council advises governments, courts and other federal agencies on how the law and the justice system can be improved on behalf of the profession and for the benefit of the community.
9. The Law Council's Constituent Members comprise the state and territory law societies, bar associations and, as of 2007, the Large Law Firm Group, all of which are more fully identified at Attachment A to this submission.
10. The Law Council relies on the work of its specialist committees and working groups to inform and guide the Board of the Law Council. The submission herein is based on the research conducted by the Law Council's Working Group, established in June 2008. The first issue examined by the Working Group is the problem of recruitment and retention of lawyers in RRR areas of Australia.

## Background

11. The Law Council is committed to the principles of access to justice in RRR communities. It believes that if the shortage of lawyers in RRR areas is not addressed as a matter of priority, access to justice will be seriously impaired. The Working Group has developed a number of recommended initiatives targeting recruitment and retention of experienced and new practitioners for RRR areas.
12. These recommended initiatives were considered by the Law Council Board on 17 September 2009 and the following initiatives were prioritised:
13. Initiatives by Government:
  - (a) Waiving FBT liabilities on Employer Payments of employee benefits which apply to both new lawyers and experienced lawyers 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
  - (d) Increasing opportunities for clinical placements in RRR areas for law students and graduates
14. Initiatives by the legal profession
  - (a) Participation in co-operative schemes with Legal Aid Commissions and other legal assistance stakeholders to place and support new and experienced practitioners in RRR areas and to provide visiting services
  - (b) Advertising of job vacancies or creation of specialised employment services for RRR areas by law societies
  - (c) Facilitation of professional support by law societies

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- (d) Provision of information to law students and graduates about practice in RRR areas.
15. Initiatives by employer legal firms and organisations
- (a) Provision and promotion of lifestyle benefits which may not be available in metropolitan areas
- (b) Increasing social and professional networking opportunities and family support
- (c) Collaboration with law societies and other legal assistance stakeholders in facilitating: provision of information to law students and graduates; advertising job vacancies; placement of law students and legal practitioners in RRR areas; visiting services by legal practitioners; provision of CPD and professional support, as well as promotion of the issues in the media.
- (d) Increasing use of technology to reduce isolation and travelling time for practitioners in RRR areas.
16. A number of these recommended initiatives were discussed with the Attorney-General on 18 September 2009. The Law Council welcomes the opportunity to respond by way of a formal submission to the Attorney-General in relation to the recommended Government initiatives.
17. During the discussions held on 18 September 2009, a further possible initiative was raised by the Attorney-General, namely that the Law Council should enlist the support of universities in RRR areas to lower the entrance scores for students from those areas to encourage them to study law and remain there. The Law Council will refer this possible initiative to the Working Group, which includes a representative of the Council of Australian Law Deans.
18. The Law Council has been active in raising the issue of shortage of lawyers in RRR areas. Specifically, the Law Council:
- (a) prepared a discussion paper entitled Recruitment and Retention of Legal Practitioners to Rural, Regional and Remote Areas Strategy (**'Strategy'**) (**Attachment B**);
- (b) made a submission to the Treasury in relation to the 2009-10 Budget, which outlined some of the initiatives developed in the Strategy (**Attachment C**); and
- (c) conducted a survey of lawyers in RRR areas to examine the extent of the shortage problem (**Attachment D**).
19. The launch of the survey report resulted in a substantial amount of media coverage in a wide range of print, radio and television media across Australia.
20. The research conducted by the Law Council recommends that a collaborative approach by the government, legal profession bodies and legal firms and organisations be developed.

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## The RRR Survey

21. In March 2009, a nationwide survey of legal practitioners in RRR areas was conducted in order to obtain empirical support for anecdotal evidence which indicates that there is a shortage of legal practitioners in RRR 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. The survey elicited strong support from the legal community in RRR areas with a response rate of 24% (in total 1,185 practitioners completed the survey).
22. The survey results indicated that there is a significant problem for access to justice in RRR areas. Action is required to ensure that viable practices are retained and Australians in RRR areas are able to access legal services within their communities. The main findings of the report are that:
  - (a) RRR 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.
  - (b) Lawyers are integral to RRR 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.
  - (c) Overall, 43% of principals surveyed indicated that their practice currently does not have enough lawyers to serve their client base.
  - (d) 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 RRR 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.
  - (e) Principals cited succession planning as their biggest concern (71%).
  - (f) Of the younger lawyers surveyed (20-29 years), 30% indicated that they only intended to practise in their area for less than two years. 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.

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## Access to Justice in RRR Areas

23. Like many other professional groups such as doctors and allied health professionals, lawyers in RRR areas are experiencing increasing difficulties in attracting and retaining suitable staff. These problems have a direct effect on the legal sector's ability to service the legal needs of RRR 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.<sup>1</sup>
24. Legal services in RRR communities are delivered through a partnership of government organisations, community legal centres and the private profession. While Legal Aid and the community sector predominantly service the disadvantaged within RRR communities, the private profession also undertakes a substantial role in the delivery of legal aid and pro bono work.
25. The findings of the Law Council survey support the 2006 TNS Report commissioned by the Commonwealth Attorney-General, *Study of the Participation of Private Legal Practitioners in the Provision of Legal Aid Services in Australia* ('TNS Report'),<sup>2</sup> which found that law firms in regional and remote areas undertake larger quantities of legal aid work than do their city counterparts. Specifically, the TNS Report found that 41 per cent of law firms from regional and remote areas undertake 30 or more legal aid cases compared to only 25 per cent of firms from metropolitan areas. As noted above, 50 per cent of the participants surveyed by the Law Council indicated that their firm dealt with more than 30 legally aided cases per year.
26. According to the TNS Report, there are only 3 lawyers per 10,000 residents aged 18 years and older in remote Australia when compared to 10.7 lawyers per 10,000 in capital cities of Australia. Furthermore, legal aid providers in RRR areas are "keeping the system going" with a small number of lawyers providing significant amounts of legal aid.<sup>3</sup>
27. The qualitative component of the TNS Report found that regional and remote lawyers were particularly concerned by the limited availability of experienced practitioners and graduates in country areas and that reliance was placed on a finite number of solicitors to carry out legal aid work.<sup>4</sup>
28. Furthermore, the results of the Law Council survey indicate that more than 64 per cent of RRR lawyers who participated in the study undertook pro bono work. Therefore, if no action is taken by the government and the legal profession, the impact of shortages of lawyers on RRR communities will be significant. With the decrease in the number of lawyers providing legal services on a pro bono basis, those individuals requiring legal services are likely to require the assistance of either the legal aid commissions or community legal centres operating in the area. In view

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<sup>1</sup> For example, according to figures provided by Legal Aid WA, in March 2008 more than 1 in 3 legal positions in the regional community legal sector in Western Australia were vacant. See Jane Stewart, 'The WA Country Lawyers Program', a paper presented to the National Access to Justice Pro Bono Conference Sydney 14-15 November 2008, page 1, <[http://www.a2j08.com.au/papers/Stewart\\_J.pdf](http://www.a2j08.com.au/papers/Stewart_J.pdf)>.

<sup>2</sup> TNS Social Research, *Study of the Participation of Private Legal Practitioners in the Provision of Legal Aid Services in Australia*. Research Report Prepared for the Commonwealth Attorney-General's Department, 2006, <[http://www.ag.gov.au/www/agd/agd.nsf/Page/Publications\\_LegalaidresearchTNSreport-December2006](http://www.ag.gov.au/www/agd/agd.nsf/Page/Publications_LegalaidresearchTNSreport-December2006)>.

<sup>3</sup> *Ibid*, p viii, 36.

<sup>4</sup> *Ibid*, p 36.

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of the fact that legal aid providers in RRR areas are already overburdened with a high number of legally aided cases, there is a strong possibility that the ability of those individuals living in RRR communities to access justice will be seriously affected.

29. The Law Council also notes that community legal centres in regional areas are particularly disadvantaged as they are unable to offer competitive salaries (as compared with the government or private profession) to entice solicitors to relocate from metropolitan areas. Greater government funding of this sector and an improvement of both salaries and resourcing of community legal centres is necessary in order to address the chronic recruitment issues in this sector.
30. The compounding effect of the already evident shortages is likely to be further exacerbated by the impact of Australia's growing population. Current population projections indicate that the number of individuals living outside the capital areas will rise by 3 million by 2026. Furthermore, the age composition of Australia's population is projected to change considerably as a result of population ageing. It is expected that by 2056 between 23 per cent and 25 per cent of the population will be aged 65 and older, representing a 12 per cent increase from the current figures.<sup>5</sup> With the increase in the country's ageing population, it is likely that more elderly people will choose to live in regional areas in the future due to lifestyle reasons.
31. The Law Council acknowledges that issues of attraction and retention are not unique to the legal profession. Access to essential services such as health care are also impacted at present and are likely to be a serious concern in the future. However, the current government has made commitments to address these issues in the health care sector. For instance, in the 2009 Budget, the Federal Government announced that it would invest \$134.4 million to reform and improve incentives to encourage medical practitioners to work and remain in the rural and regional communities. Under the new scheme, the incentive amount will depend on the remoteness of the location to which the doctor is relocating to, namely a doctor moving from a major city to a regional centre will receive \$15,000 whereas a doctor relocating to a very remote area will get \$120,000, in stark contrast to current incentives of zero in some areas.<sup>6</sup>
32. Delivery of other professional services in RRR areas, such as accounting, is also likely to be affected. CPA Australia is currently conducting a study into factors affecting the long-term demand for, and supply of, professional accounting services in RRR areas of Australia. The purpose of the research project is to establish "effective strategies and policies for the education, training, and recruitment of professional staff in regional communities as well as ensuring that services can meet future regional demands."<sup>7</sup> According to CPA, the research will model the factors affecting the supply and demand of professional accounting and allied services as a basis for enhancing economic development in regional Australia.

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<sup>5</sup> Australian Bureau of Statistics, *Population Projections, Australia, 2006 to 2101*, CAT No. 3222.0, 4 September 2009, <<http://www.abs.gov.au/Ausstats/abs@.nsf/mf/3222.0>>.

<sup>6</sup> Minister for Health and Ageing, the Hon Nicola Roxon, Post-Budget Speech, Australian Institute of Policy and Science, 14 May 2009, <<http://www.health.gov.au/internet/ministers/publishing.nsf/Content/sp-yr09-nr-nrsp140509.htm>>.

<sup>7</sup> CPA Australia, *Accounting services in rural and regional Australia*, 17 February 2009, <[https://www.cpaaustralia.com.au/cps/rde/xchg/SID-3F57FECA-C2ED6B8E/cpa/hs.xsl/1017\\_31566\\_ENA\\_HTML.htm](https://www.cpaaustralia.com.au/cps/rde/xchg/SID-3F57FECA-C2ED6B8E/cpa/hs.xsl/1017_31566_ENA_HTML.htm)>.

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33. The Law Council is committed to working collaboratively with other professions and the government in developing strategies which will attract and retain professionals, and particularly legal practitioners, to RRR areas. The Law Council also believes that if this issue is not urgently addressed, the future of Australian RRR areas will be in serious doubt.

## Recommended Government Initiatives

34. The recommended Government Initiatives are outlined in the Strategy, including the following initiatives prioritised by the Law Council:
- (a) *Repaying, completely or partially, HECS-HELP (or FEE-HELP) liabilities.* Under a repayment scheme, the Federal Government would commit to paying off the legal practitioner's HECS-HELP (or FEE-HELP) debt either partially or in full for those practitioners who practice in RRR areas for a certain number of years following the completion of their degrees. The Government agreed in principle to such a scheme for tertiary graduates generally in its response to the recommendations of the 2020 Summit. Further information regarding this initiative is provided below.
  - (b) *Waiving Fringe Benefit Tax (FBT) Liabilities on employer payments of employee benefits* which apply to both new legal practitioners and experienced practitioners looking for a career change. Government could implement a scheme which waives fringe benefits tax (FBT) for those employers who offer bonuses for relocation or other benefits as part of an increased salary package. Such salary packages could also include payment (either partially or in full) of the HECS-HELP or FEE HELP debt of new legal practitioners.
  - (c) *Monetary allowances and bonuses for relocation or remaining in a RRR area.* The Federal Government may offer monetary allowances and bonuses to encourage legal practitioners to provide services in RRR areas. Such allowances may be offered by employers as fringe benefits (on which no tax would be payable by the employer) or by the Federal Government through a benefit distribution system such as Centrelink. The Federal Government has implemented such a scheme for medical practitioners in RRR areas.<sup>8</sup>
  - (d) *Increasing opportunities for clinical placements in RRR areas for law students and graduates.* Such programs could be implemented through Legal Aid offices or PLT providers. However, such programs are largely dependent on allocation of additional Government funding, including reimbursement for income lost by students and graduates as a result of giving up part-time work in metropolitan areas.

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<sup>8</sup> The Rural Retention Program operated largely through Medicare provides payments of up to \$25,000 pa to medical practitioners in RRR areas. The Rural and Remote General Practice Program provides for relocation expenses. In the 2009 Budget, the Federal Government announced that it would invest \$134.4 million to reform and improve incentives to encourage medical practitioners to work and remain in the rural and regional communities. Under the new scheme, the incentive amount will depend on the remoteness of the location to which the doctor is relocating to. For instance, a doctor moving from a major city to a regional centre will receive \$15,000 whereas a doctor re-locating to a very remote area will get \$120,000, in stark contrast to current incentives of zero in some areas.

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## Repaying, completely or partially, HECS-HELP (or FEE-HELP) liabilities

35. One effective initiative that may be implemented by the Federal Government is the repayment of HECS-HELP (or FEE-HELP)<sup>9</sup> liabilities for those graduates (and practitioners) who undertake work in RRR areas.
36. This type of repayment scheme was established by the Federal Government in 2000-2001 as an incentive to attract doctors to work in rural and regional areas of Australia. At the 2020 Summit similar recommendations were proposed as a potential strategy to encourage a range of professionals to live and work in RRR areas, thereby helping to build community capacity and sustainable communities. The Government has provided in principle support for this recommendation.
37. Under a repayment scheme, the Federal Government would commit to paying off the student's HECS-HELP debt either partially or in full for those students who in turn commit to practicing in RRR areas for a predetermined number of years following the completion of their degrees. Alternatively, Government could implement a scheme which waives fringe benefits tax for those employers who offer to pay (either partially or in full) the HECS-HELP debt of their employee.
38. Consideration must be given to what would be classified as a RRR area for the purposes of such a scheme. It appears that difficulties in attracting and retaining legal practitioners exist in varying degrees of severity according to the remoteness of the area in question. However, other large centres, such as Darwin, are also encountering significant problems in attracting lawyers. A tiered system which distinguishes between rural centres and more remote locations may ensure that a greater level of compensation is provided to those lawyers who seek employment in areas that are experiencing the greatest difficulties.
39. A range of policy options concerning HECS-HELP may be considered by the Federal Governments in order to encourage and promote RRR practice to legal practitioners. Such options would necessarily involve extensive collaboration and involvement with universities. The options included below are progressive, that is, each option represents a greater benefit to the professional from the option preceding it.
  - (a) Partially government-subsidised university places. Under this regime, the Federal Government would commit to paying part of the practitioner's HECS-HELP debt for those practitioners who in turn commit to practicing in RRR areas for a predetermined number of years following the completion of their degrees. The government may additionally choose whether this would only apply to graduates, or whether the regime would apply to any legal practitioner who decided to take up employment in a RRR area, irrespective of any legal employment in the metropolitan area.
  - (b) Fully government-subsidised university places. Under the regime, the Federal Government would commit to paying the entire HECS-HELP debt incurred by practitioners for the completion of their law degrees for those practitioners who in turn commit to practising in RRR areas for a predetermined number of years. A number of options are open to government in introducing such an initiative:

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<sup>9</sup> Any further reference to HECS-HELP should be regarded as a reference to both HECS-HELP and FEE-HELP schemes.

- (c) The practitioner's HECS-HELP liability is to be waived in the instance when the practitioner has completed a predetermined number of years in RRR practice. In the Law Council's view, if this option is adopted, the number of years should not exceed five.
- (d) The student's HECS-HELP liability is reduced by a significant amount, for instance 50 per cent, once the practitioner has completed the first year of practice in RRR area. Following the first year, the liability is reduced incrementally, that is, 10 per cent of the initial debt each year the practitioner continues to practice in the RRR area. Thus, under this regime, the HECS-HELP liability would cease to exist after six years.

#### Example 1:

<b>Year 1 debt remaining</b>	$\$33,996 \times 0.5$ [ie 50%] = \$16,998
<b>Year 2 debt remaining</b>	$\$16,998 - (\$33,996 \times 0.1$ [ie 10%]) = \$13,598.4
<b>Year 3 debt remaining</b>	$\$13,598.4 - (\$33,996 \times 0.1)$ = \$10,198.8
<b>Year 4 debt remaining</b>	$\$10,198.8 - (\$33,996 \times 0.1)$ = \$6,799.2
<b>Year 5 debt remaining</b>	$\$6,799.2 - (\$33,996 \times 0.1)$ = \$3,399.6
<b>Year 6 debt remaining</b>	$\$3,399.6 - (\$33,996 \times 0.1)$ = \$0

Note: Variations of this model are possible. For instance, it is not necessary to reduce the sum by 10 per cent of the original debt sum. The remaining debt could be reduced by 10 per cent. Thus, in the example above the \$16,998 sum could be reduced by 10 per cent, meaning that a longer period would be required to pay off the entire HECS-HELP debt.

- (e) The practitioner's HECS-HELP liability is reduced incrementally with each year the practitioner spends in practice in a RRR area. For instance, the liability would be reduced by 20 per cent of the initial debt each year the practitioner remains in legal employment in the RRR area. Thus, under this regime, the HECS-HELP liability would cease to exist after five years.

#### Example 2:

<b>Year 1 debt remaining</b>	\$33,996
<b>Year 2 debt remaining</b>	$\$33,996 - (\$33,996 \times 0.2$ [ie 20%]) = \$27,196.8
<b>Year 3 debt remaining</b>	$\$27,196.8 - (\$33,996 \times 0.2)$ = \$20,397.6
<b>Year 4 debt remaining</b>	$\$20,397.6 - (\$33,996 \times 0.2)$ = \$13,598.4
<b>Year 5 debt remaining</b>	$\$13,598.4 - (\$33,996 \times 0.2)$ = \$6,799.2
<b>Year 6 debt remaining</b>	$\$6,799.2 - (\$33,996 \times 0.2)$ = \$0

Note: See explanation above in relation to Example 1 as to what impact any variations may have. It is also important to note that variations in the percentage of the debt reduced each year will lead to variations in time periods taken to pay off the debt.

- (f) The practitioner's HECS-HELP debt is frozen (not indexed with inflation) when they start work in a RRR area. There is no reduction to this amount beyond what the practitioner is obliged to pay out of their income for three years. After a certain number of years continuous service (for example, five years) in a RRR area, the debt is cleared.

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40. Employer pays for the HECS-HELP debt of their employee. In this instance, the employer would not be subject to the fringe benefit tax (FBT) on the payment. The advantage of this option is that:
- (a) The employer and/or employee control the timing of the benefit (and any claw back) so that it can be tailored to individual circumstances;
  - (b) The Government only subsidises part of the cost, being the FBT forgone, as opposed to waiving the whole HECS-HELP debt; and
  - (c) The employer can pass on the cost to the employee if the benefit is taken into account in the employee's "total remuneration".

There is precedent for this option in the public sector in organisations such as the ATO.

41. Area dependent HECS-HELP debt relief. In this instance, the reduction in HECS-HELP debt would depend on the classification of area as;
- (a) Regional
  - (b) Rural
  - (c) Remote
42. Hybrid model of time and area. Under this model, the reduction in HECS-HELP debt would depend on both the time the person stays in a RRR area and the remoteness of the area. For example, those practising in regional areas would be entitled to a smaller reduction of debt, when compared to those practising in remote areas.
43. It is important to note that adequate exit mechanisms for these options would also need to be considered.

### **Waiving Fringe Benefit Tax (FBT) liabilities on employer payments of employee benefits**

44. Fringe benefits consist of non-cash benefits that are provided by employers, (that is, law firms and organisations) to solicitors employed in those firms and organisations. As noted above, the Law Council believes that this incentive would assist in attracting both new legal practitioners and experienced practitioners looking for a career change to RRR areas.
45. The FBT payable by an employer is calculated under the gross-up rules contained in s 5B(1A)-(1D) of the *Fringe Benefits Tax Assessment Act 1986* ('**FBTA Act**')<sup>10</sup> by applying the FBT rate of tax to the "fringe benefits taxable amount", that is, to the sum of the "taxable values" of all fringe benefits for a year of tax increased by a figure based on the applicable FBT rate and the availability to the employer of Goods and Services Tax (GST) credits. FBT is imposed on the fringe benefits taxable amount which is the employer's aggregate fringe benefits amount for the year grossed-up under s 5B (s 66). From the year commencing 1 April 2006, the FBT rate is 46.5%.

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<sup>10</sup> All further references to legislative provisions in this part of the submission are to the FBTA Act unless otherwise indicated.

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46. The common examples of fringe benefits include: subsidised housing, living-away-from-home allowance, relocation assistance, use of a car, free holiday, debt waiver, loan, expense payment, airline transport, and meal entertainment. A “benefit” includes any right, privilege, service or facility. Some benefits are expressly excluded as fringe benefits and do not give rise to any FBT liability.<sup>11</sup> However, the benefits which would be most likely to attract lawyers to RRR areas, such as for example the housing benefit, are currently not excluded from FBT liability and the employer is required to pay FBT if it chooses to provide the benefit. It must be noted that a remote area housing benefit is an exempt benefit under s 58ZC. However, the exemption does not apply to rural or regional areas generally.
47. The Law Council believes that the Federal Government should consider waiving FBT liability or introducing concessional tax treatments of those benefits which are likely to attract lawyers to all RRR areas in order to encourage employers to provide these benefits. Such incentives could also include payment (either partially or in full) of the HECS-HELP or FEE HELP debt of new legal practitioners.

### **Monetary allowances and bonuses for relocation or remaining in a RRR area**

48. The Law Council believes that the Federal Government should offer monetary allowances and bonuses to encourage legal practitioners to provide services in RRR areas. As discussed above, such allowances may be offered by employers as fringe benefits (on which no tax would be payable by the employer) or by the Federal Government through a benefit distribution system such as Centrelink. The Federal Government has implemented such a scheme for medical practitioners in RRR areas.

The Commonwealth provides funding to the Rural Workforce Agencies (RWAs) through the Rural and Remote General Practice Program (RRGPP) to deliver a number of program initiatives with the aim of improving the attraction, recruitment and retention of general practitioners in RRR areas. The RRGPP comprises of the RRGPP Rural Medical Support Forum, Rural Medical Family Network, relocation, training and remote area grants, practice sustainability and crisis grants, locum grants, and the Rural Locum Relief Program.

### **Increasing opportunities for clinical placements in RRR areas for law students and graduates**

49. In June 2008, the Australian Government announced the allocation of \$5.8 million over four years for the Regional Innovations Program for Legal Services (RIPLS). The purpose of this initiative was to improve access to legal services for communities in RRR areas. Under RIPLS, legal aid commissions are eligible to obtain funding for programs which take an innovative approach to improve service delivery in RRR areas. Under the program, Legal Aid Commissions in New South Wales, Queensland, Tasmania and Western Australia have each developed initiatives expected to increase the availability of legal assistance services in RRR areas. Furthermore, the National Association of Community Legal Centres (NACLC) is assisting students to undertake legal practice experience in a RRR centre.

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<sup>11</sup> See generally Part III – Fringe Benefits of the FBTA Act.

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50. Clinical placements in RRR areas for law students and graduates are expected to assist in reducing the vacancy rate for lawyers in the RRR communities. Such programs are generally implemented through the Legal Aid offices or practical legal training (PLT) providers. However, as noted above, such programs are largely dependent on allocation of additional Government funding, including reimbursement for income lost by students and graduates as a result of giving up part-time work in metropolitan areas.
51. The ANU College of Law Legal Workshop<sup>12</sup> is currently piloting a program on behalf of NACLCLC which places practical legal training students with participating CLCs in RRR areas. The ANU provides assistance to CLCs with the establishment and sustaining of these placements, mentoring of the students and provision of a scholarship fund to encourage participation of the students. The pilot program commenced on 1 January 2009 and will conclude on 30 December 2009. The program appears to have had some success and the Law Council believes that additional government funding into such programs is required.
52. The Law Council further notes that initiatives such as those implemented by NACLCLC would supplement successful programs such as those operational in New South Wales, Queensland and Western Australia. For instance, in 2007, the Country Lawyers Graduate Program (the Program) was established in Western Australia. The Program is funded with the assistance of both Federal and State Governments. Specifically, in September 2007, the Federal Government provided Legal Aid WA with funding over two years to establish a Co-ordination Team. The team is responsible for implementing the key phases of the Program, including the development of a graduate program, attracting experienced lawyers to the Program and improving access to continuing professional development and professional support for legal practitioners in RRR areas of Western Australia.<sup>13</sup>
53. An initiative of the Law Society of Western Australia, Legal Aid WA, community legal centres, the Aboriginal Legal Service of Western Australia, Family Violence Prevention Legal Services and Legal Practice Board of Western Australia, the Program is aimed at improving the recruitment and retention of lawyers in RRR areas by recruiting, developing and rotating junior solicitors (that is, graduates) throughout regional Western Australia. The graduate's salary is increased progressively to \$60,000 in their fourth year. Other salary bonuses and incentives include salary packaging, payment of membership fees to the Law Society of Western Australia, and regional allowances including access to subsidised housing.<sup>14</sup> After 12 months of operation, there were 21 legal practitioners in the program.
54. The Professional Development component of the Program specifically targets legal skills that legal practitioners, including those working in private practice and other agencies, will require in RRR community legal sector agencies, including cross cultural training, family violence, protection and care, family law, criminal injuries compensation, criminal law, and advocacy skills.<sup>15</sup>

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<sup>12</sup> See <http://law.anu.edu.au/legalworkshop/rrr.asp>.

<sup>13</sup> Jane Stewart, 'The WA Country Lawyers Program', n 18 above, p 3.

<sup>14</sup> Country Lawyers Graduate Program, <http://www.legalaid.wa.gov.au/LAServices/asp/Default.aspx?Page=Employment%5CCountryLawyers.xml>

<sup>15</sup> Jane Stewart, 'The WA Country Lawyers Program', n 18 above, p 3.

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55. A paper presented at the *2008 National Access to Justice and Pro Bono Conference* on the Western Australia Country Lawyers Program indicates that in the six months from March 2008 the Program had assisted in reducing the vacancy rate in the RRR community legal sector from one in three to one in four positions.<sup>16</sup>
  56. As identified in the paper, provision of housing for Program participants is the most significant concern due to the impact of the economic boom in Western Australia. Government “housing subsidies and assistance in obtaining housing will be essential for the survival and sustainability of the Program.”<sup>17</sup>
  57. The Law Council notes that the Report by the Access to Justice Taskforce of the Attorney-General’s Department entitled *A Strategic Framework for Access to Justice in the Federal Civil Justice System*, released on 23 September 2009, identified that “[t]here is scope for enhancement of these initiatives through a national approach to this issue. For example, as part of its functions the proposed national coordination group could be tasked with the development of strategies for addressing the legal assistance needs of disadvantaged Australians living in regional, rural and remote Australia.”

## **Initiatives by the Legal Profession and by Employer Firms and Organisations**

58. The Working Group has closely considered the issues arising from the current and future shortages of lawyers in RRR areas in terms of access to justice. The Working Group regards these issues as of critical importance to the legal profession in Australia.
59. As noted above, the research conducted by the Law Council recommends that a collaborative approach by the government, legal profession bodies and legal firms and organisations be developed. The Working Group considers that a multifaceted approach involving the Law Council, Constituent Bodies and all levels of Government is required to address the issues.
60. The legal profession is committed to addressing the issue of shortages of lawyers in RRR areas. In fact, the Law Council established the Working Group with a view of developing a coordinated national response to the issue. Consequently, the Working Group is constituted from representatives of the majority of the constituent bodies identified in Attachment A.
61. Priority initiative areas for the legal profession approved by the Board of Directors of the Law Council include: (a) participation in co-operative schemes with Legal Aid Commissions and other legal assistance stakeholders to place and support new and experienced practitioners in RRR areas and to provide visiting services; (b) advertising of job vacancies or creation of specialised employment services for RRR areas by law societies; (c) facilitation of professional support by law societies; and (d) provision of information to law students and graduates about practice in RRR areas. The Working Group will oversee further implementation of the prioritised initiatives.

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<sup>16</sup> Ibid, p 2.

<sup>17</sup> Ibid, p 7.

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62. Priority initiative areas by employer firms and organisations approved by the Board of Directors of the Law Council include: (a) provision and promotion of lifestyle benefits which may not be available in metropolitan areas; (b) increasing social and professional networking opportunities and family support; (c) collaboration with law societies and other legal assistance stakeholders in facilitating: provision of information to law students and graduates; advertising job vacancies; placement of law students and legal practitioners in RRR areas; visiting services by legal practitioners; provision of CPD and professional support, as well as promotion of the issues in the media; and (d) increasing use of technology to reduce isolation and travelling time for practitioners in RRR areas.
63. The following initiatives have been implemented to date:
- (a) Regional / Rural Solicitor Schemes have been established by the legal aid bodies in Queensland, Western Australia and New South Wales.
  - (b) Advertising of job vacancies or creation of specialised employment services, including for locum positions in RRR areas by law societies, for example the NSW Law Society's webpage listing of RRR vacancies and the Queensland Law Society's (QLS) service, [www.legalstaff.com.au](http://www.legalstaff.com.au).
  - (c) Provision of professional support by law societies, for example the South Australian Law Society's Online Country Lawyers Forum and formation of Country Lawyer Committees by the Law Institute of Victoria and the South Australian Law Society.
  - (d) Increasing availability of Continuing Professional Development and Specialisation Programs to legal practitioners in RRR areas, including both technological and face to face delivery, for example the Queensland Law Society's Continuing Legal Education program delivered 45 regional seminars in 2007/08 to 1031 practitioners and the Society invested further in videoconference and web-based delivery.
  - (e) Provision of information to law students and graduates about practice in RRR areas. The Australian Law Students Association (ALSA) has agreed to collaborate with the Law Council in a survey of law students to assess their current perceptions of practising in RRR areas and what type of information they would like about such practice.

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## **Conclusion**

64. The research conducted by the Law Council into the issue of shortages of lawyers in RRR areas clearly demonstrates that this issue needs to be urgently addressed by the Government, the legal profession and employer firms and organisations. The Law Council will be working intensively with its Constituent Bodies to implement the initiatives prioritised for the legal profession, employer firms and organisations. The Law Council submits that the Attorney-General should work with the profession on this critical issue by facilitating the implementation of the Government initiatives identified above.

## **Recommendation**

65. The Law Council strongly encourages the Attorney-General to consider the initiatives identified above and engage in discussions with other members of the Ministry and the Law Council about the implementation of the initiatives.

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## **Attachment A: Profile of the Law Council of Australia**

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The Law Council of Australia is the peak national representative body of the Australian legal profession. The Law Council was established in 1933. It is the federal organisation representing approximately 50,000 Australian lawyers, through their representative bar associations and law societies (the “constituent bodies” of the Law Council).

The constituent bodies of the Law Council are, in alphabetical order:

- Australian Capital Territory Bar Association
- Bar Association of Queensland Inc
- Law Institute of Victoria
- Law Society of New South Wales
- Law Society of South Australia
- Law Society of Tasmania
- Law Society of the Australian Capital Territory
- Law Society of the Northern Territory
- Law Society of Western Australia
- New South Wales Bar Association
- Northern Territory Bar Association
- Queensland Law Society
- South Australian Bar Association
- Tasmanian Bar Association
- The Victorian Bar Inc
- Western Australian Bar Association
- LLFG Limited (a corporation with large law firm members)

The Law Council speaks for the Australian legal profession on the legal aspects of national and international issues, on federal law and on the operation of federal courts and tribunals. It works for the improvement of the law and of the administration of justice.

The Law Council is the most inclusive, on both geographical and professional bases, of all Australian legal professional organisations.



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**Attachment B: Recruitment and Retention of Legal Practitioners  
to Rural, Regional and Remote Areas Strategy:  
Discussion Paper**

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# **Recruitment and Retention of Legal Practitioners to Rural, Regional and Remote Areas Strategy: Discussion Paper**

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*Recruitment and Retention Working Group  
Working Draft*

**September 2009**

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# Table of Contents

<b>Introduction</b> .....	<b>4</b>
<b>I Recruitment and Retention of Legal Practitioners to Rural, Regional and remote Areas</b> .....	<b>5</b>
Background.....	5
Identifying the Concerns .....	5
Research Findings .....	7
The Law Council’s RRR Survey.....	7
<b>II Recruitment Initiatives</b> .....	<b>9</b>
Initiatives by the Federal Government .....	9
Waiving Fringe Benefit Tax (FBT) Liabilities on employer payments of employee benefits.....	9
Monetary allowances and bonuses for relocation or otherwise.....	10
Tax breaks for working in remote areas .....	10
Subsidised or free housing.....	10
Developing technology to support RRR practice.....	11
Repaying, completely or partially, HECS-HELP (or FEE-HELP) liabilities .....	11
Increasing opportunities for clinical placements in law in RRR areas for law students .....	13
Government scholarships.....	14
Initiatives by Australian Legal Profession.....	15
Initiatives by Employer Legal Firms or Organisations.....	16
Salary packaging options for mortgage / rent assistance.....	16
Provision and promotion of lifestyle benefits which may not be available in metropolitan areas.....	17
Training programs .....	17
Improving social and professional networking opportunities and family support, including meeting and greeting’ of legal practitioners upon arrival to the RRR area ..	17
Collaboration with law societies and other legal assistance stakeholders. ....	17
Increasing use of technology to reduce isolation and travelling time for practitioners in RRR areas.....	17
<b>III Retention Initiatives</b> .....	<b>18</b>
<b>IV Recommendations</b> .....	<b>20</b>
Recommendation 1: Legal profession.....	20
Recommendation 2: Government .....	20
Recommendation 3: Employer legal firms and organisations .....	21
Recommendation 4.....	21
Recommendation 5.....	21
<b>Appendix 1: Research</b> .....	<b>22</b>
National.....	22



New South Wales.....	22
Northern Territory.....	23
Queensland.....	23
Victoria .....	23
Employer survey .....	25
Employee survey.....	26
Western Australia.....	27
Future research.....	27
<b>Appendix 2: Initiatives of the Legal Profession.....</b>	<b>28</b>
National.....	28
New South Wales.....	28
Northern Territory.....	29
Queensland.....	29
Victoria .....	30
Western Australia.....	31
<b>Appendix 3: Attraction and Retention Strategies of the Medical Profession .....</b>	<b>34</b>
Model incorporating some of the initiatives explained in this paper .....	34
Remuneration, Grants and Subsidies.....	35
Leave and Conditions.....	35
Education and Training.....	35
Other.....	36





## Introduction

In 2008, the Law Council established a Recruitment and Retention Working Group to examine problems relating to the recruitment and retention of lawyers in rural, regional and remote (RRR) areas of Australia. The Working Group was formed in response to increasing concerns within the Law Council's constituent bodies and the legal community more broadly about the problems in attracting and retaining legal practitioners to areas outside of Australia's metropolitan cities. Research undertaken in recent years has concluded that there is a critical shortage of lawyers in RRR areas and numbers are continuing to decline.<sup>1</sup> Anecdotally, it appears that this shortage will continue to worsen in coming years as older lawyers working in country areas retire.<sup>2</sup> Legal businesses will cease to operate for want of successors.

Arising out of these concerns, the Recruitment and Retention of Legal Practitioners to Rural, Regional and Remote Areas Strategy (the Strategy) has been developed by the Working Group to address the issues of:

- Recruitment of legal practitioners to RRR areas; and
- Retention of legal practitioners in RRR areas.

This paper provides an overview of possible programs which may form part of this strategy by aiming to improve the recruitment and retention of legal practitioners in RRR areas, either directly (for example, remuneration and relocation grants) or indirectly (for example, education and training initiatives). The incentives identified below can be subdivided into those producing short-term benefits, to assist in attracting legal practitioners, for example remuneration, and those producing long-term benefits, relevant to the retention of legal practitioners, for example, service network supports.

It is considered that an effective solution to the RRR problems will only be achieved through a range of strategies both at a grass roots and national level and in partnerships between government, community and private sector.

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<sup>1</sup> See TNS Social Research, *Study of the Participation of Private Legal Practitioners in the Provision of Legal Aid Services in Australia*, December 2006 and Urbis Keys Young, *The Solicitors of New South Wales in 2015 – Final Report*, The Law Society of New South Wales.

<sup>2</sup> Trish Mundy, *Recruitment and Retention of Lawyers in Rural, Regional and Remote NSW: A Literature Review*, July 2008



# I Recruitment and Retention of Legal Practitioners to Rural, Regional and remote Areas

## Background

The attraction and retention of legal practitioners in rural, regional and remote (RRR) areas is an issue of concern for government, communities, business, and professional associations.

Research confirms that:

- Demand for professional services to Australian RRR areas is generally greater than supply.<sup>3</sup>
- There is a significant population decline in many RRR areas.<sup>4</sup>
- At the end of June 2008, 78% of all solicitor practices were located in capital cities. Capital city practices accounted for 81% of all persons employed in solicitor practices and 88% (or \$12.9b) of fee income from the provision of legal and legal support services.<sup>5</sup>
- At the end of June 2008, 51% (or 213) of community legal services were located outside capital cities. Aboriginal legal services had 87% (or 75) of total offices located outside capital cities. Legal aid commissions had 54% (or 45) of total offices located outside capital cities. Community legal centres had 36.8% (or 93) of total offices located outside capital cities.<sup>6</sup>
- Only 11% of employees in RRR areas in Australia are professionals, compared to 23% in metropolitan areas.<sup>7</sup>

The issue of recruitment and retention of young legal practitioners is of particular concern and has been the subject of extensive discussions by a number of the Law Council's Constituent Bodies, for example the Country and Suburban Law Association Conference held by the Law Institute of Victoria (LIV) in 2007, the South Australian Law Society's Country Lawyers Forum held in 2008 and the Conference of Law Societies in March 2008.

## Identifying the Concerns

It is believed that the Federal, State and Territory Governments would be receptive to policy reforms relating to the recruitment and retention of legal practitioners in RRR areas.

At the 2020 Summit held on 12<sup>th</sup> and 13<sup>th</sup> April 2008, the welfare of Australian rural communities was identified as a key priority area. The group which dealt with rural issues has recommended building on the strengths and contributions of rural communities and development of strategies for the efficient provision of infrastructure and services outside metropolitan areas as key focus areas. This is consistent with the view that the Australian

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<sup>3</sup> Human Rights and Equal Opportunity Commission (2000), National Inquiry into Rural and Remote Education (Australia): Emerging Themes; A Herrington and J Herrington, 'Using the Internet for professional development: The experience of rural and remote professionals' (2006) Paper Presented at the 23rd Annual ASCILITE Conference: Who's Learning? Whose Technology?

<sup>4</sup> ABS, *Regional Population Growth, Australia, 2006-2007*, ABS Cat 3218.0 (2006).

<sup>5</sup> Australian Bureau of Statistics, *2007-08 Legal Services Australia*, June 2009, p 13.

<sup>6</sup> Australian Bureau of Statistics, *2007-08 Legal Services Australia*, June 2009, p 19.

<sup>7</sup> Australian Bureau of Statistics, *2006 Census*.



government may be more receptive to considering policy initiatives from legal and other professions in their attempt to recruit and retain professionals in RRR areas.

In its response to the 2020 Summit report, the Government has agreed in principle to a number of key RRR recommendations including:

- Tertiary graduates having their higher education loan debts reduced by seeking voluntary or paid employment in RRR areas;
- A skills audit of remote, rural and regional areas to identify labour and skills shortages and provision of training opportunities in communities where there are labour and skills shortages.

Furthermore, some recent relevant policy announcements include the Victorian Government's pledge to provide an additional \$3000 First Home Bonus to first homebuyers purchasing homes in regional Victoria. The Victorian government's willingness to put resources into RRR areas is extremely encouraging. An increase in housing purchases in these areas will in turn increase the density of the population in regional areas, most likely of young individuals, thus leading to a higher demand for professional services.

Of course the devastating bushfires will now need to be factored into the Victorian response on this issue.

The Law Council considers that the government would benefit from introducing schemes to promote RRR practice to legal practitioners. The benefits to the government include:

- Reducing the burden on the legal aid system;
- Promoting access to justice in country areas;
- Ensuring that people who live in RRR areas are able to access legal services within their community;
- Promoting local business by encouraging legal practitioners to establish practices in RRR communities;
- Preserving local legal services and thereby reducing the need for expensive government advisory services either in outreach forms or in local regional centres; and
- Promoting the vitality of country areas;
- To be regarded by its citizens as a Government which values the legal system as a public good;
- To be regarded by its citizens as a Government which values promotion of higher education among young Australians; and
- To be regarded by its citizens as a Government which values the promotion of a resilient and diverse community.



## Research Findings

Before addressing the issues of recruitment and retention of legal practitioners to RRR areas and the specific initiatives which may assist in dealing with these issues, it is necessary to first define the scope of the problem.

Several significant research studies undertaken in recent years have concluded that there is a shortage of lawyers in RRR areas.

The 2006 TNS Study commissioned by the Attorney-General's Department found that there is a shortage of lawyers in regional and remote areas with approximately 3 lawyers per 10,000 residents aged 18+ in remote Australia as compared to 10.7 lawyers per 10,000 in Australian capital cities.<sup>8</sup>

Approximately two-thirds of private firms (67%) in regional and remote areas currently provide legal aid compared with only approximately half of firms (48%) in all locations.<sup>9</sup> Firms in regional and remote Australia provide larger quantities of legal aid work than their city counterparts, with two-fifths (41%) of regional and remote firms providing more than 30 cases a year.<sup>10</sup>

The qualitative component of the TNS study found that regional and remote lawyers were particularly concerned by the limited availability of experienced practitioners and graduates in RRR areas and that reliance was placed on a finite number of solicitors to carry out legal aid work.<sup>11</sup>

A study undertaken by the Law Society of New South Wales has found that the proportion of lawyers working in country New South Wales has dropped from 16.7% in 1988 to 13.7% in 2003 (an average decline of 1.3% a year).<sup>12</sup> Projections based on this data have found that the numbers of country lawyers will continue to decline and by 2015 only 12.1% of all New South Wales lawyers will be working in country areas.<sup>13</sup>

While there are no national figures currently available on the age of practitioners working in RRR areas, there is considerable anecdotal evidence which suggests that a large percentage of country lawyers are nearing retirement. In a 2003 media release, Ms Kim Cull, former President of the NSW Law Society noted that 'most country solicitors are aged 45 years and over and it appears that one third of those will retire in the next 10 to 15 years, leaving a gap which must be filled by other practitioners'.<sup>14</sup>

## The Law Council's RRR Survey

In March 2009, a nationwide survey of legal practitioners in RRR areas was conducted in order to obtain empirical support for anecdotal evidence which indicates that there is a shortage of legal practitioners in RRR 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.

On 9 July 2009, the results of study were released. The survey report is available at <http://www.lawcouncil.asn.au/initiatives/rrr.cfm>. The survey elicited strong support from the

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<sup>8</sup> TNS Social Research, n 1 above, p 38.

<sup>9</sup> Ibid, p 39.


<sup>10</sup> Ibid, p 41.

<sup>11</sup> Ibid, p 36.

<sup>12</sup> Urbis Keys Young, n 1 above, p 14.

<sup>13</sup> Ibid.

<sup>14</sup> Trish Mundy, n 2 above, p 9.



legal community in RRR areas with a response rate of 24% (in total 1,185 practitioners completed the survey). Overall, the survey results indicate that there is a significant problem for access to justice in RRR areas. Action is required to ensure that viable practices are retained and Australians in RRR areas are able to access legal services within their communities. The main findings of the report are that:

- Overall, 43% of principals surveyed indicated that their practice currently does not have enough lawyers to serve their client base.
- Sole practitioners made up 46% of all responses to the survey. Of this group, 30% have been practising in RRR 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.
- Principals 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%).
- 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 area 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.
- RRR 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.
- Lawyers are integral to RRR 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.



## II Recruitment Initiatives

Attraction of professionals to RRR areas generally focuses on short-term benefits and may involve provision of incentives, financial or otherwise. A range of recruitment initiatives which may be implemented by both government and the legal profession are considered below.

### Initiatives by the Federal Government

#### Waiving Fringe Benefit Tax (FBT) Liabilities on employer payments of employee benefits

This initiative would apply to both new legal practitioners and experienced practitioners looking for a career change. Government could implement a scheme which waives fringe benefits tax (FBT) for those employers who offer bonuses for relocation or other benefits as part of an increased salary package. Such salary packages could also include payment (either partially or in full) of the HECS-HELP or FEE HELP debt of new legal practitioners.

#### *Housing fringe benefit*

A remote area housing benefit is an exempt benefit under s 58ZC of the *Fringe Benefits Tax Assessment Act 1986* ('FBTA Act'). Where an employer grants an employee a "housing right", that is a right to occupy or use a unit of accommodation as a usual place of residence, a housing fringe benefit arises.<sup>15</sup> The right to occupy may apply to any type of accommodation that is the employee's usual place of residence.<sup>16</sup>

Different valuation rules apply to a housing fringe benefit depending on whether the accommodation is outside Australia, in a non-remote part of Australia or in a remote area of Australia.

If the accommodation is in Australia and is not in a remote area, the taxable value of the housing fringe benefit depends on the type of accommodation.

If the accommodation is in a hotel, motel, hostel, guesthouse, caravan or mobile home and the provider is in the business of providing similar benefits to the public, the taxable value of the housing fringe benefit is either the market value of the accommodation less any rent paid, if the provider is not the employer (s 26(1)(b) FBTA Act), or 75 per cent of the amount that the public would pay less any rent paid, if the provider is the employer. For any other type of accommodation in a non-remote area, the taxable value is the "statutory annual value" of the right to occupy the accommodation (s 26(1)(c) FBTA Act) and therefore the employer is subject to FBT on this amount.

Four conditions must be satisfied for the remote area housing exemption to apply:<sup>17</sup>

1. The accommodation must be located in a remote area, that is, an area that is not in, or adjacent to, an "eligible urban area".<sup>18</sup> Further, the location must be more than 40 km away from the eligible urban area with a 1981 census population of less than 130,000, or is less than 100 km from an eligible urban area with a census population of 130,000 or more.<sup>19</sup>

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<sup>15</sup> FBTA Act, ss 25 and 149.

<sup>16</sup> 2009 Australian Master Tax Guide, para 35-380.

<sup>17</sup> See 2009 Australian Master Tax Guide, para 35-430.

<sup>18</sup> Section 140(1) defines an eligible urban area as a town or city with a 1981 census population of at least 14,000 (or 28,000 if in Zone A or Zone B for income tax purposes).

<sup>19</sup> See Practice Statement PS LA 2000/6.

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2. The recipient of the benefit must be employed by the employer for the whole tenancy period and the employee's usual place of employment must not have been at a location in or adjacent to an eligible urban area during that period.
  3. It must be necessary for the employer to provide free or subsidised accommodation to employees for any of the following reasons: the employees are likely to move frequently from one residential location to another because of the nature of the employer's business; there is not sufficient suitable accommodation otherwise available in the employment area, or it is customary in the employer's industry to provide free or subsidised housing to employees.
  4. The arrangement must be an arm's length arrangement and not entered into for the purpose of gaining the s 58ZC exemption concessions.

Therefore, if one of the conditions above is not satisfied the employer will be required to pay FBT if it wishes to provide the housing benefit.

#### Monetary allowances and bonuses for relocation or otherwise

The Federal Government may offer relocation monetary allowances and bonuses to encourage legal practitioners to pursue employment in RRR areas.

Such allowances may be offered by employers as fringe benefits (on which no tax would be payable by the employer) or by the Federal Government through a benefit distribution system such as Centrelink or some other governmental agency.

The Law Council notes that the Federal Government provides funding for the relocation expenses for general practitioners who decide to take up RRR placements through the Rural and Remote General Practice Program.

#### Tax breaks for working in remote areas

Currently, 'Zone Tax Offsets' are available to taxpayers who have lived or worked in a remote area of Australia for a certain qualifying period.

The offset amounts range from \$57, plus 20% allowed for dependents, for residents of Zone B (regional areas of South Australia, New South Wales, southern Western Australia and Queensland) to \$338, plus 50% allowed for dependents, for residents of Zone A (comprising the Northern Territory and regional areas of northern Queensland and Western Australia). An additional "special area" offset of \$1173 plus 50% allowed for dependents, is available to those living in an area 250km or more from a population centre of 2,500 or more.<sup>20</sup> These amounts have not changed in almost 15 years.


A significant increase in the current offset amount available through the ATO scheme would assist in attracting and retaining legal practitioners in RRR areas.

#### Subsidised or free housing

The Law Council believes that the availability of incentives which relate to housing in RRR areas would encourage a greater number of legal practitioners to consider relocating to

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<sup>20</sup> Australian Taxation Office (ATO), *Are you eligible for a tax zone offset*, available at <http://www.ato.gov.au/individuals/content.asp?doc=/content/40483.htm>



these areas. The issue of housing has been identified as a particular issue for the legal practitioners taking part in the Western Australian Country Lawyers Program.<sup>21</sup>

The Government is encouraged to consider funding initiatives for housing subsidies or free housing to legal practitioners practicing in RRR areas. For example, those legal practitioners employed by the States' Legal Aid Commissions and community legal centres (CLCs) located in RRR areas should be eligible for largely subsidised or free housing. On the other hand, those legal practitioners employed by private law firms in RRR areas, and who are expected to earn higher salaries than those employed by Legal Aid and CLCs, should be eligible for a reduced amount of subsidy.

It may be necessary to provide additional funding to Legal Aid Commissions and Community Legal Centres in order to implement these types of state based housing programs.

#### Developing technology to support RRR practice

The Government could invest in technology to support legal practitioners in RRR areas such as increasing facilities for electronic filing of documents, increasing availability of online legal library resources and increasing video conferencing facilities to decrease the need for legal practitioners in RRR areas to travel long distances to see clients, file documents, conduct negotiations and access legal libraries. Such initiatives could be undertaken in collaboration with State, Territory and local governments.

#### Repaying, completely or partially, HECS-HELP (or FEE-HELP) liabilities

One effective initiative that may be implemented by the Federal Government is the repayment of HECS-HELP (or FEE-HELP) liabilities for those graduates (and practitioners) who undertake work in RRR areas.

This type of repayment scheme was established by the Federal Government in 2000-2001 as an incentive to attract doctors to work in rural and regional areas of Australia. At the 2020 Summit similar recommendations were proposed as a potential strategy to encourage a range of professionals to live and work in RRR areas, thereby helping to build community capacity and sustainable communities. The Government has provided in principle support for this recommendation.

Under a repayment scheme, the Federal Government would commit to paying off the student's HECS-HELP (or FEE-HELP) debt either partially or in full for those students who in turn commit to practicing in RRR areas for a predetermined number of years following the completion of their degrees. Alternatively, Government could implement a scheme which waives fringe benefits tax for those employers who offer to pay (either partially or in full) the HECS-HELP or FEE HELP debt of their employee.

Consideration must be given to what would be classified as a RRR area for the purposes of such a scheme. It appears that difficulties in attracting and retaining legal practitioners exist in varying degrees of severity according to the remoteness of the area in question. However, other large centres, such as Darwin, are also encountering significant problems in attracting lawyers. A tiered system which distinguishes between rural centres and more remote locations may ensure that a greater level of compensation is provided to those lawyers who seek employment in areas that are experiencing the greatest difficulties.

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<sup>21</sup> Jane Stewart, 'The WA Country Lawyers Program', *National Access to Justice Pro Bono Conference*, 14-15 November 2008, Sydney, p 7, available at [http://www.a2i08.com.au/papers/Stewart\\_J.pdf](http://www.a2i08.com.au/papers/Stewart_J.pdf)

A range of policy options concerning HECS-HELP may be considered by the Federal Governments in order to encourage and promote RRR practice to legal practitioners. Such options would necessarily involve extensive collaboration and involvement with universities. The options included below are progressive, that is, each option represents a greater benefit to the professional from the option preceding it.

1. **Partially government-subsidised university places.** Under this regime, the Federal Government would commit to paying part of the practitioner’s HECS-HELP (or FEE-HELP) debt for those practitioners who in turn commit to practicing in RRR areas for a predetermined number of years following the completion of their degrees. The government may additionally choose whether this would only apply to graduates, or whether the regime would apply to any legal practitioner who decided to take up employment in a RRR area, irrespective of any legal employment in the metropolitan area.
2. **Fully government-subsidised university places.** Under the regime, the Federal Government would commit to paying the entire HECS-HELP (or FEE-HELP) debt incurred by practitioners for the completion of their law degrees for those practitioners who in turn commit to practising in RRR areas for a predetermined number of years. A number of options are open to government in introducing such an initiative:
  - (a) The practitioner’s HECS-HELP (or FEE-HELP) liability is to be waived in the instance when the practitioner has completed a predetermined number of years in RRR practice. In the Law Council’s view, if this option is adopted, the number of years should not exceed five.
  - (b) The student’s HECS-HELP (or FEE-HELP) liability is reduced by a significant amount, for instance 50%, once the practitioner has completed the first year of practice in RRR area. Following the first year, the liability is reduced incrementally, that is, 10% of the initial debt each year the practitioner continues to practice in the RRR area. Thus, under this regime, the HECS-HELP (or FEE-HELP) liability would cease to exist after six years.

<b>Example 1:</b>	
<b>Year 1 debt remaining</b>	$\$33,996 \times 0.5$ [ie 50%] = \$16,998
<b>Year 2 debt remaining</b>	$\$16,998 - (\$33,996 \times 0.1$ [ie 10%]) = \$13,598.4
<b>Year 3 debt remaining</b>	$\$13,598.4 - (\$33,996 \times 0.1)$ = \$10,198.8
<b>Year 4 debt remaining</b>	$\$10,198.8 - (\$33,996 \times 0.1)$ = \$6,799.2
<b>Year 5 debt remaining</b>	$\$6,799.2 - (\$33,996 \times 0.1)$ = \$3,399.6
<b>Year 6 debt remaining</b>	$\$3,399.6 - (\$33,996 \times 0.1)$ = \$0

Note: Variations of this model are possible. For instance, it is not necessary to reduce the sum by 10% of the original debt sum. The remaining debt could be reduced by 10%. Thus, in the example above the \$16,998 sum could be reduced by 10%, meaning that a longer period would be required to pay off the entire HECS-HELP (or FEE-HELP) debt.

- (c) The practitioner's HECS-HELP (or FEE-HELP) liability is reduced incrementally with each year the practitioner spends in practice in a RRR area. For instance, the liability would be reduced by 20% of the initial debt each year the practitioner remains in legal employment in the RRR area. Thus, under this regime, the HECS-HELP liability would cease to exist after five years.

**Example 2:**

<b>Year 1 debt remaining</b>	\$33,996
<b>Year 2 debt remaining</b>	$\$33,996 - (\$33,996 \times 0.2 \text{ [ie 20\%]}) = \$27,196.8$
<b>Year 3 debt remaining</b>	$\$27,196.8 - (\$33,996 \times 0.2) = \$20,397.6$
<b>Year 4 debt remaining</b>	$\$20,397.6 - (\$33,996 \times 0.2) = \$13,598.4$
<b>Year 5 debt remaining</b>	$\$13,598.4 - (\$33,996 \times 0.2) = \$6,799.2$
<b>Year 6 debt remaining</b>	$\$6,799.2 - (\$33,996 \times 0.2) = \$0$

Note: See explanation above in relation to Example 1 as to what impact any variations may have. It is also important to note that variations in the percentage of the debt reduced each year will lead to variations in time periods taken to pay off the debt.


- (d) The practitioner's HECS-HELP (or FEE-HELP) debt is frozen (not indexed with inflation) when they start work in a RRR area. There is no reduction to this amount beyond what the practitioner is obliged to pay out of their income for three years. After a certain number of years continuous service (for example, five years) in a RRR area, the debt is cleared.
3. **Employer pays for the HECS-HELP debt of their employee.** In this instance, the employer would not be subject to the fringe benefit tax (FBT) on the payment. The advantage of this option is that:
- The employer and/or employee control the timing of the benefit (and any claw back) so that it can be tailored to individual circumstances;
  - The Government only subsidises part of the cost, being the FBT forgone, as opposed to waiving the whole HECS-HELP debt which might be politically unpalatable; and
  - The employer can pass on the cost to the employee if the benefit is taken into account in the employee's "total remuneration".

There is precedent for this option in the public sector in organisations such as the Australian Taxation Office (ATO).

It is important to note that adequate exit mechanisms for these options would also need to be considered.

Increasing opportunities for clinical placements in law in RRR areas for law students

The Law Council believes that there is a need to provide law students with greater opportunities to undertake clinical placements in RRR areas. These types of clinical programs provide law students with the valuable experience of living and working in RRR communities. Many law students that participate in these programs consider relocating to country areas on the completion of their studies.



Programs such as this could be implemented through the States' and Territories' respective Legal Aid offices. However, such programs are largely dependent on allocation of additional Government funding to the Legal Aid Commission for this purpose.

For example, in Victoria, a Regional Summer Clerkships Project (RSCP) was implemented by the Albury Wodonga Community Legal Centre and supported by the Victorian Law Foundation and La Trobe University Law School. The purpose of the RSCP was to provide undergraduate law students with a three to six month placement in three areas of regional Victoria: Bendigo, the Goulburn Valley and North Eastern Victoria. The key objectives of the RSCP were to improve employment opportunities for law graduates and expose law students to a positive RRR lifestyle experience and also to the diversity of RRR legal practice.<sup>22</sup>

In addition, with funding from the Attorney-General's Department, the National Association of Community Legal Centres (NACLC) has established a pilot program in partnership with the Australian National University (ANU) College of Law to provide placement opportunities at RRR CLCs for ANU students undertaking the Graduate Diploma of Legal Practice.

### Government scholarships

The Law Council considers that the implementation of an innovative scholarship scheme by the Federal Government would assist in encouraging people from RRR areas to pursue a career in law.

Currently, there are 31 universities in Australia that offer law degrees. Of those, only eight offer the course at a regional campus (although a small number of other universities provide an online course option) It is therefore important that Government scholarships become available to students from RRR areas to assist with the additional costs associated with relocation and accommodation if they decide to pursue a career in law.

The Federal Government contributes \$300,000 towards the John Koowarta Reconciliation Law Scholarship (Scholarship) Trust<sup>23</sup>, which was established in 1994. The Law Council is the trustee and administrator of the Scholarship. There are also government scholarship programs for education and accommodation costs related to higher education which can be accessed by Indigenous law students. The Law Council suggests that a similar scholarship program could be established for all students from RRR areas.

The Federal Government also provides a range of scholarships to encourage medical and other health professionals to work in RRR areas. For example, the Rural Allied Health Undergraduate Program and the Rural Allied Medical Undergraduate Scholarship scheme provide financial support to assist rural and remote students studying medical and certain health degrees to meet the costs of study, such as accommodation and travel


Due to the shortage of lawyers working in rural and regional Australia, the Law Council believes that there is a desperate need to provide similar support to people from RRR areas who wish to pursue a legal career.

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<sup>22</sup> Helen McGowan, *Lawyers Go Bush, Regional Summer Clerkship Project 2005-2006*, Victoria Law Foundation, available at

[http://www.victorialaw.org.au/pdfbook/SUMMARY\\_OUTCOMES\\_REPORT\\_HELEN\\_MCGOWAN\\_2005.PDF](http://www.victorialaw.org.au/pdfbook/SUMMARY_OUTCOMES_REPORT_HELEN_MCGOWAN_2005.PDF)

<sup>23</sup> The John Koowarta Scholarship commemorates John Koowarta, a member of the Winychanam community in Aurukun and a traditional owner of the Archer River region in the Cape York Peninsula. The Scholarship is available for Indigenous law students.



Scholarships should also be made available for post-graduate practical legal training (PLT) courses, where such courses provide students the option of undertaking a clinical placement with a firm in a RRR area.

Government scholarships are generally limited to undergraduate courses.<sup>24</sup> However, the University of Melbourne now offers law only at a post-graduate level. The Law Council understands that other universities are considering implementing similar models. PLT courses, which law graduates are required to complete in most States and Territories in order to be admitted to legal practice, are also post-graduate courses for which government scholarships are not available.

It should be noted that the University of Melbourne now offers the Donovan-Johnston Memorial Scholarship (the Scholarship). The Scholarship is awarded to up to two full-time Juris Doctor (JD) students from rural or regional Australia, based on the selection criteria for the JD degree (including academic results of all tertiary study previously undertaken, results on the LSAT and personal statement) and demonstrated financial need. The Scholarship is valued at \$5,000 per annum for the duration of the degree (subject to satisfactory performance). To be eligible, students' permanent place of residence, as registered with the University at the time of applying for admission to the JD, must be 80 kilometres or more from the Melbourne General Post Office. Similar scholarship schemes could be introduced by the Federal Government to undergraduate law students at various universities across Australia.

## **Initiatives by Australian Legal Profession**

To date, the legal profession has not as successfully dealt with the issue of attracting legal practitioners to RRR areas as compared to the medical profession (please refer to Appendix 3). Despite the lack of a strategic approach to non-metropolitan legal recruitment, a range of programs across Australia are commended in their efforts to improve and maximise legal service delivery to people living in RRR areas. The coordinated approach taken by the Law Council members will assist to share these initiatives across the country.

Key strategies include the Regional / Rural Solicitor Schemes established by the legal aid bodies in Queensland, Western Australia and New South Wales.

Under the Schemes which have been established in Queensland and New South Wales, new law graduates are placed with private law firms which are located in RRR areas with a high demand for legal aid services. A wage subsidy is provided to the law firm where the graduate is placed by Legal Aid in return for the firm undertaking an agreed amount of legal aid work. Professional fees are also paid to the law firm which delivers the legal aid services.

In Western Australia, the Country Lawyers Graduate Program operates with the assistance of the Law Society of Western Australia, Legal Aid WA, the Community Legal Centres Association of WA, the Aboriginal Legal Service of WA, Family Violence Prevention Legal Services and the Legal Practice Board of Western Australia. Funding for the program is provided by the Federal and State Governments. Under this program, law graduates are recruited to work in RRR areas for a period of four years. Legal Aid WA employs the graduates who undertake their first year as an articled clerk in the Perth office. The graduate then undertakes three 12 month placements at participating community legal centres which are located in RRR areas.

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<sup>24</sup> Australian Law Students Association, Submission to the Dept of Education, Employment and Workplace Relations, *Scholarships for a Competitive Future: Expansion of the Commonwealth Scholarships Program – A Discussion Paper*, April 2008, p 5.



Other strategies include:

- Advertising of job vacancies or creation of specialised employment services, including for locum positions in RRR areas by law societies, eg the NSW Law Society's webpage listing of RRR vacancies and the Queensland Law Society's (QLS) service, [www.legalstaff.com.au](http://www.legalstaff.com.au)
- Provision of professional support by law societies, eg the SA Law Society's Online Country Lawyers Forum and formation of Country Lawyer Committees
- Promotion and facilitation of visiting services by barristers in RRR areas
- Increasing availability of Continuing Professional Development and Specialisation Programs to legal practitioners in RRR areas, including both technological and face to face delivery, eg the Queensland Law Society's Continuing Legal Education program delivered 45 regional seminars in 2007/08 to 1031 practitioners and QLS invested further in videoconference and web-based delivery
- Further media promotion of the impact of the shortage on access to justice and the benefits of legal practice in RRR areas for practitioners, including remuneration equal to or better than that in metropolitan areas<sup>25</sup> and for the community in terms of increased access to justice
- Provision of information to law students and graduates about practice in RRR areas. The Australian Law Students Association (ALSA) has agreed to collaborate with the Law Council in a survey of law students to assess their current perceptions of practising in RRR areas and what type of information they would like about such practice

A detailed examination of the initiatives undertaken by the legal profession in recent years to help attract legal practitioners to RRR areas is provided at Appendix 2.

## **Initiatives by Employer Legal Firms or Organisations**

Other initiatives that may be offered by employers in order to attract lawyers to practice in RRR areas include:


### Salary packaging options for mortgage / rent assistance

Attractive salary packaging arrangements including those available for remote areas housing, may be put in place by employers as an incentive for prospective employees.

RRR employers can provide specific lifestyle benefits such as additional annual leave and flexible work options. RRR employers can also promote lifestyle benefits of better work/life balance, more varied work, more client interaction and earlier responsibility for development of legal practices. The RRR survey found that the main reasons given by respondents for working in RRR areas related to work/life balance and enjoyment of country lifestyle.

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<sup>25</sup> See Queensland Law Society/Hays Salary Survey: A Guide to Salary Packages for the Queensland Legal Industry, 2009



### Provision and promotion of lifestyle benefits which may not be available in metropolitan areas

Offering additional annual leave to employees – Additional leave entitlements provide a good incentive to encourage lawyers to consider relocating outside of metropolitan areas.

Offering the possibility of working from home and part-time employment – Flexible work options are now offered by many metropolitan firms. Similar arrangements should also be utilised by country firms in order to attract and retain employees.

Better work/life balance, more varied work, more client interaction and earlier responsibility for development of legal practices – All of these lifestyle benefits have been identified as advantages for employees in RRR areas.

### Training programs

For example, provision of in-house Continuing Professional Development (CPD) seminars. Country lawyers committees may have a role in organizing these types of CPD activities and possible link up to other areas through telephone or video conferencing.

### Improving social and professional networking opportunities and family support, including meeting and greeting' of legal practitioners upon arrival to the RRR area<sup>26</sup>

These types of events may provide a social network and assist in overcoming feelings of isolation which are commonly experienced when arriving in a new place. Country lawyers committee may be able to assist in promoting this type of initiative.

Providing these opportunities and support assist in overcoming feelings of isolation for legal practitioners and their families. The RRR survey found that most respondents cited family reasons for moving from RRR areas.

### Collaboration with law societies and other legal assistance stakeholders.

Employers can gain considerable benefit from close collaboration with law societies and other legal assistance stakeholders in facilitating: provision of information to law students and graduates; advertising job vacancies; placement of law students and legal practitioners in RRR areas; visiting services by legal practitioners; provision of CPD and professional support, as well as promotion of the issues in the media.

### Increasing use of technology to reduce isolation and travelling time for practitioners in RRR areas

Employers can promote the provision of technology such as electronic filing, online legal library resources and video conferencing to reduce isolation and travelling time for practitioners in RRR areas.

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<sup>26</sup> Rural Industries Research and Development Corporation, *Small Town Renewal: Overview and Case Studies* (June 2001), <http://www.rirdc.gov.au/reports/HCC/01-043.pdf>; Tomazin, F, 'State Schools Struggling to Find Teachers', *The Age*, 28 January 2008, 3; Banfield, M, 'Call of The Bush', *The Sydney Morning Herald*, 15 September 2007, 12; *The NSW Planning Profession: Looking Forward – Report of the Planning Professionals Working Group to the Minister of Planning* (2006), [http://www.planning.nsw.gov.au/settingthedirection/pdf/ppwg\\_report\\_nov06.pdf](http://www.planning.nsw.gov.au/settingthedirection/pdf/ppwg_report_nov06.pdf); M Berry, 'Mid-career Teachers', *The Sydney Morning Herald*, 6 February 2008, 2; Human Rights and Equal Opportunity Commission (2000), *National Inquiry into Rural and Remote Education (Australia): Emerging Themes*; Herrington, A and Herrington, J, *Using the Internet for professional development: The experience of rural and remote professionals*, (2006) Paper Presented at the 23rd Annual ASCILITE Conference: Who's Learning? Whose Technology?, 3-6 December 2006.



### III Retention Initiatives

The legal profession not only lacks the abundance of initiatives which have been employed by other professions to attract professionals to RRR areas, but there is further concern that no effective strategies exist to retain legal practitioners on a long term basis. There are many reasons to explain the differential employment patterns of professionals in RRR communities as compared to metropolitan communities, including, but not limited to, travel costs, higher costs of living, limited accommodation, lack of access to professional development, lower earning capacity and lack of employment, health and educational opportunities for spouses and children.<sup>27</sup>

A recent Discussion Paper published by the University of New England<sup>28</sup> has identified other strategies which require attention in order to improve the retention of professionals in RRR areas. These include service networks and supports, alternative service options, career development opportunities, and addressing isolation and other personal considerations associated with RRR practice. The summary below identifies specific activities within each of the strategies which have been employed by a range of professions and may prove effective in their application to the legal profession.

1. Service Networks and Supports
  - Development of professional communities,<sup>29</sup> eg Hervey Bay monthly social barbeque
  - Development of partnerships with other departments, business and government agencies
2. Alternative Service Options
  - Developing alternative forms of service, such as telecommuting, use of local agents, special transport arrangements<sup>30</sup>
3. Career Development Opportunities
  - CPD programs (decreasing numbers of CPD events held in regional areas are a disincentive)
  - Clear job descriptions
  - Comprehensive orientation programs
4. Locum programs
  - For example, such networks may be established between sole practitioners in RRR areas to enable principals to take annual leave.


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<sup>27</sup> Herrington and Herrington, n 3 above.

<sup>28</sup> University of New England, *Proposing a Systematic Approach to Improving the Supply of Rural Professional Services* (April 2008).

<sup>29</sup> RL Miles, C Marshall, J Rolfe, and S Noonan, *The Attraction and Retention of Professionals to Regional Areas* (2003).  
<http://www.dtrdi.qld.gov.au/dsdweb/v3/documents/objdirctrled/nonsecure/pdf/6751.pdf>

<sup>30</sup> Miles et al, n 23 above.

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- Such networks would be facilitated by an agreement between the legal practitioners that they would undertake the case load of the practitioner on leave during that period.
  - Country lawyer committees in each state and territory may have a role in facilitating these types of arrangements.

5. Addressing Isolation and Other Personal Considerations

- Employment opportunities for spouses
- Educational opportunities for children<sup>31</sup>
- Availability of adequate medical services
- Quality and affordability of accommodation
- Targeted recruitment strategies aimed at professional couples rather than individuals
- Offering flexible arrangements to couples and children
- Promotion of RRR areas as lifestyles options
- Promotion of living in a particular region and professional experience

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<sup>31</sup> Miles et al, n 23 above.



## **IV Recommendations**

The Law Council considers that the most effective strategy in improving the recruitment and retention of legal practitioners, particularly young legal practitioners, to RRR areas should involve a range of options which focus on both short term goals of recruitment and long term goals of retention.

### **Recommendation 1: Legal profession**

The Law Council recommends that a collaborative approach of the legal profession sector be developed. It is essential that the legal profession engages in active promotion of co-operative programs between Legal Aid Commissions, Aboriginal Legal Service providers, private law firms, Legal Aid preferred supplier firms, law societies, community organisations and legal practices in RRR areas of Australia in the delivery of legal services.

An example of the collaborative approach as applied to the medical profession is contained in Appendix 3.

The Law Council also recommends:

- Advertising of job vacancies or creation of specialised employment services for RRR areas by law societies
- Facilitation of professional support by law societies
- Provision of information to law students and graduates about practice in RRR areas.


### **Recommendation 2: Government**

The Law Council recommends that the Federal Government should consider:

- Waiving FBT liabilities on Employer Payments of employee benefits which apply to both new lawyers and experienced lawyers looking for a career change
- Monetary allowances and bonuses for relocation or remaining in a RRR area
- Repaying completely or partially HECS-HELP or FEE-HELP liabilities for legal practitioners who practice in RRR areas for a certain number of years
- Increasing opportunities for clinical placements in RRR areas for law students and graduates

The shortage of publicly funded legal services in RRR areas, such as CLCs, legal aid, and private solicitors, has a detrimental effect on the community's ability to access justice. This Strategy therefore, has a public benefit of:

- Reducing the number of self-represented litigants;
- Decreasing reliance on telephone and intermittent outreach services to meet legal needs; and

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- Encouraging law graduates to relocate to RRR areas by providing subsidies for university fees would arguably increase the number of solicitors in private practice in RRR areas.

### **Recommendation 3: Employer legal firms and organisations**

The Law Council recommends the following Initiatives by employer legal firms and organisations

- Provision and promotion of lifestyle benefits which may not be available in metropolitan areas.
- Increasing social and professional networking opportunities and family support
- Collaboration with law societies and other legal assistance stakeholders in facilitating: provision of information to law students and graduates; advertising job vacancies; placement of law students and legal practitioners in RRR areas; visiting services by legal practitioners; provision of CPD and professional support, as well as promotion of the issues in the media.
- Increasing use of technology to reduce isolation and travelling time for practitioners in RRR areas.

### **Recommendation 4**

The Law Council recommends that a range of retention strategies be explored collaboratively by the legal profession and the government. As identified above, a range of options such as service networks and supports, alternative service options, career development opportunities, and addressing isolation and other personal considerations should be made available to legal practitioners. Availability of these options is expected to provide legal practitioners with incentives to remain in the RRR areas.

### **Recommendation 5**

That insofar as some constituent bodies might not have a dedicated committee of RRR practitioners, that such a committee is established and that it has the carriage of these matters in conjunction with the LCA committee. These RRR committees would assist in gathering and disseminating information and ensuring the LCA committee is working on the most accurate information possible. They would assist by ensuring as complete uptake as possible with the RRR survey.



## Appendix 1: Research

Research regarding the problems of recruitment and retention of legal practitioners in RRR areas and the contributing factors is outlined below.

### National

In 2002 National Legal Aid conducted a national survey of family law practitioners which identified a higher rate of withdrawal from publicly-funded work by legal practitioners in rural areas (40%) when compared to those in urban areas (21%).<sup>32</sup>

The 2006 TNS Study commissioned by the Attorney-General's Department found that there is a shortage of lawyers in regional and remote areas with approximately 3 lawyers per 10,000 residents aged 18+ in remote Australia as compared to 10.7 lawyers per 10,000 in Australian capital cities.<sup>33</sup>

Approximately two-thirds of private firms (67%) in regional and remote areas currently provide legal aid compared with only approximately half of firms (48%) in all locations.<sup>34</sup> Firms in regional and remote Australia provide larger quantities of legal aid work than their city counterparts, with two-fifths (41%) of regional and remote firms providing more than 30 cases a year.<sup>35</sup>

The qualitative component of the TNS study found that regional and remote lawyers were particularly concerned by the limited availability of experienced practitioners and graduates in RRR areas and that reliance was placed on a finite number of solicitors to carry out legal aid work.<sup>36</sup>

### New South Wales

The number of legal practitioners working as solicitors in RRR areas of NSW has been steadily declining since 1988. According to a report prepared for the Law Society of New South Wales,<sup>37</sup> the proportion of solicitors working in RRR locations dropped from 16.7% in 1988 to 13.3% in 2007 (an average decline of 1.3% per year).<sup>38</sup> A further report<sup>39</sup> indicates that the proportion of solicitors is expected to decrease to 12.1% in NSW RRR locations by 2015. Furthermore, solicitors practicing in these areas are generally older and many are expected to retire in the next 10 years.<sup>40</sup> These trends give rise to serious concerns regarding succession planning for the provision of legal services in these communities.

In 2007, there were 2,822 solicitors working in rural areas of NSW, most of whom (2,428) were engaged in private practice.<sup>41</sup> In her report *Recruitment and Retention of Lawyers in Rural, Regional and Remote NSW: A Literature Review*, Trish Mundy further indicates that in the last decade there has been a significant movement of private solicitors away from

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<sup>32</sup> National Legal Aid, *Family Law Private Practitioner Survey 2002*, 2002, p 1 available at [http://www.nla.aust.net.au/res/File/PDFs/Family\\_law\\_Practitioner\\_survey.pdf](http://www.nla.aust.net.au/res/File/PDFs/Family_law_Practitioner_survey.pdf).

<sup>33</sup> TNS Social Research, n 1 above p 38.

<sup>34</sup> *Ibid*, p 39.

<sup>35</sup> *Ibid*, p 41.

<sup>36</sup> *Ibid*, p 36.


<sup>37</sup> Urbis Keys Young, *2007 Profile of the Solicitors of NSW*, The Law Society of New South Wales, 2007, p 13.

<sup>38</sup> Urbis Keys Young, n 1 above, p 14.

<sup>39</sup> *Ibid*, p 14.

<sup>40</sup> Trish Mundy, n 2 above, p 9.

<sup>41</sup> *Ibid*.



inland areas of NSW to coastal areas of the state and a higher concentration of non-metropolitan solicitors in larger regional centres rather than smaller rural towns.<sup>42</sup>

The number of private law firms located in rural NSW has decreased by 1.3% since 1988 and represents only 22.6% of all private law firms in NSW.<sup>43</sup> The rural law practices are generally sole or small practices and more “economically reliant on areas such as conveyancing, wills and estate and family law” than are the metropolitan practices.<sup>44</sup> Furthermore, the incomes of these practices are well below that of the Sydney-based firms.<sup>45</sup>

Finally, the 2007 Annual Profile of Solicitors<sup>46</sup> indicates that only 31 (1.3%) government lawyers, that is those working in a range of government departments and public agencies, including lawyers working within non-government organisations, such as CLCs and Indigenous legal services, are located in rural NSW.

## Northern Territory

The 2004 *Legal Aid and Access to Justice Report* of the Senate Legal and Constitutional References Committee made a number of recommendations relevant to RRR areas in Australia. Specifically, Recommendation 2 advocated “increased funding for the Northern Territory to account for the special challenges it faces in light of its high indigenous population and remoteness.”<sup>47</sup>

## Queensland

Research conducted by Griffith University in 1998<sup>48</sup> showed that a large number of legal practitioners in Queensland had withdrawn from the legal aid system. Consequently, shortage of availability of legal services in RRR areas in Queensland, where Legal Aid Queensland has been left with significant gaps in its legal aid preferred supplier network, had a significant detrimental impact on these areas.

The report further identified “a tendency towards ... ‘juniorisation’ amongst those lawyers who still do legal aid work”,<sup>49</sup> that is, the delegation of “legal aid work to more junior lawyers because the legal aid rates are too far below the normal “charge-out” rate of experienced practitioners.”<sup>50</sup> Such trend necessarily had an indirect impact on RRR areas.

## Victoria

The LIV in 2005 conducted a research project to investigate the issue of recruitment and retention of legal practitioners in practices that were outside the Melbourne metropolitan

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<sup>42</sup> Trish Mundy, n 2 above, p 10. Ms Mundy makes reference to a mapping project currently being prepared by Professor Rice of the Australian National University and which at present remains unpublished. This project utilises the ‘raw data’ collected by the NSW Law Society and maps the movement and gender distribution of private sector lawyers in rural and regional NSW over the past decade.

<sup>43</sup> Urbis Keys Young, 2007, n 31 above, p 14.

<sup>44</sup> Law Society of New South Wales, *National Competition Policy: A discussion paper*, March 2002, p39.

<sup>45</sup> Ibid.


<sup>46</sup> Urbis Keys Young, n 31 above.

<sup>47</sup> Senate Legal and Constitutional References Committee, *Report on Legal Aid and Access to Justice*, June 2004, p xxiii, available at [http://www.aph.gov.au/Senate/committee/legcon\\_ctte/completed\\_inquiries/2002-04/legalaidjustice/report/report.pdf](http://www.aph.gov.au/Senate/committee/legcon_ctte/completed_inquiries/2002-04/legalaidjustice/report/report.pdf)

<sup>48</sup> John Dewar, Jeff Giddings, Stephen Parker, Donna Cooper and Christine Michael, ‘Griffith Legal Aid Report: The Impact of Changes in Legal Aid on Criminal and Family Law Practice in Queensland’, Research Report commissioned by the Queensland Law Society and The Family Law Practitioners’ Association, 1998, pp 90-91.

<sup>49</sup> Ibid, p 91.

<sup>50</sup> Ibid, p 3.



area. This issue has been raised repeatedly by RRR members, and has been an ongoing topic of discussion with Country Law Association (CLAC) presidents.

The objectives of the research were to assist RRR members to address issues they face with recruitment and retention of legal practitioners by:

1. Identifying the issues with the help of stakeholders;
2. Surveying the extent of the problem and possible solutions with the broader RRR based membership;
3. Surveying young legal practitioners about their attitudes to working outside the CBD area and what would attract them to RRR opportunities; and
4. Exploring initiatives and programs which will help address the problem (with the ultimate aim of implementing those that are feasible).

In order to quantify the issue and assess the real extent of the problem (with both employers and potential employees), the LIV developed a two-pronged survey. One survey, targeting employers, was developed with input from CLAC presidents. A mirror survey tool was developed to canvass the perceptions of potential employees of RRR firms. This was important as a mechanism to test the assertions of RRR employers. The employer survey was sent to 377 private practice firms in RRR Victoria (drawn from LIV membership data) and a total of 98 responses were received, thus resulting in a high response rate of 26%. The employee survey sample of 1958 was drawn from the LIV database. The sample was a cross-section of young legal practitioners in metropolitan and RRR Victoria, as well as a specifically drawn sample of mid-career (35-45 year-old) employee legal practitioners, working in the CBD or metropolitan area. A total of 244 responses were received, thus resulting in a response rate of 12.5%.

The key findings from the research which are relevant to the present paper include:

- There is a gap in the information available to both employers and employees about how to undertake the recruitment and retention process;
- There is no central or known path to canvass for jobs or employees for RRR practices;
- Employers need support and practical guidance on how to go about the recruitment process; and
- Lifestyle and work flexibility issues are the most significant factors for legal practitioners outside the metropolitan area.

The surveys further showed that employer and employee expectations were the same, namely, a residence of up to four years was expected. An important finding of the survey of the RRR employers was that employees tended to stay for short periods of time, which was a source of great frustration in view of the investment made in the employee.

Employees surveyed indicated a reasonable level of interest in the idea of working in RRR areas. While employees were focused on the short term issues such as relocation, employers were focused on the longer term, more sustainable strategies such as 'financial offsets', that is, financial support that complements to the salary package in indirect ways. The most popular of these were support for training and HECS debt relief. For employees, the issue of remuneration was important and some of these offsets were therefore likely to address their concerns, at least in part.



## Employer survey

Most respondents (68.4%) were the only partner in their firm, with 28.6% from firms of 2–4 partners. Further, 69.4% of respondents employed 1–2 people, 18.4% employed 3–5 people. The majority of respondents described their practice as a general practice covering most areas of law (61.2%), while 21.4% indicated they worked in one or two specific areas exclusively. The remaining 17.3% said they focused on a small number of specific areas (more than 2, but less than what a ‘general’ practice might perform).

For firms that concentrate their efforts on 1–2 areas of law, Family Law was the most popular (9 mentions) closely followed by Criminal Law. Others, such as Conveyancing, Property and Wills and Estates were not singled out in large numbers.

Of the 17.3% that focused on a specific number of areas of law (but not less than 3), they most frequently cited Commercial/Business Law and Wills and Estates (11 mentions each). These were followed by Conveyancing (7), Probate (6) and Property (6). Other areas such as Litigation and Family Law were mentioned but not in large numbers.

At the time of the survey, most respondents wished to remain the same size (46.9%), however only a few less indicated they did want to grow the business (44.9%). Further, the majority (52%) responded that they employed about the same number of practitioners in their firms compared to five years ago, 22.4% said they were employing more, and a minority (9.2%) said they employed fewer.

The most frequently cited concern of respondents was succession planning (62.2%), that is, finding partners / principals who are interested in, and able, to take over the practice, followed by the concern about attracting new employees (38.8%), and retaining them (29.6%).

Based on the respondents’ experience, they expect employees to stay with the firm for between 2 and 4 years (23.5%) or 5 or more years (18.4%).


Most respondents (61.2%) had not recruited articled clerks in the last 5 years. Of those who had recruited articled clerks, 21.4% had recruited 1 or 2 in the 5 year period, and 14.3% had recruited 3–5. It is important to note that respondents indicated that when they most needed to recruit legal practitioners, they were seeking junior practitioners (38.8%), followed by experienced practitioners (28.6%) with graduates a third priority (16.3%).

Findings indicate that most respondents lost employees to the larger cities or regional centres (30.6%) and/or for better remuneration elsewhere (14.3%). A smaller proportion indicated they left to change the area of law they worked in (10.2%) and others for family reasons (8.2%). Respondents indicated that where they went was mostly into employment with a larger firm (28.6%) with a much smaller proportion leaving to go to a firm of similar size (11.2%).

Employer respondents indicated that the most significant factor in attracting employees was the lifestyle (58.2%), followed by work/life balance and flexibility (45.9%) and the benefit of a variety of work (45.9%).

Distance from larger centres was the key perceived drawback to attracting new employees

(49%), followed by negative perceptions about RRR practices/city-centric views (39.8%), limited income potential (35.7%) and limited career opportunities (24.5%).



Employer respondents regarded financial offset strategies, such as financial support for training, as the key remedy (37.8%). Equal weight (15.3% each) was given by respondents to HECS debt relief and support for families of employees.

## Employee survey

Most employee respondents (48%) said they would not consider employment in a RRR practice at all ('no' group). However, a significant number (42%) indicated that they would ('yes' group), and 9.8% were undecided ('don't know' group). Those who indicated that they would consider employment in these areas were more likely to expect to stay in a position for 5 or more years, compared to a shorter period of between 2 and 4 years for the other two groups.

All respondents indicated that the strongest motivator for moving to a RRR practice would be for lifestyle reasons. The 'yes' and 'don't know' groups indicated that the second strongest motivator would be the possibility of fewer hours or greater flexibility, while the 'no' group indicated that following lifestyle, better remuneration might be a motivator.

For the 'no' group, the key consideration was distance from larger centres, followed by limited income potential. For the 'yes' and 'don't know' groups, limited income potential was the key obstacle, followed by the distance from larger centres. All three groups ranked in third place the belief that making such a move would limit their opportunities for career development. For the more receptive groups, access to continuing professional development (CPD) training and job prospects for spouse/partners figured at reasonable relative levels in their priorities.

For the receptive ('yes') group, relocation assistance was the factor singled out as the thing likely to favor a move, with 54% of the 'yes' group indicating this was the case. Equal second preferences were given to financial support for training and support for family/spouse (44.7% each). The unreceptive group indicated that there were two factors that would move their receptiveness, namely, support for family/spouse (41.9%) and relocation assistance (41%).

As a result of this research, this report identified three general areas where the LIV could usefully apply its resources to assist RRR practices.

1. *Communication:* A general communications program about the benefits of working outside the metropolitan area. The LIV concluded that any communications campaign would be strengthened by existence of concrete initiatives, arising out of Options 2 and 3 below.
2. *Financial:* Pursue funding for financial offset programs. Specifically, funding would be required for training of legal practitioners who work in the RRR areas and scholarships for RRR law students. Other financial possibilities included HECS-HELP debt relief for those who take up RRR positions and funds for relocation expenses.
3. *Jobs forum:* The needs of both groups for access to information regarding available positions through an online service. The LIV in 2006 developed a 'Careers in Law' website. The website contains a job search function by location and among these are included regional areas of Ballarat, Bendigo, Geelong, Gippsland, Goulburn Valley, Mornington Peninsula, North East Victoria, North West Victoria, Western Districts, and Wimmera.



## Western Australia

Recent data provided in a paper on the WA Country Lawyers Program presented by Jane Stewart at the 2008 National Access to Justice Pro Bono Conference indicates that there is a significant shortage of legal practitioners in the regional community legal sector of Western Australia.<sup>51</sup> In March 2008, more than one in three regional community legal sector positions (21 of 59) were vacant.<sup>52</sup>

Ms Stewart's paper also considered research which has been undertaken into recruitment and retention issues in Western Australia's Family Violence Prevention Legal Service Units (all of which are located in RRR areas of WA). This research found that there were massive problems in recruiting legal practitioners for the units with only one of the eight units fully staffed at the time the research was undertaken. As cited in the paper: "[t]he coordinator of the Port Hedland unit spent the first 8 months in his new job with only an admin[istrative] worker as he could not recruit other staff. The Kununurra unit has not been able to recruit a solicitor since it opened two years ago. Several units report staff staying in their posts only a matter of weeks, or even days."<sup>53</sup> The report identifies the problem as "a fundamental failure to be able to effectively deliver a service."<sup>54</sup>

The paper further notes that, with the exception of Broome, the areas north of Geraldton have no private legal practitioners. Consequently, legal services for those areas are provided by the CLCs or other government-funded agencies and, as indicated above, one in three of these positions were vacant in March 2008.

## Future research

The Working Group is currently exploring options for conducting research into legal practitioners in RRR areas throughout Australia. Further information about the research and any findings will be incorporated in this paper once available. Nevertheless, anecdotal evidence appears to suggest that a similar trend is experienced in all other areas of Australia.<sup>55</sup>

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<sup>51</sup> Jane Stewart, n 18 above, 2008. The figures were provided in March 2008 by Legal Aid WA, The Aboriginal Legal Service of WA, Community Legal Centres and Family Violence Prevention Legal Services. At this time there were 59 positions and 21 vacancies (36%).

<sup>52</sup> Ibid, p 1

<sup>53</sup> Ibid, p 1, citing Leah Watkins and Rona Chadwick, *The Starfish Report: The Presence of Justice - Recruitment and retention issues in WA's Family Violence Prevention Legal Service Units*, Starfish Consulting 2008.

<sup>54</sup> Ibid, p 1.

<sup>55</sup> This conclusion is based on the communications between the authors and representatives of other law societies.



## Appendix 2: Initiatives of the Legal Profession

### National

Following receipt of the *Report on Legal Aid and Access to Justice* in 2004, the Law Council adopted certain policy strategies relating to RRR Australia. Those policy strategies were taken up in the 2004/2005 Strategic Plan – Policy Projects following the Directors' Meeting on 26 June 2004. The relevant strategies relating to rural, regional and remote Australia are as follows:

- Promote increased effectiveness in delivery of legal aid services.
- Promote increased availability of legal aid services to RRR Australia.

Relevant implementation tasks included:

- Consider and, if appropriate, promote a more formalised partnership scheme for the delivery of legal aid services.
- Promote increased interaction and co-operation between publicly funded legal aid providers.

The Federal Government has not taken up recommendations in the 2004 Senate report to improve the provision of legal aid services to RRR Australia and consequently the Law Council's strategies have not produced the desired effect.

Most of the initiatives undertaken by the legal profession to attract legal practitioners to RRR areas to date have been introduced on a state by state basis rather than nationally.

However, in 2008, NACLC received funding for a one year feasibility study from the Attorney-General's Department to place practical legal training (PLT) students in CLCs in RRR areas. A pilot program will be run in conjunction with the ANU College of Law from 1 January 2009 to 30 June 2009.


### New South Wales

The Co-operative Legal Services Delivery Model (CLSDM)<sup>56</sup> was introduced in NSW for the purpose of maximising legal service delivery to people living in disadvantaged communities, particularly those in RRR areas. The Model was piloted in Western NSW (Dubbo) and the Far West (Broken Hill) and Northern Rivers regions of NSW. This initiative involves collaboration between government organisations (legal aid, courts and tribunals), community groups (CLCs, Indigenous legal organisations, and tenancy workers), private lawyers (Blake Dawson Waldron in the Dubbo & Far West NSW regions and Allens Arthur Robinson in the Northern Rivers district) and quasi-legal service providers (financial counselling services and Family Violence Protection Units) to plan and deliver services more effectively and efficiently in RRR areas.

Further, a Regional Solicitor Program, based on the Queensland model in terms of the salary subsidy and other financial incentives to law firms, was initiated in 2007 by the NSW Legal Aid Commission. Unlike the Queensland model, under the NSW program the

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<sup>56</sup> Hitter, M, Cooperative Legal Services Delivery Model, Legal Aid Commission of NSW, Sydney, May 2004. View at <http://www.legalaid.nsw.gov.au/data/portal/00000005/public/07944001198016882175.pdf>. Evaluation Report of the Pilot Study is available at <http://www.legalaid.nsw.gov.au/data/portal/00000005/public/13935001128470643765.pdf>.



State's Legal Aid Commission does not actively recruit young legal practitioners through the NSW universities. The Program is expected to be evaluated shortly.

Finally, the National Pro Bono Resource Centre received funding from the Law and Justice Foundation of New South Wales "to undertake a project aimed at improving access to legal services for disadvantaged and marginalised people in RRR communities by increasing the availability and quality of pro bono legal services in those communities."<sup>57</sup> The project included:

- Organising a 'relationship building event' between CLCs and law firms in New South Wales RRR areas;
- Supporting the development of three pilot partnerships between three firms and three RRR CLCs, all of which have continued beyond the pilot period; and
- Liaison with regional law societies.

## Northern Territory

In May 2005, a two-day workshop was held in Darwin with legal service providers to discuss unmet legal needs in Northern Territory and solutions to those needs. Attendees included representatives from the Law Society of Northern Territory, government, Aboriginal and Torres Strait Islander legal services including women's legal services, Family Violence Protection Legal Services, Northern Territory Legal Aid, CLCs and pro bono providers, and the National Pro Bono Resource Centre. Some solutions identified included sharing library, expertise and other resources. It was agreed that the workshop meetings will be held on annual basis to ensure better cooperation and communication between existing providers.

## Queensland


The Rural/Regional Solicitor Scheme in Queensland was established in 2004 in order to address immediate supply difficulties. Under the scheme, new law graduates are placed with private law firms situated in the RRR areas of high demand for legal aid. A wage subsidy is offered to the law firm where the graduate is placed in return for undertaking an agreed amount of legal aid work. Further, professional fees are paid to the law firm which delivers the legal aid services. Legal Aid Queensland pays the graduate's PLT course fee and up to 75% of a wage subsidy for a period of two years. Evaluations of the program indicate that the law firms were satisfied with the program and were either breaking even or making a small profit from involvement in the program. Further, the evaluation report indicated that greater support for graduates was required in order to assist them in adjusting with relocation, this factor being the most significant determinant of whether the graduate remained in the firm.<sup>58</sup>

The Legal Aid Services to Regional and Remote Areas of Queensland Strategy was developed by the Legal Aid Queensland (LAQ) in 1999 in order to address the shortage of legal services provision in RRR communities. As part of the Strategy, LAQ established a cross-departmental network of community access points (CAPs) across Queensland and collaborative relationships at a RRR level to enable resource sharing. CAPs are organisations (which include neighbourhood centres, Queensland Government agents, hospitals and courthouses) that community members identify as places they turn to for support in their town and that agree to act as LAQ information and services bases in

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<sup>57</sup> National Pro Bono Resource Centre, *Regional, Rural and Remote Pro Bono Models and Opportunities*, May 2006, p 7 available at [http://www.nationalprobono.org.au/ssl/CMS/files\\_cms/RRRpaper.pdf](http://www.nationalprobono.org.au/ssl/CMS/files_cms/RRRpaper.pdf)

<sup>58</sup> Trish Mundy, n 2 above, p 3, 21-22.



communities where there is no Legal Aid regional office. There are currently 37 CAPs across Queensland.<sup>59</sup>

Finally, the preferred supplier scheme has been operational in Queensland since 1997. Under this scheme, each firm enters into a service agreement for membership on the list. Services are provided across various lists, including Family Law, Civil Law, Criminal Law General, Criminal Law Juvenile and Criminal Law Life.

In October 2004, the Queensland Public Interest Law Clearing House (QPILCH) received funding from the Grants Committee of the Queensland Law Society Incorporated for a project to assist with the provision of pro bono legal services to RRR areas of Queensland.<sup>60</sup>

The grant has been utilised to:

- Undertake research into the provision of pro bono legal services in Queensland and to identify unmet needs for pro bono legal services;
- Trial two pilot projects where two RRR firms and two metropolitan firms develop links or 'partnerships' to provide pro bono legal services to RRR areas of Queensland;
- Promote QPILCH and the project to the profession and the community in RRR areas of Queensland; and
- Provide general facilitation and communication between RRR legal service providers (law firms and CLCs) and Brisbane law firms to enhance pro bono services in RRR. In particular, the RRR Project has been a point of contact for other RRR legal service providers and CLCs to request assistance.

## Victoria

The Regional Summer Clerkships Project (RSCP), aimed at undergraduate law students, was an initiative of the Albury Wodonga Community Legal Centre and supported by the Victorian Law Foundation and La Trobe University Law School. The purpose of RSCP was to provide undergraduate law students with a three to six month placement in regional law practices. The project recruited 56 applicants and facilitated a summer work experience focusing on three areas of regional Victoria: Bendigo, Goulburn Valley and the North East of Victoria. The key objectives of RSCP were the improvement of employment opportunities for law graduates, exposure to a positive RRR lifestyle experience and to the diversity of RRR legal practice.<sup>61</sup>

The students were supported through regular meetings with other young legal practitioners or law clerks in their town or region in an attempt to address isolation and assist them to integrate into the RRR communities. An evaluation of the Project indicated that the interest in RRR practice was reaffirmed for many students. Further, social isolation was a significant factor in the perception about the experience.


The Public Interest Law Clearing House in Victoria (VPILCH) has developed a number of strategies to address the shortage of pro bono services in RRR areas. The organisation has decided to establish relationships with CLCs and other community based

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<sup>59</sup> See <http://www.legalaid.qld.gov.au/Regional+Queenslanders/Community+access+points.htm>

<sup>60</sup> National Pro Bono Resource Centre, n 51 above, p 9.

<sup>61</sup> Helen McGowan, n 19 above.



organisations in RRR areas and it encourages city-based members to extend their services to RRR areas.<sup>62</sup>

The VPILCH Homeless Persons Legal Clinics program has targeted training to assist homeless people outside the city, by holding half-day workshops in the Barwon, Grampians and Bendigo areas. There are plans to extend workshops into nine RRR areas and also to cover credit and debt matters.<sup>63</sup>

## Western Australia

Western Australia established the Country Lawyers Graduate Program (the Program) in 2007. The Program is funded with the assistance of both Federal and State Governments. Specifically, in September 2007, the Federal Government provided Legal Aid WA with funding over two years to establish a Co-ordination Team. The team is responsible for implementing the key phases of the Program, including the development of a graduate program, attracting experienced lawyers to the Program and improving access to continuing professional development and professional support for legal practitioners in RRR areas of Western Australia.<sup>64</sup>

An initiative of the Law Society of Western Australia, Legal Aid WA, CLCs, the Aboriginal Legal Service of Western Australia, Family Violence Prevention Legal Services and Legal Practice Board of Western Australia, the Program is aimed at improving the recruitment and retention of lawyers in RRR areas by recruiting, developing and rotating junior solicitors throughout regional Western Australia. Thus, the Program is targeted at law graduates. The graduate's salary is increased progressively to \$60,000 in their fourth year. Other salary bonuses and incentives include salary packaging, payment of membership fees to the Law Society of Western Australia, and regional allowances including access to subsidised housing.<sup>65</sup> After 12 months of operation, there are 21 legal practitioners in the program.

The Professional Development component of the Program specifically targets legal skills that legal practitioners, including those working in private practice and other agencies, will require in RRR community legal sector agencies, including cross cultural training, family violence, protection and care, family law, criminal injuries compensation, criminal law, and advocacy skills.<sup>66</sup>

The Program is based on a one-employer model, with Legal Aid WA as the employer. The legal practitioners are seconded to each stakeholder agency during their placements in the RRR area. The model utilises the Legal Aid WA award as the benchmark in order to provide the parity of working conditions across all stakeholder agencies and it honours entitlements accrued under and provides portability of conditions across the Program.<sup>67</sup>

Participating stakeholder agencies pay Legal Aid WA an Articled Clerk loading. This loading, spread over three years of the program, is calculated to reimburse Legal Aid for 75%, or approximately \$18,000 per year, of its Articled Clerk training costs. Housing subsidies in certain areas, admission fees, Law Society of Western Australia fees, and

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<sup>62</sup> National Pro Bono Resource Centre, n 51 above, p 9.

<sup>63</sup> National Pro Bono Resource Centre, n 51 above, p 9.


<sup>64</sup> Jane Stewart, 'The WA Country Lawyers Program', n 18 above, p 3.

<sup>65</sup> Country Lawyers Graduate Program,

<http://www.legalaid.wa.gov.au/LAServices.aspx/default.aspx?Page=Employment%5CCountryLawyers.xml>

<sup>66</sup> Jane Stewart, 'The WA Country Lawyers Program', n 18 above, p 3.

<sup>67</sup> Ibid, p 5.



other RRR costs are provided under the Program. These costs are incurred by the participating agencies.<sup>68</sup>

Legal practitioners participating in the Program are provided with professional support such as access to senior staff to assist with legal queries, human resources personnel to assist with leave and relocation needs, IT support including a laptop and access to the internet, online legal resources and library provided by Legal Aid, professional mentors, employer funded counselling and de-briefing services, and peer support through a bi-monthly Country Lawyer's Newsletter.<sup>69</sup>

A paper presented at the *2008 National Access to Justice and Pro Bono Conference* on the WA Country Lawyers Program indicates that in the six months from March 2008 the Program has assisted in reducing the vacancy rate in the RRR community legal sector from one in three to one in four positions.<sup>70</sup>

As identified in the paper, provision of housing for Program participants is the most significant concern due to the impact of the economic boom in Western Australia. Government "housing subsidies and assistance in obtaining housing will be essential for the survival and sustainability of the Program."<sup>71</sup>

The paper identifies the following options to address the issue of housing shortage:

- **"Accessing government housing subsidies:** Using the status of Legal Aid employee under the one employer model to access government subsidised housing (Government Regional Officers Housing - GROH formerly GEHA);
- **Purchase Houses:** Some agencies are purchasing houses in key areas including Kununurra, Port Hedland and Broome;
- **Fly in Fly out:** Fly in fly out services are being used successfully in some areas:
  - The Carnarvon Flying Duty Lawyers Circuit - Legal Aid in Perth
  - Fitzroy Crossing family violence services - Women's Legal Centre in Perth;
  - Flying in senior counsel for serious indictable matters on District and Supreme Court criminal circuits; and
  - Many regional community legal sector agencies regularly using relief support from lawyers based in Perth or other offices."<sup>72</sup>

The Program is expected to be comprehensively evaluated in 2009 by examining the effectiveness of the Program in recruiting and retaining legal practitioners in the longer term and in meeting the professional needs of those participating in the Program in a RRR context.<sup>73</sup>

Evident from the State-based initiatives above is that the delivery of legal services to RRR areas can be effectively achieved only through a partnership of government, community

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<sup>68</sup> Ibid, pp 5-6.


<sup>69</sup> Ibid, p 6.

<sup>70</sup> Ibid, p 2.

<sup>71</sup> Ibid, p 7.

<sup>72</sup> Ibid, p 7.

<sup>73</sup> Ibid, p 9.



and private sector providers. The important factor which distinguishes these communities from their metropolitan counterparts is not so much the reduced number of legal aid and CLC providers but the lack of private law firms and practitioners necessary for the healthy sustainability of these communities. It emphasises the need for government assistance to private providers in recruiting and retaining practitioners to RRR areas. The direct and indirect contributions of private legal practitioners to the community are also vital to advanced economic prosperity and social welfare generally.<sup>74</sup>

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<sup>74</sup> Spigelman JJ Hon, AC Chief Justice of NSW, Access to Justice and Access to Lawyers – Address to the 25th Australian Legal Convention, Sydney, 24 March 2007.



## Appendix 3: Attraction and Retention Strategies of the Medical Profession<sup>75</sup>

### Model incorporating some of the initiatives explained in this paper

Medical and allied-health professions benefit from a range of publicly funded programs and incentive schemes, such benefits having been available for some time to these professionals. Such benefits range from encouragement of RRR participation in university studies, the provision of undergraduate and postgraduate scholarships,<sup>76</sup> financial support for RRR clinical placement; financial incentives for taking up practice in RRR areas<sup>77</sup> and financial incentives to practitioners to remain in these areas for extended periods.<sup>78</sup>

The programs and initiatives of the medical profession have been divided into the main categories of:

- Remuneration, Grants and Subsidies
- Leave and Conditions
- Education and Training
- Other

The Commonwealth provides funding to the Rural Workforce Agencies (RWAs) through the Rural and Remote General Practice Program (RRGPP) to deliver a number of program initiatives with the aim of improving the attraction, recruitment and retention of GPs in RRR areas. RWAs may also receive some funding from their state government.

The RRGPP comprises of:

- The RRGPP Rural Medical Support Forum (RMSF)
- The Rural Medical Family Network (RMFN)
- Relocation, training and remote area grants
- Practice sustainability and crisis grants
- CME/locum grants
- The Rural Locum Relief Program (RLRP)
- Education and training


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<sup>75</sup> For full details of the initiatives visit [http://www.ama.com.au/web.nsf/doc/WEEN-79J3MX/\\$file/State\\_territory\\_rural\\_workforce\\_programs.pdf](http://www.ama.com.au/web.nsf/doc/WEEN-79J3MX/$file/State_territory_rural_workforce_programs.pdf)

<sup>76</sup> For example, the Rural Allied Health Undergraduate Scholarship provides financial support to assist rural and remote students to meet the costs of study, such as accommodation and travel. The scholarship is valued at \$10,000 per year payable throughout the student's degree. Approximately 100 new scholarships are offered each year, with 550 being maintained at any one time. Other scholarships are also available.

<sup>77</sup> For example, the NSW Rural Doctors Network offers grants of up to \$18,000 to eligible general practitioners relocating to rural NSW communities in need of general practice services.

<sup>78</sup> For example, the Rural Retention Program, introduced in 1999, providing financial incentives of up to \$25,000 depending on the length of service, the remoteness of the area and the level of service provided by medical practitioners.



Individual RRR hospitals have developed their own strategies and offer packages of incentives to recruit and retain doctors and include cars, accommodation, study leave, return airfares, additional leave, assured leave (hospitals arrange a locum), time off in lieu for overtime (instead of loading) as well as family support and spouse employment. Specialist Colleges also have initiatives including locum services, RRR training programs and targeted training/practice improvement programs.

In some states, local governments have also been active in the area of recruitment and retention in an attempt to recruit doctors to live and work in their towns. This has mainly been via a partnership arrangement (ie. with Division of General Practice) to set up the necessary infrastructure and support for services to encourage doctors to take up employment without having to make the considerable investment of setting up a practice (model examples available at [http://www.nswrdn.com.au/client\\_images/6927.pdf](http://www.nswrdn.com.au/client_images/6927.pdf)).

### Remuneration, Grants and Subsidies

- Rural Enhancement Package (REP) funding is provided by the government to 86 eligible hospitals in an attempt to compensate General Practitioners for after hours public on-call work.
- The Victorian Government provided funding to the Victorian Faculty of the Australasian College of Dermatologists to cover costs for dermatologists to visit rural centres on a rotational basis to provide a monthly consulting service
- Since 1996, the Victorian Government has provided procedural rural GPs who have admitting rights to designated Victorian Rural Public Hospitals a reduced premium insurance option.

### Leave and Conditions

- The Rural Workforce Agency of Victoria (RWAV) offers a subsidy to rural GP's to assist in covering the cost of locum services. The Rural Locum Subsidy is available to solo GPs practicing in RRMA categories 5 (Other Rural Area), 6 (Remote Centre) and 7 (Other Remote Area), and GPs in a group practice in RRMA categories 6 or 7.

### Education and Training

- Subsidies are available to health services in areas of workforce shortage to offset the cost of education, training and supervision (posts in other areas with a demonstrable workforce shortage may also be funded - assessed on an individual basis, according to merit and funding availability). To improve flexibility, posts may be available on a part-time basis or job-share arrangements facilitated.
- Funding is available to subsidise health services for the cost of GP training posts, specifically for the provision of appropriate education, training and supervision provided within a post.
- The Basic Physician Training Pilot Consortia Model aims to more equitably distribute the medical workforce across Victoria so that there is adequate supply in areas of workforce shortage. The rationale is that the distribution of basic physicians and basic surgical trainees is one of the greatest areas of concern for outer metro and rural hospitals.

- Subsidies are available through the Victorian government for procedural training and some non-procedural training through the Continuing Professional Development for GPs Subsidy Program.
- The Victorian Government provides funding for medical education to RRR practitioners and allied health professionals through the Country Education Program. Meetings are accredited for CPD/CME points with relevant organisations.

#### Other

- The Victorian Government provides funding (\$6 million over four years) for the Rural Workforce Strategy to attract and retain health professionals in RRR Victoria. Projects funded are varied and include education for rural GP Anaesthetists, support and professional development for Directors of Medical Services across rural health services, enhancing capacity for RRR undergraduate placements, retention initiatives for Overseas Trained Doctor (OTD) psychiatrists, basic physician training consortia model
- Victorian Government funds the Victorian OTD Rural Recruitment Scheme which aims to attract, assess, place and support overseas trained general practitioners in RRR Victoria.

In the 2009 Budget, the Federal Government announced that it would invest \$134.4 million to reform and improve incentives to encourage medical practitioners to work and remain in the rural and regional communities. The Government will replace the previous classification system with a new approach which is based on the principle of 'the more remote you go, the greater the reward' to encourage doctors to work and remain in some of Australia's most isolated communities.

- By way of example, a doctor moving from a major city to a regional centre will receive \$15,000 whereas a doctor re-locating to a very remote area will get \$120,000, in stark contrast to current incentives of zero in some areas.

Under the proposed changes, nearly 2,500 doctors will be newly eligible for support, almost 500 communities will be eligible for incentive payments for the first time, and some 40 communities benefit from more investment in primary care infrastructure.

The Government has also expressed a commitment to establish a National Rural Locum program and expand the Training for Rural and Remote Procedural GPs program and provide more support for rural training for nurses, midwives and allied health students.

The media release by the Minister for Health and Ageing, the Hon Nicola Roxon, outlining these changes can be found at <http://www.health.gov.au/internet/ministers/publishing.nsf/Content/sp-yr09-nr-nrsp140509.htm>.

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**Attachment C: Law Council Submission to Treasury**

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# **Funding for Recruitment and Retention of Legal Practitioners to Rural, Regional and Remote Areas**

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## **2009-10 Federal Budget**

16 January 2009

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## **Table of Contents**

Introduction.....	3
Research findings .....	3
Initiatives by the Federal Government.....	4
Concluding remarks .....	7
Attachment A: Profile of the Law Council of Australia.....	8

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## Introduction

The Law Council considers that there is an urgent need for Government funding to address the problem of recruitment and retention of legal practitioners in rural, regional and remote (RRR) areas of Australia.

Research undertaken in recent years has concluded that there is a massive shortage of lawyers in RRR areas and that the numbers of legal professionals working in country Australia are continuing to decline.<sup>1</sup> Furthermore, private practitioners in RRR areas undertake significant amounts of legal aid work and are, in effect, 'keeping the system going'.<sup>2</sup>

The Law Council believes that country Australia is facing a crisis in the area of access to justice. Government initiatives are desperately needed to attract legal practitioners to RRR areas. Without such intervention the numbers of lawyers will continue to decline and this will have a massive impact on the legal aid system, which is already under significant pressure, and the justice system in these areas.

In 2008, in response to growing concerns from its constituent members and strong anecdotal evidence about a looming crisis, the Law Council established a Working Group to examine the problem of recruitment and retention of legal practitioners in RRR areas.

The Working Group is currently examining the most effective strategies to attract practitioners to the country and also to retain practitioners in these communities on a long term basis. It is considered that an effective solution to these problems will only be achieved through a range of strategies both at a grass roots and national level and in partnerships between government, community and private sector. The Working Group is to provide a comprehensive report on its findings to the Law Council's Directors in March 2009.

Through this submission to Treasury, the Law Council seeks to highlight its concerns about the considerable difficulties for the legal profession in recruiting and retaining legal practitioners to RRR areas and also to outline key initiatives that may be adopted by Government in order to alleviate these problems. We ask the Treasury to give serious consideration to these initiatives in determining its funding allocations in the 2009-10 budget.

This submission is in addition to the Law Council's general submission relating to Legal Aid and Access to Justice Funding dated 9 January 2009.

## Acknowledgment

The Law Council acknowledges the particular assistance of the Law Institute of Victoria in the preparation of this submission.

## Research findings

Several significant research studies undertaken in recent years have concluded that there is a shortage of lawyers in RRR areas.

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<sup>1</sup> See TNS Social Research, *Study of the Participation of Private Legal Practitioners in the Provision of Legal Aid Services in Australia*, December 2006 and Urbis Keys Young, *The Solicitors of New South Wales in 2015 – Final Report*, The Law Society of New South Wales.

<sup>2</sup> TNS Social Research, *Study of the Participation of Private Legal Practitioners in the Provision of Legal Aid Services in Australia*, December 2006, p 36.

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The 2006 TNS Study commissioned by the Attorney-General's Department found that there is a shortage of lawyers in regional and remote areas with approximately 3 lawyers per 10,000 residents aged 18+ in remote Australia as compared to 10.7 lawyers per 10,000 in Australian capital cities.<sup>3</sup>

Approximately two-thirds of private firms (67%) in regional and remote areas currently provide legal aid compared with only approximately half of firms (48%) in all locations.<sup>4</sup> Firms in regional and remote Australia provide larger quantities of legal aid work than their city counterparts, with two-fifths (41%) of regional and remote firms providing more than 30 cases a year.<sup>5</sup>

The qualitative component of the TNS study found that regional and remote lawyers were particularly concerned by the limited availability of experienced practitioners and graduates in RRR areas and that reliance was placed on a finite number of solicitors to carry out legal aid work.<sup>6</sup>

A study undertaken by the Law Society of New South Wales has found that the proportion of lawyers working in country New South Wales has dropped from 16.7% in 1988 to 13.7% in 2003 (an average decline of 1.3% a year).<sup>7</sup> Projections based on this data have found that the numbers of country lawyers will continue to decline and by 2015 only 12.1% of all New South Wales lawyers will be working in country areas.<sup>8</sup>

While there are no national figures currently available on the age of practitioners working in RRR areas, there is considerable anecdotal evidence which suggests that a large percentage of country lawyers are nearing retirement. In a 2003 media release, Ms Kim Cull, former President of the NSW Law Society noted that 'most country solicitors are aged 45 years and over and it appears that one third of those will retire in the next 10 to 15 years, leaving a gap which must be filled by other practitioners'.<sup>9</sup>

The Law Council's Recruitment and Retention Working Group is currently undertaking a national survey into practitioners working in RRR areas. It is hoped that this survey will provide additional data on the numbers of practitioners who are considering leaving the country and obtain qualitative information on retirement and succession planning. The Working Group is hoping to have the information from this survey collated in the first quarter of 2009.

## Initiatives by the Federal Government

The Law Council calls on the Treasury to implement measures in the budget that will assist in attracting lawyers to work in RRR areas.

Initiatives that may be adopted by the Federal Government include:

- repaying, completely or partially, HECS-HELP (or FEE-HELP) liabilities for law graduates and/ or practitioners who work in RRR areas;
- the introduction of Government scholarships for students from country areas;
- monetary allowances, bonuses and/or subsidised or free housing for lawyers or graduates who relocate to RRR areas; and
- increasing opportunities for legal clinical placements in RRR areas for law students.

Each of these initiatives is considered in detail below.

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<sup>3</sup> Ibid, p 38.

<sup>4</sup> Ibid, p 39.

<sup>5</sup> Ibid, p 41.

<sup>6</sup> Ibid, p 36

<sup>7</sup> Urbis Keys Young, *The Solicitors of New South Wales in 2015 – Final Report*, The Law Society of New South Wales, p 14

<sup>8</sup> Ibid.

<sup>9</sup> Trish Mundy, *Recruitment and Retention of Lawyers in Rural, Regional and Remote NSW: A Literature Review*, July 2008, p 9.

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### Repaying, completely or partially, HECS-HELP (or FEE-HELP) liabilities

One effective initiative that may be implemented by the Federal Government is the repayment of HECS-HELP (or FEE-HELP) liabilities for those graduates (and practitioners) who undertake work in RRR areas.

At the 2020 Summit similar recommendations were proposed as a potential strategy to encourage a range of professionals to live and work in RRR areas, thereby helping to build community capacity and sustainable communities.

Under such a repayment scheme, the Federal Government would commit to paying off the student's HECS-HELP (or FEE-HELP) debt either partially or in full for those students who in turn commit to practicing in RRR areas for a predetermined number of years following the completion of their degrees.

Alternatively, Government could implement a scheme which waives fringe benefits tax for those employers who offer to pay (either partially or in full) the HECS-HELP or FEE HELP debt of their employee.

The Law Council notes that the Federal Government has already established a HECS repayment scheme as an incentive to attract doctors to work in rural and regional areas of Australia. This scheme commenced in 2000-01. Participants in the scheme have 1/5<sup>th</sup> of their HECS-HELP medical fees reimbursed for each year of service in a designated rural or remote area.

### Government scholarships

The Law Council considers that the implementation of an innovative scholarship scheme by the Federal Government would assist in encouraging people from RRR areas to pursue a career in law.

Currently, there are 31 universities in Australia that offer law degrees. Of those, only eight offer the course at a regional campus (although a small number of other universities provide an online course option) It is therefore important that Government scholarships become available to students from RRR areas to assist with the additional costs associated with relocation and accommodation if they decide to pursue a career in law.

The Federal Government contributes \$300,000 towards the John Koowarta Reconciliation Law Scholarship (Scholarship) Trust<sup>10</sup>, which was established in 1994. The Law Council is the trustee and administrator of the Scholarship. There are also government scholarship programs for education and accommodation costs related to higher education which can be accessed by Indigenous law students. The Law Council suggests that a similar scholarship program could be established for all students from RRR areas.

The Federal Government also provides a range of scholarships to encourage medical and other health professionals to work in RRR areas. For example, the Rural Allied Health Undergraduate Program and the Rural Allied Medical Undergraduate Scholarship scheme provide financial support to assist rural and remote students studying medical and certain health degrees to meet the costs of study, such as accommodation and travel

Due to the shortage of lawyers working in rural and regional Australia, the Law Council believes that there is a desperate need to provide similar support to people from RRR areas who wish to pursue a legal career.

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<sup>10</sup> The John Koowarta Scholarship commemorates John Koowarta, a member of the Winychanam community in Aurukun and a traditional owner of the Archer River region in the Cape York Peninsula. The Scholarship is available for Indigenous law students.

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Scholarships should also be made available for post-graduate practical legal training (PLT) courses, where such courses provide students the option of undertaking a clinical placement with a firm in a RRR area.

Government scholarships are generally limited to undergraduate courses.<sup>11</sup> However, the University of Melbourne now offers law only at a post-graduate level. The Law Council understands that other universities are considering implementing similar models. PLT courses, which law graduates are required to complete in most States and Territories in order to be admitted to legal practice, are also post-graduate courses for which government scholarships are not available.

### **Monetary allowances and bonuses for relocation or otherwise**

The Federal Government may consider offering relocation monetary allowances and bonuses to encourage legal practitioners to pursue employment in RRR areas.

Such allowances may be offered by employers as fringe benefits (on which no tax would be payable by the employer) or by the Federal Government through a benefit distribution system such as Centrelink or some other governmental agency.

The Law Council notes that the Federal Government provides funding for the relocation expenses for general practitioners who decide to take up RRR placements through the Rural and Remote General Practice Program.

### **Tax breaks for working in remote areas**

Currently, 'Zone Tax Offsets' are available to taxpayers who have lived or worked in a remote area of Australia for a certain qualifying period.

The offset amounts range from \$57, plus 20% allowed for dependents, for residents of Zone B (regional areas of South Australia, New South Wales, southern Western Australia and Queensland) to \$338, plus 50% allowed for dependents, for residents of Zone A (comprising the Northern Territory and regional areas of northern Queensland and Western Australia). An additional "special area" offset of \$1173 plus 50% allowed for dependents, is available to those living in an area 250km or more from a population centre of 2,500 or more.<sup>12</sup> These amounts have not changed in almost 15 years.

The Law Council considers that a significant increase in the current offset amount available through the ATO scheme would assist in attracting and retaining legal practitioners in RRR areas.

### **Subsidised or free housing**

The Law Council believes that the availability of incentives which relate to housing in RRR areas would encourage a greater number of legal practitioners to consider relocating to these areas. The issue of housing has been identified as a particular issue for the legal practitioners taking part in the Western Australian Country Lawyers Program.<sup>13</sup>

The Government is encouraged to consider funding initiatives for housing subsidies or free housing to legal practitioners practicing in RRR areas. For example, those legal practitioners employed by the States' Legal Aid Commissions and CLCs located in RRR areas should be eligible for largely subsidised or free housing. On the other hand, those legal practitioners employed by private law firms in RRR areas, and who are expected to earn higher salaries than those employed by Legal Aid and CLCs, should be eligible for a reduced amount of subsidy.

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<sup>11</sup> Australian Law Students Association, Submission to the Dept of Education, Employment and Workplace Relations, *Scholarships for a Competitive Future: Expansion of the Commonwealth Scholarships Program – A Discussion Paper*, April 2008, p 5.

<sup>12</sup> Australian Taxation Office (ATO), *Are you eligible for a tax zone offset*, available at <http://www.ato.gov.au/individuals/content.asp?doc=/content/40483.htm>

<sup>13</sup> Jane Stewart, 'The WA Country Lawyers Program', *National Access to Justice Pro Bono Conference*, 14-15 November 2008, Sydney, p 7, available at [http://www.a2j08.com.au/papers/Stewart\\_J.pdf](http://www.a2j08.com.au/papers/Stewart_J.pdf)

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It may be necessary to provide additional funding to Legal Aid Commissions and Community Legal Centres in order to implement these types of state based housing programs.

### Increasing opportunities for clinical placements in law in RRR areas for law students

The Law Council believes that there is a need to provide law students with greater opportunities to undertake clinical placements in RRR areas. These types of clinical programs provide law students with the valuable experience of living and working in RRR communities. Many law students that participate in these programs consider relocating to country areas on the completion of their studies.

For example, in Victoria, a Regional Summer Clerkships Project (RSCP) has been implemented by the Albury Wodonga Community Legal Centre and supported by the Victorian Law Foundation and La Trobe University Law School. The purpose of the RSCP is to provide undergraduate law students with a three to six month placement in three areas of regional Victoria: Bendigo, the Goulburn Valley and North Eastern Victoria. The key objectives of the RSCP are to improve employment opportunities for law graduates and expose law students to a positive RRR lifestyle experience and also to the diversity of RRR legal practice.<sup>14</sup>

Programs such as this could be implemented through the States' and Territories' respective Legal Aid offices. However, such programs are largely dependent on allocation of additional Government funding to the Legal Aid Commission for this purpose.

## **Concluding remarks**

The Law Council is grateful for the opportunity to provide input into the Treasury's considerations for the 2009-10 Budget.

We understand that the Federal Government is facing an unprecedented financial crisis and that it likely that this will have a substantial impact on the Australian economy and, in turn, the Government's budgetary considerations.

However, the Law Council believes that the initiatives outlined in this submission will provide substantial benefits to both the government and the Australian community. These benefits include:

- reducing the burden on the legal aid system;
- promoting access to justice in country areas;
- ensuring that people who live in RRR areas are able to access legal services within their community;
- promoting local business by encouraging legal practitioners to establish practices in RRR communities;
- preserving local legal services and thereby reducing the need for expensive government advisory services either in outreach forms or in local regional centres; and
- promoting the vitality of country areas.

The Law Council considers that country Australia is facing a real crisis in the area of access to justice. We urge the Federal Government to consider allocating funding in the 2009-10 budget to implementing initiatives, such as the ones outlined in this submission, which will attract legal practitioners to employment in RRR areas.

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<sup>14</sup> Helen McGowan, *Lawyers Go Bush, Regional Summer Clerkship Project 2005-2006*, Victoria Law Foundation, available at [http://www.victorialaw.org.au/pdfbook/SUMMARY\\_OUTCOMES\\_REPORT\\_HELEN\\_MCGOWAN\\_2005.PDF](http://www.victorialaw.org.au/pdfbook/SUMMARY_OUTCOMES_REPORT_HELEN_MCGOWAN_2005.PDF)

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## **Attachment A: Profile of the Law Council of Australia**

The Law Council of Australia is the peak national representative body of the Australian legal profession. The Law Council was established in 1933. It is the federal organisation representing approximately 50,000 Australian lawyers, through their representative bar associations and law societies (the “constituent bodies” of the Law Council).

The constituent bodies of the Law Council are, in alphabetical order:

- Australian Capital Territory Bar Association
- Bar Association of Queensland Inc
- Law Institute of Victoria
- Law Society of New South Wales
- Law Society of South Australia
- Law Society of Tasmania
- Law Society of the Australian Capital Territory
- Law Society of the Northern Territory
- Law Society of Western Australia
- New South Wales Bar Association
- Northern Territory Bar Association
- Queensland Law Society
- South Australian Bar Association
- Tasmanian Bar Association
- The Victorian Bar Inc
- Western Australian Bar Association
- LLFG Limited (a corporation with large law firm members)

The Law Council speaks for the Australian legal profession on the legal aspects of national and international issues, on federal law and on the operation of federal courts and tribunals. It works for the improvement of the law and of the administration of justice.

The Law Council is the most inclusive, on both geographical and professional bases, of all Australian legal professional organisations.

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**Attachment D: Report into the Rural, Regional and Remote Areas  
Lawyers Survey**

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# 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





## Acknowledgements

The Law Council is grateful for the extensive assistance provided by the Law Institute of Victoria in developing the survey and compiling this report.

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July 2009



# Table of Contents

<b>Executive Summary</b> .....	<b>5</b>
Introduction .....	5
Main findings .....	5
<b>Results</b> .....	<b>7</b>
Methodology .....	7
Participants' demographics .....	8
Gender .....	8
Age .....	8
Place of birth .....	8
Education .....	9
Mode of study .....	9
Legal practice .....	9
Admission to practice .....	9
Practice type .....	9
Main areas of practice .....	9
Employment status .....	10
Income .....	10
Number of principals in RRR firms and organisations .....	10
Number of employee legal practitioners in RRR firms and organisations .....	10
Number of non-legal staff in RRR firms and organisations .....	11
Length of practice .....	11
Practice in RRR areas .....	11
Length of practice in RRR areas .....	11
Main reasons for working in a RRR area .....	12
Main reasons for leaving the current firm .....	13
Main reasons for moving from a RRR area .....	13
Legal aid, pro bono and voluntary work undertaken by RRR practitioners .....	16
Legal aid .....	16
Pro bono and other voluntary work .....	16
Matters of concern to principals of RRR firms .....	17
Servicing the client base .....	17
Servicing the legal needs of the community .....	18
Number of additional lawyers required .....	19
Matters of concern about the future of the firm and its personnel .....	19
<b>Conclusion</b> .....	<b>21</b>
<b>Appendix A: The Survey</b> .....	<b>23</b>
<b>Appendix B: Response Tables</b> .....	<b>27</b>
<b>Appendix C: Cross-Sectional Analysis</b> .....	<b>39</b>





“...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.



# Results

## Methodology

The survey, a copy of which is included as Appendix A, was electronically distributed to 5,974 legal practitioners<sup>1</sup> across Australia. In New South Wales, the survey was sent to all legal practitioners working outside of Sydney and Newcastle. All legal practitioners from the Northern Territory and Tasmania were invited to participate in the present study. In Queensland, the survey was sent to all legal practitioners working outside of Brisbane and the Gold Coast. In South Australia, the survey was sent to all lawyers working outside of Adelaide. In Victoria, those legal practitioners who belong to a Country Lawyers Association were invited to participate in the study. Finally, in Western Australia, the survey was sent to all lawyers working outside of Perth.

The overall response rate was 24% or 1185 respondents. The respective response rates for each of the States and Northern Territory (the jurisdictions) are included below in Table 1.

Table 1.  
Survey response  
rate

Respondents	NSW	NT	QLD	SA	TAS	VIC	WA	AUS
Number of practitioners notified of the survey	2348	477	1452	100	620	867	110	5,974
Number of respondents	298	91	232	35	82	418	29	1,185
<b>Response rate (%)</b>	<b>13</b>	<b>19</b>	<b>16</b>	<b>35</b>	<b>13</b>	<b>48</b>	<b>26</b>	<b>24</b>

Victoria had the highest response rate of 48%. However, it should be noted that Victoria was the only jurisdiction where the survey was distributed both electronically and by providing a hard copy to each legal practitioner in Victorian RRR areas.

<sup>1</sup> The surveys were sent to members, including associate members such as students and articled clerks/trainees, of the Law Societies in each state and the Northern Territory. Therefore, the respondents were not all necessarily admitted to practice.

## Participants' demographics

### Gender

Despite some variations among the jurisdictions,<sup>2</sup> the results indicated that males comprised 52% and females 48% of all respondents. It should be noted however, that the Northern Territory and Victoria showed the greatest variation between the respondents, with a notably higher proportion of females responding to the survey in the Northern Territory (60%) and of males in Victoria (63%).

### Age

The largest proportion of respondents were aged between 30 and 39 years of age (31%), followed closely by the 50 to 59 age category (25%). A further 10% of the respondents were aged 60 or older. Thus, more than a third of all respondents (35%) are either nearing or past the retirement age. The findings in relation to the respondents' ages for each jurisdiction are included below as Figure 1.<sup>3</sup>

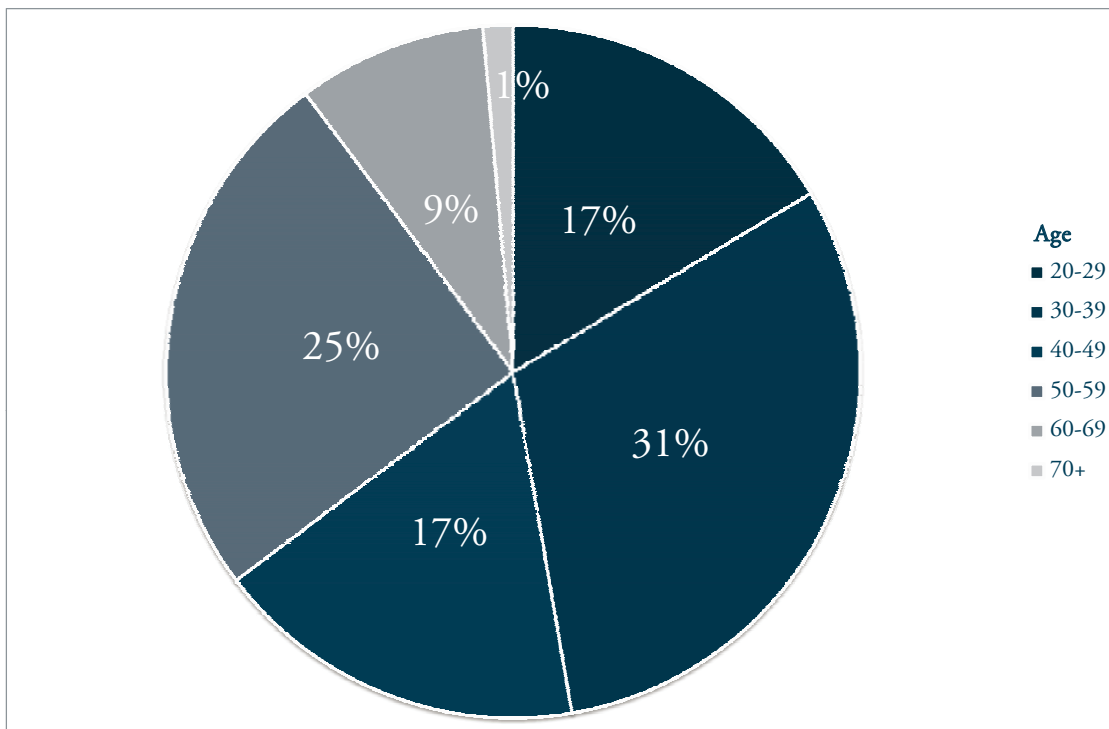


Figure 1.  
Participants' age

### Place of birth

The results indicated that 45% of the legal practitioners who responded to the survey were born in a RRR area, 44% in a capital city and 11% were born overseas. Queensland RRR legal practitioners appear more likely to remain in these areas, as indicated by the fact that 56% of these practitioners were born in RRR areas. On the other hand, legal practitioners from South Australia were more likely to move from the city to a RRR area, as 54% of these practitioners were born in a capital city. The complete findings in relation to the participants' place of birth for each jurisdiction are included in Table B3 in Appendix B.

Cross-sectional analysis indicated that those legal practitioners born in an Australian capital city were likely to practise law in a RRR area longer than those born in an Australian RRR area or overseas.<sup>4</sup> Specifically, 31% of those legal practitioners born in a capital city had been practising law in a RRR area for 21 or more years, compared to 29% of those born in a RRR area and 21% of those born overseas.

<sup>2</sup> Refer to Table B1 in Appendix B.

<sup>3</sup> Refer to Table B2 in Appendix B.

<sup>4</sup> Refer to Table C1 in Appendix C.

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## Education

### Mode of study

The majority of respondents completed their university degrees on campus (88%). RRR legal practitioners from New South Wales (26%) and Queensland (27%) were most likely to complete their degrees as distance students. On the other hand, those from Tasmania were least likely (3%) to complete their degrees as distance students. Table B4 in Appendix B contains the complete findings for each jurisdiction in relation to the mode of study.

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## Legal practice

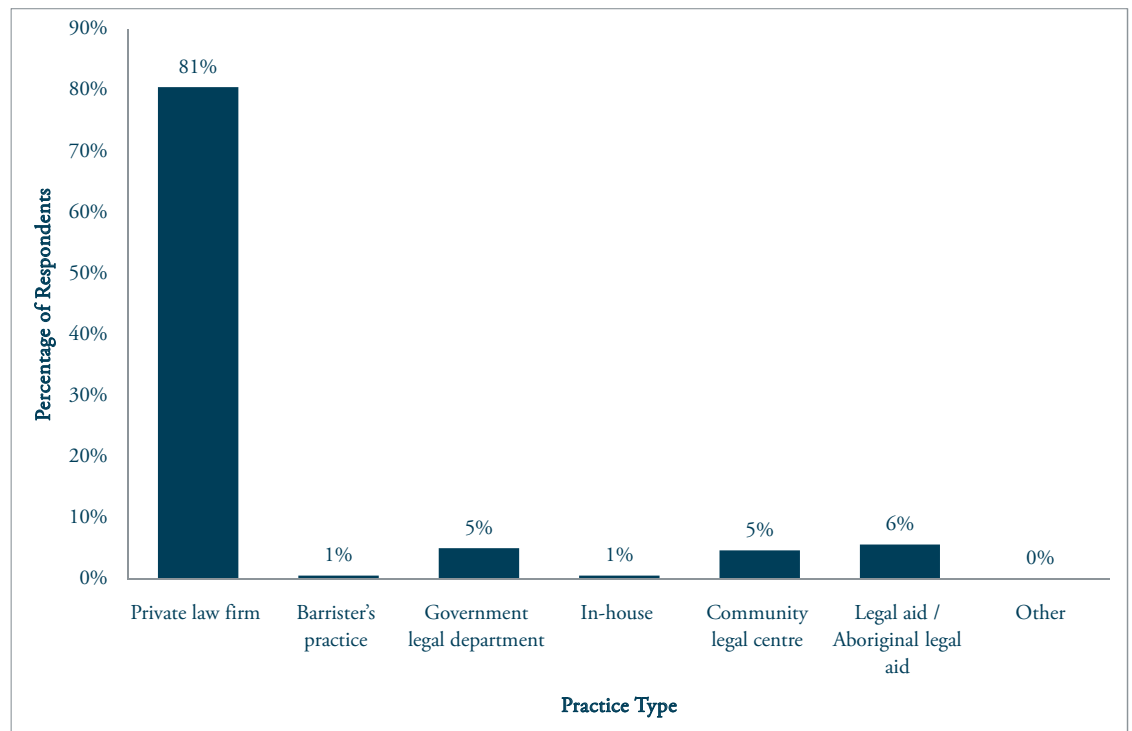
### Admission to practice

Most of the respondents (99%) were legal practitioners. Only 11 respondents had not yet been admitted to practice.<sup>5</sup>

### Practice type

The majority of the respondents (81%) were private law firm practitioners, in particular those from Victoria (98%) and Tasmania (94%). It is interesting to note that only 33% of participants from the Northern Territory were private law firm practitioners. The findings for each jurisdiction regarding the participants' practice type are included below in Figure 2.<sup>6</sup>

**Figure 2.**  
Participants'  
practice type



### Main areas of practice

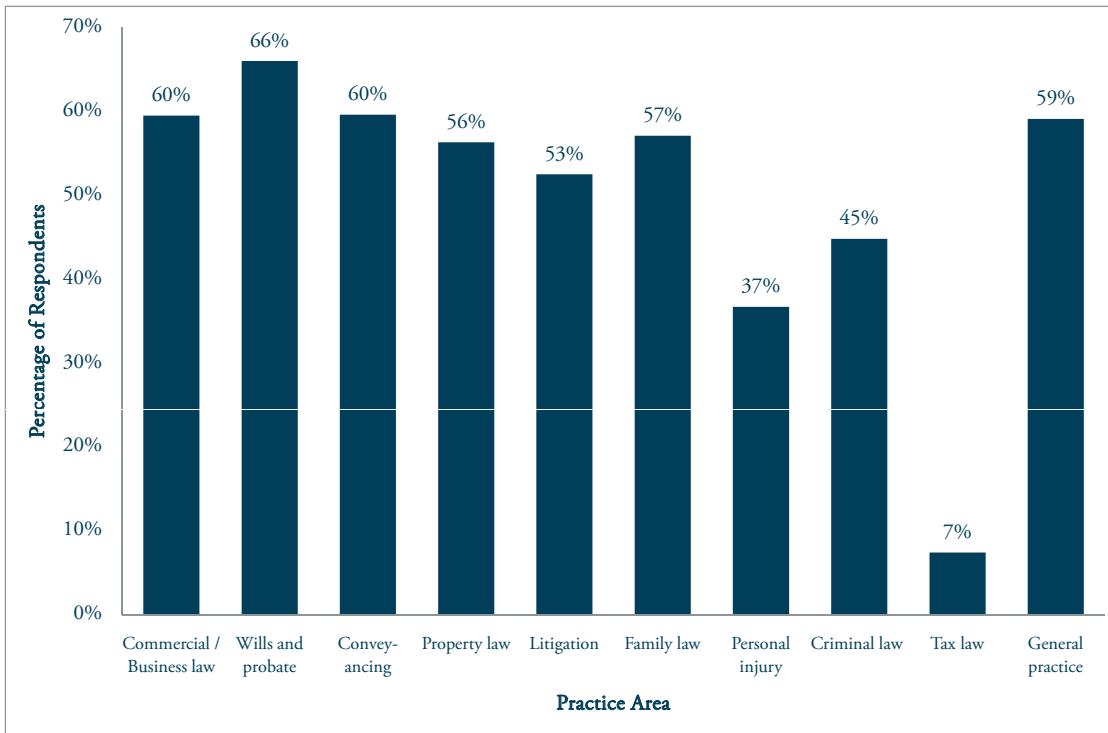
The most common areas of practice included wills and probate (66%), conveyancing (60%), and commercial/business law (60%). The least common area of practice was taxation law (7%). The findings for each jurisdiction in relation to the main areas of practice are shown below as Figure 3.<sup>7</sup>

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5 Refer to Table B5 in Appendix B.

6 Refer to Table B6 in Appendix B.

7 Refer to Table B7 in Appendix B.



**Figure 3.**  
Participants' main areas of practice

### Employment status

The majority of the respondents (49%) were employee solicitors, followed closely by principals (45%). The Northern Territory had the highest number of employee solicitors (73%), whereas Victoria had the highest number of principals who responded to the survey (57%). The complete findings for each jurisdiction in relation to the respondents' employment status are contained in Table B8 in Appendix B.

### Income

The most commonly cited income range was between \$50,001 and \$60,000 (14%). The income distributions for the respondents are included in Table B9 in Appendix B.

### Number of principals in RRR firms and organisations

Findings regarding the number of principals in RRR firms for each of the jurisdictions are contained in Table B10 in Appendix B. Nearly half of the respondents (46%) indicated that their practice had one principal. This finding is significant, given that only 18% of those who responded to this question were in a firm or an organisation with two principals. The finding that the overwhelming majority of practices are single-principal firms or organisations is concerning in view of the results discussed below which indicate that 42% of the respondents do not intend to practise in a RRR area for more than five years.<sup>8</sup> Based on these findings, succession planning and the potential impact on access to justice by RRR communities must be addressed by the profession.

### Number of employee legal practitioners in RRR firms and organisations

Similar to the findings in relation to the number of principals in the firms and organisations, most RRR legal practices have only one to two employee legal practitioners (34%), particularly in Western Australia (48%). In the Northern Territory, on the other hand, only 10% of practices have one to two employee legal practitioners, with 31% of practices employing between 16 and 35 legal practitioners. The complete findings for each jurisdiction in relation to the number of employee legal practitioners in RRR firms and organisations are included in Table B11 in Appendix B.

<sup>8</sup> Refer to Tables B15 and B16 in Appendix B.

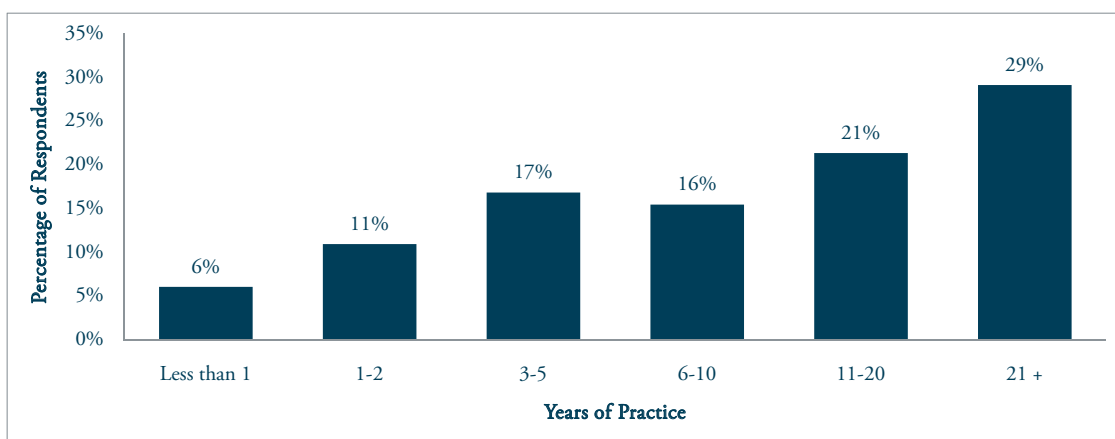
## Number of non-legal staff in RRR firms and organisations

Most of the firms and organisations in RRR areas employ between six and 15 non-legal employees (29%), followed closely by three to five non-legal staff (24%). Table B12 in Appendix B contains the complete findings for each jurisdiction in relation to the number of non-legal staff employed in RRR firms and organisations.

## Length of practice

Experienced legal practitioners with more than 21 years of practice comprised the largest group of the respondents for the current study (29%). The complete findings regarding the length of practice for each jurisdiction are included in Table B13 in Appendix B and are shown below as Figure 4.

Figure 4.  
Length of practice



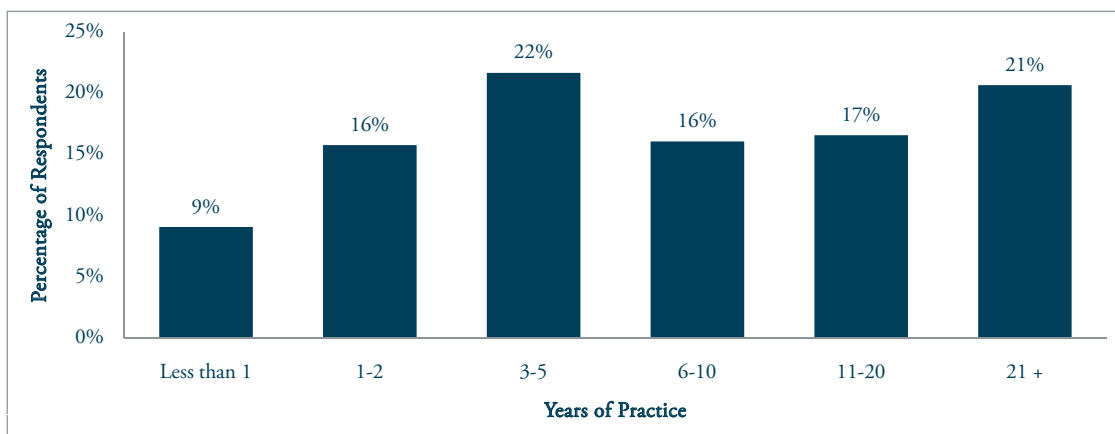
## Practice in RRR areas

### Length of practice in RRR areas

The largest proportion of legal practitioners indicated that they have been practising in a RRR area for three to five years (22%). This finding is closely followed by that for 21 years or more of practice in a RRR area (21%). The respondents least frequently indicated that they have been practising in a RRR area for less than one year (9%). This finding is concerning in view of the above results indicating that more than one third of all respondents are nearing retirement age, and may present problems in terms of succession planning in the near future. The complete findings regarding the length of practice in a RRR area for each jurisdiction are included in Table B14 in Appendix B and are shown below as Figure 5.

There was a significant difference between the percentage of employee solicitors who have practiced law in a RRR area for more than ten years (13%) and that of principals (74%).<sup>9</sup>

Figure 5.  
Length of practice  
in a RRR area



It is arguable therefore that those employee solicitors who do not become principals within ten years are very unlikely to remain in the RRR areas.

Furthermore, findings also indicated that 42% of legal practitioners did not intend to practise in a RRR area for a significant period of time. These practitioners indicated that they intended to leave a RRR area in the next one to five years. The complete findings regarding the respondents' intention to leave a RRR area for each jurisdiction are included in Table B15 in Appendix B and are shown below as Figure 6.

Cross-sectional analysis indicated that 43% of employee solicitors and 69% of graduates/trainees/articled clerks do not intend to continue to practise in a RRR area for more than five years.<sup>10</sup> Analysis also indicates that the largest percentage of those practitioners who have been practising law in a RRR area for six or more years are aged 50-59 (37%).<sup>11</sup> Of these practitioners, 63% have been practising in a RRR area for over 21 years.

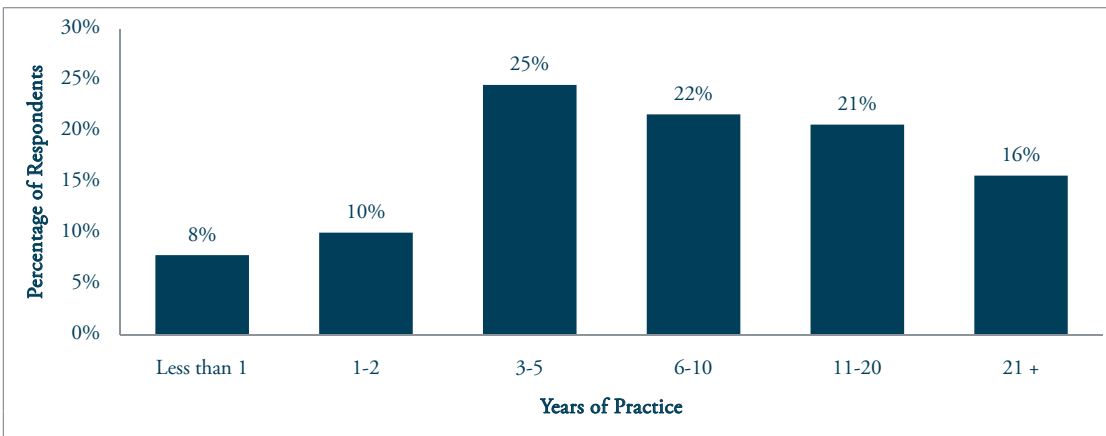


Figure 6. Intention to continue to practice in a RRR area

### Main reasons for working in a RRR area

As indicated in Table 2, in response to the question about the main reasons for working in a RRR area, the greatest number of respondents cited 'flexibility to balance family and work', followed by 'work/life balance generally' and 'enjoyment of country lifestyle generally'. 'Partner works in the area' and 'opportunity to earn a good income' were the least frequently cited reasons for working in a RRR area by the participants.<sup>12</sup>

Reasons for working in RRR area	NSW	NT	QLD	SA	TAS	VIC	WA	AUS
Nature of the legal work	261	86	198	32	70	287	24	136.9
Community involvement	257	76	195	31	67	281	23	132.9
Flexibility to balance family and work	264	75	206	28	71	298	22	137.7
Work/life balance generally	270	83	213	29	75	329	24	146.1
To gain legal experience	228	77	182	29	64	235	19	119.1
Extended family located in area	238	66	181	27	70	273	21	125.1
Opportunity to earn a good income	227	71	188	27	64	223	21	117.3
Partner works in the area	222	65	182	21	63	220	19	113.1
Enjoy the country lifestyle	269	82	207	33	67	338	23	145.6
Other	75	23	71	6	26	74	9	40.6

Table 2. Reasons for working in a RRR area

<sup>10</sup> Refer to Table C18 in Appendix C.

<sup>11</sup> Refer to Table C4 in Appendix C.

<sup>12</sup> Excluding the 'other' category, as these responses were not analysed.

## Main reasons for leaving the current firm

The findings indicated that the most common reason RRR legal practitioners across Australia would leave their current firm was retirement (20%).

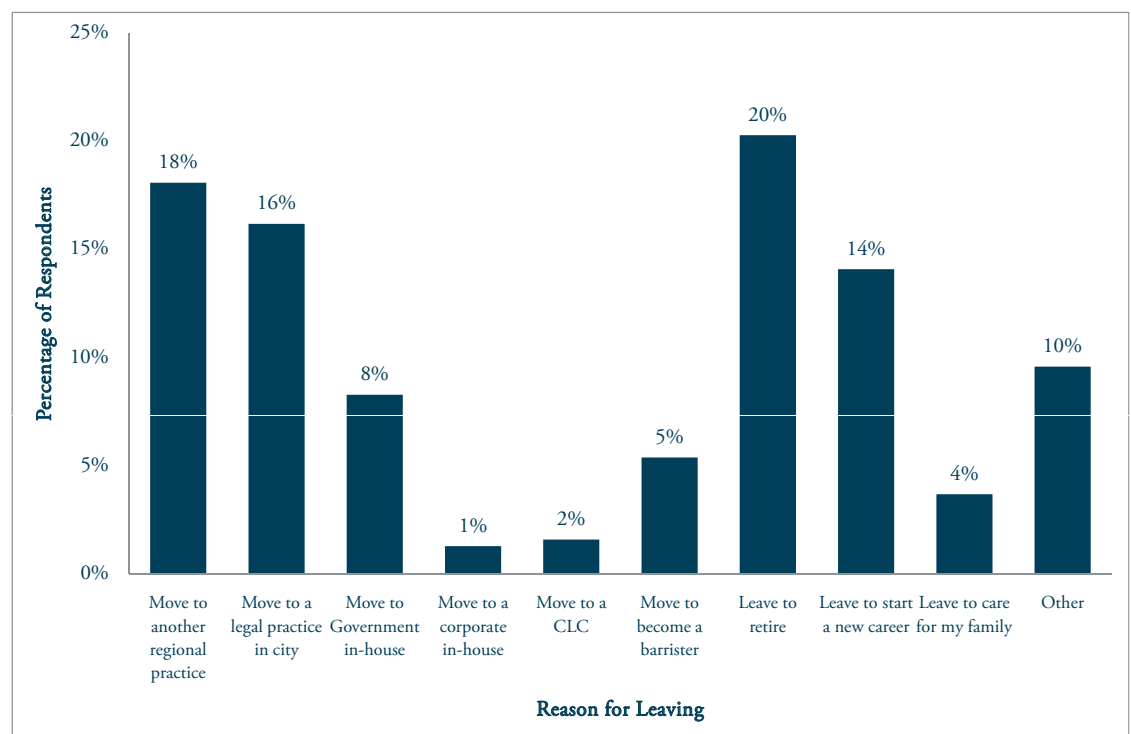
Legal practitioners in the Northern Territory were least likely to consider retirement as the main reason for leaving their firm (8%). For these legal practitioners the most commonly cited reason for leaving their practice was in order to move to a Government in-house position (23%). However, it is important to note of the 91 legal practitioners from the Northern Territory that responded to the survey, the majority were aged 30-39 (41%).

On the other hand, Victorian legal practitioners were most likely to consider retirement as the main reason for leaving their current firm. Of these practitioners, more than a third (35%) would leave the practice of law to retire. This finding is significant in view of the fact that 51% of Victorian legal practitioners who responded to the survey were aged 50 or older.

A further relevant finding of the present study is that 16% of legal practitioners surveyed indicated that the most common reason why they would leave their current firm was in order to move to a legal practice in the city, particularly in South Australia (23%) and Tasmania (20%).

Table B16 in Appendix B contains the complete findings regarding the most likely reason for leaving their current firm for each of the jurisdictions. These findings are also included below as Figure 7.

**Figure 7.**  
Most likely reason for leaving the current firm



## Main reasons for moving from a RRR area

As indicated in Table 3 below, in response to the question about the main reasons for moving from a RRR area, the greatest number of respondents cited family reasons, closely followed by retirement and better remuneration. In Victoria in particular, retirement was cited by 254 legal practitioners as the main reason for moving from a RRR area, and family reasons by 234 legal practitioners. Isolation and changing practice areas were identified by the smallest number of participants as reasons for moving from a RRR area.<sup>13</sup>

Reasons for moving from RRR area	NSW	NT	QLD	SA	TAS	VIC	WA	AUS
Change practice areas	174	65	148	23	55	157	17	91.3
Leave practice of law to start a new career	196	64	162	22	56	183	19	100.3
Better remuneration	207	70	168	26	62	199	20	107.4
Increased professional development opportunities	193	71	163	29	61	179	19	102.1
Move to city for lifestyle reasons	172	72	157	24	62	175	18	97.1
Retire	203	63	169	25	61	254	19	113.4
For family reasons	213	73	179	24	61	234	22	115.1
My partner's relocation	181	66	160	19	62	154	18	94.3
Isolation	160	65	144	24	52	142	15	86.0
Other	58	19	49	7	18	50	7	29.7

**Table 3.**  
Most likely reasons for moving from a RRR area

### Effect of gender on the intention to move from a RRR area and leave the current firm<sup>14</sup>

Cross-sectional analysis revealed that males were most likely to move from a RRR area in order to retire (31%), followed by family reasons (19%). Retirement was also the most common reason male legal practitioners would leave their current firm (38%).

Better remuneration was the most common reason female practitioners would move from a RRR area (20%), followed closely by family reasons (19%) and partner's relocation (17%). Most commonly, female respondents indicated that they would leave their current firm to move to either another legal practice in their regional area (24%) or a legal practice in the city (19%).

### Effect of age on the intention to move from a RRR area and leave the current firm<sup>15</sup>

Those legal practitioners aged between 20 and 29 consider better remuneration as the most likely reason for moving from a RRR area (25%). If these practitioners were to leave their current firms, they were most likely to move to a legal practice in the city (28%) or move to another legal practice in their regional area (24%). Based on these findings, it is arguable that younger practitioners move to legal practices in the city due to better remuneration being offered by these firms when compared to RRR firms.

Furthermore, more than half (52%) of the legal practitioners in this age group did not intend to continue practising in a RRR area for more than five years. Arguably, this finding is concerning in view of the fact that a large number of legal practitioners, many of whom are sole practitioners, will retire in the next six to ten years.

Family reasons were most often cited as the reason for moving from a RRR area by the 30-39 and 40-49 age category. These practitioners were also more likely to leave their current firms in order to move to another legal practice in their regional area (27% and 28% respectively for the two age groups).

Finally, retirement was the most common reason for moving from a RRR area for those aged 50-59, 60-69 and 70 and older. Similarly, retirement was the most common reason these practitioners would leave their current firm (44%, 75% and 74%, respectively for the three age groups).

<sup>14</sup> Refer to Tables C10 and C11 in Appendix C.

<sup>15</sup> Refer to Tables C5, C6 and C7 in Appendix C.

### **Effect of place of birth on the intention to move from a RRR area and leave the current firm<sup>16</sup>**

The place of birth<sup>17</sup> generally had no impact on the reasons why practitioners moved from a RRR area. Specifically, those legal practitioners born in an Australian capital city and overseas cited retirement (22% and 23% respectively), family reasons (18% for both categories) and better remuneration (16% and 15% respectively) as the most likely reasons for moving from a RRR area. However, those practitioners born in an Australian RRR area considered family reasons as the most likely reason to move from a RRR area (21%), followed closely by retirement (18%) and better remuneration (16%).

### **Effect of practice type on the intention to move from a RRR area and leave the current firm<sup>18</sup>**

Retirement was the most common reason for moving from a RRR area regardless of the practice type the legal practitioners were involved in,<sup>19</sup> except in the case of personal injury practitioners. For these practitioners, family reasons were most commonly cited (19%). Family reasons were the second most common reason for moving from a RRR area for all practitioners, except as indicated above for personal injury practitioners, where retirement was the second most common reason (16%).

Similar findings were obtained in relation to the reasons why practitioners would leave their current firms. Retirement was the most common reason for leaving the current firm regardless of the practice type,<sup>20</sup> except in the case of personal injury practitioners where moving to another legal practice in their regional area was most commonly cited (22%).

The second most common reason for leaving the current firm for all practitioners, except as indicated above for personal injury practitioners, was a move to another legal practice in their regional area.

### **Effect of practitioner's role on the intention to move from a RRR area and leave the current firm<sup>21</sup>**

The intention to move from a RRR area was largely dependant on whether the legal practitioner was on the one hand a principal of the firm or an employee solicitor or graduate/trainee/articled clerk on the other. Principals were most likely both to move from a RRR area (32%) and to leave their current firms (42%) in order to retire.

Better remuneration however was the most likely reason employee solicitors (22%) and notably graduates/trainees/articled clerks (38%) would move from a RRR area. Interestingly, employee solicitors were more likely to leave their current firms in order to move to another legal practice in their regional area (28%), whereas graduates/trainees/articled clerks were most likely to move to a legal practice in the city (42%).

### **Effect of number of principals in the firm on the intention to move from a RRR area and leave the current firm<sup>22</sup>**

Retirement was the most common reason for moving from a RRR area for those legal practitioners practising in firms with a smaller number of principals, whereas family reasons were most commonly cited by those practising in larger firms (six or more principals). Specifically, those practising in firms with one, two and three to five principals

16 Refer to Table C3 in Appendix C.

17 Namely, Australian capital city, Australian RRR area and overseas.

18 Refer to Tables C15 and C16 in Appendix C.

19 Commercial/business law – 24%; Wills and probate – 24%; Conveyancing – 25%; Property law – 25%; Litigation – 20%; Family law – 21%; Criminal law – 20%; Tax law – 25%; and General practice – 24%.

20 Commercial/business law – 29%; Wills and probate – 29%; Conveyancing – 29%; Property law – 29%; Litigation – 25%; Family law – 25%; Criminal law – 25%; Tax law – 30%; and General practice – 29%.

21 Refer to Tables C19 and C20 in Appendix C.

22 Refer to Tables C23 and C24 in Appendix C.

were most likely to move from a RRR area due to retirement (20%, 23% and 23% respectively) and those practising in firms with six to nine and more than ten principals were most likely to move due to family reasons (25% and 18% respectively).

The findings were less consistent in relation to reasons why practitioners would leave their current firms. Those practising in firms with one and two principals were most likely to leave those firms in order to retire (28% and 31% respectively). Legal practitioners practising in firms with three to five principals and more than ten principals were most likely to leave those firms in order to move to another legal practice in their regional area (23% and 29% respectively). Finally, those practising in firms with six to nine principals were most likely to leave those firms in order to move to a legal practice in the city (25%).

## Legal aid, pro bono and voluntary work undertaken by RRR practitioners

### Legal aid

Across Australia, 593 respondents (51%) indicated that their firm accepted legally aided matters.<sup>23</sup> Firms in Queensland were least likely to accept legally aided cases (32%), followed by the Northern Territory (40%). However, it should be noted that 67% of the respondents from the Northern Territory were not employed by private law firms, which could explain why these practitioners were less likely to accept legally aided cases. The same was not true for Queensland.

Of those firms which accepted legally aided matters, the majority (50%) dealt with more than 30 cases per year.<sup>24</sup> It should be noted that a large proportion of the participants were unsure about the number of legally aided cases their firms undertook each year. Therefore, it is possible that the number of firms dealing with a large number of legally aided cases is higher than the current finding of 50%. Figure 8 below shows the number of legally aided cases undertaken by the firm in the last twelve months.

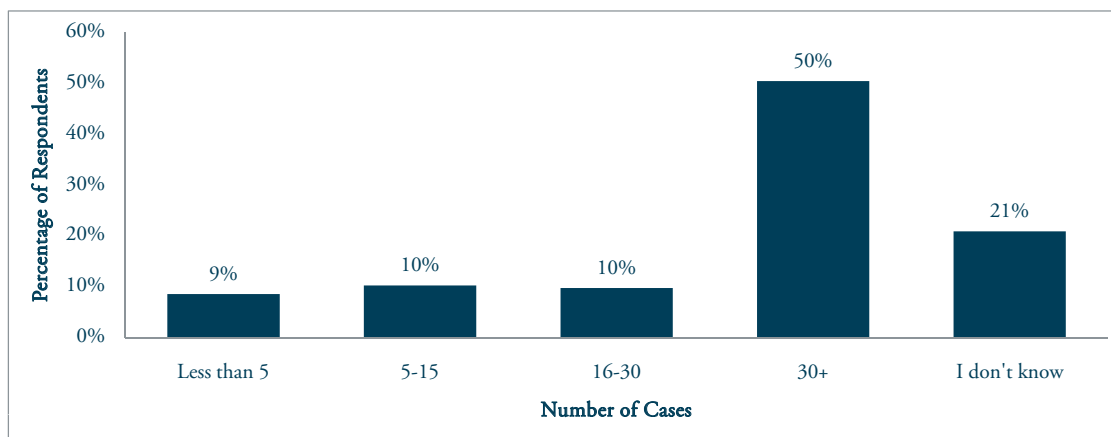


Figure 8.  
Number of legally aided cases undertaken by the firm in the last 12 months

### Pro bono and other voluntary work

Across Australia, 766 respondents (64%) of the sample, indicated that their firm accepted matters on a pro bono basis. Furthermore, 847 respondents (71%), undertake other voluntary work within the community. Tables 4a and 4b below contain the complete findings for each jurisdiction in relation to the provision of pro bono legal services and involvement with other voluntary work.

23 Refer to Table B17 in Appendix B.

24 Refer to Table B18 in Appendix B.

Table 4a.  
Acceptance of  
instruction in pro  
bono matters

Pro Bono and other Voluntary Work		NSW	NT	QLD	SA	TAS	VIC	WA	AUS
Firm provides pro bono services	%	59	34	62	86	66	77	61	64
	N	174	31	144	30	54	316	17	766
Firm does not provide pro bono services	%	41	66	38	14	34	24	39	37
	N	121	60	87	5	28	97	11	409
<b>Total respondents</b>		<b>295</b>	<b>91</b>	<b>231</b>	<b>35</b>	<b>82</b>	<b>413</b>	<b>28</b>	<b>1175</b>

Table 4b.  
Involvement  
with other  
voluntary work

Pro Bono and other Voluntary Work		NSW	NT	QLD	SA	TAS	VIC	WA	AUS
Respondent undertakes other voluntary work	%	74	55	70	80	61	77	79	71
	N	220	50	161	28	49	317	22	847
Respondent does not undertake other voluntary work	%	26	45	30	20	40	23	21	29
	N	77	41	70	7	32	94	6	327
<b>Total respondents</b>		<b>297</b>	<b>91</b>	<b>231</b>	<b>35</b>	<b>81</b>	<b>411</b>	<b>28</b>	<b>1174</b>

Firms from South Australia were most likely to provide legal services on a pro bono basis (86%). Practitioners from this State were also most likely to undertake other voluntary work within the community (80%).

Cross-sectional analysis indicated that those firms with more than ten principals were most likely to provide pro bono services to the community (80%).<sup>25</sup> Firms with between six and nine principals were least likely to provide pro bono services (66%).

Legal practitioners practising in firms with two principals were most likely to undertake other volunteer work with their community (81%), whereas those practising in firms with six to nine principals were least likely to undertake other volunteer work (63%).<sup>26</sup>

## Matters of concern to principals of RRR firms

Only principals were required to consider whether their practice had enough lawyers to service their client base and the community and what matters concerned them about their practice. Table B19 in Appendix B indicates that 49% of all respondents were principals.<sup>27</sup>

### Servicing the client base

The findings indicated that nearly half of the principals (43%) believe that their practice does not have enough lawyers to service its client base. This was particularly the case for the Northern Territory and South Australia, where 71% and 67% of principals respectively, considered that their firms had a shortage of lawyers to service their client base. The complete findings for each jurisdiction in relation to the ability of firms to service their client base are included in Table B20 in Appendix B and as Figure 9 below.

<sup>25</sup> Refer to Table C25 in Appendix C.

<sup>26</sup> Refer to Table C26 in Appendix C.

<sup>27</sup> It should be noted however that not all principal respondents answered these questions and therefore the sample sizes varied for these responses.

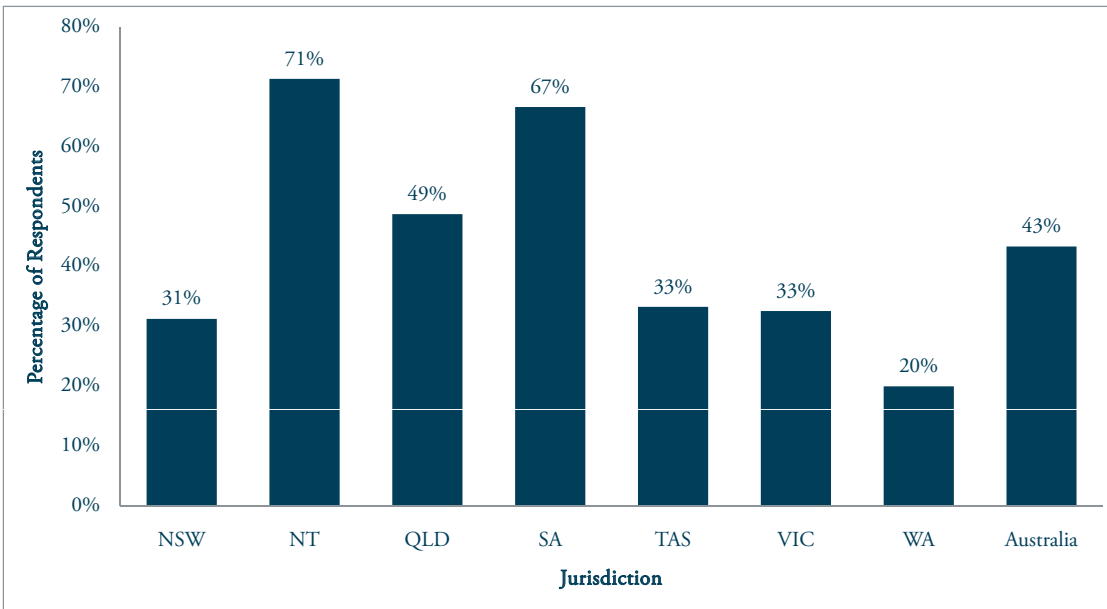


Figure 9. Principals who believe that the practice does not have enough lawyers to serve the client base

### Servicing the legal needs of the community

Similarly, the findings above in relation to servicing the client base were also reflected in principals' views about their firm's ability to service the legal needs of the community. Specifically, 45% of principals believed that their practice did not have enough lawyers to service the legal needs of the community. It is interesting to note however that in relation to the needs of the community, only 33% of principals from Western Australia, which was the lowest compared to all other States and the Northern Territory, considered that their practice had enough lawyers to service the needs of the legal community. This finding appears to indicate that the principals in Western Australia are able to service their current clients, but may not be able to take on new clients and meet the needs of the community at present. Similarly, 57% of the principals in the Northern Territory considered that their firms had a shortage of lawyers to service the legal needs of their community. On the other hand, firms in New South Wales (29%) and Tasmania (32%) were least likely to consider that their firms did not have enough lawyers to meet the legal needs of their communities.

Table B21 in Appendix B contains the complete findings for each jurisdiction in relation to the ability of firms to service the legal needs of their communities, which are included below as Figure 10.

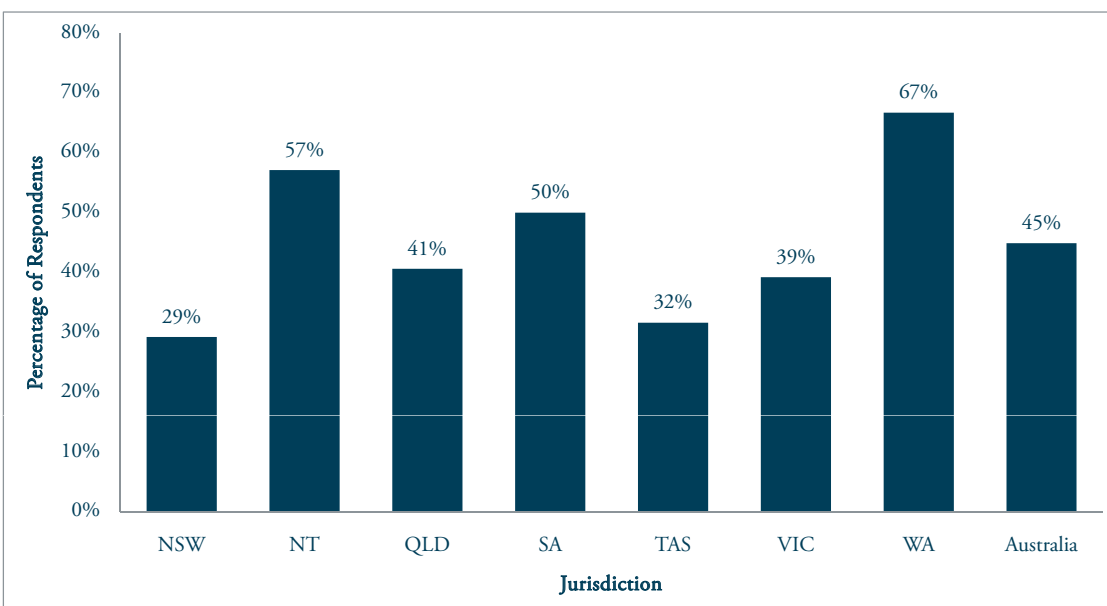


Figure 10. Principals who believe that the practice does not have enough lawyers to service the legal needs of the community

## Number of additional lawyers required

Those principals who indicated that their firms did not have enough lawyers to service the legal needs of the community were required to indicate the number of additional lawyers they considered were required by their firm. Apart from principals in South Australia, most principals considered that their firm required two additional lawyers. In South Australia, one and three additional lawyers were most frequently cited as required by the firms' principals. In Victoria, 41 principals indicated that their firm required an additional two lawyers. In the Northern Territory, 20% of principals believed that their firm required between ten and twelve additional lawyers. The findings indicate that an additional 476 legal practitioners are required to adequately service the needs of RRR communities.

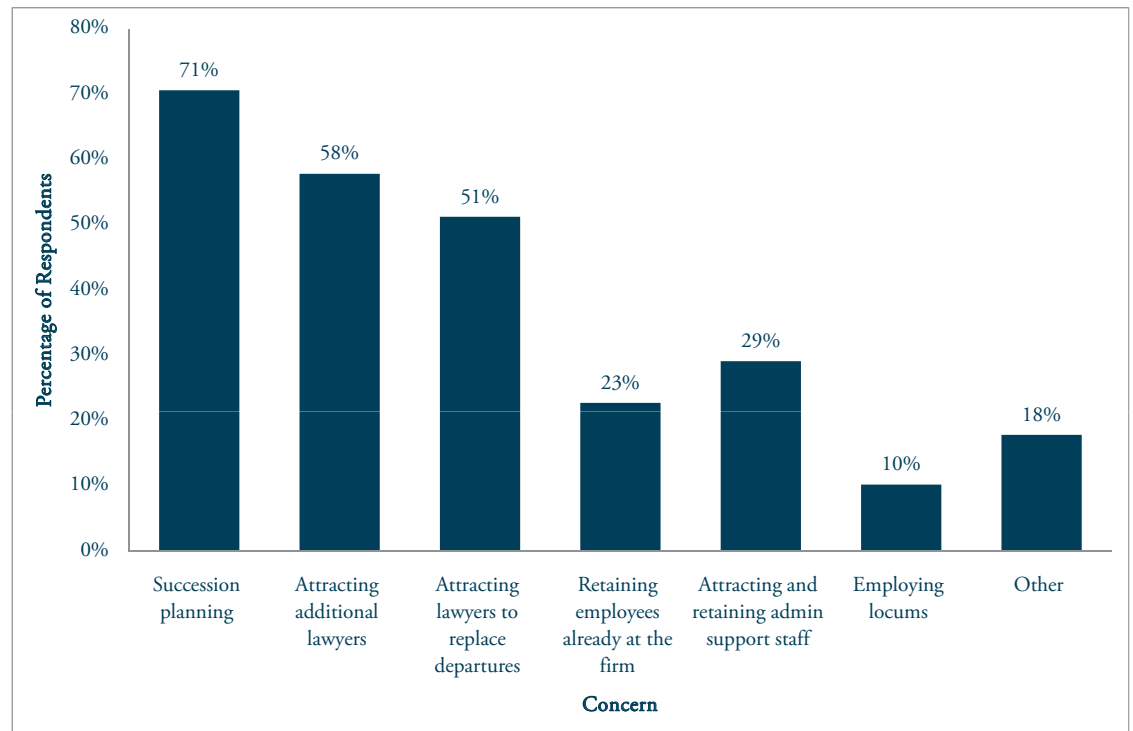
Table B22 in Appendix B contains the complete findings for each jurisdiction in relation to the number of additional lawyers required by the firms.

## Matters of concern about the future of the firm and its personnel

Succession planning was the most commonly cited matter of concern about the future of the firm and its personnel for principals (71%). Attracting additional lawyers (58%) and attracting lawyers to replace departures (51%) were also significant concerns for principals. Table B23 in Appendix B contains the complete findings for each jurisdiction in relation to the matters of concern about the future of the firm and its personnel. These findings are included below as Figure 11.

Cross-sectional analysis indicated that succession planning was the most common cause of concern for most practitioners regardless of the number of principals in the firm, except in the case of more than ten principals. No principal considered succession planning as a concern for a firm with ten or more principals.<sup>28</sup> However, attracting additional lawyers (29%) and retaining employees (29%) were the most commonly cited concerns for these principals.

**Figure 11.**  
Matters of concern  
about the future  
of the firm and its  
personnel



Similarly, succession planning was the most common cause of concern for those principals who employed a smaller number of employee solicitors.<sup>29</sup> Attracting additional lawyers was the most common concern for principals who employed 16-35 (25%) and more than 35 employee solicitors (30%).

Finally, succession planning was also the most common cause of concern for principals regardless of the number of non-legal staff, except in the case of firms with more than 35 non-legal staff members.<sup>30</sup> In this instance, attracting additional lawyers was the most common concern (26%).

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29 1-2 employee solicitors = 30%; 3-5 employee solicitors = 32%; and 6-15 employee solicitors = 28%.

30 Refer to Table C31 in Appendix C.



# Conclusion

The findings of the present study support the anecdotal evidence which indicates that there is a shortage of legal practitioners in RRR areas of Australia. Nearly half of the RRR practices currently do not have enough lawyers to service their client base. The most concerning shortages are currently being experienced by the legal profession in the Northern Territory, South Australia and Queensland.

The current situation is likely to become more serious in the coming years due to the fact that a large number of legal practitioners, many of whom are sole practitioners, will retire in the next six to ten years. Furthermore, a significant number of legal practitioners do not intend to practise law in the next five years.

Succession planning is a major cause of concern for practitioners in RRR areas and failure to ensure that skilled practitioners are replacing departures will have a serious negative impact on RRR areas and the access to justice by these communities. Given that many young lawyers are intending to leave their work in RRR areas to seek better remuneration or work in the city, succession planning will become even more of an issue for RRR firms and community sector legal centres.

In view of the finding that RRR practitioners undertake a significant amount of legal aid work, and contribute to their communities by undertaking pro bono and other voluntary work, it is extremely important that the current and potentially future shortage of legal services provided to RRR communities are addressed.



# Appendix A: The Survey



## Rural, Regional & Remote Areas Lawyers Survey

actlawsociety



As the new President of the Law Council and on behalf of your local law society, I invite you to take part in the Law Council's survey for lawyers working in rural, regional and remote areas (RRR) of Australia.

There is increasing concern at the steady decline in the number of legal practitioners working in RRR areas. Anecdotally, there are indications that this problem may get worse in coming years as large numbers of practitioners in rural areas retire. This will have a long-term impact on the ability of people in the bush to access legal services, including legal aid.



The Law Council is committed to working with your local body to promote and support country lawyers and their communities. We have established a Recruitment and Retention Working Group to examine initiatives for the recruitment and retention of lawyers in various sectors. The Working Group is focusing its efforts at present on the problem of recruitment and retention of lawyers in RRR areas.



We are undertaking a survey of all lawyers working in RRR areas to obtain data on their profile and experiences, including information on succession planning and retirement.



I urge you take the time to participate in this survey. The information you provide us will help the Law Council and your local law society to better understand the extent of the problem and also assist in formulating strategies to attract lawyers to RRR areas.



Yours sincerely,

**John Corcoran**  
President, Law Council of Australia



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## About My Region

### The state/territory where I work most is:

- |   |  |
|---|--|
| <input type="checkbox"/> ACT                | <input type="checkbox"/> South Australia   |
| <input type="checkbox"/> New South Wales    | <input type="checkbox"/> Tasmania          |
| <input type="checkbox"/> Northern Territory | <input type="checkbox"/> Victoria          |
| <input type="checkbox"/> Queensland         | <input type="checkbox"/> Western Australia |

### The town where my office is located is:

### The postcode of my office is:

---

## About Me

### I am:

- |                               |                                 |
|-------------------------------|---------------------------------|
| <input type="checkbox"/> Male | <input type="checkbox"/> Female |
|-------------------------------|---------------------------------|

### I was born in:

- |  |  |
|--|--|
| <input type="checkbox"/> A capital city in Australia | <input type="checkbox"/> RRR Australia |
|  | <input type="checkbox"/> Overseas      |

### My age group is:

- |                                  |                                  |
|----------------------------------|----------------------------------|
| <input type="checkbox"/> 20 – 29 | <input type="checkbox"/> 50 – 59 |
| <input type="checkbox"/> 30 – 39 | <input type="checkbox"/> 60- 69  |
| <input type="checkbox"/> 40 – 49 | <input type="checkbox"/> 70 plus |

### I completed my law degree at:

  
University  
Campus

### I completed my degree as a distance student:

- |                              |                             |
|------------------------------|-----------------------------|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|------------------------------|-----------------------------|

### I have been admitted to practice:

- |                              |                             |
|------------------------------|-----------------------------|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|------------------------------|-----------------------------|

### If yes, I was admitted to practice in (year):

### I have been practising law, excluding any career breaks, for the following length of time:

- |   |  |
|---|--|
| <input type="checkbox"/> Less than 1 year | <input type="checkbox"/> 6 – 10 years  |
| <input type="checkbox"/> 1 – 2 years      | <input type="checkbox"/> 11 – 20 years |
| <input type="checkbox"/> 3 – 5 years      | <input type="checkbox"/> 21 plus years |

### I have been practising law in a RRR area for:

- |   |  |
|---|--|
| <input type="checkbox"/> Less than 1 year | <input type="checkbox"/> 6 – 10 years  |
| <input type="checkbox"/> 1 – 2 years      | <input type="checkbox"/> 11 – 20 years |
| <input type="checkbox"/> 3 – 5 years      | <input type="checkbox"/> 21 plus years |

### I intend to continue practising law in a RRR area for:

- |   |  |
|---|--|
| <input type="checkbox"/> Less than 1 year | <input type="checkbox"/> 6 – 10 years  |
| <input type="checkbox"/> 1 – 2 years      | <input type="checkbox"/> 11 – 20 years |
| <input type="checkbox"/> 3 – 5 years      | <input type="checkbox"/> 21 plus years |

### The reasons I choose to work in a RRR area are best described as (please rank according to relevance, where 1 is the most relevant):

- Nature of the legal work
- Community involvement
- Flexibility to balance family & work
- Work/life balance generally
- To gain legal experience
- Extended family located in area
- Opportunity to earn a good income
- Partner works in the area
- Enjoy the country lifestyle generally
- Other .....

### If I were to leave my current firm, I would be most likely to:

- Move to another legal practice in my regional area
- Move to a legal practice in the city
- Move to Government in-house position
- Move to a corporate in-house position
- Move to a community legal centre
- Move to become a barrister
- Leave the practice of law to retire
- Leave the practice of law to start a new career
- Leave to care for my family
- Other .....

### If I were to move from a RRR area, this would most likely be due to (please rank according to relevance, where 1 is the most relevant):

- Change practice areas
- Leave the practice of law to start a new career
- Better remuneration
- Increased professional development opportunities
- Move to city for lifestyle reasons
- Retire
- For family reasons
- My partner's relocation
- Isolation
- Other .....

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## About My Firm

### My organisation/firm is best described as:

- Private law firm
- Barrister's practice
- Government legal department
- In-house corporate legal team
- Community legal centre
- Legal aid / Aboriginal legal aid
- Other .....

**My firm mainly practices in (select all that apply):**

- |  |   |
|--|---|
| <input type="checkbox"/> Commercial / Business law | <input type="checkbox"/> Family law       |
| <input type="checkbox"/> Wills and probate         | <input type="checkbox"/> Personal injury  |
| <input type="checkbox"/> Conveyancing              | <input type="checkbox"/> Criminal law     |
| <input type="checkbox"/> Property law              | <input type="checkbox"/> Tax law          |
| <input type="checkbox"/> Litigation                | <input type="checkbox"/> General practice |

**My role is best described as:**

- Principal  
 Employee solicitor  
 Graduate solicitor/articled clerk/trainee  
 Other .....

**My income range is:**

- |  |  |
|--|--|
| <input type="checkbox"/> Under \$40,000    | <input type="checkbox"/> \$120,001-130,000   |
| <input type="checkbox"/> \$40,001-50,000   | <input type="checkbox"/> \$130,001-140,000   |
| <input type="checkbox"/> \$50,001-60,000   | <input type="checkbox"/> \$140,001-150,000   |
| <input type="checkbox"/> \$60,001-70,000   | <input type="checkbox"/> \$150,001-175,000   |
| <input type="checkbox"/> \$70,001-80,000   | <input type="checkbox"/> \$175,001-200,000   |
| <input type="checkbox"/> \$80,001-90,000   | <input type="checkbox"/> \$200,001-225,000   |
| <input type="checkbox"/> \$90,001-100,000  | <input type="checkbox"/> \$225,001-250,000   |
| <input type="checkbox"/> \$100,001-110,000 | <input type="checkbox"/> More than \$250,001 |
| <input type="checkbox"/> \$110,001-120,000 |  |

**Including yourself (if applicable), how many principals are in your firm?**

- |                                |   |
|--------------------------------|---|
| <input type="checkbox"/> 1     | <input type="checkbox"/> 6 – 9          |
| <input type="checkbox"/> 2     | <input type="checkbox"/> More than 10   |
| <input type="checkbox"/> 3 – 5 | <input type="checkbox"/> Not applicable |

**Including yourself (if applicable), how many employee legal practitioners are in your firm?**

- |                                 |   |
|---------------------------------|---|
| <input type="checkbox"/> 1 – 2  | <input type="checkbox"/> 16 – 35        |
| <input type="checkbox"/> 3 – 5  | <input type="checkbox"/> More than 35   |
| <input type="checkbox"/> 6 – 15 | <input type="checkbox"/> Not applicable |

**How many non-legal staff are employed in your firm (based on total number of employees)?**

- |                                 |   |
|---------------------------------|---|
| <input type="checkbox"/> 1 – 2  | <input type="checkbox"/> 16 – 35        |
| <input type="checkbox"/> 3 – 5  | <input type="checkbox"/> More than 35   |
| <input type="checkbox"/> 6 – 15 | <input type="checkbox"/> Not applicable |

---

**Legal Aid / Pro Bono**

**My firm currently accepts instructions for legally aided matters:**

- Yes  No

**If yes, in the last 12 months, how many legally aided cases has your firm taken instructions in?**

- |                                      |                                       |
|--------------------------------------|---------------------------------------|
| <input type="checkbox"/> Less than 5 | <input type="checkbox"/> More than 30 |
| <input type="checkbox"/> 5 – 15      | <input type="checkbox"/> I don't know |
| <input type="checkbox"/> 16 – 30     |                                       |

**My firm provides pro bono services other than for legally funded cases:**

- Yes  No

**I undertake other volunteer work within my community:**

- Yes  No

---

**Questions for Principals**

**Does your legal practice currently have enough lawyers to serve your client base?**

- Yes  No

**Does your legal practice currently have enough lawyers to serve the legal needs of your community?**

- Yes  No

**If no, how many lawyers do you think you need?**

**The following things concern me about the future of my firm and its personnel:**

- Succession planning – finding lawyers/principals interested in and able to take over the practice  
 Attracting additional lawyers/principals to allow the practice to grow  
 Attracting lawyers/principals to replace departures  
 Retaining employees already at the firm  
 Attracting and retaining good legal/admin support staff  
 Employing locums  
 Other .....

---

**Further Surveys**

**Are you willing to participate in further surveys aimed at finding out more information about the profile and experiences of regional, rural and remote lawyers?**

- Yes  No

**If yes, please enter your contact details:**





# Appendix B: Response Tables

Table B1. Participants' gender .....	28
Table B2. Participants' age.....	28
Table B3. Participants' place of birth.....	28
Table B4. Participants' mode of study .....	29
Table B5. Participants' admission status .....	29
Table B6. Participants' practice type.....	29
Table B7. Participants' main area of practice .....	30
Table B8. Participants' employment status .....	30
Table B9. Participants' income distributions .....	31
Table B10. Number of principals in RRR firms and organisations .....	32
Table B11. Number of employee legal practitioners in RRR firms and organisations.....	32
Table B12. Number of non-legal staff in RRR firms and organisations .....	33
Table B13. Participants' length of practice .....	33
Table B14. Length of practice in a RRR area .....	34
Table B15. Intention to continue to practice in a RRR area .....	34
Table B16. Most likely reason for leaving the current firm .....	35
Table B17. Acceptance of instruction in legally aided matters .....	35
Table B18. Number of legally aided cases undertaken by the firm in the last 12 months.....	36
Table B19. Principals .....	36
Table B20. Principal's view regarding whether the practice has enough lawyers to serve the client base .....	36
Table B21. Principal's view regarding whether the practice has enough lawyers to serve the legal needs of the community .....	37
Table B22. Number of additional lawyers required.....	37
Table B23. Matters of concern about the future of the firm and personnel .....	38

**Table B1. Participants' gender**

Gender		NSW	NT	QLD	SA	TAS	VIC	WA	AUS
Male	(%)	50.8	39.6	51.5	57.1	58.5	62.5	46.4	52.3
	N	151	36	112	20	48	257	13	637
Female	(%)	49.2	60.4	48.5	42.9	41.5	37.5	53.6	47.7
	N	146	55	119	15	34	154	15	538
<b>Total respondents</b>		<b>297</b>	<b>91</b>	<b>231</b>	<b>35</b>	<b>82</b>	<b>411</b>	<b>28</b>	<b>1,175</b>

**Table B2. Participants' age**

Age group		NSW	NT	QLD	SA	TAS	VIC	WA	AUS
20–29	(%)	17.9	16.5	21.7	14.3	22.0	15.1	7.1	16.4
	N	53	15	50	5	18	62	2	205
30–39	(%)	24.9	40.7	26.0	34.3	30.5	16.8	42.9	30.9
	N	74	37	60	12	25	69	12	289
40–49	(%)	20.5	20.9	23.4	8.6	20.7	17.5	10.7	17.5
	N	61	19	54	3	17	72	3	229
50–59	(%)	22.6	17.6	23.8	31.4	17.1	31.3	32.1	25.1
	N	67	16	55	11	14	129	9	301
60–69	(%)	13.8	3.3	5.2	11.4	8.5	15.8	3.6	8.8
	N	41	3	12	4	7	65	1	133
70 plus	(%)	0.3	1.1	0	0	1.2	3.6	3.6	1.4
	N	1	1	0	0	1	15	1	19
<b>Total respondents</b>		<b>297</b>	<b>91</b>	<b>231</b>	<b>35</b>	<b>82</b>	<b>412</b>	<b>28</b>	<b>1176</b>

**Table B3. Participants' place of birth**

Place of birth		NSW	NT	QLD	SA	TAS	VIC	WA	AUS
RRR area	(%)	51.2	41.8	55.8	40.0	47.6	44.3	32.1	44.7
	N	152	38	129	14	39	179	9	560
Capital city	(%)	41.4	42.9	29.9	54.3	46.3	43.1	50.0	44.0
	N	123	39	69	19	38	174	14	476
Overseas	(%)	7.4	15.4	14.3	5.7	6.1	12.6	17.9	11.3
	N	22	14	33	2	5	51	5	132
<b>Total respondents</b>		<b>297</b>	<b>91</b>	<b>231</b>	<b>35</b>	<b>82</b>	<b>404</b>	<b>28</b>	<b>1,168</b>

**Table B4. Participants' mode of study**

Mode of study		NSW	NT	QLD	SA	TAS	VIC	WA	AUS
Distance student	(%)	26.0	8.8	26.8	5.7	2.5	10.9	3.6	12.0
	N	77	8	62	2	2	44	1	196
On campus	(%)	74.0	91.2	73.2	94.3	97.5	89.1	96.4	88.0
	N	219	83	169	33	79	360	27	970
<b>Total respondents</b>		<b>296</b>	<b>91</b>	<b>231</b>	<b>35</b>	<b>81</b>	<b>404</b>	<b>28</b>	<b>1166</b>

**Table B5. Participants' admission status**

Admission		NSW	NT	QLD	SA	TAS	VIC	WA	AUS
Admitted	(%)	99.0	98.9	99.1	100.0	98.8	99.0	100.0	99.3
	N	294	90	229	35	81	406	28	1163
Not admitted	(%)	1.0	1.1	0.9	0	1.2	1.0	0	0.7
	N	3	1	2	0	1	4	0	11
<b>Total respondents</b>		<b>297</b>	<b>91</b>	<b>231</b>	<b>35</b>	<b>82</b>	<b>410</b>	<b>28</b>	<b>1174</b>

**Table B6. Participants' practice type**

Organisation/Firm		NSW	NT	QLD	SA	TAS	VIC	WA	AUS
Private law firm	(%)	85.9	33.0	87.0	91.4	93.9	98.1	75.0	80.6
	N	255	30	200	32	77	410	21	1025
Barrister's practice	(%)	0	3.3	0	0	1.2	0	0	0.6
	N	0	3	0	0	1	0	0	4
Government legal department	(%)	1.7	27.5	2.2	2.9	1.2	0	0	5.1
	N	5	25	5	1	1	0	0	37
In-house corporate legal team	(%)	1.7	0	2.2	0	0	0.2	0	0.6
	N	5	0	5	0	0	1	0	11
Community legal centre	(%)	1.4	4.4	3.5	0	1.2	1.2	21.4	4.7
	N	4	4	8	0	1	5	6	28
Legal aid / Aboriginal legal aid	(%)	7.4	24.2	3.0	2.9	2.4	0.2	0	5.7
	N	22	22	7	1	2	1	0	55
Other	(%)	2.0	7.7	2.2	2.9	0	0.2	3.6	2.7
	N	6	7	5	1	0	1	1	21
<b>Total respondents</b>		<b>297</b>	<b>91</b>	<b>230</b>	<b>35</b>	<b>82</b>	<b>418</b>	<b>28</b>	<b>1181</b>

**Table B7. Participants' main area of practice**

Main area of practice	NSW	NT	QLD	SA	TAS	VIC	WA	AUS
Commercial / Business law (%)	60.1	33.0	65.8	62.9	74.1	70.9	50.0	59.5
N	178	30	152	22	60	295	14	751
Wills and probate (%)	71.0	16.5	63.2	80.0	72.8	80.1	78.6	66.0
N	210	15	146	28	59	333	22	813
Conveyancing (%)	71.3	13.2	61.5	62.9	76.5	78.4	53.6	59.6
N	211	12	142	22	62	326	15	790
Property law (%)	56.8	26.4	57.6	57.1	66.7	69.0	60.7	56.3
N	168	24	133	20	54	287	17	703
Litigation (%)	51.0	35.2	49.8	54.3	63.0	57.2	57.1	52.5
N	151	32	115	19	51	238	16	622
Family law (%)	59.8	33.0	53.3	68.6	60.5	67.1	57.1	57.1
N	177	30	123	24	49	279	16	698
Personal injury (%)	30.7	24.2	34.6	60.0	51.9	26.9	28.6	36.7
N	91	22	80	21	42	112	8	376
Criminal law (%)	48.7	40.7	35.1	68.6	30.9	46.6	42.9	44.8
N	144	37	81	24	25	194	12	517
Tax law (%)	9.8	4.4	6.5	5.7	8.6	13.0	3.6	7.4
N	29	4	15	2	7	54	1	112
General practice (%)	58.8	36.3	54.6	85.7	55.6	58.2	64.3	59.1
N	174	33	126	30	45	242	18	668
<b>Total respondents</b>	<b>296</b>	<b>91</b>	<b>231</b>	<b>35</b>	<b>81</b>	<b>416</b>	<b>28</b>	<b>1178</b>

**Table B8. Participants' employment status**

Role	NSW	NT	QLD	SA	TAS	VIC	WA	AUS
Principal (%)	48.2	15.4	43.0	51.4	45.1	57.2	53.6	44.8
N	143	14	99	18	37	238	15	564
Employee solicitor (%)	46.5	72.5	50.9	45.7	48.8	35.8	42.9	49.0
N	138	66	117	16	40	149	12	538
Graduate /articled clerk / trainee (%)	1.7	2.2	1.7	0	4.9	1.4	0	1.7
N	5	2	4	0	4	6	0	21
Other (%)	3.7	9.9	4.4	2.9	1.2	5.5	3.6	4.5
N	11	9	10	1	1	23	1	56
<b>Total respondents</b>	<b>297</b>	<b>91</b>	<b>230</b>	<b>35</b>	<b>82</b>	<b>416</b>	<b>28</b>	<b>1179</b>

**Table B9. Participants' income distributions**

<b>Income range</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>	<b>AUS</b>
Under \$40,000 (%)	12.9	2.3	6.5	17.7	8.6	10.3	3.9	8.9
N	37	2	14	6	7	39	1	106
\$40,001–\$50,000 (%)	10.5	3.4	15.0	8.8	9.9	10.5	0	8.3
N	30	3	32	3	8	40	0	116
\$50,001–\$60,000 (%)	16.1	19.1	10.8	14.7	17.3	11.8	7.7	13.9
N	46	17	23	5	14	45	2	152
\$60,001–\$70,000 (%)	11.5	18.0	7.9	23.5	7.4	9.2	7.7	12.2
N	33	16	17	8	6	35	2	117
\$70,001–\$80,000 (%)	8.4	11.2	9.4	5.9	7.4	8.2	15.4	9.4
N	24	10	20	2	6	31	4	97
\$80,001–\$90,000 (%)	7.0	13.5	11.2	0	6.2	4.2	7.7	7.1
N	20	12	24	0	5	16	2	79
\$90,001–\$100,000 (%)	6.3	6.7	7.5	2.9	11.1	7.9	11.5	7.7
N	18	6	16	1	9	30	3	83
\$100,001–\$110,000 (%)	5.6	3.4	6.1	11.8	2.5	8.4	7.7	6.5
N	16	3	13	4	2	32	2	72
\$110,001–\$120,000 (%)	3.9	4.5	1.9	0	3.7	4.0	0	2.6
N	11	4	4	0	3	15	0	37
\$120,001–\$130,000 (%)	2.8	2.3	6.5	2.9	2.5	5.5	11.5	4.9
N	8	2	14	1	2	21	3	51
\$130,001–\$140,000 (%)	1.8	2.3	2.3	0	2.5	1.8	3.9	2.1
N	5	2	5	0	2	7	1	22
\$140,001–\$150,000 (%)	3.9	3.4	3.3	0	3.7	2.6	3.9	3.0
N	11	3	7	0	3	10	1	35
\$150,001–\$175,000 (%)	4.6	6.7	4.7	11.8	4.9	5.8	15.4	7.7
N	13	6	10	4	4	22	4	63
\$175,001–\$200,000 (%)	3.2	2.3	1.9	0	1.2	2.6	3.9	2.2
N	9	2	4	0	1	10	1	27
\$200,001–\$225,000 (%)	0.4	0	0	0	4.9	3.4	0	1.2
N	1	0	0	0	4	13	0	18
\$225,001–\$250,000 (%)	0.7	0	0.9	0	2.5	0.5	0	0.7
N	2	0	2	0	2	2	0	8
More than \$250,000 (%)	0.7	1.1	4.2	0	3.7	3.2	0	1.8
N	2	1	9	0	3	12	0	27
<b>Total respondents</b>	<b>294</b>	<b>91</b>	<b>230</b>	<b>35</b>	<b>81</b>	<b>399</b>	<b>26</b>	<b>1156</b>

**Table B10. Number of principals in RRR firms and organisations**

Number of principals		NSW	NT	QLD	SA	TAS	VIC	WA	AUS
1	(%)	47.5	31.9	42.0	60.0	28.4	41.0	67.9	45.5
	N	141	29	97	21	23	169	19	499
2	(%)	15.2	15.4	15.2	22.9	16.1	20.2	21.4	18.1
	N	45	14	35	8	13	83	6	204
3–5	(%)	21.6	13.2	22.1	5.7	21.0	27.7	0	15.9
	N	64	12	51	2	17	114	0	260
6–9	(%)	7.4	9.9	10.0	0	7.4	4.9	3.6	6.2
	N	22	9	23	0	6	20	1	81
More than 10	(%)	2.0	6.6	2.2	0	21.0	4.9	3.6	5.8
	N	6	6	5	0	17	20	1	55
Not applicable	(%)	6.4	23.1	8.7	11.4	6.2	1.5	3.6	8.7
	N	19	21	20	4	5	6	1	76
<b>Total respondents</b>		<b>297</b>	<b>91</b>	<b>231</b>	<b>35</b>	<b>81</b>	<b>412</b>	<b>28</b>	<b>1175</b>

**Table B11. Number of employee legal practitioners in RRR firms and organisations**

Number of employee legal practitioners		NSW	NT	QLD	SA	TAS	VIC	WA	AUS
1–2	(%)	42.1	9.9	30.9	44.1	31.7	34.1	48.2	34.4
	N	125	9	71	15	26	140	13	399
3–5	(%)	26.6	17.6	29.1	38.2	14.6	26.0	18.5	24.4
	N	79	16	67	13	12	107	5	299
6–15	(%)	14.5	25.3	22.6	0	20.7	20.4	7.4	15.8
	N	43	23	52	0	17	84	2	221
16–35	(%)	1.4	30.8	3.9	0	23.2	3.7	14.8	11.1
	N	4	28	9	0	19	15	4	79
More than 35	(%)	4.0	6.6	3.5	2.9	2.4	2.9	3.7	3.7
	N	12	6	8	1	2	12	1	42
Not applicable	(%)	11.5	9.9	10.0	14.7	7.3	12.9	7.4	10.5
	N	34	9	23	5	6	53	2	132
<b>Total respondents</b>		<b>297</b>	<b>91</b>	<b>230</b>	<b>34</b>	<b>82</b>	<b>411</b>	<b>27</b>	<b>1172</b>

**Table B12. Number of non-legal staff in RRR firms and organisations**

Number of non-legal staff		NSW	NT	QLD	SA	TAS	VIC	WA	AUS
1-2	(%)	14.1	14.3	15.6	22.9	11.0	9.7	17.9	15.1
	N	42	13	36	8	9	40	5	153
3-5	(%)	23.6	14.3	20.4	37.1	18.3	21.3	32.1	23.9
	N	70	13	47	13	15	88	9	255
6-15	(%)	32.3	23.1	35.9	28.6	34.2	37.2	14.3	29.4
	N	96	21	83	10	28	154	4	396
16-35	(%)	10.8	24.2	16.5	2.9	22.0	18.1	17.9	16.1
	N	32	22	38	1	18	75	5	191
More than 35	(%)	8.1	13.2	7.4	5.7	12.2	8.5	10.7	9.4
	N	24	12	17	2	10	35	3	103
Not applicable	(%)	11.1	11.0	4.3	2.9	2.4	5.3	7.1	6.3
	N	33	10	10	1	2	22	2	80
<b>Total respondents</b>		<b>297</b>	<b>91</b>	<b>231</b>	<b>35</b>	<b>82</b>	<b>414</b>	<b>28</b>	<b>1178</b>

**Table B13. Participants' length of practice**

Length of practice		NSW	NT	QLD	SA	TAS	VIC	WA	AUS
Less than 1 year	(%)	6.7	4.4	6.9	8.6	7.3	5.1	3.6	6.1
	N	20	4	16	3	6	21	1	71
1-2 years	(%)	11.5	18.7	11.7	22.9	3.7	8.3	0	11.0
	N	34	17	27	8	3	34	0	123
3-5 years	(%)	13.1	26.4	16.9	20.0	20.7	10.3	10.7	16.9
	N	39	24	39	7	17	42	3	171
6-10 years	(%)	16.5	20.9	16.9	5.7	20.7	13.2	14.3	15.5
	N	49	19	39	2	17	54	4	184
11-20 years	(%)	20.9	20.9	22.5	14.3	18.3	13.9	39.3	21.4
	N	62	19	52	5	15	57	11	221
21 plus years	(%)	31.3	8.8	25.1	28.6	29.3	49.1	32.1	29.2
	N	93	8	58	10	24	201	9	403
<b>Total respondents</b>		<b>297</b>	<b>91</b>	<b>231</b>	<b>35</b>	<b>82</b>	<b>409</b>	<b>28</b>	<b>1173</b>

**Table B14. Length of practice in a RRR area**

Length of practice in RRR area		NSW	NT	QLD	SA	TAS	VIC	WA	AUS
Less than 1 year	(%)	8.8	15.4	9.1	8.6	7.3	7.5	7.1	9.1
	N	26	14	21	3	6	31	2	103
1–2 years	(%)	17.2	25.3	17.0	25.7	9.8	8.5	7.1	15.8
	N	51	23	39	9	8	35	2	167
3–5 years	(%)	17.2	24.2	19.6	25.7	22.0	14.4	28.6	21.7
	N	51	22	45	9	18	59	8	212
6–10 years	(%)	13.1	14.3	18.7	5.7	22.0	13.9	25.0	16.1
	N	39	13	43	2	18	57	7	179
11–20 years	(%)	19.2	14.3	19.1	8.6	12.2	14.4	28.6	16.6
	N	57	13	44	3	10	59	8	194
21 plus years	(%)	24.6	6.6	16.5	25.7	26.8	41.4	3.6	20.7
	N	73	6	38	9	22	170	1	319
<b>Total respondents</b>		<b>297</b>	<b>91</b>	<b>230</b>	<b>35</b>	<b>82</b>	<b>411</b>	<b>28</b>	<b>1174</b>

**Table B15. Intention to continue to practice in a RRR area**

Intention to continue practice in RRR area		NSW	NT	QLD	SA	TAS	VIC	WA	AUS
Less than 1 year	(%)	5.1	15.4	4.8	11.8	4.9	5.1	7.4	7.8
	N	15	14	11	4	4	21	2	71
1–2 years	(%)	10.1	15.4	11.3	8.8	8.5	8.6	7.4	10.0
	N	30	14	26	3	7	35	2	117
3–5 years	(%)	21.2	33.0	22.9	14.7	18.3	24.5	37.0	24.5
	N	63	30	53	5	15	100	10	276
6–10 years	(%)	22.2	12.1	21.2	26.5	29.3	24.9	14.8	21.6
	N	66	11	49	9	24	102	4	265
11–20 years	(%)	27.3	16.5	22.5	20.6	19.5	22.7	14.8	20.6
	N	81	15	52	7	16	93	4	268
21 plus years	(%)	14.1	7.7	17.3	17.7	19.5	14.2	18.5	15.6
	N	42	7	40	6	16	58	5	174
<b>Total respondents</b>		<b>297</b>	<b>91</b>	<b>231</b>	<b>34</b>	<b>82</b>	<b>409</b>	<b>27</b>	<b>1171</b>

**Table B16. Most likely reason for leaving the current firm**

Most likely reason for leaving current firm	NSW	NT	QLD	SA	TAS	VIC	WA	AUS
Move to another legal practice in my regional area (%)	24.0	10.2	22.7	14.3	18.5	18.5	18.5	18.1
N	71	9	52	5	15	76	5	233
Move to a legal practice in city (%)	10.5	9.1	18.8	22.9	19.8	13.6	18.5	16.2
N	31	8	43	8	16	56	5	167
Move to Government in-house position (%)	5.4	22.7	7.9	11.4	6.2	4.4	0	8.3
N	16	20	18	4	5	18	0	81
Move to a corporate in-house position (%)	2.4	1.1	1.3	0	2.5	1.5	0	1.3
N	7	1	3	0	2	6	0	19
Move to community legal centre (%)	1.0	4.6	1.3	2.9	0	1.7	0	1.6
N	3	4	3	1	0	7	0	18
Move to become a barrister (%)	5.4	11.4	1.3	2.9	8.6	4.6	3.7	5.4
N	16	10	3	1	7	19	1	57
Leave the practice of law to retire (%)	19.9	8.0	18.3	22.9	16.1	34.8	22.2	20.3
N	59	7	42	8	13	143	6	278
Leave the practice of law to start a new career (%)	18.2	12.5	14.4	11.4	23.5	10.5	18.5	14.1
N	54	11	33	4	19	43	5	169
Leave to care for my family (%)	6.8	3.4	6.1	0	2.5	3.4	3.7	3.7
N	20	3	14	0	2	14	1	40
Other (%)	6.4	17.1	7.9	11.4	2.5	7.1	14.8	9.6
N	19	15	18	4	2	29	4	91
<b>Total respondents</b>	<b>296</b>	<b>88</b>	<b>229</b>	<b>35</b>	<b>81</b>	<b>411</b>	<b>27</b>	<b>1167</b>

**Table B17. Acceptance of instruction in legally aided matters**

Legal Aid	NSW	NT	QLD	SA	TAS	VIC	WA	AUS
Firm accepts instructions for legally aided matters (%)	53.7	39.6	31.6	60.0	65.9	57.4	46.4	50.7
N	159	36	73	21	54	237	13	593
Firm does not accept instructions for legally aided matters (%)	46.3	60.4	68.4	40.0	34.2	42.6	53.6	49.4
N	137	55	158	14	28	176	15	583
<b>Total respondents</b>	<b>296</b>	<b>91</b>	<b>231</b>	<b>35</b>	<b>82</b>	<b>413</b>	<b>28</b>	<b>1176</b>

**Table B18. Number of legally aided cases undertaken by the firm in the last 12 months**

Number of Legally Aided Cases		NSW	NT	QLD	SA	TAS	VIC	WA	AUS
Less than 5	(%)	9.4	11.4	8.2	4.8	9.4	8.5	8.3	8.6
	N	15	4	6	1	5	20	1	52
5–15	(%)	8.8	20.0	0	14.3	5.7	14.8	8.3	10.3
	N	14	7	0	3	3	35	1	63
16–30	(%)	12.0	5.7	5.5	14.3	5.7	8.9	16.7	9.8
	N	19	2	4	3	3	21	2	54
More than 30	(%)	51.6	42.9	74.0	61.9	39.6	49.6	33.3	50.4
	N	82	15	54	13	21	117	4	306
I do not know	(%)	18.2	20.0	12.3	4.8	39.6	18.2	33.3	20.9
	N	29	7	9	1	21	43	4	114
<b>Total respondents</b>		<b>159</b>	<b>35</b>	<b>73</b>	<b>21</b>	<b>53</b>	<b>236</b>	<b>12</b>	<b>589</b>

**Table B19. Principals**

Principal		NSW	NT	QLD	SA	TAS	VIC	WA	AUS
Yes	(%)	48.7	15.4	43.7	51.4	45.7	58.4	53.6	49.0
	N	144	14	101	18	37	243	15	632
No	(%)	51.4	84.6	56.3	48.6	54.3	41.6	46.4	51.0
	N	152	77	130	17	44	173	13	546
<b>Total respondents</b>		<b>296</b>	<b>91</b>	<b>231</b>	<b>35</b>	<b>81</b>	<b>416</b>	<b>28</b>	<b>1178</b>

**Table B20. Principal's view regarding whether the practice has enough lawyers to serve the client base**

Servicing Client Base		NSW	NT	QLD	SA	TAS	VIC	WA	AUS
Practice has enough lawyers to serve the client base	(%)	68.8	28.6	51.2	33.3	66.7	67.4	80.0	56.6
	N	22	2	22	2	22	116	4	190
Practice does not have enough lawyers to serve the client base	(%)	31.3	71.4	48.8	66.7	33.3	32.6	20.0	43.4
	N	10	5	21	4	11	56	1	108
<b>Total respondents</b>		<b>32</b>	<b>7</b>	<b>43</b>	<b>6</b>	<b>33</b>	<b>172</b>	<b>5</b>	<b>298</b>

**Table B21. Principal's view regarding whether the practice has enough lawyers to serve the legal needs of the community**

<b>Servicing the Community</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>	<b>AUS</b>
Practice has enough lawyers to serve the legal needs of the community (%)	70.8	42.9	59.4	50.0	68.4	60.8	33.3	55.1
N	102	6	60	9	26	149	5	357
Practice does not have enough lawyers to serve the legal needs of the community (%)	29.2	57.1	40.6	50.0	31.6	39.2	66.7	44.9
N	42	8	41	9	12	96	10	218
<b>Total respondents</b>	<b>144</b>	<b>14</b>	<b>101</b>	<b>18</b>	<b>38</b>	<b>245</b>	<b>15</b>	<b>575</b>

**Table B22. Number of additional lawyers required**

<b>Number of Additional Lawyers Required</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>	
1	12	–	14	3	3	26	3	
2	14	3	18	1	4	41	3	
3	5	–	4	3	2	12	–	
4	7	1	3	–	2	3	2	
5	2	1	–	1	–	2	–	
6	–	1	–	1	–	–	–	
7	–	–	–	–	–	1	–	
8	–	–	–	–	–	2	–	
9	–	–	–	–	–	–	–	
10	–	1	–	–	–	1	–	
11	–	–	–	–	–	–	–	
12	–	1	–	–	–	–	–	
Additional lawyers needed	93	43	74	25	25	199	17	476
<b>Total respondents</b>	<b>41</b>	<b>8</b>	<b>41</b>	<b>9</b>	<b>12</b>	<b>89</b>	<b>8</b>	

**Table B23. Matters of concern about the future of the firm and personnel**

<b>Matters of concern about the future of firm and personnel</b>	<b>NSW</b>	<b>NT</b>	<b>QLD</b>	<b>SA</b>	<b>TAS</b>	<b>VIC</b>	<b>WA</b>	<b>AUS</b>
Succession planning (%)	64.6	61.5	65.4	66.7	75.0	80.9	80.0	70.6
N	93	8	66	12	27	195	12	350
Attracting additional lawyers (%)	44.4	69.2	55.5	61.1	69.4	51.5	53.3	57.8
N	64	9	56	11	25	124	8	297
Attracting lawyers to replace departures (%)	45.8	69.2	44.6	44.4	58.3	42.7	53.3	51.2
N	66	9	45	8	21	103	8	260
Retaining employees already at the firm (%)	7.6	30.8	20.8	16.7	52.8	23.2	6.7	22.7
N	11	4	21	3	19	56	1	115
Attracting and retaining good legal/admin support staff (%)	11.8	38.5	30.7	27.8	41.7	26.6	26.7	29.1
N	17	5	31	5	15	64	4	141
Employing locums (%)	2.8	15.4	5.9	11.1	16.7	6.2	13.3	10.2
N	4	2	6	2	6	15	2	37
Other (%)	28.5	23.1	16.8	22.2	2.8	11.2	20.0	17.8
N	41	3	17	4	1	27	3	96
<b>Total respondents</b>	<b>144</b>	<b>13</b>	<b>101</b>	<b>18</b>	<b>36</b>	<b>241</b>	<b>15</b>	<b>556</b>



# Appendix C: Cross-Sectional Analysis

## Place of birth

Table C1. I have been practising law in a RRR area for: .....	40
Table C2. I intend to continue practising law in a RRR area for: .....	40
Table C3. If I were to move from a RRR area, this would most likely be due to: ...	40

## Age group

Table C4. I have been practising law in a RRR area for: .....	41
Table C5. I intend to continue practising law in a RRR area for: .....	41
Table C6. If I were to move from a RRR area, this would most likely be due to: ...	41
Table C7. If I were to leave my current firm, I would be most likely to:.....	42

## Gender

Table C8. I have been practising law in a RRR area for: .....	42
Table C9. I intend to continue practising law in a RRR area for: .....	42
Table C10. If I were to move from a RRR area, this would most likely be due to:....	42
Table C11. If I were to leave my current firm, I would be most likely to:.....	43
Table C12. My firm mainly practices in:.....	43

## Practice type

Table C13. I have been practising law in a RRR area for: .....	43
Table C14. I intend to continue practising law in a RRR area for: .....	44
Table C15. If I were to move from a RRR area, this would most likely be due to:....	44
Table C16. If I were to leave my current firm, I would be most likely to:.....	45

## Role

Table C17. I have been practising law in a RRR area for: .....	45
Table C18. I intend to continue practising law in a RRR area for: .....	45
Table C19. If I were to move from a RRR area, this would most likely be due to:....	46
Table C20. If I were to leave my current firm, I would be most likely to:.....	46

## Number of principals

Table C21. I have been practising law in a RRR area for: .....	46
Table C22. I intend to continue practising law in a RRR area for: .....	47
Table C23. If I were to move from a RRR area, this would most likely be due to:....	47
Table C24. If I were to leave my current firm, I would be most likely to:.....	47
Table C25. My firm provides pro bono services other than for legally funded cases:...	48
Table C26. I undertake other volunteer work within my community:.....	48
Table C27. Including yourself (if applicable), how many employee legal practitioners are in your firm? .....	48
Table C28. How many non-legal staff are employed in your firm (based on total number of employees)? .....	49
Table C29. The following things concern me about the future of my firm:.....	49

## Number of Employee Legal Practitioners

Table C30. The following things concern me about the future of my firm:.....	49
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## Number of non-legal staff

Table C31. The following things concern me about the future of my firm:.....	50
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# Rural, Regional & Remote Areas Lawyers Survey Analysis

## Place of birth

Table C1. I have been practising law in a RRR area for:

	Less than 1 year	1 – 2 years	3 – 5 years	6 – 10 years	11 – 20 years	21 plus years
Australian capital	8.5% 45	11.7% 62	16.8% 89	14.2% 75	17.4% 92	31.4% 166
Australian RRR	6.8% 30	14.1% 62	17.5% 77	16.9% 74	15.9% 70	28.7% 126
Overseas	11.5% 14	16.4% 20	19.7% 24	15.6% 19	16.4% 20	20.5% 25

Table C2. I intend to continue practising law in a RRR area for:

	Less than 1 year	1 – 2 years	3 – 5 years	6 – 10 years	11 – 20 years	21 plus years
Australian capital	4.0% 21	8.2% 43	23.5% 124	21.6% 114	23.9% 126	18.8% 99
Australian RRR	6.8% 30	10.0% 44	21.0% 92	26.5% 116	23.7% 104	11.9% 52
Overseas	4.9% 6	13.9% 17	27.0% 33	19.7% 24	20.5% 25	13.9% 17

Table C3. If I were to move from a RRR area, this would most likely be due to:

	Change practice areas	Leave the practice of law to start a new career	Better remuneration	Increased professional development opportunities	Move to city for lifestyle reasons	Retirement	For family reasons	My partner's relocation	Isolation	Other
Australian capital	3.2% 18	11.7% 65	15.8% 88	7.7% 43	6.1% 34	21.9% 122	18.1% 101	10.8% 60	1.6% 9	3.1% 17
Australian RRR	3.4% 16	9.1% 43	14.7% 70	8.2% 39	8.8% 42	18.1% 86	20.6% 98	8.4% 40	1.9% 9	6.7% 32
Overseas	3.6% 5	9.5% 13	15.3% 21	7.3% 10	6.6% 9	23.4% 32	18.2% 25	8.0% 11	1.5% 2	6.6% 9

## Age group

Table C4. I have been practising law in a RRR area for:

	Less than 1 year		1 – 2 years		3 – 5 years		6 – 10 years		11 – 20 years		21 plus years	
20 – 29	27.2%	52	36.1%	69	34.0%	65	2.6%	5	0.0%	0	0.0%	0
30 – 39	8.7%	22	17.1%	43	21.4%	54	34.5%	87	18.3%	46	0.0%	0
40 – 49	4.2%	9	7.5%	16	17.8%	38	20.6%	44	36.4%	78	13.6%	29
50 – 59	1.7%	5	4.1%	12	8.6%	25	6.9%	20	15.5%	45	63.2%	184
60 – 69	0.8%	1	3.8%	5	6.8%	9	9.1%	12	9.8%	13	69.7%	92
70 plus	5.6%	1	0.0%	0	5.6%	1	0.0%	0	0.0%	0	88.9%	16

Table C5. I intend to continue practising law in a RRR area for:

	Less than 1 year		1 – 2 years		3 – 5 years		6 – 10 years		11 – 20 years		21 plus years	
20 – 29	8.9%	17	21.5%	41	21.5%	41	18.3%	35	7.3%	14	22.5%	43
30 – 39	7.2%	18	8.4%	21	14.0%	35	13.6%	34	24.0%	60	32.8%	82
40 – 49	5.2%	11	2.8%	6	14.6%	31	23.0%	49	44.6%	95	9.9%	21
50 – 59	1.7%	5	3.8%	11	25.1%	73	38.1%	111	27.8%	81	3.4%	10
60 – 69	4.5%	6	14.4%	19	49.2%	65	22.0%	29	4.5%	6	5.3%	7
70 plus	0.0%	0	33.3%	6	33.3%	6	0.0%	0	5.6%	1	27.8%	5

Table C6. If I were to move from a RRR area, this would most likely be due to:

	Change practice areas		Leave the practice of law to start a new career		Better remuneration		Increased professional development opportunities		Move to city for lifestyle reasons		Retirement		For family reasons		My partner's relocation		Isolation		Other	
20 – 29	5.5%	12	8.8%	19	25.3%	55	10.6%	23	12.0%	26	0.9%	2	17.1%	37	15.7%	34	1.8%	4	2.3%	5
30 – 39	2.5%	7	10.7%	30	18.2%	51	9.3%	26	8.6%	24	3.6%	10	25.0%	70	15.4%	43	1.8%	5	5.0%	14
40 – 49	4.0%	9	14.3%	32	17.0%	38	9.4%	21	6.7%	15	11.2%	25	21.4%	48	9.4%	21	1.8%	4	4.9%	11
50 – 59	3.0%	9	10.2%	31	9.8%	30	6.2%	19	5.6%	17	35.1%	107	17.7%	54	3.9%	12	2.0%	6	6.6%	20
60 – 69	1.5%	2	6.6%	9	2.9%	4	2.9%	4	2.2%	3	64.0%	87	11.8%	16	0.7%	1	1.5%	2	5.9%	8
70 plus	0.0%	0	0.0%	0	5.9%	1	0.0%	0	5.9%	1	70.6%	12	11.8%	2	0.0%	0	0.0%	0	5.9%	1

**Table C7. If I were to leave my current firm, I would be most likely to:**

	Move to another legal practice in my regional area	Move to a legal practice in the city	Move to Government in-house position	Move to a corporate in-house position	Move to a community legal centre	Move to become a barrister	Leave the practice of law to retire	Leave the practice of law to start a new career	Leave to care for my family	Other
20 – 29	24.2%	27.9%	15	1.6%	2.1%	4	0.0%	15.3%	11.1%	5.8%
30 – 39	26.6%	17.1%	22	3.6%	1.6%	4	4.4%	15.9%	8.7%	7.9%
40 – 49	28.3%	16.5%	9	0.9%	0.5%	1	12.3%	19.3%	2.4%	9.0%
50 – 59	13.1%	8.3%	14	1.4%	1.7%	5	44.3%	15.9%	0.7%	5.9%
60 – 69	10.7%	3.1%	1	0.0%	0.0%	0	74.8%	4.6%	0.0%	6.1%
70 plus	10.5%	0.0%	0	0.0%	0.0%	0	73.7%	0.0%	5.3%	10.5%

**Gender**

**Table C8. I have been practising law in a RRR area for:**

	Less than 1 year	1 – 2 years	3 – 5 years	6 – 10 years	11 – 20 years	21 plus years						
Male	5.4%	33	5.8%	35	11.0%	67	12.5%	76	19.4%	118	45.9%	279
Female	11.7%	57	22.5%	110	25.6%	125	18.8%	92	13.1%	64	8.4%	41

**Table C9. I intend to continue practising law in a RRR area for:**

	Less than 1 year	1 – 2 years	3 – 5 years	6 – 10 years	11 – 20 years	21 plus years						
Male	3.6%	22	6.9%	42	25.2%	153	27.0%	164	23.1%	140	14.2%	86
Female	7.2%	35	12.7%	62	20.1%	98	19.1%	93	24.0%	117	16.8%	82

**Table C10. If I were to move from a RRR area, this would most likely be due to:**

	Change practice areas	Leave the practice of law to start a new career	Better remuneration	Increased professional development opportunities	Move to city for lifestyle reasons	Retirement	For family reasons	My partner's relocation	Isolation	Other										
Male	3.4%	22	11.2%	73	11.5%	75	5.8%	38	7.8%	51	30.5%	199	19.4%	127	3.2%	21	1.7%	11	5.5%	36
Female	3.2%	17	9.1%	48	19.8%	104	10.5%	55	6.7%	35	8.2%	43	19.0%	100	17.1%	90	1.9%	10	4.4%	23

**Table C11. If I were to leave my current firm, I would be most likely to:**

	Move to another legal practice in my regional area	Move to a legal practice in the city	Move to Government in-house position	Move to a corporate in-house position	Move to a community legal centre	Move to become a barrister	Leave the practice of law to retire	Leave the practice of law to start a new career	Leave to care for my family	Other
Male	18.0%	10.7%	3.1%	1.2%	0.8%	5.1%	38.0%	16.0%	0.5%	6.6%
Female	24.3%	19.3%	8.6%	2.3%	1.9%	3.3%	9.5%	13.4%	9.9%	7.6%
	109	65	19	7	5	31	230	97	3	40
	118	94	42	11	9	16	46	65	48	37

**Table C12. My firm mainly practices in:**

	Commercial / Business law	Wills and probate	Conveyancing	Property law	Litigation	Family law	Personal injury	Criminal law	Tax law	General practice
Male	12.7%	14.1%	13.7%	12.0%	10.2%	10.6%	5.9%	8.1%	1.8%	10.7%
Female	11.9%	13.2%	12.9%	11.2%	10.2%	12.7%	6.4%	8.5%	1.8%	11.2%
	438	485	472	413	350	366	203	280	63	369
	284	313	306	266	242	301	152	203	43	267

## Practice type

**Table C13. I have been practising law in a RRR area for:**

	Less than 1 year	1 – 2 years	3 – 5 years	6 – 10 years	11 – 20 years	21 plus years
Commercial / Business law	7.5%	12.3%	17.5%	14.8%	15.5%	32.4%
Wills and probate	7.3%	11.4%	16.8%	14.5%	16.0%	34.0%
Conveyancing	7.1%	11.3%	17.0%	14.2%	16.2%	34.2%
Property law	6.8%	12.2%	16.3%	14.1%	16.2%	34.3%
Litigation	8.3%	13.5%	18.9%	14.4%	15.0%	29.9%
Family law	8.8%	12.7%	17.4%	14.4%	16.5%	30.1%
Personal injury	8.7%	16.1%	20.3%	12.4%	13.8%	28.7%
Criminal law	9.1%	13.1%	18.5%	15.1%	16.4%	27.8%
Tax law	8.5%	13.2%	17.9%	16.0%	17.9%	26.4%
General practice	6.6%	12.4%	18.9%	14.2%	14.9%	33.0%
	54	89	126	107	112	234
	58	91	134	116	128	271
	55	88	132	110	126	266
	46	83	111	96	110	233
	49	80	112	85	89	177
	59	85	116	96	110	201
	31	57	72	44	49	102
	44	63	89	73	79	134
	9	14	19	17	19	28
	42	79	120	90	95	210

**Table C14. I intend to continue practising law in a RRR area for:**

	Less than 1 year						21 plus years					
	1 – 2 years	3 – 5 years	6 – 10 years	11 – 20 years	21 plus years							
Commercial / Business law	4.0%	29	10.0%	72	23.4%	169	24.8%	179	21.5%	155	16.2%	117
Wills and probate	4.1%	33	9.3%	74	23.6%	188	24.5%	195	22.7%	181	15.7%	125
Conveyancing	3.5%	27	10.0%	78	24.2%	188	24.2%	188	22.3%	173	15.8%	123
Property law	3.4%	23	9.7%	66	25.1%	170	23.6%	160	21.7%	147	16.5%	112
Litigation	4.2%	25	9.0%	53	22.0%	130	23.1%	136	24.6%	145	17.1%	101
Family law	4.5%	30	10.1%	67	22.6%	150	22.6%	150	23.6%	157	16.6%	110
Personal injury	6.2%	22	7.6%	27	21.5%	76	23.2%	82	23.2%	82	18.1%	64
Criminal law	5.4%	26	8.9%	43	22.2%	107	21.8%	105	24.5%	118	17.0%	82
Tax law	6.7%	7	9.5%	10	19.0%	20	22.9%	24	20.0%	21	21.9%	23
General practice	5.2%	33	9.6%	61	25.3%	160	22.6%	143	22.3%	141	15.0%	95

**Table C15. If I were to move from a RRR area, this would most likely be due to:**

	Change practice areas		Leave the practice of law to start a new career		Better remuneration		Increased professional development opportunities		Move to city for lifestyle reasons		Retirement		For family reasons		My partner's relocation		Isolation		Other	
Commercial / Business law	2.4%	18	10.6%	81	14.3%	109	7.1%	54	7.8%	59	24.0%	183	19.1%	145	8.7%	66	1.7%	13	4.3%	33
Wills and probate	2.8%	24	10.2%	88	15.0%	130	7.5%	65	7.6%	66	24.2%	209	18.5%	160	7.8%	67	1.9%	16	4.5%	39
Conveyancing	2.9%	24	10.5%	88	14.8%	124	6.8%	57	7.2%	60	25.0%	209	18.9%	158	7.5%	63	1.9%	16	4.5%	38
Property law	2.5%	18	11.2%	82	14.2%	104	7.5%	55	7.0%	51	25.2%	184	18.5%	135	7.8%	57	1.6%	12	4.5%	33
Litigation	3.2%	21	11.1%	73	15.8%	104	7.7%	51	7.9%	52	19.7%	130	19.1%	126	9.4%	62	1.8%	12	4.4%	29
Family law	2.6%	19	10.7%	78	16.8%	123	7.7%	56	8.3%	61	20.8%	152	18.6%	136	8.2%	60	1.9%	14	4.4%	32
Personal injury	3.5%	14	10.3%	41	14.4%	57	9.3%	37	8.8%	35	16.4%	65	18.9%	75	9.3%	37	3.0%	12	6.0%	24
Criminal law	3.7%	20	10.0%	54	18.0%	97	8.0%	43	6.5%	35	19.5%	105	18.6%	100	8.7%	47	2.0%	11	4.8%	26
Tax law	2.0%	2	6.1%	6	13.1%	13	7.1%	7	6.1%	6	25.3%	25	23.2%	23	10.1%	10	1.0%	1	6.1%	6
General practice	2.9%	20	9.4%	65	14.6%	101	7.2%	50	6.9%	48	23.6%	163	19.7%	136	8.5%	59	1.7%	12	5.5%	38

**Table C16. If I were to leave my current firm, I would be most likely to:**

	Move to another legal practice in my regional area	Move to a legal practice in the city	Move to Government in-house position	Move to a corporate in-house position	Move to a community legal centre	Move to become a barrister	Leave the practice of law to retire	Leave the practice of law to start a new career	Leave to care for my family	Other
Commercial / Business law	19.8%	15.0%	4.7%	1.9%	1.0%	2.4%	28.6%	15.3%	4.7%	6.5%
Wills and probate	21.9%	14.2%	4.3%	1.4%	1.1%	3.1%	29.0%	14.1%	3.9%	6.9%
Conveyancing	21.2%	13.7%	4.3%	1.4%	1.2%	3.0%	29.3%	14.6%	4.3%	7.2%
Property law	20.6%	14.3%	4.3%	1.5%	1.0%	2.5%	29.3%	14.9%	4.1%	7.4%
Litigation	21.6%	16.5%	4.9%	1.9%	1.4%	3.9%	24.5%	13.6%	4.8%	7.0%
Family law	20.9%	16.2%	5.1%	1.5%	1.2%	4.4%	25.3%	13.1%	4.5%	7.8%
Personal injury	21.8%	18.9%	5.2%	1.4%	0.9%	4.6%	21.5%	14.9%	4.9%	6.0%
Criminal law	19.5%	15.8%	5.2%	1.2%	1.2%	6.4%	24.7%	13.5%	4.8%	7.5%
Tax law	19.8%	18.9%	2.8%	2.8%	0.9%	3.8%	30.2%	12.3%	3.8%	4.7%
General practice	18.9%	15.3%	5.7%	1.7%	1.1%	2.8%	29.0%	13.9%	4.1%	7.6%

**Role**

**Table C17. I have been practising law in a RRR area for:**

	Less than 1 year	1 – 2 years	3 – 5 years	6 – 10 years	11 – 20 years	21 plus years
	Principal	1.8%	2.6%	9.3%	12.6%	25.0%
Employee solicitor	13.3%	25.9%	28.8%	18.9%	8.2%	4.8%
Graduate / trainee	78.9%	15.8%	5.3%	0.0%	0.0%	0.0%
Other	2.1%	10.6%	4.3%	19.1%	8.5%	55.3%

**Table C18. I intend to continue practising law in a RRR area for:**

	Less than 1 year	1 – 2 years	3 – 5 years	6 – 10 years	11 – 20 years	21 plus years
	Principal	2.9%	5.5%	22.4%	28.2%	29.7%
Employee solicitor	8.0%	13.3%	21.7%	18.6%	18.1%	20.3%
Graduate / trainee	10.5%	26.3%	31.6%	21.1%	0.0%	10.5%
Other	2.2%	13.3%	33.3%	17.8%	15.6%	17.8%

**Table C19. If I were to move from a RRR area, this would most likely be due to:**

	Change practice areas	Leave the practice of law to start a new career	Better remuneration	Increased professional development opportunities	Move to city for lifestyle reasons	Retirement	For family reasons	My partner's relocation	Isolation	Other										
Principal	2.6%	15	12.5%	72	9.3%	54	5.9%	34	6.2%	36	32.2%	186	19.6%	113	4.0%	23	1.9%	11	5.9%	34
Employee solicitor	3.9%	20	8.5%	44	21.7%	112	9.7%	50	8.3%	43	7.4%	38	19.2%	99	15.3%	79	1.7%	9	4.1%	21
Graduate / trainee	8.3%	2	4.2%	1	37.5%	9	12.5%	3	8.3%	2	4.2%	1	8.3%	2	12.5%	3	0.0%	0	4.2%	1
Other	3.7%	2	5.6%	3	7.4%	4	9.3%	5	7.4%	4	29.6%	16	20.4%	11	9.3%	5	1.9%	1	5.6%	3

**Table C20. If I were to leave my current firm, I would be most likely to:**

	Move to another legal practice in my regional area	Move to a legal practice in the city	Move to Government in-house position	Move to a corporate in-house position	Move to a community legal centre	Move to become a barrister	Leave the practice of law to retire	Leave the practice of law to start a new career	Leave to care for my family	Other										
Principal	16.1%	88	9.1%	50	3.5%	19	0.5%	3	0.9%	5	4.8%	26	41.5%	227	15.4%	84	2.6%	14	5.7%	31
Employee solicitor	27.8%	131	21.2%	100	7.8%	37	1.9%	9	1.7%	8	4.2%	20	6.4%	30	14.6%	69	7.0%	33	7.4%	35
Graduate / trainee	21.1%	4	42.1%	8	5.3%	1	0.0%	0	0.0%	0	0.0%	0	5.3%	1	15.8%	3	5.3%	1	5.3%	1
Other	4.3%	2	2.1%	1	8.5%	4	12.8%	6	2.1%	1	2.1%	1	31.9%	15	8.5%	4	6.4%	3	21.3%	10

## Number of principals

**Table C21. I have been practising law in a RRR area for:**

	Less than 1 year	1 – 2 years	3 – 5 years	6 – 10 years	11 – 20 years	21 plus years						
1	7.4%	35	11.3%	53	17.7%	83	14.9%	70	19.1%	90	29.6%	139
2	10.1%	19	10.1%	19	16.0%	30	13.8%	26	16.0%	30	34.0%	64
3 – 5	8.8%	22	16.0%	40	14.4%	36	15.2%	38	12.8%	32	32.8%	82
6 – 9	6.9%	5	12.5%	9	26.4%	19	15.3%	11	15.3%	11	23.6%	17
More than 10	10.2%	5	26.5%	13	24.5%	12	8.2%	4	18.4%	9	12.2%	6
Not applicable	5.3%	3	19.3%	11	17.5%	10	29.8%	17	15.8%	9	12.3%	7

**Table C22. I intend to continue practising law in a RRR area for:**

	Less than 1 year	1 – 2 years	3 – 5 years	6 – 10 years	11 – 20 years	21 plus years
1	5.7%	10.2%	24.0%	26.0%	21.5%	12.6%
2	5.3%	10	25.0%	23.9%	24.5%	16.0%
3 – 5	4.4%	11	20.0%	22.8%	24.8%	16.4%
6 – 9	5.6%	4	15.3%	15.3%	25.0%	22.2%
More than 10	8.2%	4	16.3%	16.3%	30.6%	24.5%
Not applicable	1.8%	1	28.6%	21.4%	25.0%	16.1%

**Table C23. If I were to move from a RRR area, this would most likely be due to:**

	Change practice areas	Leave the practice of law to start a new career	Better remuneration	Increased professional development opportunities	Move to city for lifestyle reasons	Retirement	For family reasons	My partner's relocation	Isolation	Other							
1	3.9%	20	11.3%	58	16.2%	83	7.2%	37	6.1%	31	19.3%	99	8.8%	45	2.1%	11	5.3%
2	3.3%	7	7.5%	16	13.1%	28	8.4%	18	11.7%	25	19.2%	41	7.0%	15	2.3%	5	4.7%
3 – 5	1.9%	5	11.4%	30	15.2%	40	8.7%	23	5.3%	14	18.3%	48	10.3%	27	0.8%	2	4.9%
6 – 9	1.3%	1	7.8%	6	11.7%	9	6.5%	5	10.4%	8	24.7%	19	14.3%	11	1.3%	1	2.6%
More than 10	2.2%	1	11.1%	5	26.7%	12	6.7%	3	8.9%	4	17.8%	8	11.1%	5	0.0%	0	6.7%
Not applicable	8.6%	5	8.6%	5	12.1%	7	10.3%	6	6.9%	4	17.2%	10	12.1%	7	3.4%	2	3.4%

**Table C24. If I were to leave my current firm, I would be most likely to:**

	Move to another legal practice in my regional area	Move to a legal practice in the city	Move to Government in-house position	Move to a corporate in-house position	Move to a community legal centre	Move to become a barrister	Leave the practice of law to retire	Leave the practice of law to start a new career	Leave to care for my family	Other							
1	19.6%	92	11.9%	56	4.9%	23	1.5%	7	2.1%	10	27.9%	131	16.0%	75	4.7%	22	7.5%
2	21.4%	40	18.2%	34	3.7%	7	1.1%	2	0.5%	1	30.5%	57	11.2%	21	0.5%	1	6.4%
3 – 5	22.7%	56	17.8%	44	5.3%	13	0.8%	2	0.0%	0	21.9%	54	15.8%	39	5.7%	14	7.7%
6 – 9	19.4%	14	25.0%	18	5.6%	4	2.8%	2	1.4%	1	18.1%	13	9.7%	7	9.7%	7	4.2%
More than 10	28.6%	14	12.2%	6	8.2%	4	4.1%	2	2.0%	1	4.1%	2	22.4%	11	4.1%	2	6.1%
Not applicable	17.5%	10	0.0%	0	17.5%	10	5.3%	3	0.0%	0	22.8%	13	12.3%	7	8.8%	5	8.8%

**Table C25. My firm provides pro bono services other than for legally funded cases:**

	Yes	No
1	66.9%	33.1%
2	74.6%	25.4%
3 – 5	69.0%	31.0%
6 – 9	65.8%	34.2%
More than 10	79.6%	20.4%
Not applicable	41.1%	58.9%

**Table C26. I undertake other volunteer work within my community:**

	Yes	No
1	71.3%	28.7%
2	81.0%	19.0%
3 – 5	76.3%	23.7%
6 – 9	63.0%	37.0%
More than 10	72.9%	27.1%
Not applicable	69.6%	30.4%

**Table C27. Including yourself (if applicable), how many employee legal practitioners are in your firm?**

	1 – 2	3 – 5	6 – 15	16 – 35	More than 35	Not applicable
1	58.2%	20.5%	5.1%	0.0%	0.2%	16.0%
2	32.4%	38.8%	16.0%	2.1%	0.5%	10.1%
3 – 5	16.8%	37.6%	37.6%	3.2%	0.8%	4.0%
6 – 9	4.2%	18.1%	50.0%	25.0%	2.8%	0.0%
More than 10	0.0%	2.0%	14.3%	40.8%	42.9%	0.0%
Not applicable	19.3%	17.5%	8.8%	3.5%	15.8%	35.1%

**Table C28. How many non-legal staff are employed in your firm (based on total number of employees)?**

	1 – 2	3 – 5	6 – 15	16 – 35	More than 35	Not applicable
1	25.2%	37.1%	21.6%	3.6%	0.8%	11.7%
2	3.2%	25.8%	60.0%	10.0%	1.1%	0.0%
3 – 5	0.4%	4.8%	56.6%	33.1%	5.2%	0.0%
6 – 9	0.0%	0.0%	17.8%	52.1%	30.1%	0.0%
More than 10	0.0%	0.0%	4.1%	18.4%	75.5%	2.0%
Not applicable	22.8%	19.3%	5.3%	1.8%	24.6%	26.3%

**Table C29. The following things concern me about the future of my firm and its personnel:**

	Succession planning	Attracting additional lawyers for growth	Attracting lawyers to replace	Retaining employees	Attracting and retaining good support staff	Employing locums	Other
1	32.3%	19.9%	15.8%	6.0%	10.9%	4.4%	10.7%
2	32.2%	23.9%	21.5%	8.0%	8.3%	2.1%	4.2%
3 – 5	29.0%	23.1%	23.1%	11.1%	9.3%	0.6%	3.9%
6 – 9	29.5%	24.6%	18.0%	11.5%	13.1%	0.0%	3.3%
More than 10	0.0%	29.4%	11.8%	29.4%	23.5%	0.0%	5.9%
Not applicable	21.4%	25.0%	17.9%	10.7%	14.3%	3.6%	7.1%

## Number of Employee Legal Practitioners

**Table C30. The following things concern me about the future of my firm and its personnel:**

	Succession planning	Attracting additional lawyers for growth	Attracting lawyers to replace	Retaining employees	Attracting and retaining good support staff	Employing locums	Other
1 – 2	30.4%	20.7%	17.5%	8.1%	11.8%	3.5%	8.1%
3 – 5	31.5%	22.9%	22.9%	11.0%	6.8%	1.4%	3.4%
6 – 15	27.6%	25.8%	24.4%	9.2%	8.3%	0.5%	4.1%
16 – 35	19.4%	25.0%	13.9%	19.4%	19.4%	0.0%	2.8%
More than 35	0.0%	30.0%	20.0%	20.0%	20.0%	0.0%	10.0%
Not applicable	36.5%	19.9%	13.3%	1.7%	9.9%	5.5%	13.3%

## Number of non-legal staff

Table C31. The following things concern me about the future of my firm and its personnel:

	Succession planning	Attracting additional lawyers for growth	Attracting lawyers to replace	Retaining employees	Attracting and retaining good support staff	Employing locums	Other
1 – 2	33.2% 62	17.1% 32	15.5% 29	4.3% 8	12.8% 24	5.3% 10	11.8% 22
3 – 5	34.7% 121	20.6% 72	18.1% 63	6.9% 24	10.6% 37	4.0% 14	5.2% 18
6 – 15	30.4% 146	24.4% 117	22.7% 109	9.8% 47	8.3% 40	1.3% 6	3.1% 15
16 – 35	26.7% 55	23.3% 48	20.4% 42	13.1% 27	11.7% 24	1.0% 2	3.9% 8
More than 35	15.8% 6	26.3% 10	18.4% 7	13.2% 5	18.4% 7	2.6% 1	5.3% 2
Not applicable	24.2% 15	17.7% 11	3.2% 2	0.0% 0	6.5% 4	3.2% 2	45.2% 28





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