

## BARRIERS

Key access to justice barriers for RRR Australians include:



### Cost

Levels of socio-economic disadvantage generally increase with remoteness.<sup>1</sup>

18 of the 20 electorates in Australia with the lowest household incomes were outside the capital cities in 2013.<sup>2</sup>

Depending on whether seasons are 'good' or 'bad', farming families are often 'income poor and asset rich'.<sup>3</sup>

Droughts can affect the ability to afford a lawyer.



### Distance

Those unable to travel long distances may miss out on obtaining legal advice or attending court.<sup>4</sup> Distance barriers are exacerbated by a lack of public transport.

For RRR women experiencing family violence, a lack of transport often compounds barriers to safety.<sup>5</sup>

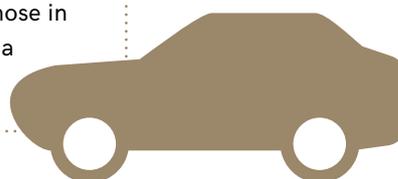


### Technological barriers

Poor quality internet connections and limited telephone coverage create barriers, particularly in more remote communities.<sup>6</sup>

## RRR needs are often overlooked in the development of laws and policies:

RRR Australians may be particularly affected by laws created in urban areas - eg, a loss of licence for driving offences disproportionately impacts those in remote areas, many of whom depend on a car to maintain a job.<sup>7</sup>



## SOME REGIONS ARE CRITICALLY UNDERSERVED

National data on practising solicitors indicates that just 10.5% nationally were practising in a country or rural area in 2016.<sup>8</sup> However, 29% of Australians live outside major cities.<sup>9</sup>

In 2011, the ratio of residents to solicitors in RRR areas was only one-third of that for NSW overall. 19 local government areas of RRR NSW had no solicitors at all.<sup>10</sup>

One legal assistance service in regional Western Australia covers a geographical area more than twice the size of the United Kingdom with a single solicitor.<sup>11</sup>

Scarcities of locally available lawyers lead to conflict of interest problems, with many RRR residents being turned away for help.<sup>12</sup>

Heavy RRR Magistrate Court caseloads combined with limited time and resources place substantial financial and emotional burdens on residents and impact public confidence in courts.<sup>13</sup>

Limited resourcing for critical support programs in RRR areas, including interpreters, accommodation services and drug and alcohol rehabilitation centres, undermine justice system outcomes for many RRR Australians.<sup>14</sup>

A lack of specialist and therapeutic courts, as well as alternative sentencing options, may contribute to worse sentencing outcomes in many RRR areas.

In 2013-14, on average young people aged 10-17 years from remote areas were five times as likely to be under youth justice supervision as those from major cities.<sup>15</sup>

# PEOPLE IN RURAL, REGIONAL & REMOTE AREAS OF AUSTRALIA

## The JUSTICE PROJECT



### Priorities in this area include:

- Governments must ensure effective access to justice where there is market failure in RRR areas, particularly in regions with declining populations.
- Governments, peak legal assistance and legal professional bodies should develop:
  - strategies to overcome critical conflict of interest issues which preclude many vulnerable people from accessing justice in RRR areas; and
  - RRR access to justice strategies to ensure an appropriate and tailored mix of services, publicly funded and private, in areas of critical need.
- National data collection regarding solicitors should seek to capture more detailed, consistent information regarding: the local presence of solicitors, the nature of legal services provided, core client types, and the capacity in which solicitor services are undertaken.
- Expand the adoption of RRR-focused curriculums in undergraduate law training.
- Specialist legal assistance services should be supported to expand their reach, to overcome geographic and jurisdictional inequity of access, including through outreach and referral networks.
- Technological innovation should be pursued in the delivery of legal services, including through dedicated funding streams. At the same time, a nuanced, evidence-based and people-centred approach is needed to avoid leaving digitally excluded groups behind.
- Additional funding and resources are required to maintain and, where required, expand RRR circuit courts.
- A full-scale court and tribunal resourcing review should include consideration of the need to ensure that courts adopting specialist and/or problem-solving approaches are more readily available to RRR residents.
- Decisions regarding moves towards online courts, tribunals and dispute resolution forums in Australia should be based on a strong evidence base.
- Expand community-based sentencing options in RRR areas, including through the availability of accessible and appropriate critical support services and diversionary programs.
- Expand support services which are lacking in many RRR communities.
- Resource strategies to build awareness of legal issues and responses amongst RRR communities.

1. Forell, Cain and Gray, 2010.  
2. National Rural Health Alliance Inc and Australian Council of Social Service, 2013.  
3. National Rural Health Alliance Inc and Australian Council of Social Service, 2013.  
4. Karras et al, 2006.

5. Jordan and Philips, 2013.  
6. Dracup and Coverdale, 2015.  
7. Coverdale, 2011.  
8. Urbis, 2017.  
9. ABS, 2016.  
10. Cain, Macourt and Mulherin

11. Regional Alliance West Submission, 2017.  
12. Coverdale, 2011.  
13. Harris et al, 2014.  
14. Coverdale, 2011.  
15. Australian Institute of Health and Welfare, 2015.