

Western NSW Community  
Legal Centre's office building  
in Dubbo

## Hannah Robinson: 'Going Bush' - Legal assistance and pro bono support in regional, rural and remote areas

As much as we like to think of law as a constant, it, like life, is very different depending on where you live. From Sydney to Broken Hill, from Coffs to Eden, from Newcastle to Hay: NSW covers over 800,000 square kilometres and across that vast area, experiences and engagement with our legal system differ greatly.

When I first moved from Sydney to Dubbo, I thought I knew what working in regional NSW would be like. I was wrong. I could never have imagined engaging in daily conversations on drought and mice plagues, but local small talk has proved essential in making distraught and vulnerable clients feel at ease. I did not expect law reform to involve sitting on plastic chairs, in dirt patches, in towns in the middle of nowhere, conducting 'consultations' over home-brewed tea. But these conversations have been highlights. What has been less heartening, is accepting that our clients will always have less access to the law, legal assistance and justice than if they were in a major city.

So, what are we doing? And what more can the legal profession do? The answer: a lot.

### 2020 and our pro bono partnerships

2020 was a challenging year for all. For the Western NSW Community Legal Centre, the lockdown had an enormous impact on our ability to engage with remote communities and service clients.

Western NSW Community Legal Centre services an area of approximately 200,000 square kilometres (approximately one quarter of NSW) which has the highest rates of domestic violence in the state, with rates in some council areas up to seven times the state average. For three months in 2020, our office worked remotely. It took a further six months for our 15 outreach services to resume.

Legal assistance and pro bono support in regional, rural and remote areas



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Whilst we sought to maintain service delivery as much as possible, there is no substitute for face-to-face legal support, particularly in remote communities. Building rapport with vulnerable, culturally and linguistically diverse, and geographically isolated clients over the phone is hard. Having documents signed and returned by clients, 400 kilometres away, with no email access, was next to impossible. But our team proved resilient and resourceful and powered through.

Across the lockdown period, we did see a decline in client numbers, likely the result of remoteness and geographic isolation limiting the accessibility of support. However, we used the opportunity to grow our policy and law reform practice.

We prepared and distributed updates on COVID-19 legal, regulatory and service-delivery changes, seeking to keep our remote communities up-to-date and informed. We used the time to identify key law reform priorities and advocate for systemic change for clients, some of whom we had lost contact with. We prepared submissions to government inquiries, and we furthered our relationships with our Aboriginal and Torres Strait Islander communities, establishing a working group to inform the policy work we were doing.

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This work, and our ability to continue post-COVID, would not have been possible without the ongoing support of our key pro-bono partners, Ashurst and Gilbert +Tobin. The biggest challenge for our service in doing systemic advocacy work is time and resources. We have the frontline experience and knowledge. We know what is happening on the ground and could speak for hours on the practical impact of laws and policies on the country’s most vulnerable people. But as a generalist centre (which operates a specific domestic violence unit for women and children – Western Women’s Legal Support), we do not have a specialist law or policy practice and lack the resources to do the in-depth research and investigation needed to inform this work.

In the last 12 months, through utilising pro bono research support, we have drafted five submissions to key government inquiries (on homelessness, family and domestic violence, First Nations incarceration, child protection and coercive control). We have also appeared (via tele-link) at three public inquiries and increased our engagement with local and national MPs. Pro bono assistance has proved invaluable to this work.

#### **Challenges to pro-bono assistance in regional, rural and remote (RRR) areas**

However, whilst we are proud and grateful to have had the opportunity to grow our law reform practice, challenges remain. In particular, there is a significant divide in the availability of pro bono legal assistance for client-work in regional, rural and remote areas as compared to metropolitan cities. Where law reform assistance can easily be provided remotely, client representation cannot.

Most law firms with stand-alone pro bono practices, and members of the private Bar, are based in capital cities and are unable to absorb travel disbursement costs to offer representation assistance in local regional courts on a one-off, let alone regular, basis. With socio-economic disadvantage often more pronounced in regional and remote areas, the corporate social responsibility (CSR) capacity of local, private firms is normally also absorbed by taking on significant volumes of reduced-fee Legal Aid matters. In addition, many Regional, Rural and Remote (RRR) Community Legal Centres, such as us, have significant difficulty incorporating volunteer assistance or attracting secondee solicitors due to geographic isolation and remoteness. Unfortunately, this leaves a distressingly large class of clients who do not qualify for Legal Aid, but who cannot afford private legal assistance, and who community legal centres (effectively the option of last resort) do not have the capacity or expertise to assist.

**“It is important that pro bono firms acknowledge and understand these nuances and provide assistance that fits in with the workings of local communities.”**

The unmet legal need in regional, rural and remote areas is extensive. And it is often lawyers at community legal centres who carry the emotional burden of having to tell a client, often with a strong legal case, that there is simply nothing that can be done.

Due to gaps in legal assistance programs, our lawyers have had to tell illiterate clients that their best option to see their children again is to self-represent in complex family law proceedings. We have advised victims of domestic violence that they will need to face cross-examination, often from the perpetrator himself, with no legal support. And we have sat with clients as they cried upon the realisation that, despite the strength of their case, it is simply not worth the time or physical and emotional energy to commute 1,500 kilometres (round-trip) to pursue their rights in the Fair Work Commission.

*Solicitors Tori Mines and Hannah Robinson at the Western Women’s Legal Support, giving evidence via videoconference to the NSW Government Inquiry into coercive control in domestic relationships.*





*Drought in Western NSW region*

### How can pro bono partners best assist RRR organisations?

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So how do we fix this gap? And what role can pro bono partners play? Recognising the limitations and challenges is key, but so too is recognising the strengths of community legal centres and other local organisations. Community organisations have the knowledge, passion, flexibility, responsiveness and local networks necessary to facilitate meaningful change in remote and rural Australia. While time and resources are often limited, the trust and respect of local communities cannot be undervalued. It is important that pro bono firms acknowledge and understand these nuances and provide assistance that fits in with the workings of local communities.

Although the premise of pro bono work is that the work is free or voluntary, that does not mean that pro bono partnerships are one-way. Yes – pro bono assistance allows regional, rural and remote community organisations to better service their regions. But from a pro bono provider’s perspective there are significant benefits too. Many firms have targeted pro bono priorities or agendas, designed to put them at the forefront of key social issues, whether it be gendered violence, Aboriginal and Torres Strait Islander peoples’ self-determination or any other issue. Pro bono work is often also key to employee satisfaction and staff retention. Both clients and pro bono partners win from pro bono work.

Like any two-way relationship, understanding of each party’s motivations and objectives is key. Physical and geographic separation should be no barrier to relationship building, particularly in a Zoom-dominated era. Pro bono partnerships are partnerships after all. And the best results will be achieved when organisations work together.

We encourage all pro bono providers to visit the regions to whom they are providing assistance so as to better understand the conditions and circumstances under which they are engaging with that community.

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*Hannah Robinson on outreach to Gulargambone*



Emus in Western NSW region

***“Legal practitioners can and should be doing more to ensure that every person, regardless of postcode, has access to justice.”***

### Going Bush

For me personally, moving out west has been an amazing experience. It has had its challenges, no doubt, but the opportunity to travel to some of the most isolated parts of NSW, listen to heartbreaking tales of disadvantage and help empower those clients, whether through casework or law reform, makes it all worth it. What is hard though is knowing that you cannot help everyone. For every client we help, there is another who may not receive the legal assistance they require. Another heartbreaking story but, this time, no ending.

The legal profession has enormous capacity to make a difference in the lives of Australians experiencing disadvantage, many of whom live in remote areas. Legal practitioners can and should be doing more to ensure that every person, regardless of postcode, has access to justice. Get involved, reach out and perhaps you will be surprised by what you learn. I know I was. ■

*Hannah Robinson is a solicitor with the Western NSW Community Legal Centre (WNSWCLC) in Dubbo, NSW, and is responsible for coordinating the centre’s policy and law reform work. She is currently completing a Masters in Public Policy from the Crawford School (ANU). Prior to commencing at WNSWCLC, Hannah worked as a lawyer at Ashurst’s Sydney office.*

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### Insights from Jilly Field, Ashurst

Jilly Field, Pro Bono Manager at Ashurst, shared her insights on working with the Western NSW Community Legal Centre on their law reform work:

***“Front line community lawyers are at the coalface of witnessing the systemic impacts of law and policy. From unequal application to unthinking realities, they see how legal unfairness plays out on communities experiencing longstanding disadvantage. Pro bono lawyers can play a key role in silently supporting the front line: analysing how law applies, where it is gapped and failing, its history of attempted improvements and assisting to advocate for pressing, meaningful change.”***