



LAW AND JUSTICE  
FOUNDATION  
OF NEW SOUTH WALES

# A balancing act

Lawyers' views on access to justice in regional, rural and remote New South Wales



This report is published by the Law and Justice Foundation of New South Wales, an independent, not-for-profit organisation that seeks to advance the fairness and equity of the justice system, and to improve access to justice, especially for socially and economically disadvantaged people.

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We acknowledge the Traditional Custodians of Gadigal lands on which this report was published, and the many Aboriginal Nations across regional, rural and remote NSW whose lands, stories and communities shape the findings of this report.

We honour the ongoing connection Aboriginal and Torres Strait Islander peoples hold to land, sea, sky and community, and pay our respects to Elders past and present.

# Acronyms

**ABS:** Australian Bureau of Statistics

**ADVO:** Apprehended Domestic Violence Order

**ALS:** Aboriginal Legal Service (NSW/ACT) Limited

**AOD:** Alcohol and Other Drugs

**AVL:** Audio Visual Link

**AWAHS:** Albury-Wodonga Aboriginal Health Service

**CLC:** Community Legal Centre

**CLSD:** Cooperative Legal Service Delivery

**FVPLS:** Family Violence Prevention and Legal Services

**LAW Survey:** Legal Australia-Wide Survey

**MERIT:** Magistrates Early Referral Into Treatment

**NDIS:** National Disability Insurance Scheme

**NLAF:** NSW Legal Assistance Forum

**NSW:** New South Wales

**PULS:** Public Understanding of Law Survey

**RRR:** Regional, rural, and remote

**The Foundation:** Law and Justice Foundation of NSW

**VALS:** Victoria Aboriginal Legal Service

**VLF:** Victoria Law Foundation

**WDVCAS:** Women's Domestic Violence Court Advocacy Service

## Note on language

In this report, the term 'client' is used to describe people who have accessed legal and non-legal services. We recognise that the term 'client' can be problematic in some contexts for its lack of person-centredness, but it is used here given the specific nature of examining the person's interaction with a service.

For the purposes of this project, a broad definition of 'regional, rural and remote' was adopted, that includes anywhere in NSW outside of the Greater Sydney, Newcastle, Wollongong, and Tweed Heads metropolitan centres. Refer to "Methods" on page 55 for further details.

## Note on participants' quotes

This report includes many quotes, reflecting the rich data collected in this study. All text formatted in italicised teal font represent actual verbatim quotes from participants. Individual quotes are not linked to any participant details, given that the level of detail provided and low number of legal practitioners in some remote areas might otherwise make participants identifiable. For transparency, however, details on the number of quotes per participants used in the report are provided in "Participants" on page 59.

# Executive summary



This qualitative study sought to build a deeper, evidence-based understanding of access to justice in regional, rural and remote (RRR) areas of New South Wales (NSW). It examined:

- What services and supports are, and are not, available for people living in RRR NSW who need legal assistance?
- How do legal assistance professionals, organisations, and systems operate in RRR NSW?
- What facilitates or hinders legal professionals from effectively delivering access to justice in RRR NSW?
- What is the role of technology in supporting access to justice in RRR NSW?

The study drew on data from semi-structured interviews with 28 participants, based in 15 different locations, who work in the legal assistance sector (Community Legal Centres, the Aboriginal Legal Service (NSW/ACT) Limited, Legal Aid NSW), are private lawyers on a Legal Aid panel, or are private lawyers doing extensive pro bono work. It also entailed a case study of the Hume Riverina region as an in-depth example of what access to justice and legal support look like in a RRR community.

The study found that access to justice, and legal issues for people in RRR communities are inextricably linked with complex socio-economic issues such as housing, poverty, and health. As such, RRR lawyers are required to be conduits to a range of external specialist legal services, as well as local health and community services. There is no substitute for locally embedded services, and the local knowledge and relationships held by RRR legal practitioners are invaluable. However, technological tools can complement in-person work and help legal services with administration and case management. Models such as outreach and co-location also offer opportunities to enhance place-based models. Legal service providers must be innovative, collaborative, and incredibly committed in order to provide the best quality legal support, often covering vast geographical distances, and providing both legal and social supports.

While structural changes are needed to address the socio-economic issues that underpin access-to-justice inequalities, there are also more specific opportunities for reform that may be considered by the legal sector. These include providing clear and accessible public information on issues such as wills and estates that have particular implications in RRR areas. There is also scope for different stakeholders in the legal sector to develop shared perspectives that enable context-specific approaches to legal matters such as those relating to traffic offences, domestic and family violence, and substance use.

Findings from this project have wide relevance to legal and non-legal policymakers, service providers, and community groups seeking to improve access to justice for people living in RRR areas.

# Background

## What is already known

Existing evidence, while limited, indicates a range of barriers to accessing legal support for people living in RRR areas. Findings from the 2008 Law and Justice Foundation of NSW (the Foundation) Legal Australia-Wide (LAW) Survey demonstrated that the more remotely people live, the less likely they are to use legal advisers.<sup>1</sup> Those LAW Survey respondents living in RRR areas who did access legal advisers were more likely to report that their adviser was too far away, were less likely to communicate with their adviser face-to-face and were more likely to have trouble getting through to their adviser by phone. The Victoria Law Foundation (VLF) Public Understanding of Law Survey (PULS) found that people in outer regional and remote areas reported longer lasting legal problems, and that as rurality/remoteness increased so too did people's levels of digital exclusion.<sup>2,3</sup> In a recent report from the Legal Needs Project, practitioners based in regional Community Legal Centres emphasised the influence of the local environment and availability of legal and non-legal services on legal needs.<sup>4</sup>

While earlier studies framed the question of access to justice in RRR areas in terms of availability of lawyers, particularly in relation to their recruitment and retention,<sup>5,6,7</sup> subsequent research has provided more nuanced evidence. More recent studies have revealed the complexities that underpin access to justice for RRR communities.<sup>8,9,10</sup> A 2014 Foundation report confirmed that the ratio of residents to solicitors in RRR was significantly lower than in NSW as a whole, but had nevertheless remained relatively stable over the previous decade. Some, but not all, RRR areas experienced recruitment and retention difficulties and some were impacted by population changes, high rates of turnover among legal assistance solicitors and low numbers of private or public practising solicitors.<sup>11</sup> The Law Council of Australia's 2018 Justice Project found that barriers to justice for RRR regions included intersections with socio-economic disadvantage, cost of legal services, distance, lack of transport, limited access to technology, scarcity of solicitors, a decline in Local Court circuit services, limited access to specialist courts and supports, and urban-centric law and policy development.<sup>12</sup> RRR communities are particularly prone to the impacts of disasters and may experience barriers to legal support following a disaster, associated with transport and physical infrastructure damage, geographical and environmental factors, and ineligibility for some grants programs.<sup>13</sup>

The barriers to accessing legal support in RRR locations reflect barriers in non-legal areas such as health and social services. These barriers include geographic isolation, lack of a stable and qualified workforce, financial costs, lack of privacy, problems with technological access, and stigma and discrimination.<sup>14,15,16</sup> This suggests that access-to-justice issues in RRR areas are intertwined with broader systemic inequalities in access.

While there are known challenges, there are also strengths associated with living in RRR communities that can facilitate access to justice. This is an under-examined aspect of law and justice literature, but research on topics such as mental health, disaster-related legal need and youth justice, has highlighted that people living in RRR communities tend to have higher rates of social connectedness, cultural connectedness and self-reliance, and service providers in RRR areas often pride themselves on their local knowledge, commitment to place and trusted relationships.<sup>17,18,19</sup>

While there is some evidence on the challenges for accessing legal assistance in RRR areas, there is a dearth of evidence on the elements of practice, policy, and systems that improve access.

## Project aims and design

This project was initiated to inform the priorities for the NSW Legal Assistance Forum (NLAF) Regional, Rural, and Remote Discovery Group, and also has wide relevance to legal and non-legal policymakers, service providers and community groups seeking to improve access to justice for people living in RRR areas.

This exploratory qualitative project aimed to provide new evidence on the challenges and facilitators for accessing legal support and equitable justice in RRR areas in NSW. To do so, this project asked:

- What services and supports are, and are not, available for people living in RRR NSW who need legal assistance?
- How do legal assistance professionals, organisations, and systems operate in RRR NSW?
- What facilitates or hinders legal professionals from effectively delivering access to justice in RRR NSW?
- What is the role of technology in supporting access to justice in RRR NSW?

For this project, RRR NSW was defined as anywhere within NSW that is outside of the Greater Sydney, Newcastle, Wollongong, and Tweed Heads metropolitan areas. The study was designed to explore the perspectives of legal practitioners providing public legal assistance in RRR areas. It did not seek to measure the extent of legal need in the community, or to map services across the state.

The qualitative design facilitated the collection and analysis of rich data to explore the ‘why’ and ‘how’ of complex issues where there was little existing evidence.<sup>20,21,22</sup> The project involved two components:

1. semi-structured interviews to explore legal professionals’ perspectives of access to justice in RRR NSW; and
2. a case study of access to justice in the Hume Riverina region.

For further details about the methods used and participants profile, see “Methods” on page 55 and “Participants” on page 59.

# Introduction to findings

The following findings present key themes that were developed from rich and nuanced data collected via semi-structured interviews from 28 legal professionals and an ethnographic investigation of the Hume Riverina region. See Table 1 below for more details on data collected and used in each project component.

The 28 interview participants work in the legal assistance sector (CLCs, ALS, Legal Aid), are private lawyers on a Legal Aid panel, or are private lawyers doing extensive pro bono work.

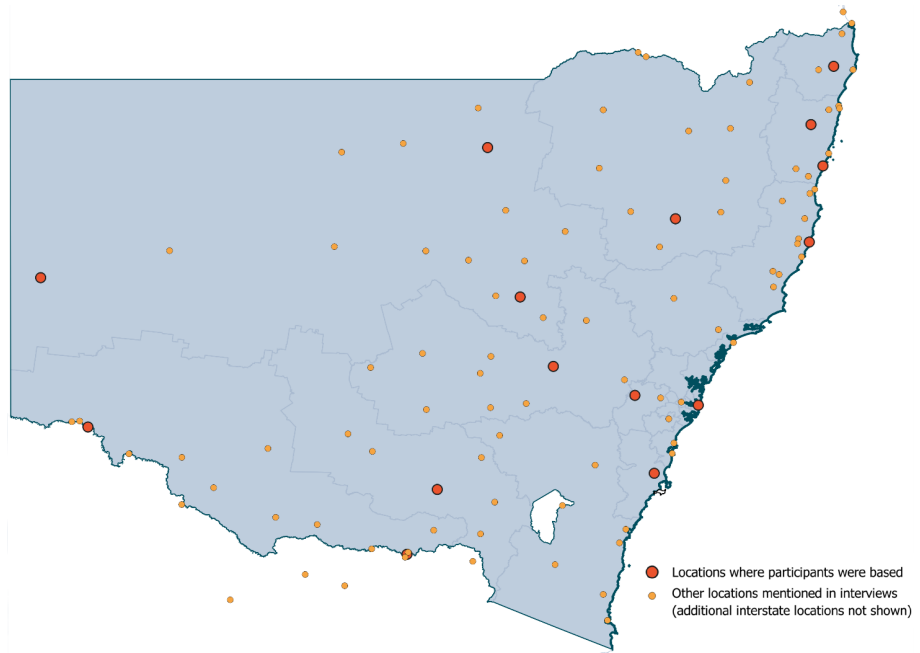
Participants work across all three broad areas of law – civil, family, and criminal – and with various levels of seniority.

Participants were based in 15 locations across the state. They shared insights in relation to more than 100 localities across the state, for example where they provide outreach services or where they service clients from different areas. Figure 1 provides a visual representation of the variety of places and contexts that participants spoke about.

This paints a picture of what access to justice looks like in RRR NSW, how justice services and systems operate, and the various related flow-on effects.

For additional details on participants, refer to “Participants” on page 59.

**Figure 1. Locations of participants (red) and localities spoken about (yellow)**



**Table 1. Data sources**

Method	Data
Semi-structured interviews with 28 legal practitioners across RRR NSW	Community Legal Centres=12 Legal Aid=7 Aboriginal Legal Service=6 Private Practice=3
Ethnographic case study of Hume Riverina region	Includes five of the semi-structured interview participants Site visit to Albury-Wodonga Publicly available reports and service information

# Providing legal services in RRR areas



While many of the challenges that interview participants described are also experienced in metropolitan parts of NSW, the ways that these challenges manifest can be particular to the RRR context. Interviewees shared insights into people's experiences in accessing legal help, how clients find legal assistance services, and what providing such services looks like. They emphasised the complex interactions between legal and non-legal needs, and how this entanglement can complicate people's access to legal help, navigation of the legal system, and justice outcomes.

Legal practitioners described how they adapt their personal practice methods to suit the contexts and needs of RRR individuals and communities. They explained how, at a broader level, services and programs are designed and delivered in ways that seek to overcome resource shortages and the vast geographical reach, in order to meet the unique legal needs of people living in RRR areas.

## Locally embedded services

Participants emphasised the importance of legal services being embedded in the community. They referred to this in terms of visibility and accessibility, trust and relationships, and knowledge and connections.

## Visible and accessible

Visibility plays a crucial role in making services accessible, as a reminder that support is there if and when needed. There were mentions of the impact of office locations, whether they are visible from the street, or close to services such as the court. Some participants also reflected on the importance of service names that reflect the nature of services (with more or less emphasis on the terms 'legal' or 'community') and the geographic spread of their catchment area.

Being 'right there' and having a shopfront can encourage people to walk in for general enquiries, which provides a way to raise awareness about the types of issues a legal service can help with, and about people's rights more generally, through casual conversations. It also means that people may be more likely to seek information and support earlier, which can make a huge difference in the outcomes of their case.

*The need is offices on the ground I guess because then you build up that kind of relationship with communities and having a presence means people identify legal problems perhaps earlier ... So I guess the assumption is that if there was an office, say in [name of town], that more people would see that office there and maybe come in and chat to people before their legal problems become very hard to unravel.*

Being visible and being known within the community works at an organisational and personal level. Community engagement is also about talking directly with people, participating in community events like the school fair, knowing people by name, and building personal-professional relationships. Embedded services means that staff are part of the community. It helps build trust, and participants described that trust as a key element to support clients' engagement with services and with legal processes.

*We had a NAIDOC Day at one of the public schools and just in talking to some of the people there, because the NAIDOC was in [name of town] and the office is in [name of neighbouring town], the people I spoke to had no knowledge that you didn't have to live in [name of neighbouring town] to be able to get the ALS service and that it wasn't just for crime. So, I think that really highlights the need to be seen in community and those relationships, I guess, to link in with the key services and elders and groups.*

Service providers also put a lot of effort into increasing visibility and accessibility through outreach clinics, with some participants estimating that half of their clients make contact through an in-person outreach clinic, and describing as many as 10-12 different outreach locations spread across their catchment area.

## Key to building trust

Trust was often mentioned as a key component of workflow, facilitated by local connections.

*The clients always kind of pick up on if you're not from the area, they pick up on that very quickly and I think there can be some mistrust or a caution, or reluctance or 'you've just come out from the city and you're not really interested in me or my community' and that type of thing.*

Trust is built incrementally over time through many little steps to make the client feel at ease and a constant presence in community.

*And people know in the community that there's a lawyer there every Thursday and they can go and access. It doesn't mean there's an appointment available, but people kind of have that in their heads generally. So that real embeddedness, I think, being known as a trusted service provider amongst community agencies, as well as the general public as much as possible.*

Trust with organisations is an investment, built through regular check-ins, including by answering queries or taking on tasks that would otherwise fall outside the scope of services, to nurture an element of goodwill that may be drawn upon at a later date. Trust can be shared, or 'borrowed' from partner organisations, which is critical for effective referral pathways, but it can also easily be broken.

*We just take that view that it's labour intensive to nurture relationships, but it's really essential because otherwise, you know, it doesn't take much to break trust in some ways.*

Trust can also be encumbered by past experiences and policies, or in the case of Aboriginal and Torres Strait Islander communities, by a long history of colonialism and trauma.

*I think the challenge for some clients in accessing that service is they can sometimes associate ALS and Legal Aid with DCJ [Department of Communities and Justice], and therefore not want to, or they don't trust the advice they're receiving because they see the two affiliated ... most of the time you can overcome that through a discussion of how things work and the reason DCJ refer is so that they do get that independent legal advice. But I guess you know that mistrust, particularly of anyone associated with DCJ, is strong in community and particularly, Aboriginal regional communities.*

## Contextual knowledge

Interview participants outlined the role of contextual, local knowledge and its impact on the perceived fairness of legal outcomes while recognising the 'rule of law'. Local knowledge was described to help build trust with clients and local service partners as well as deliver relevant and feasible options.

*It's really important if you're kind of practising regularly in a regional area to live there and to know the community. I think that you can do your best work for your client if you understand the community, you understand what's available.*

Knowing the community and the area can help bring a more nuanced view into legal proceedings. For example, knowledge of the local roads and traffic conditions might support a different perspective on the severity of a speeding fine.

*If you've got somebody that's been charged with excessive speed, for example, or driving at a speed that's dangerous. ... The magistrate might be familiar with that road, and so they may or may not already have an opinion as to whether, although [the speed] is excessive, is necessarily safe or dangerous, like the aggravating circumstances of that speed on that particular road at that particular time of day may not be as bad as it sounds when it's read on paper ... Trying to explain to a magistrate, well, it's actually not as bad as it sounds type situation. If they're already familiar with it, they know what you're talking about.*

Although interview participants acknowledged the importance of justice decisions being based on facts and evidence brought before the court, some criminal lawyers explained the different approaches between a local magistrate and a relieving magistrate who is less familiar with the community. For example, gathering evidence can be costly, create delays in proceedings, and reinforce trauma. Having a better understanding of the levels and layers of disadvantage in some communities can help alleviate some of these barriers.

*Of course, it's fair enough that a court expects things to be proven on evidence, of course. But I think magistrates that have been here for a bit longer understand that actually it's not surprising that almost every litigant says they grew up in an environment without food security, because actually almost everyone did grow up in an environment without food security. I think of that as the implicit Bugmy discount where they just understand the community and the disadvantage.<sup>i</sup>*

<sup>i</sup> The Bugmy Bar Book is a free, evidence-based resource for lawyers and legal decision-makers, as well as policy-makers and other professionals. Chapters provide accessible summaries of key research about the impacts of experiences of trauma, socioeconomic inequality, structural disadvantage and strengths-based rehabilitation. See [www.bugmybarbook.org.au](http://www.bugmybarbook.org.au) for more details.

Participants also explained that knowing local prosecutors, magistrates, and other lawyers was useful in getting a sense of how proceedings would unfold, as they were then better able to support their clients by managing their expectations and reducing their uncertainty and stress.

## Adapted to a diversity of contexts

Local knowledge is also important because RRR areas are not a homogenous type of setting. Participants noted that conditions in very remote areas are very different to those larger regional towns that are better-resourced. Some highlighted the differences in terms of 'coastal' versus 'inland' NSW.

*Hearing from services that are very remote, like compared to ours, it's just a completely different kettle of fish ... their reality is so different to ours.*

This means that the nature of common legal problems, the challenges to overcome, or the types of disadvantages can be very different from one town to another, and that the workarounds, partnerships, and required skillsets are also not the same.

*Sometimes I talk about the community as a whole, but there's so many different ones within ours. So even Aboriginal communities between the catchment, but also the community in the sense of what the clientele looks like in [name of town], it's a large multicultural region that is far different from [name of other town] [where] we have very few multicultural clients.*

Along with the need to adapt to the diversity of local communities, interviewees also described how the 'city view' placed on legal processes can sometimes make it harder for lawyers to advocate for their client. It creates additional barriers to accessing justice, and can even bring about a sense of unfairness when a disconnect between city-centric views and community views lead to harsher legal outcomes.

*How do you convince a magistrate from Sydney that someone who lives 100 metres away is going to be adequately protected by an AVO [Apprehended Violence Order], compared to sending them to another area in a city where they could have maybe conditions not to enter a certain suburb. It's got very metro centric concepts of what is going to protect a person, or what's going to be an adequate distance for a person to be away from a complainant or away from the alleged scene of a crime.*

Some participants also expressed frustration with approaches to funding and policy initiatives that are channelled through with little to no local input, leading to well-intentioned initiatives being implemented poorly, or in the wrong places, or simply not using resources efficiently.

*There was a kind of nod in essence from government and funders that we need to do something. But it was just rolled out in a way which was really not fit for purpose ... it's that kind of service system dysfunction that means that there's probably a lot of really good intention, but it's just done really poorly.*

# Connecting legal services

## Referral pathways

Participants described a range of referral pathways used across the legal assistance sector to address issues related to capacity, scope of services, geographic proximity, conflict of interest, and specialist expertise.

No legal assistance service can provide for all legal needs across all jurisdictions. Many interviewees described their ‘no wrong door’ approach, encouraging members of the community to contact their service so that they can then be directed to the most appropriate provider, rather than expecting people to work out the who’s who in the legal space. This approach, of course, leads to clients making initial contact with a service that may not be able to help with the issue at hand, and being referred out to another service as a result. It can be a broad area of law, where a CLC might refer on any criminal or family law issue if their only focus is on civil law matters, or it may be a particular type of legal issue, such as fines or consumer law matters that Legal Aid may not cover and would therefore refer to a CLC.

*We will just get general enquiries a lot of the time too, like a lot of family law, civil stuff as well that we may not be able to assist with, but when they call through, we usually, most of the time we’re able to refer them on to a different service who, 9 out of 10 times, probably can help.*

Interviewees explained how close collaboration and coordination between legal services allow for a more comprehensive suite of options for clients and more effective use of resources. For example, a provider might focus on a particular issue or service type knowing that another provider covers other issues or service types.

*[Legal Aid] indicated that they’re going to focus some resources on representing clients to prevent termination of tenancy agreements. And we were refining our focus on spending more time at duty advocacy ... So, effectively we have a referral pathway, if the matter is quite complicated and we don’t have capacity, to refer it early with the assurance that there is likely to be casework assistance and that way we can dedicate more time at duty advocacy. So you’re kind of like working together to broaden your impact. And that referral pathway has been beneficial both ways because it kind of gives both services a bit of assurance to say, great, we can work together on this.*

Referrals are also used to ensure clients can access the closest, preferred, or most readily accessible service to suit their circumstances. It may be a referral to an ALS office further away if a client prefers to get services from an Aboriginal community-controlled organisation, or the other way around if a client favours the proximity of services. In some instances, clients may call Legal Aid because they are familiar with the name, or find the LawAccess number online, and then be referred to a closer provider such as the local CLC, where they can benefit from in-person services.

With finite staff and resources available, there comes a time when providers are at full capacity and simply cannot take on any new matters. While this is not solely a RRR phenomenon, the lower density of services available in RRR areas creates a vicious circle where there are fewer services available, and services are more likely to be unable to help due to conflicts of interest.

## Managing legal conflicts of interest

Conflict of interest occurs when a provider has access to information that would prevent them from acting on behalf of a client, usually because they have advised or represented the other party in the matter or a previous matter. This, of course, becomes a likely scenario in areas where there are very few practitioners. Where there is only one legal assistance provider, this means that only one party can access that service even if both parties are eligible for assistance, forcing the other party to go without advice, rely on remote services if there are any available, or bear the financial burden of getting a private lawyer.

Typically, such conflicts of interest would be managed through referrals to another provider, between Legal Aid, the ALS and CLCs, or panel lawyers. The low number of Legal Aid panel lawyers in some areas was frequently identified as a challenge. In such circumstances, CLCs might reach out to their closest 'neighbouring' CLC that may be hundreds of kilometres away to take on a client who is conflicted out. This can create unequal situations when a party is represented in person by a local practitioner with local knowledge, while the other party is represented by a lawyer who is further away and can only provide support over the phone.

*People have to bend over backwards to try and assist as many people as possible, but there are ethical issues that are raised as well, with trying to represent everyone, trying to keep track of all the conflicts of representing all different members of families when you've got two lawyers or sometimes one lawyer on their own.*

The likelihood of conflict of interest is especially challenging in family law and care and protection matters where it is not unusual for both parents and several children to each require representation from different providers.

*So if one firm has acted for the mother in a child protection matter, they then can't also then act for dad when dad gets charged and they can't act for the kids. But I was saying quite often with my criminal clients that when they needed that child protection representation, they have to go further afield than [name of town] because everybody else was either acting for the other party or acting for the kids.*

One participant described the dilemma they faced in supporting many children in a care and protection matter where they could only represent one child, were able to refer another to the ALS and another two children to separate Legal Aid panel lawyers, but there were simply no other options for the remaining children who went unrepresented.

The issue of legal conflicts can be exacerbated by adversarial behaviour from one of the parties. A couple of participants described how a party to a matter might contact and get advice from several lawyers in the area as a deliberate tactic to create a situation of legal conflict and thus prevent the other party from accessing legal advice and representation. This type of strategy, as well as others used to delay proceedings and frustrate the legal process, are generally used by the party who is most capable, with more knowledge, finances or influence, which led one participant to describe the legal system as a system that can favour the bully.

*It's something where conflicts abound, where it is a smaller community. So you have to be very careful of who you've acted for previously and things like that,*

*because obviously the pool isn't as big ... And it's not unusual for someone who, particularly in family law defence, to go and get advice from a number of firms before settling online as a tactic to then isolate the other party from being able to get representation.*

An effective way to reduce the likelihood of conflicts of interest is through the implementation of information barriers within services – separating components of the service to avoid crossover of information. One participant described how their organisation had implemented an information barrier by using separate case management systems and different premises. This allowed a centre to work around some potential conflicts and broaden their ability to provide services locally.

*Instead of needing to be referred to another legal service because of that conflict, we've been able to manage it with the information barrier in place and provide the assistance that they've needed.*

## Acting as a conduit

Referral pathways between legal services were often mentioned as a way to manage the need for a particular area of expertise that generalist centres cannot assist with. In many instances, participants described that they did not simply refer the client out to a specialist service but provided the client with a service themselves while tapping into the specialist legal expertise of colleagues – these were complementary services.

*Migrant women in our area who might have visa and immigration issues, and so organisations like IARC [Immigration and Advice Rights Centre] and RACS [Refugee Advice and Casework Service], we will refer matters to them. You know, those specialist areas that we're just never going to have that capacity in-house to provide that support ... But often we're assisting with other issues that the client might be having. Similarly, with Welfare Rights, we refer to them all the time, it's such a technical area of law we're just never going to have that in-house capacity. So it's really crucial that we have those other services to work with.*

Participants who work at Legal Aid acknowledged that working in a larger organisation granted them easy access to a range of specialist teams within Legal Aid. This made the process easier and quicker as it did not rely on personal relationships.

*We've also got a whole range of specialist teams, so there's an employment service, there's a dedicated housing service, there's a human rights service that runs discrimination complaints and cases for clients in custody. There's just more support for me as a practitioner, so if I don't know a question, I can pick up the phone and call one of our specialist teams.*

One participant described an example where they acted as an intermediary between a client and a city-based law firm with specialist expertise, rather than doing the legal work themselves. The client had low literacy levels, difficulty understanding the complex legal processes, and was reluctant to engage without the support of a known, and trusted, community lawyer who was accessible in person. The role of the intermediary was also important in facilitating communication, allowing the specialist practitioner to focus on the

legal work and liaise ‘lawyer to lawyer’ while the generalist civil lawyer supported the process by explaining options to the client and facilitating the signing of documents.

*And that can be a way where the service that was being provided was not a local service, but we were still involved ... like a third-party communicator. And sometimes I think pairing those specialty corporate kind of resources and legal skills with community legal centre lawyers who practise in a very different way ... clients get that access to the best of both worlds.*

It is difficult for legal services to provide a generalist service and cover a broad range of legal issues, especially when they are the only service physically present in town, while also providing sufficient expertise in niche areas of law to adequately support clients with very complex matters. This tension is particularly challenging in more remote areas where there are fewer services and staff available.

*So it's really difficult and it's just an age of specialisation in law at a time when country areas can't afford to have multiple lawyers with different specialities.*

In such circumstances referral pathways are not sufficient, and increased collaboration between local place-based generalist services and state- or nation-wide specialist services becomes critical in filling the service gaps. The collaboration can include referrals and lawyers supporting each other to build skills, with place-based generalist lawyers sharing their local knowledge and specialists lawyers remotely sharing their technical legal expertise.

*So we work most closely with statewide legal services ... They actually do a lot of work with us, we might have a shared client or they might upskill us, do training for us, we collaborate on a lot of different things.*

It can include training workshops where specialist services upskill local legal services, or providing community legal education. Local services support the logistics and communication of events, bringing their local knowledge of the area and the community needs, while specialist services bring in their legal expertise.

*we wouldn't normally set them up because we're not on the ground, and my view is we don't know what the need is, not just the need but the whole logistics of it and you want [local] people to do it. So it's normally been from, so Legal Aid is one where they've actually organised it with other organisations and set it up, we go with them.*

## Legal needs don't happen in isolation

Participants consistently reported that people's legal issues intersect with non-legal socio-economic issues, such as poverty, discrimination, illness, substance use, housing insecurity and violence, as well as the geographical factors associated with living in RRR areas. While we use the terms ‘legal’ and ‘non-legal’ needs here, the reality is that these needs are inextricable.

## Compounding disadvantage and legal need

In the context of providing free legal assistance, participants described the many layers of disadvantage that their clients typically face and that addressing the legal aspect of certain issues is not always the first priority. Financial disadvantage, or 'extreme poverty' as many phrased it, may be a common denominator but is usually experienced among an array of complex legal and non-legal needs. This can be a barrier to accessing legal support: clients are not ready or able to engage with a legal process when they are in the midst of a crisis, such as severe illness, need to escape violence, or facing eviction.

*Their lives might be very chaotic or complicated because of their circumstances, and they have to prioritise things, like housing or safety or mental health, whatever it is, they have to prioritise it ... the legal issue might be one thing, but might not be their highest priority at that point. So they may know it's a legal problem, but is that something that they can deal with, be in the right space?*

Mental health, intellectual disability, substance use, housing, debts, and domestic violence were the most commonly mentioned issues that clients grapple with. Left unaddressed, these issues may be the trigger for legal problems in the first place, or for legal issues to fester and become harder to resolve. At times, they trigger further legal issues, for example when a situation of crisis leads to getting caught up in the criminal justice system.

*It's kind of usually just a storm of several different problems. So I'd say drug addiction, mental illness, disability, poverty and housing are, usually there's one of five, if not all five present for a lot of clients.*

Table 2 illustrates examples of commonly cited disadvantages that intersect with access to justice.

**Table 2. Examples of intersecting challenges**

Issue	Interactions with access to justice
<p><b>Poverty and financial stress</b></p>	<p><i>It's just distance and financial difficulties of quite a significant kind. You know, I'm reluctant to get someone on a bus to come in and see me for the whole day because I know that \$15 or \$20 is probably a big deal.</i></p>
<p><b>Housing crises take priority</b></p>	<p><i>If you have a choice between showing up for an open house for the last available housing in your price range on that day or going to court, you're going to show up for your housing probably.</i></p>
<p><b>Housing and crisis accommodation shortages limit justice options</b></p>	<p><i>People need housing and they need it fast and it's extremely difficult to get something so people end up living in unsafe situations ... within small communities, to get away, be safe with a young family, that's extremely difficult.</i></p> <p><i>A lot of these country places, the hotels and motels are fully booked out for those kinds of crisis accommodation situations. And magistrates won't often release people into those arrangements, so they want to know where they're living and what time they're at home.</i></p>
<p><b>Limited health and disability services</b></p>	<p><i>Next week I'm due to run a Section 14 application of the Mental Health Act ... and the client hasn't been able to get a psychologist report ... So we'll then have to make an application to try and adjourn the matter further, then they're at the whim of the court and the prosecution, whether that's allowed.</i></p> <p><i>I can do all the things that I can do, but unless my client has the appropriate health services to support them as well, we're never going to get anywhere because their mental health is never going to improve because they don't have access to the right sort of services.</i></p> <p><i>A particular client at the moment, he has significant intellectual disability. But he also has a drug problem, and he also keeps offending ... If I could provide the court with an address and with some NDIS [National Disability Insurance Scheme] supports in place, then he'd be out [of custody].</i></p>
<p><b>Lack of substance use treatment and rehabilitation services limits diversion options</b></p>	<p><i>We don't have access to drug court. We're not in one of their eligibility lists. [Name of town] has a really high, like statistically, drug crime rates are really high like compared to the rest of the state. And yet we don't have drug court.</i></p> <p><i>The MERIT [Magistrates Early Referral Into Treatment] program that services the [name of Local Court] that we do our duty program in, they can provide support to people with issues with drugs, but not alcohol, just because of limited resources for them.</i></p>

The complex and multifaceted challenges faced by clients, and the entwined nature of legal and non-legal needs have a direct impact on the work of lawyers. As much as lawyers value and invest in linking clients with social services, sometimes, such services are not available and lawyers find themselves doing sizeable amounts of 'non-legal' work.

*People with those sort of issues, where I've gone a bit beyond the scope of my job and I think often there's a bit of an element where due to the lack of services, you do a bit of social work side of things where I've taken clients to try and get assistance with housing, or tried to get assistance with the mental health team.*

The blurring of the lines between legal and social work means that practitioners regularly support their clients with administrative tasks. There is a long list of such tasks, but commonly reported examples include obtaining a birth certificate, applying for a passport, applying for government benefits, contacting NDIS providers, searching for emergency accommodation, making appointments with mental health professionals. One participant described driving around the local area to find a client and make sure they can attend court on time.

*So you do the best with what you can. And sometimes that is not a lot, but that is, unfortunately, I mean we are solicitors at the end of the day as opposed to, you know, social workers. But there's a big crossover between those two types of work in this particular sort of sphere, legal work.*

## Linking in with non-legal services

While non-legal needs can be a barrier to people's readiness and capacity to seek legal assistance, taking action to address other non-legal needs can also create a pathway towards identifying and responding to legal needs. This pathway requires building blocks such as access to non-legal services, and close relationships between legal and non-legal services.

Participants spoke at length of the importance of referral pathways across non-legal and legal services. Many said that a large majority of their clients do not come directly to them but are referred from a local health service, a financial counsellor, or other community service. As such, engaging with a broad range of stakeholders is a key part of their work, that requires a lot of time and resources, and constant nurturing of relationships.

*Because we have to manage what our resource capacity is, it's engaging though with those services who we know are engaging with clients that fit the demographic that we're trying to target, and getting them on board and getting them referring and we do definitely get that.*

Participants spoke about the value of interagency networks that bring together legal and non-legal service providers, such as the Cooperative Legal Service Delivery (CLSD) program. At service level, interagency engagement is crucial to have a detailed knowledge of what legal or other organisations operate in the area, including their range of services, locations, catchment areas, criteria and waitlist times. This requires constant attention to stay abreast of the ever-changing landscape of what is available and who does what. They also acknowledged that strong partnerships and reliable referral pathways rely on personal relationships, and are easily disrupted by staff changes, hence the ongoing need to invest into these relationships.

The particularities of this inter-disciplinary work are also part of what makes working in RRR areas unique and engaging.

*For me, the best thing for remote lawyering is not just lawyering, but working with those other services to get the outcomes that we need. And being able to work together is generally where we get the best outcomes for clients. And because we're doing it from that holistic approach.*

Participants emphasised the importance of providing as many points of entry into the legal support system as possible, including via health and social services. It is not just a matter of whether or not the services exist, but the extent to which they are known about and accessible to people who need them. Alongside acting as problem identifiers, a cross-sector network of services allows for multiple points of entry that sit outside of the legal sphere and may be less formal or intimidating.

*But it's getting the people from the much more remote communities and the rural communities. And what's the thread by which they kind of come into that network of services? If they don't have a point where they can access and if they don't have a trusted person in their lives who knows, they don't find us.*

*I've become more acutely aware of the challenges to be actively removing barriers of providing services to people who kind of live on the fringes and live in areas where it's not easy to either be there in person or by phone. And there's not always as many services, like support services, in those regions as well that you can potentially collaborate and build partnerships with.*

Co-located legal and non-legal services, and service 'hub' type models were examples of how local organisations responded to this need for multi-faceted, localised support.

*In our building, there's the Community Legal Centre, the social workers, but we're also housed with the financial counsellors ... So having that wrap-around, financial counsellors and social workers, lawyers. You can't go wrong.*

One interviewee explained that it is not necessarily easy for lawyers to make legal help more accessible due to the constraints of legal practice and professional obligations, such as checking for conflict. This is why other non-legal services play an important role in facilitating access to legal support.

*I think lawyers have got lots of nervousness around risk and risk management that practitioners carry because they have to. So for example, we don't do advice by email because we don't really know who's on the other end of the email trail, which could otherwise be an alternative way of engaging a bit in the system ... But that's obviously not going to happen because of the barriers that the legal profession puts up around conflict and around practice management issues, which are very valid ones. But I also think we need to make it easier in other ways. If we're going to have these barriers that we put up, we've got to try other things to reduce barriers to help people find help.*

## Client-centred approach and wrap-around support

Participants spoke about the importance of having a holistic approach to their work, particularly given the complexity of people's legal and non-legal needs. They described how they tailor their legal practice and approach to designing services, according to the specific needs of individuals and communities.

*We need to make the model sort of fit what's best for the clients rather than the clients trying to fit into our model.*

Safety and confidentiality are, of course, vital in the provision of any legal service under any service model. However, some interviewees pointed out the importance of creating a safe space and consistently reiterating the nature of confidentiality in the context of rural communities where 'everyone knows everyone', and parties to a legal matter are more likely to have some type of personal relationship. Building of trust was also considered important in RRR contexts where relationships sit at the heart of community.

Being flexible, responsive and adaptable were considered key to engaging with people in RRR contexts. With limited opportunities for in-person services, lawyers need to connect with people when, and how, works best for that person, within the bounds of resource limitations.

*For example, one time I ended up giving legal advice to somebody through the window of their car. You know, they're sitting in the driver's seat. I'm on the outside, basically leaning against the car and talking to them about their legal issue and going through it and giving them some advice about it ... access to justice isn't just about finding the people and booking them in at a particular time in a particular method of contact for how the appointment might happen and the date and all that stuff. It's about identifying their ability to engage, the factors impacting their life and therefore just doing it there and then if you're capable of doing that.*

Some legal practitioners described the communication skills they have developed that allow time and space for clients to take the lead and tell their story in their own way.

*And again, it's letting the client lead, take the lead on telling their story. And I think there's something that lawyers don't necessarily do very well ... we'd like to take ownership of how we get that information because we want to do it in a structured way that's going to make it as easy for us as possible. But I think we can't do that. And so especially with vulnerable clients, it's letting them take that lead and take the ownership of telling their story in the way that they feel comfortable telling it.*

Participants discussed the importance of empowering clients, rather than always stepping in to act for clients. Often they do not have the scope of practice, or capacity to support clients in relation to particular matters. Instead, RRR legal practitioners share information and resources so that people can make informed decisions and take actions themselves where necessary. They identified resources such as templates, fact sheets, online videos, and referrals to other services, as useful in empowering people where they needed to address their own legal issues.

*So if we're not able to assist, I will literally give them a to-do checklist with everything that they would need to actually find, get to the point and finalise the matter for themselves. So I think just that level of knowledge does empower people.*

## Cultural safety

There was widespread recognition among participants that equitable access to justice for Aboriginal and Torres Strait Islander peoples in RRR communities (as with all parts of the state) is an element of the legal system that requires much greater investment and development. While recognising the further work to be done in this space, there were various approaches described, for supporting appropriate and effective support with, and for, Aboriginal and Torres Strait Islander peoples.

Legal practitioners explained the importance of cultural safety as an embedded part of their practice. This is not a one-size-fits-all approach but must always be adapted to the unique culture and experiences of each Aboriginal and Torres Strait Islander and community.

*Given the historical trauma that Aboriginal people have experienced across Australia, that's the opportunity to be able to sit down and get a feel for the person. They're entrusting very sensitive information. It is important that they get a feeling, that they're comfortable doing that before they engage in that process and you can't do that over the phone, you can't do it over Teams [online call], in my experience.*

The ALS as well as non-legal Aboriginal Community-Controlled Organisations were recognised as vital in providing culturally appropriate support and facilitating trusting relationships to connect with an often-untrusted legal system.

*Even if someone's never been in trouble in their life, they might, they've probably got a cousin or a sibling or a parent or a grandparent or someone who maybe has been. So, they know that ALS is a service that they can access.*

The enormous pressure on the ALS was identified, and participants from other legal services described how they aim to support access to culturally safe support within this context.

*If ALS haven't been able to assist, I've linked them in with our Aboriginal field officer who's in-house here and he supports them in appointments with us just to make sure that we're properly identifying the cultural issues and being sensitive.*

# ALBURY-WODONGA: A CASE STUDY IN COLLABORATION

Albury is located on the NSW side of the Murray River and its 'twin-town' Wodonga is located on the Victorian side. The Albury Local Government Area has a population of about 56,000 people. It is a regional hub, home to various government agencies and non-government organisations that typically service vast geographical areas. For example, the Greater Albury CLSD region extends west from Albury to Balranald (about 400 km) and north-east from Albury to Tumut (about 200 km).

Legal Aid NSW has a physical presence in Albury, and the Hume Riverina Community Legal Service (HRCLS) is a cross-border CLC based in Wodonga that services Albury and surrounds. The closest ALS office is based in Wagga Wagga, and the closest Victorian Aboriginal Legal Service (VALS) office and Family Violence Prevention & Legal Services (FVPLS) office are both based in Shepparton. The access-to-justice issues experienced in Albury exemplify many of the issues described throughout this study, alongside some unique experiences associated with being so close to the state border. The experiences in Albury reflect those throughout NSW, that legal assistance providers are consistently working at, or beyond, their capacity to cover the numbers of people in need and the geographical reach. This also plays out in court processes, that can be prolonged for rural clients.

*...it could be done much quicker if they had more resources. So the trauma for the clients and the trauma for the families is further exacerbated because it's nearly 12 months before there's a finalisation in some matters and sometimes longer.*

People's experiences of legal problems, and their capacity to access appropriate supports, are shaped by broader socio-economic issues in their communities. One example reported is the lack of housing. According to the [Homeless NSW dashboard](#), median weekly rental rates have increased by more than 50% in the past year and people can expect to wait between two and 10 years to receive social housing in Albury and surrounds.

*There's no housing support services out in Deniliquin. So they're either homeless or they stay with their perpetrator. So housing is a huge issue.*

Collaboration is key to making the most of limited resources, maximising outcomes for people in need, and strengthening professional capacity. This was at the heart of everything we learned about improving access to justice for the people of Albury and the wider Hume Riverina region. These are not just collaborations between organisations, but valued relationships between the individuals who work within those organisations and their communities.

## Cooperative Legal Service Delivery partnership

The Greater Albury CLSD partnership is one of 12 CLSD partnerships in NSW. It brings together legal and non-legal partners such as Legal Aid, HRCLS, NSW Police, Albury City Council, Murrumbidgee Local Health District, NSW Department of Communities and Justice, and a wide range of non-government organisations delivering services in areas such as housing, domestic violence, homelessness, youth engagement, food security, disability and mental

health. Members of the CLSD share information to support referral pathways and work together to provide events and activities that connect communities with legal information and services.

*...through the CLSD. So yeah, we work with them to run a birth certificate day at the health service every year. And we do, on the Victoria side we'll do the fee waiver applications, and on the NSW side we use the CLSD funded birth certificates throughout the year.*

## **Health Justice Partnership: Bagaraybang Bagaraybang Mayinyalang**

Bagaraybang Bagaraybang Mayinyalang: Empowering and Alleviating is a Health Justice Partnership between HRCLS and Albury-Wodonga Aboriginal Health Service (AWAHS). A HRCLS lawyer and community engagement worker are based at the health service to provide free legal support, while working collaboratively with AWAHS staff. Evaluation of this Health Justice Partnership found that there were high levels of distrust towards the legal system among Aboriginal communities, related to experiences of structural discrimination and colonisation.<sup>23</sup> By co-locating legal, community engagement and health workers, there are opportunities to build trust and connection in new ways.

*The reason that we partner with a health service is because people are more likely to kind of disclose difficulties that they're having with their health workers. And so it's not just doctors and nurses, but we work really closely with the kind of more like social and emotional wellbeing team, so counsellors, AOD [alcohol and other drug] support workers, family violence workers ... And then from there those workers say, "Hey, I think this is a legal problem. Do you want me to link you in with the lawyer?" And then they do that referral over to us.*

## **Health Justice Partnership: The Women's Centre for Health and Wellbeing**

The Women's Centre is a non-government organisation that provides a range of free and low-cost services such as counselling, domestic violence support, no interest loans and group programs in Albury-Wodonga. Unlike many other organisations in the area, it services communities across both sides of the border. Funded through a Health Justice Partnership, a HRCLS lawyer works from an office at the Women's Centre one day per week. This helps facilitate referrals, provides discreet confidential access to legal services, and is part of an integrated support model.

*The clients I see through WDVCS [Women's Domestic Violence Court Advocacy Service] and Women's [Centre] often can have like three or four issues at a time. So, then I'm not just giving them advice on one aspect. It could be up to five issues, like if you add them all up. So I do think the partnerships really help.*

## **Outreach: Going to where people are at**

Outreach is an important part of legal work in the region. Legal assistance lawyers explained how they balance the need to spend time in person with communities and clients, while ensuring efficiency of their work by using remote communication methods.

*I head out to Deniliquin once a month and provide free legal advice clinics. I head out to Corowa once a month as well and provide free legal advice clinics. And I attend a clinic in Albury once a week on Wednesday afternoons over at Yes Unlimited, which is also known as the Hub, which is a homelessness service.*

They described the importance of their professional relationships, as well as their local community knowledge and connections.

*I can link them in fairly quick because I go out there. We've also got a bit more contact, you know, like because a lot of us have partnerships with all the different services locally, we can get them linked in. But also, then there's the on-the-ground knowledge.*

## **In-reach: Bringing services to Albury**

Some organisations travel to Albury regularly to provide services that aren't available in the town. This is particularly important for the ALS.

*...there's no Aboriginal legal service based here in Albury. So, the closest would be Wagga ALS up in Wagga, but I know that they don't have a civil law team ... the Wagga lawyers come down to Albury from ALS and they do that support outreach for court days.*

There is also a range of legal supports available remotely (generally via phone or online) to people living in Albury, including some statewide Community Legal Centre services. This includes LawAccess NSW as a key point of referral, and other specialist services in areas such as youth law, seniors' rights and disability.

## **Private sector: Panel lawyers and pro bono**

There are about 32 private law practices in Albury, but fee-for-service legal support was considered to be unaffordable for many, including those people described as the 'missing middle' who don't qualify for free legal assistance, but can't afford private services.

*And I think if we had more funding, we would be able to provide better services to that kind of middle field of people that is still huge ... Like it's a huge, huge gap in who can afford a private lawyer and who is eligible for aid.*

Some private practitioners support the delivery of free and low-cost legal support via the Legal Aid panel (there are 13 law practices listed across the various panels), or provision of pro bono work, often facilitated by direct relationships between lawyers. Pro bono work is sometimes delivered locally, and sometimes referred out to lawyers based in metropolitan areas.

*Sometimes when we have to refer people out to pro bono partners they'll be dealing with someone in Sydney or Melbourne and they'll be talking to them on the phone. And if that's the way it has to be, generally, people make it work ... particularly with our pro bono partners, having them step in and do some of the more complicated or stuff that's outside scope for us is really, really important.*

# Challenges for supporting access to justice



## Accessing legal services

Participants shared how the accessibility of legal assistance services is shaped by the community's awareness of what is a legal issue, services that are available, people's knowledge about available services, preconceptions of the legal system, and eligibility criteria. Interviewees acknowledged that these issues of accessibility were not necessarily specific to RRR settings.

## Identifying a legal issue

People in the community know when they have a problem, but they might not immediately identify that this problem may have a legal resolution. This is especially true for civil law matters, such as housing problems, neighbour disputes, relationship issues, or consumer problems with faulty goods, where people may not be aware these can be resolved with legal advice.

*So even knowing that they have a legal issue in the first place, it will always be a battle for civil law.*

*I think maybe calling it legal is problematic. You know, people think of lawyers and they're a bit freaked out by it.*

For this reason, legal assistance services tend to place a lot of importance on, and commit a lot of resources to, community legal education and stakeholder engagement. Even when people know that an issue has a potential legal resolution, the lack of awareness of their rights, the law and legal assistance services, means that they might not get a chance to make an informed decision on next steps.

*The short answer is if people aren't aware that we exist or they do actually have rights that they can assert, then they're not going to come to us.*

*There's very little information about how family law works. There seems to be some sort of folklore about how family law works ... It's kind of like, 'if you leave the relationship you get nothing', and all these sort of things. So the level of knowledge of people in the community about their rights is very low. And their understanding of the system prohibits them from making applications to the Family Court because they're unaware of where they stand and believe that their entitlements are so low.*

## Perceptions of the legal system

Access to early assistance was also described as being hindered by perceptions of the legal system and legal profession. Stigma around needing help, and a sense of shame about involvement with the legal system can make people reluctant to seek assistance, as are considerations around confidentiality.

*People see the word lawyer and they get a bit intimidated, I suppose. So, I think it comes down to the selling of the programme as well. But it's mainly locating and engaging, huge issues out here.*

*It's, you know, we are a 'large small' town in and of itself where a lot of people talk, and I think that places a big stigma as well on what people are doing and what assistance they're seeking.*

People's previous involvement with, and level of distrust in, the legal system were also seen as significant deterrents to people seeking legal assistance or engaging in support programs that are perceived to be linked in any way to the judiciary or even to government in general.

*In the care space, I think it really depends on your social circumstances, your cultural identity. A lot of the clients that we service have been kids in care themselves or have obvious trauma. You know, we get a lot of Stolen Generation survivors through here that just don't want to interact with the system for obvious reasons.*

## Navigating the legal system

Participants commented on how the legal system and legal processes in general can be particularly difficult to navigate, especially for vulnerable people in the community, such as those with lower literacy levels, those who are more isolated, or the elderly.

*I also think it is difficult for clients to understand the systems that they need to access. So in terms of understanding care and protection, or family law, where they need to go and what each can help them with.*

The compounding effects of navigating complex processes, the many players, and oftentimes doing so when facing a particularly stressful situation, were regarded to be 'overwhelming' and 'probably deter' people from accessing legal assistance and pursuing justice.

*So definitely lots of access problems and even for some people, it's even just not knowing to go and see a duty lawyer on the day that they rock up to court. Like it's just so overwhelming to have to go and be in a court and sit in a court process. They don't even know that they can go and see a duty lawyer.*

When they do engage with the legal system, the multiple steps, many documents, lengthy delays, and other logistical challenges all add up to create barriers such that clients disengage and simply give up.

## Eligibility criteria and the missing middle

The barriers faced by clients in accessing legal support were often mentioned in relation to the eligibility criteria for legal services, and for Legal Aid grants of aid in particular. Participants from all parts of the legal assistance sector expressed concerns about a growing population who is not eligible for free legal representation but cannot afford the services of a private lawyer. As a result, clients might be left with no option other than to self-represent, with all the difficulties that entails and the inevitable ensuing inequities of access to justice.

*What I see, however, is that there is a very big gap between those who can afford it and those who are eligible for legal aid. And out in the regions, I'm finding that if they're not eligible for legal aid, that they don't get help and they don't have anywhere else to go.*

As mentioned previously, barriers around perceptions of the legal system, awareness of rights and eligibility criteria, are not specific to RRR settings. However, these barriers are often compounded by further challenges inherent to the particular contexts of RRR communities that put access to justice further out of reach.

*So there's all those little things that come together to make it more difficult for people and particularly the more regional they are, the harder it becomes.*

A participant reflected on their experience, having worked in both in a very remote community outside of NSW and in a regional town in NSW. They explained that many challenges are the same but they occur on a varying scale.

*We see all of the same problems. Like the themes are the same, you know, long wait list, never enough social services to meet demand, never enough legal services to meet demand. Like all of those access-to-justice problems are the same. It's just there's more services down here, but there's also a lot more people here ... there's still is a disparity between access and need.*

In the following sections, we explore some of the challenges of RRR settings – for a large part already known, such as distance and infrastructure – and how these impact on service availability and create a multitude of pressure points throughout the justice system.

## Geographical constraints

The accessibility of justice services in RRR NSW is shaped by geography and availability of infrastructure. Challenges such as distance, transport, and phone reception were mentioned at length by all interviewees.

*There are times where no matter what we do, it's not going to work because, you know, there are those issues around just geographical constraints.*

## Distance and transport disadvantage

Many participants described catchment areas that span several hundreds of kilometres, and many different outreach locations that they attend on a regular basis. Some described going on road trips for two to four days at a time, usually about once a month.

*In terms of travel, it's pretty extreme ... most of the solicitor pairs in an office, I would expect, would be driving at least 2,500 kilometres a month and perhaps some months more like 3,000. So it is an extraordinary burden in terms of travel.*

Participants consistently described how minimal or non-existent transport options leave clients unable to reach legal services, courts, or support programs, or at least not without significant difficulties. Distance weighs heavily on resources in terms of time it takes for lawyers and clients to drive to places and the amount of time clients need to take leave from work. Distance also has a significant cost, whether it is staff away from their office, car and petrol expenses, or accommodation costs when distance are too long to return on the same day.

*If I think about western NSW, attending court in itself can be a real difficulty and challenge for clients because of their distances from their hometown to the court. ... They may not have transport, or they may not have a licence, and buses aren't running, etc.*

*[A client of mine] didn't have a car and had to rely on a very sort of, it's not that it's unreliable, it's more that it's almost non-existent public transport here. And had her children to bring as well because there were no other care options that day for her.*

One participant explained that they sometimes get asked by clients to request court appearances at particular times to fit around rare bus schedules.

*"Miss, can you make sure my matter's done before 12:00 cause that's when my bus is going", or that kind of thing, and you know that might be the last bus or there might not be another bus until 6:00 or 7:00 at night. So then you're waiting around in the dark.*

Without public transport, there is a strong reliance on private vehicles. However, it is common that clients do not own a car, or the car is not registered, their licence may be suspended, or they simply cannot afford petrol. One participant explained that their client was planning to hitchhike to court and likely would not make it.

*Where is she going to find a spare \$20 or \$40 to pay for petrol just to get into the office? So those practical transport costs can be quite a barrier in regional areas. We don't have any public transport out here, so unless you've got a car, you can't get from A to B.*

Indeed, the financial strain of travel, even for short distances, was repeatedly cited as a barrier to accessing legal and non-legal services, highlighting how transport inequity compounds geographic isolation and deepens inequitable access to justice for communities in RRR NSW.

*Transport's a big factor. I've had to drive clients back to their homes at night to get them back home by curfew to prevent them breaching. Got people who get arrested in a place like [remote locality] and then brought before the court in [local town], and those people are granted bail ... But you've got very low levels of driver's licences, qualified drivers in communities, so if you want to get the bus you might have to wait 24 hours at least.*

## Telecommunication coverage

In the face of distance and transport challenges, one might assume that accessing services remotely by phone is an obvious solution. While this is true to some extent – people in remote locations might be used to doing day-to-day business over the phone and legal assistance providers now use phone-based services for many client interactions – telecommunication infrastructure was often described as being unreliable in many places. Participants gave examples where clients need to walk down the road or up a hill to take a call, and call dropouts or bad quality reception significantly impede communication. It is an issue that impacts clients and lawyers alike.

*You know, politicians arriving down the coast and around places and announcing hubs and connectivity work that they've done. And there's announcements of like how well they're covering all the black spots now since post-bushfires particularly. But then I can't drive down the coast to see one of my clients and call my office pretty much for like three of the four hours I'm driving. I can't even make a phone call back to my office.*

Limited telecommunication coverage directly impacts participation in legal processes, especially when some of these processes have shifted to online modes of working. When the sharing of documents, meetings and court appearances or other aspects of proceedings rely on connectivity, the lack of mobile coverage or internet access renders these processes inaccessible.

*So a lot of decision-making is done remotely. So, people appear by phone for NCAT [NSW Civil and Administrative Tribunal] a lot of the time and that relies on having credit and having access and having mobile coverage, which is much better than it used to be, but it's not complete still. So there's definitely some areas of some of the valleys where you still don't get good phone coverage, let alone good internet.*

The impact of technology on services, and the role technology might play in supporting or hindering access to justice in RRR communities is explored in more detail in “Technology: A tool but not the solution” on page 44.

## Population density and scarcity of services

Along with distances, the obvious features of RRR settings are their small populations and low densities, at least outside the larger regional urban centres. Small population numbers inevitably mean lower density of services, fewer options available and not enough lawyers to meet the demand.

*I do think the availability of lawyers is probably the biggest difference between metropolitan areas and regional areas.*

Most participants pointed to a chronic lack of lawyers in their area who take Legal Aid grants work, which leads to inadequate provision of representation services.

*The magistrate said, 'Oh, can we just get enough lawyers here to represent all of the other parties?' And the likelihood is, like, no! That's actually not [realistic], there's not enough lawyers in town to have someone represent all of those people.*

In some remote areas, participants described a severe lack of services for family, care and protection, and civil matters.

*You have ongoing, endlessly ongoing family disputes that you know might be resolved through family dispute mediation or something, but there's no access to those services ... nowhere have I seen children in more desperate situations than in these communities and the care and protection jurisdiction essentially doesn't function out here, just doesn't exist ... the really tricky thing is that acute issues with family and acute issue with care and protection are repeated for civil issues. People have tenancy issues, people who have employment issues, we have people who are in good jobs but being exploited by their employer and they don't have access to a good employment legal service. So I think, criminal justice is the best serviced of the justice maybe nexuses out here and some of the others are just not serviced at all.*

Given the complexities around different areas of law, jurisdictions, and service types, even when there is a local legal service, it generally cannot cover the breadth of legal issues and possible remediation options.

## Limited scope of services

Participants reported a constant juggle regarding the scope of the legal services they can provide within the constrained environment that they operate in. This significantly impacts the availability of particular types of legal support, and the suitability of legal services for particular clients' needs. Legal assistance service providers face tough decisions about the best use of their limited resources.

*The worst thing for us is the amount of demand that there is for our services, and constantly having to make very difficult decisions about how much we assist people, or whether we assist people to begin with, and then how much we can actually assist them.*

## Legal advice vs. representation

Many service providers, especially for civil law matters, do not have the resources to represent clients in court and therefore only provide legal advice. Interviewees pointed out the additional time and cost constraints of litigation work. Decisions to take on representation are driven by many factors, such as a strategic choice to place more emphasis on early intervention, or staff availability to physically attend various court locations in a large catchment area. For some providers, representation services are ruled out as an option or kept for only a very few cases.

*In terms of protracted and complex litigation, we're just not resourced to do it. Doing the outreaches, identifying what we consider key goals and objectives are what we're trying to achieve, which is that early intervention stuff. It kind of doesn't align very well [with representation services] because then you have to be available for court dates ... We obviously then madly try to see if we can get further assistance through pro bonos, the Law Society schemes, obviously Legal Aid, to see if someone might be able to take [carriage of the matter]. But certainly one of the real potential consequences is that [clients] are unable to take [their matter]*

*further because you're getting 'Nos' and they can't afford to go and pay the private lawyer the money that it's going to cost to litigate.*

Clients can avail of one-off or multiple legal advice and legal tasks services over a number of appointments throughout legal proceedings. Participants described this as a good model but only for clients who are able to advocate for themselves and in reasonably straightforward cases. Many shared concerns and frustration that this is not an adequate level of support for their most vulnerable clients, which creates a degree of injustice. The difficulty of accessing legal representation can be especially detrimental to clients with the most complex matters that may be heard in the District Court or the Supreme Court.

*We might only be able to help them get part of the way and do a discrete bundle of work to support them at one stage in the process. And then the rest of the time they might have to self-represent, and that can be quite scary for lots of people. And obviously it's difficult for people to have to deal with a system that's cumbersome and clunky and technical, and to have to do it on their own.*

*So we're not funded for court or tribunal representations for civil law matters. So the best that we can do is try and equip in and empower clients to do that advocacy on their own.*

In some instances, a referral to another legal service that provides representation becomes a better option to ensure continuity of support and avoid the client having to repeat their story as their matter progress through the legal system.

*But most of the clients that I see wouldn't be able to represent themselves in a tribunal or if they did, they wouldn't be getting the outcome that they probably could get if they had representation ... I'll try and link them in with a service that can assist them at the tribunal from the get go.*

## **Duty lawyer scheme vs. prior legal advice**

Another example of constrained scope of services is when providers commit to supporting duty lawyer schemes at court and, therefore, have limited or no resources to offer legal advice to the extent that would be required.

*The priority's the court, the people are already there, it's happening right now and then. That's probably when they need the most support because if they don't get it then, then there's no other chance.*

There is a clear pressure point in assisting people when they are at court if they have not had an opportunity to obtain any legal advice beforehand, and this is often deemed a priority, especially in criminal law but also in other jurisdictions. Unfortunately, the demand for court-based services in some areas is such that there are little to no resources left to provide more extensive support and legal advice before court proceedings. This is a source of frustration for clients who cannot get help until their court date and might have to repeat their story to multiple duty lawyers over the course of proceedings, but also for practitioners who see legal issues potentially escalating into lengthy or complex formal proceedings that prove far more stressful and costly overall than if clients had received adequate advice earlier in the process.

*My observations are that clients are often frustrated ... You don't get allocated a single solicitor, you turn up to court on the day your matter is first in court, and whoever's rostered on court that day will give you some advice ... you might then have a number of adjournments before your matter gets to sentence and by the time it gets to sentence, you've spoken to four or five different lawyers.*

When court lists are especially busy, it places additional pressure on duty lawyers who have to give priority to existing clients or clients who are in custody. This means that there is no time to see new clients who may be called in without having received any advice, or only limited time for the lawyer to request an adjournment to better prepare advice and evidence for a subsequent court date, requiring the client to come back to court, with all the difficulties that might imply. Further, if the client does not have all the required paperwork available, it limits opportunities to receive advice outside the court.

*Because we are a duty service, we only give advice on the day of court. We have a lot of people calling the office before their matter is listed saying 'hey, you know me or one of a member of my family has got court next week. Can we come in and have a chat?'. Occasionally, if they've got access to their charge paperwork and we have someone available, someone will see them. But we don't really have an advice clinic or a service to give.*

## The pros and cons of outreach

Participants expressed different views on the value of outreach clinics, and the difficult decisions made in terms of service models. Some stressed the importance of outreach as being critical in reaching out to the most vulnerable people in the community. Others admitted that they could not justify the resources needed to run an outreach clinic to help a few people, when they could attend to many more clients at the office.

*Ultimately if you're going to have three or four clients for a day [at outreach], yes that's three or four clients that are helped but, in the cost-benefit analysis, I can have my people sitting here [in the office] and help 10 clients pro bono, so there's got to be that weigh up.*

Factors that make outreach models difficult include travel time; rising costs of petrol, car maintenance and accommodation; and overall strain on staff. With the uncertainty around the number of clients attending the clinic and the risk of having lawyers not using their time effectively, along with an increasing demand at the main office, some providers have made the decision to cease outreach clinics in order to support as many clients as possible.

*If we weren't reaching the clients, if the clinics weren't full and there wasn't people coming in the door and there weren't stakeholders referring, then I'd consider it a waste of time.*

*So I think the expenditure, if you've got full service provision and you're always getting work and you're getting the right work, then the cost is worth it ... Now if they were doing all of that and not getting the right clients through the door with the right problems. Then I'd be saying probably we won't do it anymore.*

The cost-benefit argument reflected the increased pressure services find themselves under to carefully manage their limited resources.

*I think pre-COVID-19 we would have these regular outreaches, but sometimes we'd be sending a lawyer driving two hours sitting somewhere for four hours seeing one client and then driving two hours back to the office and I think it was decided that that's not the most efficient use of our resources. We are absolutely more than happy and open to do outreach. One of the key things that we look for is, is there an engaged host who can have us in the location, can we be, I guess, satisfied that you know clients will show up before we engage in anything regular.*

Other participants, however, emphasised the crucial role outreach clinics play in providing a point of entry into the web of support services available. Practitioners based in smaller, more isolated towns advocated for more outreach clinics, as these are the only viable option to make services available to some communities. One interviewee conveyed their concerns about the people they don't see who likely need their services the most, reflecting on the need to constantly find ways to reach out to community.

*And the web [of referring organisations] could be quite self-contained and it could be quite busy doing really good things and really connecting with the people. There's definitely need in the towns as well. But it's those that are hidden and that don't find it and don't identify it. They're the ones that I worry about. And I reckon, I feel like there's a lot of them, just in my experience, of people who don't ever go looking, don't know to go looking.*

When asked for suggestions that could help improve access to justice in RRR areas, several participants spontaneously mentioned ways to strengthen and expand various models of outreach. Some described outreach as a model that allows for more effective collaboration between services, where lawyers from different sectors, locations, or areas of expertise can attend a specified location on a rotating basis. This can increase a regular presence of in-person legal support without creating unmanageable burden on a single office. A couple of participants also suggested the idea of running a cross-sector 'Law Bus', similar in concept to the Service NSW Mobile Service Centres, as a flexible option to get further out into community and increase visibility of services.

Many commented on the need for outreach clinics to be regular and reliable, in order to build trust and engagement. Some also made the point that when outreach clinics stopped during the COVID-19 restrictions, people from those areas did not reach out by phone and likely many did not seek the assistance they might have needed, stressing the importance of being physically present in various locations.

*If I had unlimited funding and a real desire to improve access to justice tomorrow in these communities, I would be funding legal centres who really care about these communities to come out, even if it's only one day a month to do clinics. And I'd be ensuring that it happens every month ... So many issues could be addressed early with in-person access to advice.*

## Limited non-legal services

Given the intersections between legal and non-legal challenges, access to diverse health and social services is crucial to improving access to justice. Inequalities in access to justice were associated with inequalities in health, wellbeing and safety more broadly.

## Bail and sentencing decisions

The lack of housing options has a substantial impact on bail decisions. People can end up being held in custody when they may not otherwise have been, because there is no accommodation option that a magistrate can deem appropriate.

*I think housing most certainly does in terms of bail decisions, because if I don't have somewhere for somebody to go to, then that is a huge barrier to getting bail because then, you know, victims more at risk and all that kind of stuff.*

*It might be 'well if your client does all of these things, then I'm going to give them this type of sentence'. Or 'if they do all of these things, then I'm going to give them bail'. And if those things aren't available because the client lives in a regional or rural community, then it doesn't seem to change the magistrate's view. It's like, 'Okay. Well, they're not getting bail' not 'Okay. With those things aren't available, what else could you do?'*

Participants described similar barriers in relation to a lack of mental health services and delays in getting mental health assessments. One participant reflected that where matters were adjourned on multiple occasions due to delays in mental health reports, this can lead to clients giving up and refusing to engage with diversion options. The result can be a custodial sentence, when in fact they could have benefited from diversion if there was quicker access to assessment reports and were more readily available programs.

*It means that if someone's got schizophrenia and they break into a shop to get food, it's more likely that they're going to end up waiting on remand in custody and we won't have much access to mental health information ... People with cognitive impairments, pretty moderate intellectual disabilities, who really have high needs, they might not have access to NDIS services in their community, so they don't have any kind of support to put forward for bail applications as well. They really depend on family member support and if they alienate their family members, they're basically going to languish in jail unless they can get into a rehab bed.*

A few participants reflected that sentencing outcomes can be harsher for some individuals, where there are no options to refer them to rehabilitative and treatment programs in RRR communities. The lack of access to drug and alcohol rehabilitation facilities, and programs for domestic violence perpetrators were noted examples.

*Like if I can get a client into rehab, they go to rehab and then they come out and then I have them sentenced and they've actually been able to participate in the complete rehabilitation. Then that makes a huge difference to what the magistrate thinks about their likelihood of reoffending, say, and same for a DV [domestic violence] course.*

## The revolving door of the justice system

Legal practitioners reported a great deal of frustration where they see some clients cycling in and out of the justice system because the community and health services needed to address the root causes of their issues are not available. They noted that where people's underlying and intersecting issues are not addressed, people are likely to reoffend, breach apprehended violence orders and need recurring legal support.

*So it's those [non-legal support] services that are helping them to address those situations that I think is like super-duper important and that lawyers can do all of our talking and advocacy and whatever in the courtroom, but without actually something that's going to help our clients to change, then you might as well not turn up, you know you're going to be back there again.*

Investment in post-release support services, and an emphasis on resources to prevent people relapsing or reoffending was considered key in improving justice outcomes, and reducing the pressure on lawyers, courts and the police.

*So a lot of the time we're just putting band aids on quite bigger issues. The goal for me personally and probably for a lot of the other solicitors that I work with too, is trying to reduce the person's chances of coming back before the court.*

# Enacting access to justice



## Challenging work

Demand for legal services is high and most staff are consistently working at, or above capacity. Participants described challenging workloads where working long hours is often the norm.

*At the moment, we're getting swamped, there's a huge demand for legal services. So yes, there are a lot of services doing the best they can, particularly the civil law space. Legal Aid has a very limited team doing civil law. We certainly have much more work than we can do, and ALS just do the criminal law and I know they're worked off their feet, like they work incredible hours, working very hard.*

Legal professionals face matters that are not only legally intricate – such as multi-generational farming trusts and water rights – but also compounded by clients' situations, locations and logistical barriers. The 'strictly legal' work alone can fill more than full time equivalent hours, onto which are added some 'legal adjacent' tasks, and the driving time – sometimes at night – adding yet more fatigue. Participants described the pressure of being so busy that they often do not get the chance to examine a case file more than two or three days before a hearing, making it a lot harder to consider possible options. It makes the work stressful, and sometimes takes an emotional toll.

*Just having, I think, quite clear boundaries of where you put in that extra hard work and where to call it, is really important. But yeah, it can be really, really hard to do that sometimes and particularly where you work really closely with people in the community and their family members, and you get to know everyone quite well and you don't have, you know, you might have a bad outcome for them at court. It can be really, really difficult. Yeah, it's hard work, it's hard work.*

## Clients with complex needs

As described earlier, clients of legal assistance services are among the most vulnerable in the community and they generally face intersecting and compounding issues. These difficulties affect how clients engage with the legal system and their lawyers, and also impact legal practitioners who work hard to sustain the person's engagement while being mindful of their complex needs.

*...the complexity of, not only clients' matters, but the clients themselves ... particularly people who've got a history of trauma. It's incredibly complex and challenging.*

*The clients are hard, they've got, you know, rafts of mental health and social issues apart from their actual legal issue. So they can be hard work.*

## Wellbeing and turnover

As a result of difficult conditions and emotionally demanding work, many services are faced with high staff turnover. It can be challenging to support staff safety and wellbeing, and a high rate of burnout was commonly mentioned by participants in more remote areas.

*A lot of the driving's done out of hours. I think solicitors, when they come to these offices, they embrace that they will be working really hard and really long hours and they just get in there and do it. I think it's a big contributor to our very high burnout rate and a very high turnover rate for our solicitors.*

Staff turnover and difficulties filling positions can limit the capacity of organisations to deliver the quantity, diversity and quality of services needed, and impede reach to community. Participants shared concerns that their organisation might not be able to sustain the same programs or service models in the future due to staffing issues.

*It certainly takes a toll on people who are in those frontline positions and there's different impacts it has on their health and wellbeing generally ... I'd say there's no magic way to deal with it. The only way is to just try and do your best, and that probably boils down to being passionate about it and caring, but it's not a sustainable model a lot of the time.*

*We didn't have enough staff and the priority has to be to cover courts, so that kind of clinic subsystem fell away. So now it's done on a pretty ad hoc basis.*

A few participants spoke of the professional isolation that can be felt when working in an area where few, if any, other legal assistance providers operate. There can be a lack of opportunities to get together as a sector, brainstorm ideas, or troubleshoot problems. Some participants shared frustration at the lack of access to training, even if they acknowledged that online resources and training have improved in recent years. Others felt that a lack of opportunities for career development could be deterrents to practising in RRR areas.

*I think, from a retention perspective and even just professional development, it makes it difficult for organisations to promote and advance the careers of the employees, when there's such high turnover.*

## Recruitment challenges

Pay disparities between legal service providers and across different locations were repeatedly identified as major barriers to recruitment for legal assistance services and Legal Aid panels. Some explained that it wasn't feasible for small firms to engage in Legal Aid work from a business sustainability perspective, despite their willingness to support this work.

*For the ALS specifically, there was quite a pay gap between the salary for ALS solicitors and those of Legal Aid or DCJ so that made it really difficult to recruit and retain because the scale was lower. That's been bridged a little bit in terms of the pay parity and there's been an increase.*

*It's often the issue that I suppose people have in terms of joining our panels because there's no funding for certain amounts of travel. It's just love for the job,*

*time that you've got to commit that you don't get compensated for. So it's really hard. It adds an extra layer.*

Participants highlighted the lack of essential services in RRR areas, such as accommodation, employment, education, childcare, and healthcare as deterrents to attracting and retaining a long-term workforce.

*There's a lack of infrastructure that would bring a professional in these towns on a longer basis. Because there's not access to good schooling, so if you want to raise a family, you know you're not going to do that. And there's a lot of industries that aren't available in these towns, as is the case in many regional areas, so it might be that whatever your partner does, they can't do their job in these towns ... There's an acute lack of childcare ... There are systemic health issues.*

## Meaningful work

The RRR workforce was described as resourceful, resilient, innovative, flexible, and creative. Local knowledge, advocacy skills and emotional stamina were identified as important assets for RRR practitioners.

## Values of social justice

Participants described how they embrace doing work that sits aside from their 'actual lawyering work' as it is understood to be at the core of what it means to be a community lawyer in RRR communities.

Participants shared how they and colleagues are social justice and equity orientated and motivated. These values drive them to go above and beyond the legal work they are contracted to do, either by putting in a lot of extra hours (for example to cover driving time) or jumping in to help with whatever needs to be done.

*[What keeps me going is] the fact that it's values-aligned, and meaningful work is ultimately a good indicator of people sticking something out. And I think if you're working within social justice, hopefully you care enough about your clients and the issues that face them and their cases to push through lack of sleep or lack of time.*

They also reflected that the values of their organisations – particularly grassroots social justice principles – guide their decisions about which services to provide, how, when, and to whom.

They also recognised the strain it places on staff who constantly juggle the willingness to help and the many extra hours of work that requires, with the need to maintain boundaries for self-care. Those in more remote areas desperately wished for a small amount of additional administrative and operational resources within their organisation. Those who are lucky enough to be able to work alongside a community development officer, a social worker, or an administrator valued their good fortune.

*Probably funding for social workers within Aboriginal legal services to take the enormous administrative and other load off from trying to help with people with referrals, that would allow greater time to do the actual legal work.*

All participants highlighted the key role played by colleagues in adjacent positions such as community development workers, community liaison officers, Aboriginal field officers, and caseworkers, whether they are employed by the same organisation or working in close collaboration. From their perspective, this blend of skills was crucial in getting better justice outcomes for their clients.

*We have access to a caseworker who helps us link our clients up with mental health support, drug and alcohol support. All of the supports. But I don't have that capacity as a lawyer. It's time that you dedicated to it because you know that you can't do the legal work without doing the non-legal work.*

Some participants reflected on the value of pairing staff with distinct roles but a degree of overlapping skills and knowledge, for example a lawyer embracing social work and a social worker with a legal background, as a way to build a team best placed to provide tailored services to their clients.

## Attracting lawyers

Participants reflected on ideas to attract more law students and graduates to the regions, and advocated for closer relationships with law schools in universities. Many welcomed the idea of financial incentives such as HECS/HELP debt relief to bring in early-career lawyers, but most felt that it would be insufficient as they pointed out other barriers such as the high cost of accommodation that make student placements in regional areas especially difficult.

*And a lot of students who need to do their PLT [Practical Legal Training] requirements, for example, are facing high costs of accommodation and if they're having to volunteer, to fund themselves. And I think that's becoming problematic. So I feel like structurally there could be more done to support recruitment and retention by working earlier on to get students into RRR areas that could be via remote models to begin with in the hope that they would sort of stay.*

Although resourcing is a key concern, and recent advances around pay parity or other financial incentives are welcome, some participants expressed that it would perhaps be more meaningful to shift the focus away from a deficit discourse and better convey the positive opportunities that the practice of law in RRR areas can offer.

*It's also about lifting the reputation of services in RRR so that students, from the get go, are more aware of the opportunities that that can provide. Being realistic about the challenges as well, but that it's not some poorer cousin to inner city work. It's actually terrific work that can provide them with a great deal of experience and fulfilment. And so I think there needs to be a little bit of a change in the deficit sort of approach towards that thinking in order to bring about long-term change.*

Some participants felt that the legal profession in general, and the legal assistance sector in particular, could do more to showcase how rich and stimulating their work really is. The broad range of issues, especially in civil law, the diversity of clients and communities, and the opportunities afforded by generalist services to engage with 'whatever comes through the door' were mentioned as great selling points.

*But I think that you get a much better experience by going out to the regions. You get the diversity, you get an amazing array of like legal issues that come through the door that, every week there's something new, you know, you've never seen before. And so that experience to a student I think would be invaluable.*

A few participants found that recruitment and retention of staff had been a bit less challenging in recent years. However, the COVID-19 pandemic had disrupted the relative stability of the workforce, the effect of which was still being felt in some areas. One participant reflected that when staff left, it was usually for a personal reason or career opportunity, rarely because they disliked the work, which was framed as an encouraging sign and a sector strength.

*Most people come here because they love the work and they enjoy being with the clients. So I think that's we've moved to a strengths-based recruitment model which has really allowed me to be able to recruit people who genuinely want to be part of this, despite the wages and despite the travel and all of that, they want to be here. So it's been really lovely to be able to have a team that just love it. They come back all the time and say 'I love my job'.*

## Rewarding work

Participants expressed how rewarding and meaningful their work is, and how that trumps many of the challenges they might face.

*And just the ideals of social justice for access to justice was what initially attracted me to it. And I've just, I've always loved helping people and I love how hands on and practical the legal access that we give to clients is. It seems basic at times ... but it provides a key access point for every person in our community to be able to get assistance with their legal issues. So I guess, from that point of view, I think it's a really important and valuable thing to give to our community. And I enjoy having a job that gives back rather than takes on community.*

*I can help. I can do a lot more good, I guess in terms of the work I do.*

Being in a position to help people is a key driver that aligns with personal and organisational values, and provides a strong sense of satisfaction. One participant explained that she loves the freedom to assist clients and their family without having to charge money for their services, as the financial transaction can be an impediment and restriction.

*I think that the outcomes that you can have for clients are very real and you can really profoundly impact people's lives. And it's not really you, it's just about the knowledge that you carry. So I think it's quite a unique and very privileged position ... you just keep going because you know that you have the knowledge and the skills to change people's lives.*

*I love working in a regional area. It's a real joy. I think the sense of community in these kind of areas is really, really good.*

## Examples of pressure points

There were some examples cited by participants that illustrate the particular ways that legal issues play out in RRR settings. These also offer insights into potential opportunities to influence change within the legal sector, given that many of the other challenges identified are systemic, structural and difficult to address in the short term.

### Wills and estates

Information and advice on wills and estates, and end-of-life planning are scant in many RRR areas. Some participants alluded to the fact that services to support end-of-life planning can be seen as less urgent priorities. The implementation of the Legal Aid Civil Law Blueprint means that services in relation to wills are no longer provided by the local Legal Aid office, leaving a gap that CLCs cannot always fill due to a lack of expertise or capacity to meet the increased demand.

*A really big gap that we have is low-cost or free services for wills and power of attorney and that kind of end-of-life planning space.*

This area of expertise was sometimes described as the ‘bread and butter’ work for local private practitioners. Yet, for those people who cannot afford a private solicitor, there is simply no alternative option. This is especially a concern in areas with an ageing population, and for Aboriginal and Torres Strait Islander people who face the additional challenge of a lack of culturally appropriate advice.

In an attempt to address the gap, services rely heavily on pro bono partnerships, or the services provided by NSW Trustee and Guardian. A commonly mentioned strategy is to organise a ‘Wills Day’ event, where local private lawyers or lawyers from large firms in metropolitan centres attend an outreach clinic for a day and provide their services pro bono. However, the organisation of such events eats into already scarce resources, and in many areas such outreach clinics only occur once a year.

*But the wills and power of attorney stuff is a real sticking point for us in this area. We get a lot of referrals to that and so we kind of counterbalance that by, yearly we will organise a pro bono wills and power of attorney on a day.*

*We don't do wills in our service ... But for, most Aboriginal people who specifically want that advice around culturally appropriate wills and advice, then I see there's a gap local practitioners typically aren't providing.*

### Traffic matters

Limitations of public transport, and the necessity to regularly travel long distances can mean that the implications of a legal issue related to loss of licence are quite different to those of metropolitan counterparts. Participants described examples of how a loss of licence in areas where public transport is not available can quickly and easily lead to the loss of a job, debt accumulation, social exclusion, with sometimes significant health consequences when clients can no longer attend medical appointments.

*We've got such big distances, loss of licence means you lose your job, you can't attend your hospital appointments, caring duties. It's just all out the window.*

The potential impact of traffic matters is so heavily felt in RRR areas that it shapes service delivery models and strategic decisions for legal assistance providers.

*Quite a substantial amount of our time in the courthouses is related to traffic problems. So licence suspensions, disqualifications, demerit points, things like that. And particularly we do that work because we're aware that people are really transport disadvantaged in the regions. And so the impacts of a licence disqualification or that kind of thing is going to have a big impact on not only the person, but often the people in their lives, like their family and the people they care for.*

The importance of traffic-related matters was described in ways that can broadly be grouped in the following interweaving topics: the heavy reliance on driving and lack of alternative options that leads to a higher risk of doing something wrong or reoffending, the lack of accessible programs – such as the Traffic Offender Intervention Program – that may mitigate circumstances and weigh in on justice decisions, and the fact that the consequences are felt more harshly.

And the impact is not just on the offender but also on their extended families and even the broader community, as some practitioners emphasised how the low levels of qualified drivers and registered cars in remote communities are generally misunderstood.

*So we've rolled out programs in regional courts to represent people charged with traffic matters because we know the impact on people of losing their licence. And we think it's really important that people be represented, and absolutely if they've done the wrong thing, they deserve to be punished. They should also have the same access to justice as everybody else, be able to put their best forward foot forward before the courts and be able to explain the situation so the courts can make informed views about whether they should take someone's licence off them or if they do, how long they should take it off them for.*

## **Property trusts and family law**

People residing in RRR areas broadly encounter similar legal problems to their metro counterparts. There are, however, some particular types of legal issues that are especially relevant to rural settings, for example farming properties that are commonly placed in a trust. Property trusts add a layer of complexity to the resolution of family law matters that is likely to create long delays in legal proceedings.

*It's worse in a regional setting because the complexity of a farming matter drags the proceedings out. If there was a house in Brisbane and the parties have been together for 20 years, I know that they're going to get 50-50 each and they're unlikely to put a trust around the asset. But when you've got farms that have*

*been in generations for three to five generations, they've put that in a deep trust, complicated trust that not all lawyers know how to deal with.*

It can be difficult for vulnerable women who have experienced trauma and family violence to remain engaged in such long and complex legal proceedings, and some choose to give up or settle for a fraction of what they are entitled to rather than exercise their rights. One participant expressed frustration at what they described as a system that 'favours the bully' who finds ways to slow the process down, and does not support those who are most in need.

Long proceedings also mean that Legal Aid panel lawyers might be more reluctant to take on such cases when there is increasing pressure to balance the books between Legal Aid work on lower rates and private fee-paying work.

*So I think a lot of lawyers would be really reluctant to get involved in a property matter that's on Legal Aid rates, that's got a trust in it with all these disputes because you're going to get paid the same money if you just take one on with a simple property proceeding or something like that. So it's a complex matter that you know, is going to drag out, the funding you got probably ran out 18 months before the trial. You do a couple of those and your boss goes 'not again'.*

## **Aligning ADVOs to the needs of victim-survivors**

While recognising the crucial role played by the police in crisis situations, participants described instances where there was misalignment between the Apprehended Domestic Violence Order (ADVO) conditions sought by police and what victim-survivors wanted or could better manage. Not doubting that ADVOs are sought with the right intent, and that the police may have to make quick difficult decisions to protect a person from being harmed, they pointed to a need for further training and better collaboration between parties when seeking ADVOs.

*The other issue that we often have is victim-survivors not necessarily agreeing with the orders that police might be seeking on their behalf ... Police might have been called out five times to a family violence situation, so they're seeking a no contact kind of level order. But then, you put in a no contact order and Mum becomes single Mum of four kids and can't do that. She needs to be able to have some contact with Dad around arrangements for the kids, which is possible sometimes. But, it just kind of depends on what level of restrictions police are putting in there or, you know, the orders that police want aren't really that workable. Even though they're in the best interest of a victim survivor, they may not be that practical for their current situation because of a lack of other supports around that person.*

Even when the conditions of the ADVOs reflect what the applicant needs, the reliance on police representation and lack of access to legal advice in the legal process that ensues can be problematic.

*When there's applications for variation and extension, when the police don't do that, then the applicant's having to self-represent, which puts them in a lot of, you know, reluctance to push forward with that kind of stuff.*

At times, it is the lack of other non-legal support services, especially in the disability and mental health sector, that shifts the burden onto carers and on the police. The police can only use the tools and processes at their disposal to manage situations that would actually require support-based solutions from other services.

*The issue then becomes [when] family members who are put in the position of caring for people who are unwell, and the person has a mental health crisis, they call the police because they're scared that the person's going to self-harm. And they say, 'he said he was going to hit me' or something like that whilst in the middle of a psychosis, police will apply for an AVO on behalf of that family member to protect them. Often the person [applicant] won't want an order, they just want the person removed briefly, but then that person [defendant] won't be able to go back to that living arrangement until the AVO or the charges are sorted out.*

## Legal support for ADVO defendants

Recognising the crucial work of services that support people experiencing family violence, and acknowledging the need for more wrap-around services for victim-survivors, interviewees pointed out the lack of available support for defendants in family violence matters.

*There's limited legal services for defendants in AVOs, because currently there's a lot of funding being put towards victims, which is very important ... and there's always room to grow there as well, but it does mean that on the counterpoint, there's been less assistance for the defendants in those kind of matters, less Legal Aid to be able to pick them up, which has meant that perhaps they don't fully understand the orders and create higher risks in reality to the victims of these matters. And there are services developing around behavioural change and things like that but I think some legal services would also be beneficial in lowering the risk of family violence.*

Research participants also described court processes where the defendant is verbally told about the restrictions in place under the ADVO but is not automatically provided with a written copy, as would be the case in other courts or jurisdictions. Although a copy can be requested, in a context of crisis and high emotional distress, it does not always happen. If defendants also serve a custody sentence, there is an increased risks of misunderstanding or not remembering the exact nature of restrictions, leading to higher risks of breaches by the time they are released from custody.

## The signature dilemma

Some participants highlighted that the requirement for manual signatures on multiple documents is a significant hurdle, given the many challenges in relation to physical access to legal services.

They acknowledged spending hours of precious time organising the logistics of signatures, whether it is managing postal delays, relying on intermediaries, or asking clients to attend in person. This was a great source of frustration, especially as they pointed out that some of these hurdles were lifted during the COVID-19 pandemic, but these protocols have since been reversed.

*[How do you manage the signing of documents?] Super hard. I rely a lot on court registries and people that I have developed personal relationships with, lawyers in private practice in these regional towns, people travelling through somewhere that might be able to drop a document off. It just takes a lot of forward planning, if I know that I've got to file something for someone in a couple of weeks, I'm already starting to think about the logistics of getting the documents to them just for signing ... Those COVID protocols ... were a godsend. In terms of not needing to sign the documents or being able to sign electronically, but it is still a huge problem for us.*

Some participants wished for these protocols to be available again, while others suggested more uptake of electronic signature software systems, as an additional option in appropriate situations for the clients and for lawyers to enact legal processes.

*If the client's in custody, I would just email it through to the correctional centre and they would go to the client, get their signature and send it back. But for other clients, I'd need to email it to them or I'd need to leave it at the reception and say, 'can you drop in and sign this?' because without that I can't do a thing. So DocuSign is one example where the technology would really facilitate the client's access to justice. I don't know why we don't use DocuSign, like a lot of other, like, private legal services use DocuSign.*

## **Cross-border issues**

Some participants who worked in or near cross-border areas (including borders with Victoria, Queensland, Australian Capital Territory and the Jervis Bay Territory) shared examples of the additional complexities of cross-border contexts.

Legal service provision in cross-border areas requires an added a layer of considerations around where clients reside, what the legal issues are, where the problems occurred or where clients are charged, and which jurisdiction of court is involved. Services may assist for cross-border matters in relation to Federal law but need to refer out for state law matters.

*We may service clients with civil or family need from there, but not criminal aid, because civil and family can have more of a crossover from state to state.*

In some instances, practitioners need to be flexible, or undertake quick upskilling in order to provide initial information and appropriate referral or advice.

*If it's a federal jurisdiction, it doesn't matter, it applies everywhere, but if it's something that's happened in NSW or SA [South Australia], we really need to, because we're all Victorian practising lawyers so obviously our focus is on Victoria legislation, so it can mean quick tutorials, quick professional development on areas of law and things of that nature. And even just visualising where people are so you get an idea of the circumstances that they're in.*

Some reported not being able to draw on the pool of available lawyers from one side of the border when there was no such resources only a few kilometres away for reasons of conflicts of interest or services being at capacity. They wanted more cross-border flexibility in Legal Aid panels.

*There's a shortage of practitioners locally ... being on the border some of those practitioners operate in both states, so plenty of lawyers in [NSW side] that might be able to help, but they're not on the Victorian Legal Aid panels and vice versa ... as much as it's a majority nationally funded programs and nationally funded aid, it's still very state-based.*

Working in cross-border areas also gives practitioners a broader perspective and points of comparison where they identify different referral pathways, eligibility rules and thresholds, system uptakes, and legal processes. In circumstances where practitioners could see that those on one side of the border may get a less fair outcome than those on the other side, this was a driver to advocate and take action for systemic change.

# TECHNOLOGY: A TOOL BUT NOT THE SOLUTION

Interviewees shared varied insights into the role technology can have in supporting access to justice.

In practical terms, the uptake of new technology in the delivery of legal services remains quite low, and there has not been a significant shift towards the digital. But that is not to say that in-person interactions are the norm. Most participants described phone-based services as their main model of delivery, with in-person services - either walk-ins or by appointment - coming a distant second. In that sense, phone-based services are, by and large, the main strategy used to improve accessibility of services, and have been for some time.

## The reality of connectivity

While all participants believed that technology can play a role in improving access to justice, they also expressed concerns around the concept of a so-called 'digital solution' to justice issues in RRR. It cannot be assumed that connectivity is available. While coverage has improved, far too many places in RRR cannot rely on adequate internet connection. It is patchy, slow, with frequent dropouts, or is simply unavailable.

*You know, it's been good and bad, the advent of COVID that brought everything to be online because now there's this expectation that everyone can interact with services that are statewide purely through the phone and Internet. And I think that's a myth. You know, there's a certain level of assumed connectivity in our world now. It's not true in most of the areas that we're connecting with.*

## The digital divide

One of the main concerns here is that an increased reliance on online services will exacerbate inequity of access. Described as 'a double-edged sword', online options for legal assistance can provide greater and more flexible access to services to many residents in regional areas, but, in doing so it can also further alienate those people facing multiple disadvantages.

*Unfortunately, I think the system is very quickly forgetting the vulnerable end of the spectrum of who participates in the legal system generally, because there has been quite a strong push to technology and to using technology services for people to access the legal system now.*

The lack of access to devices, the prohibitive cost of data and phone credits, combined with low digital literacy, remain common, and create barriers for the very people who already need support the most. In many RRR areas with an ageing population, the increased reliance on online technology is a source of concern as it further disempowers those with little to no digital literacy – mostly the elderly, but also those with cognitive impairments – and puts additional pressure on community services to support them.

*And I know that we don't have great access to the internet in general, but it's probably just more pronounced in a sense that it's, like we do have an ageing community who don't really know how to access those sorts of things.*

The high cost of purchasing and maintaining devices, and the price of phone credits and data plans in areas only serviced by one telco provider compared to metro areas, contribute to an unmanageable financial burden.

*I mean one of the other systemic barriers in these communities is, computer literacy is almost zero. People can often use their phones to an extent. But in terms of using computers, almost no one can use computers. Home internet, no one has home internet. So they're at the mercy of whatever plan Telstra is offering them at exorbitant prices. So in terms of having regular and reliable access to internet, emails, phones, these communities still face really big barriers, which again, I think it's something that coastal Australia really doesn't even think could be a problem.*

Participants described the challenges of contacting clients who do not own a phone or cannot return a call because they run out of credits, and the many who do not own or have easy access to a computer.

*IT is an issue. If it's working, fabulous. If you know how to work it, even better. But let's be frank, a lot of our community members still use cash, have a landline, don't have mobile phones, definitely don't have a computer. So, trying to work remotely with those clients really makes access to justice very, very difficult.*

Further, interviewees articulated the importance of in-person connections for the provision of legal assistance. Legal issues can be complex, and often involve difficult contexts, emotional distress, and trauma – situations where the ability to establish a rapport and read non-verbal cues, play a big factor in providing the right support and ensuring clients remain engaged in the process.

*For people who don't have that technological literacy or don't have access to the technology, to scanners, to printers, all those things, it's just putting another barrier in front of them as opposed to going to your local courthouse and being able to do it in person and talking.*

## Readiness for uptake

While some clients may have capacity to engage with online services, it does not necessarily mean that they are ready or willing to shift to digital options. For example, the removal of paper-based options for completing forms, which may be more familiar and perceived as being simpler, is enough to turn people away from taking action to solve their legal problems.

*It's all online now like, you know, it takes a lot of effort to try and convince a court, a family court to accept a paper application. And again, if clients don't have the digital literacy, again, a lot of ours don't, then just trying to file to get a divorce is, it becomes a roadblock. They don't do it.*

That sense of familiarity with older technology means that some people prefer to make a phone call rather than meet over a video-conference call, with the idea of seeing themselves and the person they are speaking with on screen still an uncomfortable process.

*We find that clients don't like to do it for the large majority. And obviously I'm speaking very broadly, but we find they're not overly keen to jump on Teams or Zoom and do their legal appointments this way. They would rather talk on the phone. And I think there's probably a sense of self-awareness or nerves around doing it, just being physically visible over a screen. But for the most part, they don't love it.*

## Technology has a role to play

All interviewees recognised that technology can play a crucial role in increasing service accessibility in RRR areas. Although, as mentioned earlier, the technology that is most relied upon and has made a real impact in managing the vast distances is the use of the telephone, rather than more recent online technology. Nevertheless, more recent strategies like pathway-driven websites, chatbots, the use of digital documents, and video-conference platforms are among the many examples listed that provide new, and potentially better, options for clients navigating the legal system.

The option to obtain information, submit forms, or complete a range of tasks from their own home, and sometimes at a time that is convenient for them, alleviates a whole range of logistical barriers for people who live a long distance away. This includes employees who cannot easily take leave from work, farmers who cannot easily leave the property and animals, people with disabilities or caring duties, and families with young children.

*I think it could be a really good alternative for someone who was say, someone who has a physical disability but is capable of using the technology and has a digital literacy level, but happens to also be located somewhere a long way away, you know, people in that kind of environment and context I think could really benefit from that.*

For people in the community with adequate levels of access and literacy, the provision of online services is invaluable in filling gaps and adding layers of support that would otherwise be non-existent. And that may be especially true for non-legal services that play such an important role in supporting access to justice.

*I had a family law client during the COVID who I guess [had] a bit of a history of using quite hard a list of substances. He'd been clean for a number of years and used to engage in Alcoholics Anonymous and Narcotics Anonymous. He was telling me about how he's been able to engage with these Narcotics Anonymous programs online and he's absolutely chuffed that was able to connect to one based in America and another one based somewhere else, meeting all these new people, hearing their stories and he was loving it.*

Online services can also broaden the range of legal options available for specific types of matters when jurisdictions are open to remote access to court hearings through Audio Visual Link (AVL).

*So I suppose a good example is for matters that need to be heard in the Federal Family and Circuit Court. For those matters, you usually have to travel to Sydney, where now most of that can be done online through at least telephone, but likely some kind of teleconferencing AVL system. So there are those ways that people who live in regional areas can access those jurisdictions much easier ... I suppose up until recently, we often discouraged people from accessing those jurisdictions and choosing a different jurisdiction that would appear locally because of the issues ...Whereas now I'll be more comfortable advising somebody that this is a valid option for them.*

Even when it does not provide increased access to new services, technology still plays a role in mitigating some particularly challenging aspects of the legal process and supporting a client's wellbeing.

*Before, on any given list day there would be multiple people out in the cells at the back, freezing, waiting their turn to get on in court. Whereas now, unless they've got a hearing, nearly everybody is via video link and they're not having to be moved, they have to wait in the AVL suites, which I understand aren't pleasant to be in, but I'm sure it's a hell of a lot better than being on a truck.*

Practitioners who mostly work with clients in custody also described the many benefits of the implementation of the JUST Connect platform, a web-based collaborative software system used to book video-conference calls with people in custody. It is accessible to courts, corrective services, youth justice staff, public and private legal practitioners, medical professionals, and also family and friends.

This example reflects the strong belief that the benefits of technology lie mostly in the potential improvement of legal processes, such as speeding up or simplifying lengthy and complex processes, and also in supporting the legal profession to work more efficiently in a context of stretched resources, rather than directly helping vulnerable clients access justice.

## **An appetite for increased use within the sector**

Participants were optimistic about the impact of technology to support how they work, with many describing better workflow and increased efficiency following the uptake of new systems and the normalisation of online interactions and services, especially since the COVID-19 pandemic.

*We've been able to invest in a new case management system. And so having good technology, good systems and processes in place absolutely makes the work easier ... we get hundreds of referrals from our stakeholders that come through a web form go straight into our system, so we've reduced a lot of duplication and double handling of data and information. And so I think, yeah, our community partners have had that level of frustration reduced as well, which of course makes it easier for us to have relationships with them and of course flows on to, you know, the outcomes for the client at the end of the day.*

They expressed frustration at the slow uptake from the judiciary and in court and tribunal processes.

*Something that really frustrates me, even with NCAT, which is meant to be user friendly, is that there is still a requirement to file documents and serve in at the registry. You can serve in an originating process at your Service NSW counter, but nothing else. So when it comes time to serve your evidence ... you can't just file it electronically. And it's bizarre. I don't see the reason. I don't see why that simple thing could not be changed.*

Many pointed out that the uptake of online options like AVL in court settings depends on the magistrate.

*A lot of magistrates even nowadays are still very anti AVL, except for people who are in custody or on remand ... for example, I might be appearing in [the] local court. I've got two matters to mention on a list. They're just like a reply, or maybe an adjournment and it would make way more sense for me to just dial in instead of driving two hours there, two hours back. But you know, not every magistrate is open to that type of thing and they want you there.*

One participant described an example where a litigant with disability was not allowed to appear via AVL and was unable to attend court in person because they had moved to Supported Independent Living accommodation further away.

*He's got disability, 'we can't get him here, can you please let him dial in?' and was told 'no' basically. And ultimately in that matter he had to enter pleas of guilty and I had to plead him out and send it down to [non-RRR location] for sentence on a matter where he almost certainly would have been found not guilty.*

## **A careful and considered approach is required**

Some interviewees acknowledged that hybrid systems don't always work well, and that the benefits of appearing online can be countered by the added complications that creates in the running of court sittings within a system that is already struggling.

*And on those busy list days, there might be, you know, 100 matters listed. And so when you've got lawyers there in person, it can be managed but where you've got to have someone dialled up on screen, there might be sound issues, there might be the wrong person coming in at the wrong time. It just slows everything down. And magistrates, it became very clear they did not want people doing that unless they sought leave earlier, to appear remotely and they had a good reason to do so, because it would just make those very busy long days even more awkward.*

This loss of in-person interactions is not just felt by clients – it can have an impact on how legal practitioners approach a case and the resolution of matters.

*The other thing with appearing remotely is you can't have those staircase conversations outside with the opposing parties where a lot of things can be settled.*

While there is strong appetite for increased use of technology where it is perceived to be beneficial, there is also recognition that a staged and carefully thought-through approach is required. Participants spoke about privacy concerns and the need to move carefully around

the uptake of technology, acknowledging that there are complex issues of confidentiality and professional integrity to be managed.

*And then we've got all sorts of privacy concerns anyway, right, about what platform we use. We've debated even in our Health Justice Partnership whether a more hybrid model would be useful ... But then there are concerns about, where's that information stored, how's it handled? And I think that, you know, we're quite conservative as lawyers, but we also have a lot of risk to manage. And so there's no easy answer there.*

## **Best used to help service providers better support their clients**

Despite many examples where participants described how they thought that online technologies should play a part in supporting access to justice, they also believed that technology should not ever replace in-person service delivery. They reiterated the importance of in-person rapport and emotional support as an integral part of how they view the provision of legal assistance.

*So I think I think there is a role for technology. But you need to have those relationships first. So I think that's really fundamental.*

One participant also reflected that too much reliance on digital technology could potentially render the justice process less visible and somewhat hidden behind screens.

*It's also this whole, it sounds really old fashioned, but you know, justice is something that is done and also needs to be seen to be done.*

Service providers need to lean on digital technologies to help fill gaps that cannot otherwise be filled. Participants agreed that a remote service is better than no service at all, and is needed to manage scarce resources effectively. Used as an option rather than a replacement, there is an appetite for digital options to be used by the profession and made available to those clients with digital literacy, access to connectivity and devices. This would enable practitioners to work more efficiently and further focus on better supporting those in the community who may not benefit from technology-based models. Locally embedded services are needed to act as an intermediary or a bridge between community and online services provided from urban centres.

*It's never going to replace the other forms of contact that we have, so I would see it as an addition to the toolkit rather than a replacement of other things in the toolkit. When you're with a client, you've just got to do whatever works. So if there's no DocuSign, whether them coming in, or me posting out documents to them in the mail, or sending it through the jail, it'll be different for each client potentially.*

This nuanced assessment of the benefits and risks of technology led most interviewees to conclude that technology has a place and a role to play, but only as an additional option, as a tool among a suite of other tools.

*It's not universally one way or the other, but I think it would be great if it was a one of the many tools available to people.*

**These comments about the same online platform illustrate how online technology can facilitate access to justice for some clients and lawyers while creating more barriers for those who need more support.**

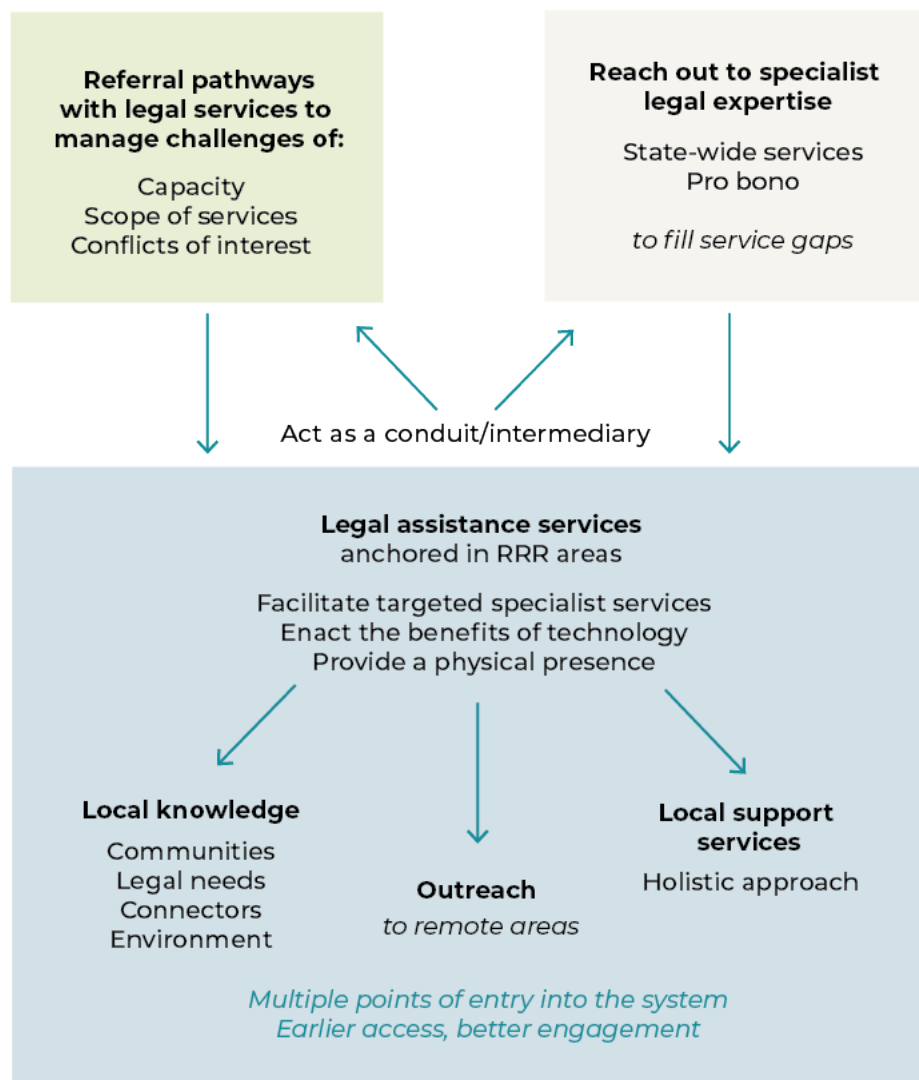
*People are comfortable filling out a form and they might not find it necessarily easy ... but will sit down and fill out the form and go through it ... But if they have to go online, they have to create an account with the Commonwealth Courts Portal. That in itself will probably deter them because they need an email address and they don't have an email address, and they don't know how to set up an email address and they can't be bothered asking someone, or they maybe don't know someone to do it.*

*I cannot conceive why they can't have a system built into the Commonwealth Courts Portal where a person indicates that they will sign [documents] on the next court date: so they log in with their details and then tick a box and it just asks them, 'this document's been lodged, you need to confirm that this is your statement, you understand that you're signing it now and you're now responsible for it.' And, I can't see why the Commonwealth Courts Portal couldn't accommodate something like that because it's already there. They've got a log on, I've got to log on, and we're all using it.*

# Conclusions

The findings from this exploratory study highlight the complex challenges for facilitating access to justice for people living in RRR areas in NSW. They also illustrate the innovations, commitment, and connections that legal practitioners draw on to provide holistic legal support to communities.

**Figure 2. Linking services**



## Access to justice in RRR requires a balancing act

For legal assistance service providers, access to justice in RRR NSW is a constant balancing act between tough challenges, complex decisions, competing demands, and an unwavering dedication to support those who need it most. The findings from this study illustrate the ways in which people delivering legal services seek to provide the best support possible, to as many people as possible, within resource-constrained environments. This is a credit to RRR legal practitioners, but also a signal of the additional resources needed so that responsibility for quality legal assistance does not fall on the capacities of individual lawyers. RRR communities are diverse, but there are some lessons that emerged from this study that are relevant to many RRR areas.

**Holistic practice:** RRR lawyers balance conventional legal work and complex support functions through the development of sophisticated dual skill sets. This is also achieved by working in partnership with government and non-government health and social service providers – multi-disciplinary collaboration becomes part of the RRR lawyer's work, not additional to their work.

**Generalist and specialist expertise:** On-the-ground legal services cannot provide for the full range of specialist legal needs within their communities. RRR-based lawyers need sufficient breadth of skill and knowledge to address as many needs as possible and to identify the best referral pathways when specialist support is needed.

**Using the best of in-person and technology-based service delivery:** There is no substitute for in-person support, particularly when supporting people with highly complex legal needs and building trusted community relationships. But technological tools, whether for communicative or administrative purposes, can be complementary and support efficiency and access.

**Challenging and rewarding work:** Facilitating access to legal support in RRR communities is complicated and often difficult, with unique impacts related to geographical distances, isolation, being one of a small number of service providers, and navigating complex needs of clients. But it is also work that engenders a fierce commitment to social justice and can offer diverse opportunities for building and practising different skillsets. Strengthening mechanisms for recruitment and retention of skilled lawyers with a commitment to the RRR communities they work in is key to the delivery of consistent, quality legal assistance and access to justice.

## RRR legal services are anchors and conduits

The inextricable links between complex socio-economic inequalities and experiences of legal problems are being addressed through collaborations across legal, health, and social service providers, and by tapping into the strengths of local knowledge and community connections. However, this is a challenging undertaking in an environment of scarce resources, where legal and non-legal services work hard to fill the gaps. At the local and regional levels, services put in place a broad range of solutions and workarounds. Their local presence contributes to spinning a web of supports and services, and to provide multiple points of entry into the system, in turn supporting earlier access and better engagement.

Resourced collaborations such as Health Justice Partnerships, networking structures such as the CLSD program, co-location service models, clear referral pathways, and direct relationships between lawyers and with other practitioners are some of the strategies being implemented.

But there is no one-size fits all solution and approaches such as outreach services, with its many benefits and challenges, illustrate the balance between cost efficiencies, use of limited resources, locally contextualised solutions, and providing the best services possible to as many people as possible.

Locally based legal assistance services are the nexus of this web of services and relationships, facilitating access to justice in RRR areas by:

- building local knowledge and trust, so people know where and when to find support and feel safe to do so
- linking in with local non-legal services, consistently investing in relationships, and keeping up-to-date referral and support options
- tapping into specialist legal expertise outside the local community for professional-to-professional advice or client referrals when required
- using the benefits of technology for more effective administration and case management, and to facilitate clients' access to services, documents, and proceedings.

## Opportunities for reform

Given the complexities and intersections between structural inequalities and legal needs, systemic and long-term changes are required to better address the needs, legal or otherwise, of RRR communities, and ultimately improve access to justice. However, some changes to improve client experiences and maximise efficient use of legal assistance services are within the justice sector's control.

### SYSTEMIC REFORMS

Structural reforms such as increasing affordable and social housing supply, addressing income disparities, improving transport infrastructure, and increasing the availability of health and social services (such as mental health and disability support services, emergency accommodation, financial counselling, post-release services, men's behaviour programs, drug treatment programs, etc.) in RRR areas will have positive impacts on legal needs and accessibility of justice.

Within the legal sector more specifically, long-term reforms and investments needed relate to:

- increasing resources to provide free and low-cost legal services that are located in RRR areas
- adequately resourcing specialist legal assistance services so that they can provide prompt and relevant support to RRR lawyers and clients
- increasing resources and improving strategies to recruit and retain skilled lawyers in RRR communities, recognising the unique and diverse skillsets needed to practise in these contexts.

### TARGETED SHORTER-TERM OPPORTUNITIES

Access to information and resources that support locally-based lawyers, and clients themselves, to understand and address legal issues within their existing capacities could be enhanced. This could relate to some of the 'pressure point' issues identified in this study such as wills and estates, and property trusts and family law.

Strategies to improve understanding between RRR-based and non-RRR-based justice sector professionals – police, lawyers, magistrates, members – are needed. This could help in improving access to relevant supports (particularly for people experiencing multiple disadvantages) to divert people out of the formal justice system, reduce recidivism and facilitate more equitable outcomes for people who experience legal problems in RRR areas. Particular areas where shared understanding of specific RRR contexts would be useful include traffic matters, and domestic and family violence-related matters.

# Methods

This project used qualitative methods designed to gather insights on access to justice outside of larger metropolitan areas in NSW through the perspectives of legal practitioners providing legal assistance. The project involved two components:

1. semi-structured interviews to explore professional's perspectives on access to justice in RRR NSW; and
2. a case study of access to justice in the Hume Riverina region, involving document analysis, and a visit to Albury-Wodonga where researchers met with a range of stakeholders.

The methods used in this study do not allow findings to be generalisable to different settings. The study is exploratory in nature and does not seek to quantify the extent of legal needs in the community. The themes developed in the analysis do not represent an exhaustive list of initiatives, challenges or issues in relation to the provision of legal assistance, nor can they provide an assessment of justice outcomes. Rather, the qualitative design of this study facilitated gleaning of rich, in-depth data that explores the 'why' and 'how' of key issues, thus contributing to building a body of evidence on access to justice in NSW. <sup>20,21,22</sup>

## Semi-structured interviews

### INCLUSION CRITERIA

To be eligible to take part in an interview, participants were required to be:

- a professional who provides free legal assistance. This includes legal practitioners employed at CLCs, the ALS, Legal Aid NSW, as well as private lawyers who are either registered on a Legal Aid NSW panel or do pro bono work.
- based in RRR NSW.<sup>ii</sup>

### RRR DEFINITION

For the purposes of this project, a broad definition of RRR was adopted, that includes anywhere in NSW outside of the Greater Sydney, Newcastle, Wollongong, and Tweed Heads metropolitan centres. This broad definition, that includes coastal areas and large regional urban centres not generally included in narrower definitions of 'rural and remote', was guided by input from the NLAf RRR Discovery Group, as well as by the Australian Bureau of Statistics (ABS) Section of State (SOS) classification to refine boundaries.<sup>iii</sup>

The use of formally recognised geographic boundaries with clear category definitions, such as the SOS, provides a reliable, consistent, and rigorous method to determine levels of rurality. However, the use of such boundaries also has limitations: population thresholds are somewhat

ii Two participants currently based in Greater Sydney were also included: one had had extensive experience working in RRR areas earlier in their career, and another was heavily involved in pro-bono work provided outside of metro areas.

iii The ABS Section of State (SOS) classification guided this project's definition of RRR NSW. The SOS assigns all urban centres and localities into four broad categories: Major Urban, Other Urban, Bounded Locality, and Rural Balance. The Major Urban category represents ABS Urban Centres with a population of 100,000 or more according to the 2021 Census, and was used to determine areas out of scope for this project.

arbitrary (towns of relatively similar size may be categorised differently if they fall just above or below the threshold), boundaries may not align with service providers' catchment areas, and there are a range of professionals and services based in metropolitan areas who do provide legal assistance support to people in RRR NSW communities (for example: state- and nation-wide services delivered via telephone, video call, or internet chat).

Although interviewees were asked about their knowledge of, and relationships with, other legal assistance providers that may service their community remotely from a metropolitan location, insights from these providers were not directly captured in this study. Additionally, it cannot be assumed that professionals' perspectives are representative of the views of other people in the community. Being mindful of these limitations in scope and design, the participant eligibility criteria and recruitment approach chosen for this project allowed for focused, detailed insights from professionals working most closely with people most vulnerable in RRR communities in NSW.

## RECRUITMENT

This study used purposeful sampling to recruit 'information-rich' participants who could provide data from a range of geographic locations, service types, areas of law, and legal sectors. Aligned with the qualitative methods guiding the design of this study, recruitment sought depth of information and a range of characteristics rather than a set sample size. Snowballing techniques were used alongside purposeful sampling.

Recruitment was done with the support of key stakeholders at the ALS, Community Legal Centres NSW (the state peak-body for CLCs), Legal Aid NSW, and regional Law Societies of NSW. Information about the project and an invitation to express interest to participate in the study were sent by email to contacts in those organisations, with a request to further disseminate via their respective professional networks in relevant areas (See "Appendix 1" on page 66).

Legal professionals who wished to participate were invited to express their interest via an online form or by contacting the research team directly.

**Expressions of interest** were collected through an online form using LimeSurvey. The short survey included a summary of the project (with a link to the Participant Information Sheet, see "Appendix 2" on page 67), consent to participation, contact details, preferred interview times, as well as some optional demographic information, as described below.

**Table 3 Participant information collected online at expression of interest**

Required details	Optional details
Full name	Area of law/expertise
Contact details (email, phone)	Years practising law (in total, in RRR)
Organisation	Gender
Location (suburb, postcode)	Age group
Position/role	

The research team contacted all individuals who submitted the Expression of Interest form to schedule an interview time.

Although private practitioners were not directly targeted in the recruitment approach, some were made aware of the study and expressed interest in participating. Provided they were either on a Legal Aid panel or doing pro bono work, these practitioners were also invited for an interview.

## INTERVIEWS SCHEDULE

Semi-structured interviews were conducted via video-conference call, with all but one interview being recorded and a transcript automatically generated using MS Teams.

Semi-structured interviews followed an interview guide using probes and prompts to capture rich data. The interview guide was developed by Foundation staff, and the NLA Discovery group was offered an opportunity for input and feedback. Interview topics included:

- people's experiences of accessing legal systems and processes
- practitioners' experiences of delivering legal systems and processes
- role and impact of non-legal services
- role and impact of out-of-area services
- use of digital technologies.

A detailed interview guide is available in "Appendix 3" on page 68.

A total of **28 interviews** were conducted between January and August 2025. Interviews lasted between 28 and 82 minutes, totalling over 27 hours. More details on participants are provided in "Participants" on page 59.

## DATA ANALYSIS

Automatically generated interview transcripts from interview recordings were manually corrected, then coded and analysed using the qualitative data analysis software NVivo. Codes were discussed and reviewed by multiple team members to ensure interpretive rigour, and themes were then developed, that guided the interpretation of findings and output structure.

All data, survey and interview content, was anonymised for writeup and output preparation.

## Case study

The case study method provided an opportunity to collect data in the real-world setting of a RRR community. It was used to examine how access-to-justice mechanisms operate and the kinds of relationships involved, supporting a deeper understanding, and explanation, of the kinds of issues raised in the interview data.<sup>24</sup> The Hume Riverina region was selected as the case study site due to the availability of participants and opportunities to access stakeholders facilitated through the local CLC and the Greater Albury CLSD network, and because the area offers insightful examples of the challenges and strengths of regional, rural and remote communities.

Case study data was collected via:

- five semi-structured interviews with legal professionals working in the Hume Riverina region

- publicly available information about legal assistance in the Hume Riverina region, including websites, annual reports, evaluation reports, flyers and advertisements
- a visit to Albury-Wodonga in May 2025 involving discussions with service providers, visits to various organisations, and attendance at a community event.

Researchers attended a community event ‘Stay Scam Safe’ at the Women’s Centre for Health & Wellbeing Albury-Wodonga, as well as the 2nd quarter meeting of the Greater Albury CLSD region that took place at Yes Unlimited. In addition, they visited a range of locations relevant to the study, including the Local Court and public spaces such as the library, and spoke to professionals who provide support services in relation to domestic violence, tenancy, family advocacy and counselling.

Complementing interviews with professionals providing access to justice in the Hume Riverina region of NSW, case study data was collected via publicly available reports and resources about the region and field notes made during a visit to Albury-Wodonga. Services, reports, and resources were identified via various means including analysis of interviews with legal professionals conducted as part of the broader project, HRCLS, research team professional networks, and online searches.

The ‘data’ used for the case study took various forms including photographs, maps, documents and interview transcripts. A grounded, inductive coding approach was used, where themes were generated through repeated readings of the various documents.

**Figure 3. Hume Riverina area where services participating in the case study operate (NSW only)**



# Participants

By design, the sample of participants was not intended to be representative of the legal assistance sector workforce in RRR. We aimed to speak to people who would present a broad range of perspectives, experiences, contexts and expertise.

The below information was collected online at the time of expression of interest.<sup>iv</sup>

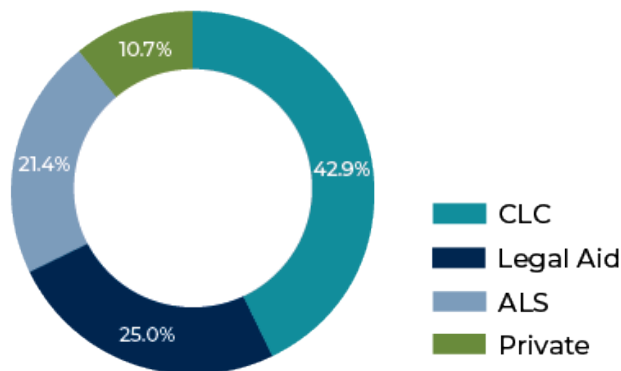
## Legal sector

Participants were from different parts of the legal assistance sector, with the highest number working in a CLC. The small number of private lawyer participants were either on a Legal Aid panel or doing extensive pro bono work.

**Table 4. Legal assistance sectors participants work in**

Legal assistance provider	Participants
ALS	6
CLC	12
Legal Aid	7
Private (panel/pro bono)	3
<b>Total</b>	<b>28</b>

**Figure 4. Legal assistance sectors participants work in**

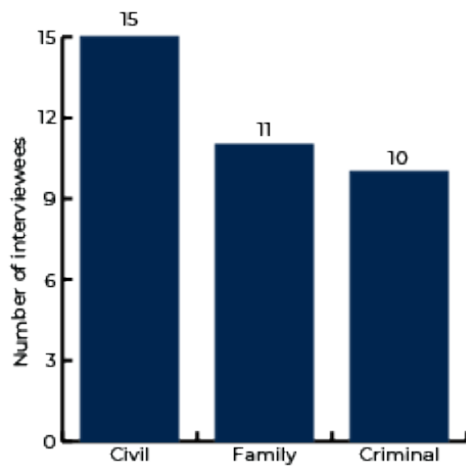


Participants represented experience and qualifications across the three broad areas of law, with a slightly higher number of civil law practitioners.

While over two-thirds (19 out of 28) were qualified in one area of law, one in four (7 out of 28) were qualified in two areas of law and one was qualified in all three.

<sup>iv</sup> One participant out of 28 did not answer all questions in the online form, and therefore is only counted in the breakdown by legal sector and by location.

**Figure 5. Broad area of law participants are qualified in**



Note: The sum of counts (36) is greater than the total number of participants (28) as some were qualified in more than one area of law. Area of law was not known for one participant.

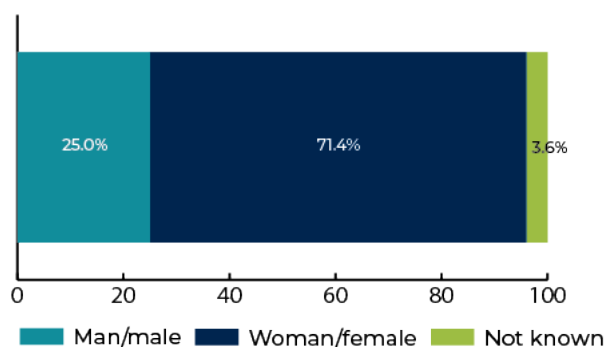
Participants represented various levels of seniority as legal practitioners, working in positions such as Solicitor (grade I-III), Senior Solicitor (grade IV-V), Principal Solicitor, or Centre/Office Manager.

A range of early, mid and late career practitioners participated, with the number of years practising law ranging from 1.5 to 29 years (and from 1.5 to 25 years practising in RRR areas specifically). Most participants (17 out of 28) had only practised in RRR areas, and 10 spoke to experiences in both RRR and metro settings.

## Demographics

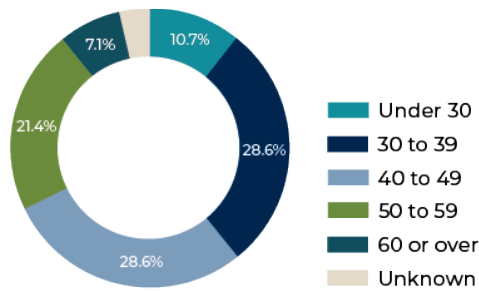
Nearly three-quarters (20 out of 28) of participants were women, likely reflecting a legal assistance workforce largely comprised of women.

**Figure 6. Gender of participants**



Participants were from all age groups in the workforce, with a relatively even breakdown between participants in their 30s, 40s, and aged over 50.

**Figure 7. Age distribution of participants**

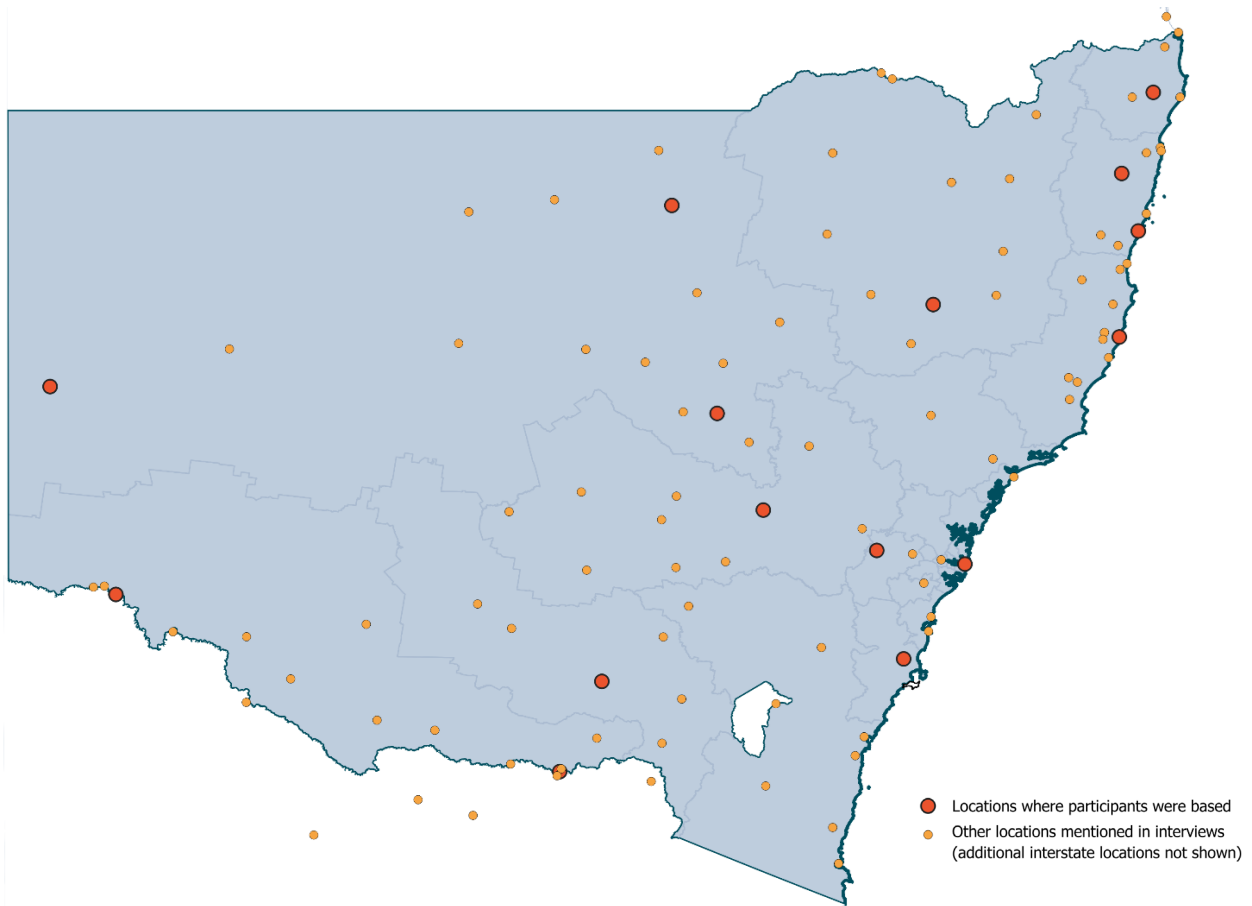


## Location

Participants were based in 15 different locations across NSW, and spoke in relation to over 100 other towns and localities during interviews. Other locations were mentioned impromptu and for various reasons: they may have been places of outreach clinics, places of staff or clients' residence, places of work in a prior role, places where other services are present or not.

The map below provides a visual representation of the variety of places and contexts that participants spoke about, and the relative coverage of the study (a few interstate locations are not shown). Dots on the map do not represent an exhaustive list of locations where legal services are provided.

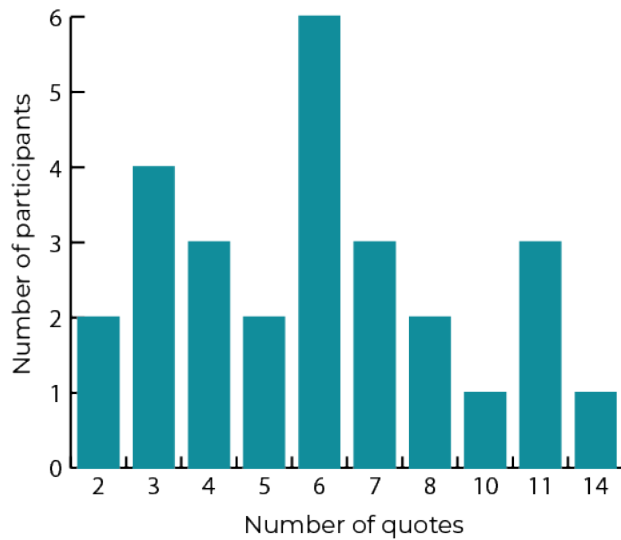
**Figure 8. Towns and localities mentioned in interviews**



### Note on participants' quotes

All text formatted in *italicised teal font* represent actual verbatim quotes from participants. Individual quotes are not linked to any participant details, given that the level of details provided and low number of legal practitioners in some remote areas might otherwise make participants identifiable. The number of participants by the number of times quoted in the report are provided below for transparency in relation to the use of data. For example, two participants were quoted twice, and three participants were quoted seven times.<sup>v</sup>

**Figure 9. Number of participants by the number of quotes in the report**



<sup>v</sup> One participant requested not to have their interview recorded, therefore there are no verbatim quotes from this person. Their insights and examples provided are reflected in the text.

**Table 5. Demographics of participants**

Demographic	N
Age	
Under 30	3
30 to 39	8
40 to 49	8
50 to 59	6
60 or over	2
Gender	
Woman	20
Man	7
Sector	
CLC	12
Legal Aid	7
ALS	6
Private	3
Area of law	
Civil	15
Criminal	10
Family	11
Qualified in two or more areas of law	8
Experience	
Practised in both RRR and metro settings	10
Years practising law	range from 1.5 to 29 years
Years practising law in RRR	range from 1.5 to 25 years

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# Appendices



## Appendix 1. Email seeking expression of interest

### Share your insights about access to justice in RRR NSW.

- Do you work for Legal Aid, the ALS or a CLC? Are you on a Legal Aid panel or do you do pro-bono work?
- Are you located outside the metro centres of Greater Sydney, Newcastle, or Wollongong?

The Law and Justice Foundation of NSW is inviting legal practitioners based in RRR areas to participate in a project aimed at exploring enablers and barriers to legal support for RRR communities.

Findings from this project will also support the NSW Legal Assistance Forum (NLAF) RRR Working Group in developing an evidence base to inform its future priorities.

Please **register your interest using this link** and the research team will contact you to confirm an interview time.

Topics include access to legal services and the delivery of such services, the impact of technology, the role of non-legal services.

Please see attached a Participant Information Sheet for further details.

## Appendix 2. Participant Information Statement

# Access to justice in regional, rural, and remote NSW

Legal practitioners' perspectives



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### Participant Information Sheet

**About the research.** The Law and Justice Foundation of NSW (the Foundation) is supporting the NSW Legal Assistance Forum (NLAF) Regional, Rural and Remote (RRR) Working Group to explore access to justice issues faced by people living in RRR areas in NSW. This study is seeking to

- better understand the barriers and facilitators to delivering legal assistance to people residing outside large metropolitan centres, and
- gain insight into the legal practices and systems that operate in RRR areas and their impacts.

**Your contribution.** As a legal practitioners in a RRR community, we are inviting you to take part in an interview to share your experiences and views on the provision of legal assistance in RRR areas. Interviews will be held via video-conferencing (MS Teams or Zoom) or by phone, and take approximately 30 to 45 minutes. Where feasible some interviews may be conducted face to face if appropriate.

**Privacy and confidentiality.** Your responses will be anonymised. With your consent, the audio of the interview will be recorded and transcribed verbatim to ensure accuracy. At the point of transcription information that identifies you, or other people or organisations you mention, will be removed or changed to protect anonymity. All collated data will be entered into password protected computer files, only accessible to Foundation staff who are bound by confidentiality agreements. The data will only be used for the purpose of this research, it will be retained for a minimum of five years after the completion of the project and then deleted.

The Foundation will publish a report on the findings of the study and may also share the findings via methods such as a webinar and presentations to key stakeholders. Names and other identifying information will be removed when reporting findings. The report may include direct quotes from interviews, but will only refer to selected broad indicators (such as organisation type or level of remoteness) that cannot be traced to an individual.

**Voluntary participation.** Participation in this research project is voluntary, and you can withdraw your consent at any time before, during and up to two weeks after the interview by informing the research team. Your participation or lack thereof will not affect your relationship with the Foundation, or any other organisation or peak body. We do not expect that there will be any risks involved in participating in this research, and there are no direct benefits to you other than the opportunity to contribute your ideas to important research.

## Appendix 3. Semi-structured interview guide

Do you agree for this interview to be recorded?

1. For the recording, can you please confirm your name, the name of your organisation and current position.

### INTRODUCTION QUESTION

2. Please tell us more about the work you do.

- Area of law/expertise
- Common problem types
- Clients profile
- Location: office, outreach, court
- motivation to work in RRR area

### PEOPLE'S EXPERIENCES OF ACCESSING LEGAL SYSTEMS AND PROCESSES

Thinking about the **experiences of your clients and other people** with legal needs in your RRR community:

3. What legal services are available to them?
4. What is your understanding of people's experiences in accessing legal support?
  - Are there particular legal services that are needed, but not available?
  - What has worked well to support people in getting the legal assistance they need?
  - Are there barriers that prevent people from seeking legal support?
5. What about people's experiences in participating in the legal system (where a legal issue progresses to a formal legal process)?
  - Are they able to access courts and tribunals as needed?
  - Are there different access issues associated with particular problem types?
  - Does living in a RRR area have any implications for the resolution of their case? For example, if a Magistrate approves participation a program such as MERIT, are they able to access the treatment services necessary to complete the program?

### PRACTITIONERS' EXPERIENCES OF DELIVERING LEGAL SYSTEMS AND PROCESSES

Thinking about the professionals involved in delivering legal services in your RRR community (including yourself):

6. Describe your experiences as a practitioner of enacting legal systems and processes in RRR.
  - What do you think are the similarities or the differences in enacting legal processes between metro and RRR settings?
  - Can you provide an example where it is difficult?

- Can you provide an example where it has worked well?

## NON-LEGAL SERVICES

7. To what extent are other non-legal services available in your area? How does this impact access to justice?
  - In what ways? Can you provide specific examples?
  - How do you work with non-legal services?
  - Can you describe the role of non-legal services in supporting legal processes and access to justice? Can you describe the impact of service gaps?

## OUT-OF-AREA SERVICES

Thinking about **legal services provided remotely** in your area by non-local organisations or practitioners:

8. What out-of-area services are available?
  - What types of services are they?
  - How are they delivered? Phone/video call/internet or fly-in-fly-out?
  - Where are service providers located? (nearby town, or further away in Sydney?)
  - Are they new services? Do they replace services previously provided in person?
9. What impact do services delivered in these ways have on legal service provision? And on institutions such as courts/tribunals, the police, etc?

## USE OF DIGITAL TECHNOLOGY

10. Can, and how might, the use of technology help improve access to justice for people in RRR areas?
  - Can you think of examples where the use of technology has been beneficial?
  - Does it depend on the types of legal issues, on the client's profile, on the existence of prior contact, on other factors?
  - How can the combination of face-to-face and digital services work most effectively?

## WRAP UP

11. What might contribute to improve access to justice for your community? (including what can support the provision of legal services?)
  - What are some practical ideas or initiatives that might help with the most pressing issues?
12. Is there anything else you would like to add to what we have discussed today?



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