

7 August 2009

Committee Secretary
Senate Standing Committee on Rural and Regional Affairs and Transport
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Dear Sir/ Madam.

Inquiry into Rural and Regional Access to Secondary and Tertiary Education Opportunities - Law students

We appreciate the opportunity to comment on these matters and would like to draw your attention to various matters under the Committee's terms of reference that relate particularly to the tertiary study of law by students from rural and regional areas in Victoria.

La Trobe University's School of Law commenced a law course in Bendigo Victoria in 2004. Students in the program spend 2 years of their degree studying in Bendigo. The first graduates from this program are being admitted to practice as lawyers this year. We submit that the opportunity for students to study law in rural and regional areas has significant value both for the students concerned and rural and regional communities generally.

There is no doubt that people in rural and regional areas do not have the same access to services as those in metropolitan areas and can be seen in some ways as a result as being disadvantaged. Godden notes that 'there are several causes of rural disadvantage, including rural restructuring (the declining dependency on agriculture and mining), globalisation, rural decline, climactic issues such as drought, the rural skills shortage, and political marginalisation.'¹ Cheers and Taylor note that rural people are disadvantaged in comparison to urban people on almost any social and economic indicator including 'life chances, income levels, poverty, unemployment, living costs, housing quality, health status, education, and a range of social problems, and in gaining access to health, welfare, community, personal support, and essential services'.² Vinson, using a wide range of indicators of disadvantage notes that a vast majority of the most disadvantaged areas are located in rural areas.³ The result is that

1 Naomi Godden , The Rural Right to Education, Submission to the 2008 Review of Australian Higher Education Department of Education Science and Training , <http://www.dest.gov.au/sectors/higher_education/policy_issues_reviews/reviews/highered_review/documents/279_n_godden_pdf.htm> at 7 April 2009.

2 Brian Cheers and Judith Taylor J (2001), Social Work in Rural and Remote Australia. In: Alston & McKinnon (eds), *Social Work: Fields of Practice*. Oxford University Press: Sydney. 207.

3 Tony Vinson *Unequal in Life: the Distribution of Social Disadvantage in Victoria and New South Wales.*(The Ignatius Centre for Social Policy and Research, Jesuit Social Services, Richmond, Victoria,1999).

rural poverty is widespread and endemic⁴, rural communities are also ageing at a faster rate than urban communities⁵ and the difficulties with access to education has created significant inequalities in achievement rates by comparison with urban people.⁶

The law course set up by La Trobe in Bendigo was designed to offer opportunities to rural and regional students who may otherwise not be able to take up the study of law. The cost of living away from home to study is approximately \$15,000 to \$20,000 per year⁷ and for many students and their families, financial considerations make this an impossibility. If a student has to leave home to study it is obviously cheaper for them to live and study in a regional area where costs are considerably less than metropolitan areas. Many of the students studying at Bendigo are either from the local region or have relatives in Bendigo they can live with. Many students have graduated from small rural schools with very few students, and find the prospect of leaving home and a support network of family and friends quite daunting. Many who choose to stay and study in rural and regional areas survive by acquiring part time jobs; it is only this choice that makes tertiary study a possibility for them.

A recent report by the Parliament of Victoria's Education and Training Committee on the Inquiry into Geographical Differences in the Rate in which Victorian Students Participate in Higher Education⁸ found that

universities and campuses in rural, regional and interface areas are highly valued by their host communities. Despite the substantial challenges these institutions face, they are seen as playing a vital role in regional development, and in promoting participation in higher education by providing local study opportunities. Participants in the inquiry emphasised the importance not only of a local university presence, but of the quality and range of courses available.

The higher cost of higher education provision in regional areas is well documented and was widely acknowledged by inquiry participants. The Committee believes that funding models should be revised to ensure there are sufficient incentives for universities to deliver a diversity of high quality higher education courses into regional areas, closely linked to labour market needs.

For La Trobe University the cost of running the law program is high, particularly for the School of Law. The School of Law therefore believes that financial incentives be provided to sustain and expand these types of programs in rural and regional areas. The program has great potential, but limited resources have so far constrained its capacity to truly make a change with respect to the education of students in the rural and regional areas.

The School of Law endorses the Victorian Parliamentary Education and Training

4 Alston M (2000), *Social Capital in Rural Australia*. (Paper presented The International Third Sector Research Conference and published in the refereed conference proceedings. Trinity College, Dublin).

5 Bob Birrell, Concerns over the greying of rural NSW, *Sydney Morning Herald*, March 22 2000).

6 Godden above n 1, 4.

7 Parliament of Victoria Education and Training Committee 'Inquiry into Geographical Differences in the Rate in which Victorian Students Participate in Higher Education' July 2009, xx.

8 Parliament of Victoria Education and Training Committee 'Inquiry into Geographical Differences in the Rate in which Victorian Students Participate in Higher Education' July 2009

Committee's call for Australian Government funding for regional higher education,

- be based on the actual cost of provision in different rural and regional locations;
- be directed in large part at maintaining and strengthening existing regional campuses;

The regional community and the study of law

It is vital for the regional communities that measures are taken to encourage legal professionals to practise in rural and regional areas. Access for law students to tertiary studies in rural and regional areas is an important step to achieve this end.

The Law Council and the Law Institute of Victoria have recently released a report⁹ that included the following findings:

- Principals of country firms are extremely worried about the future of the profession in their regions. In particular, the principals who responded to the survey cited succession planning as their biggest concern, followed by concerns about attracting additional lawyers to the firm, and about attracting lawyers to replace departures.
- Many young lawyers are intending to leave their work in regional and rural areas (RRR) to seek better remuneration or work in the city.
- The reduction in the numbers of RRR lawyers undertaking legal aid work is making it difficult for country people to access legal aid, thereby placing increasing pressure on the remaining services.
- The services of lawyers are integral to country communities, providing significant pro bono assistance and undertaking voluntary work within their communities.

Research suggests that students who study in regional and rural areas and students who originate from rural and regional areas are more likely to return to live and work in those areas.¹⁰ The first graduates of the La Trobe Law course will be admitted as solicitors in 2009. Of the 15 graduates of the course who are about to be admitted to practice, some have already obtained employment and will practice in rural and regional areas.

The local legal profession in Bendigo and surrounding areas has been enthusiastic about the law course at La Trobe University, and local lawyers have and continue to employ law students as paralegals, even those students who have only completed their first or second year of law school.

La Trobe School of Law has set up a small clinical legal education program in

⁹ Law Council of Australia and Law Institute of Victoria 'Report into Rural Regional and Remote Lawyers Survey' July 2009, 5-6.

¹⁰ See for instance in relation to medical students, Laven, Gillian, Wilkinson, David Rural Doctors and Rural backgrounds: how strong is the evidence? A systematic review. Australian Journal of Rural Health. 11(6):277-284, December 2003. Dunbabin JS, Levitt L. Rural origin and rural medical exposure: their impact on the rural and remote medical workforce in Australia. *Rural and Remote Health* 3 (online), 2003: 212. Available from: <http://www.rrh.org.au>, Neill, Jane; Taylor, Kerry Undergraduate Nursing Students Clinical Experiences in rural and remote areas Recruitment Implications Australian Journal of Rural Health. 10(5):239-243, October 2002.

Bendigo, named the Rural and Regional Issues in Justice program, placing law students in the community legal centre, Seniors Rights service, the Victoria Legal Aid office in Bendigo, and with lawyers in private practice who engage in legal aid work. Students assist these lawyers by engaging in a host of legal and paralegal tasks, including interviewing clients, researching legal issues, drafting correspondence, and writing reports. In addition to providing an invaluable service to members of the community who are marginalized and disadvantaged, engaging in these activities will provide La Trobe School of Law graduates with the experience and commitment to working towards access to legal services for those in a rural and regional setting. Although the clinical course performs this valuable service, and has great potential, restricted funding has resulted in only a few students being able to participate in this course.

The La Trobe School of Law has also facilitated volunteer opportunities for students at the local legal centre. For example, students are also assisting solicitors in the family violence programs at the Bendigo and Maryborough Magistrates courts. They are also assisting lawyers who work with refugees in Castlemaine and Bendigo.

The presence of the La Trobe School of Law in the community offers a valuable service in many other ways. For example, the Librarian responsible for the law course at the university offers regular training to local practitioners in current methods of legal research. Members of the community have sought referrals and assistance through the La Trobe School of Law staff. Staff have also undertaken significant volunteer work at the local community legal centre.

In brief then the School of Law submits that:

- opportunities for students to study law in rural and regional areas are vital;
- access to tertiary opportunities for students studying law has potential to increase the number of lawyers practising in country areas;
- access to clinical legal education opportunities provide valuable legal assistance to those marginalized and disadvantaged members of the community, but also has the potential of encouraging future country lawyers to undertake legal aid work;
- funding for these rural and regional programs should be adjusted to reflect the real cost of provision of these opportunities.

We would be happy to provide any further information required by the Committee.

Yours faithfully

La Trobe University School of Law
Professor Penelope Andrews

Ms. Frances Gibson
Senior Lecturer