

Access to Justice in Rural and Regional Communities

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The entire administration of justice in any community which is governed by law depends upon the honest working of legal practitioners who can be relied upon to meet high standards of honesty and ethical behaviour. It is the legal practitioner who is effectively the daily minister and executor in the administration of justice when advising clients, acting for clients, certifying documents, and making presentations to courts, governments, other professionals, and so on. The level and extent of trust placed in what legal practitioners say or do is necessarily high and the need for honesty is self-evident and essential. (Frugtniet v Board of Examiners¹)

Introduction

This chapter considers the role of the rural and regional lawyer in facilitating their community's access to justice. It begins by explaining what is meant by 'access to justice', and how this concept informs the lawyer's paramount duty to the administration of justice. It explains how access to justice includes informal pathways as well as formalised processes curated by lawyers, and delivered through courts and the legal system. Attention then turns to the diverse legal needs within rural and regional Australia and barriers which affect access to justice. It considers research findings on legal need from the *Australia Wide Survey of Legal Need* (the *LAW Survey*),² and the recommenda-

* Richard Coverdale has written previously on this topic in 'Accessing Justice in Regional Australia: Evolving perspectives and contexts' in the book *Locating Crime in Context and Place. Perspectives on rural, regional and remote Australia*. This chapter is informed by his earlier work. Helen McGowan's PhD work on the effect of geographic location on lawyer's ethics was supported by an Australian Government Research Training Program (RTP) Scholarship. Both Richard and Helen are on the Board of the National Rural Law and Justice Alliance which has the mission to work collaboratively with justice stakeholders to deliver accessible justice to rural and regional Australia. See National Rural Law and Justice Alliance, *About Us – National Rural Law and Justice Alliance* (nd) <www.nrlja.org.au/about-us/overview/>.

1 See comments of Pagone J in *Frugtniet v Board of Examiners* [2002] VSC 140.

2 Christine Coumarelos et al, *Legal Australia-Wide Survey (LAW Survey) Legal Need in Australia* (Law and Justice Foundation of NSW, August 2012) <[www.lawfoundation.net.au/ljf/site/templates/LAW_AUS/\\$file/LAW_Survey_Australia.pdf](http://www.lawfoundation.net.au/ljf/site/templates/LAW_AUS/$file/LAW_Survey_Australia.pdf)> (hereafter referred to as the *LAW Survey*).

This is a preview. Not all pages are shown.