

A HECS REBATE?

Ways to attract and retain graduate lawyers in rural, regional and remote communities

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Over the past two decades there has been a steady decline in the proportion of solicitors practising in rural, regional and remote ('RRR') communities in Australia, leading to a critical shortage of legal services in many non-metropolitan areas.¹ Addressing this decline is important for two reasons: first, attracting and retaining professional people to live and work within RRR communities is essential to sustainable, healthy communities;² and second, in halting the decline on access to justice for people living in these communities. For present purposes, RRR areas are those located outside of the major capital cities and metropolitan suburbs.

The 2009 Senate Inquiry into Access to Justice confirmed that the lack of legal practitioners willing to work in RRR areas is a 'fundamental problem'.³ Lawyers are important to RRR areas as they carry out a large amount of legal aid work, proportionally more than their city counterparts.⁴ They also undertake significant pro bono and voluntary work within their communities.⁵ It is well documented that RRR communities already face a relative lack of access to legal services.⁶ Some argue that people living in RRR areas are not able to exercise their legal rights in the same way as those living in metropolitan areas due to 'the smaller number of private firms, lack of readily accessible legal aid offices, lack of community legal centres and the increased costs associated with accessing these services'.⁷

As public and private services withdraw from RRR areas, fewer options exist to meet the continuing need for legal assistance and representation in these communities. Instead, the lack of publicly funded legal services and the decline in private solicitors inevitably leads to increased numbers of self-represented litigants and a greater reliance on telephone and intermittent outreach services to meet legal need. When legal representation is unavailable to litigants, 'the integrity of the justice system is challenged'.⁸

Identifying the precise extent of the decline is more difficult. The most reliable and comprehensive data is published by the NSW Law Society. As at October 2008 their figures indicate that there were 2877 solicitors working in 'rural areas' of NSW, the overwhelming majority of whom (2471) were employed in private practice.⁹ Next are solicitors in government (308)¹⁰ followed by corporate practice (98).¹¹ Statistical data confirms that since 1988 there has been a steady decline in the proportion of solicitors practising in rural NSW, down from 16.7 per cent to

13 per cent of all lawyers in practice in NSW.¹² It also appears that most rural practitioners are aged 45 years and over and that as many as one third will retire in the next decade.¹³

A recent national survey of RRR legal practitioners confirms that these trends are replicated across other states and territories.¹⁴ In particular, the survey found that 43 per cent of principals in RRR Australia who responded to the survey (242) indicated that their practice has insufficient numbers of lawyers to serve the legal needs of their client base.¹⁵ This response was highest in Northern Territory (71 per cent), South Australia (67 per cent) and Queensland (49 per cent).¹⁶ It also found that this situation is likely to get significantly worse because a large number of legal practitioners, many of who are sole practitioners, intend to retire in the next five to ten years.¹⁷ In addition, it found that 42 per cent of practitioners do not intend to practise law in five years' time and that many young lawyers are intending to leave their work in RRR areas to seek better remuneration or work in the city.¹⁸ Succession planning (71 per cent), attracting additional lawyers (58 per cent) and attracting replacement lawyers (51 per cent) were found to be the biggest concern of the principal lawyers surveyed.¹⁹

In response to these problems, the Law Council of Australia has recently recommended a range of strategies, including consideration of a Higher Education Contribution Scheme ('HECS') Rebate targeted at new law graduates who agree to undertake work in a RRR area.²⁰ This article documents the findings of an empirical study which surveyed three cohorts of post graduate students undertaking Practical Legal Training ('PLT')²¹ across two Queensland universities. The study surveyed the levels and effects of HECS debt on graduate employment choices as well as canvassing potential uptake of a HECS Rebate Scheme ('HRS'). The article concludes that an HRS is unlikely to offer an effective long-term solution to the recruitment and retention problems faced by RRR communities. This present research contributes to this important debate and offers some comment on the effectiveness of an HRS as a recruitment and retention strategy.

Survey of practical legal training students

A questionnaire was administered to a total of 18 post graduate students undertaking their PLT in second semester 2009. The purpose of the questionnaire was to gather information from new law graduates about the extent to which their HECS debt impacts their legal

REFERENCES

1. See, eg, Urbis Keys Young, *2008 Profile of the Solicitors of NSW* (2009) 15; Legal Aid Commission of NSW, *Review of the NSW Community Legal Centres Funding Program Final Report* (2006); Glenn Ferguson, 'Bush lawyers – the problem facing regional and rural Queensland' (2004) *Dec Proctor*. Also see Trish Mundy, 'Attracting and Retaining Lawyers: a problem for rural, regional and remote communities' (2009) 34(1) *Alternative Law Journal* 32, for additional analysis on the nature and extent of the problem.
2. Standing Committee on Regional Development, *Attracting and Retaining Skilled People in Regional Australia: A Practitioner's Guide* (2004) 1.
3. Senate Legal and Constitutional Affairs References Committee, Parliament of Australia, *Access to Justice* (2009) [2.104].
4. Law Council of Australia and Law Institute of Victoria, *Report into the Rural, Regional and Remote Areas Lawyers Survey*, July 2009, 6. The report also notes that '51 per cent of respondents indicated that their firm accepted legally aided matters. Of those firms, the majority (50 per cent) dealt with more than 30 cases per year.'
5. Ibid 16. The report notes that more than 64 per cent of respondents indicated that their firm undertakes pro bono work and 71 per cent undertake other unpaid voluntary work within their area.
6. See, eg, key reports such as Senate Legal and Constitutional References Committee, above n 3; Senate Legal and Constitutional References Committee, Parliament of Australia, *Legal Aid and Access to Justice* (2004) 113–136, and references to submission therein; Louis Schetzer and Judith Henderson, *Access to Justice and Legal Needs: a Project to Identify Legal Needs, Pathways and Barriers for People in NSW, Stage 1: Public Consultations* (2003) [2.281].
7. Law Council of Australia, *Erosion of Legal Representation in the Australian Justice System* (2004) 6.
8. Bob Gotterson, *Erosion of legal representation harming the justice system* (2004).
9. Urbis Keys Young, above n 1, 1.

10. Ibid 27. Please note, 'Government' includes lawyers working in 'community legal centres' and Indigenous legal services.
11. Ibid 29.
12. Ibid 15.
13. Kim Cull, Law Society of NSW, 'Young rural solicitors in decline: new blood needed in bush' (Press Release, 8 February 2002).
14. Law Council of Australia and Law Institute of Victoria, above n 5.
15. Ibid 17.
16. Ibid 18.
17. Ibid 5.
18. Ibid.
19. Ibid 19.
20. Law Council of Australia, *Funding for Recruitment and Retention of Legal Practitioners to Rural, Regional and Remote areas 2009–2010 Federal Budget* (2009).
21. To be eligible to apply for admission as a legal practitioner in Queensland, applicants must have completed an approved law degree as well as undertaken a course of practical legal training (PLT) or a traineeship in accordance with the *Legal Profession Act 2004* (Qld) and the *Supreme Court (Legal Practitioner Admission) Rules 2004* (Qld). PLT students study a range of subjects such as Trust Accounting, Civil Litigation, Property Law Practice and cover a range of lawyering skills including drafting, advocacy, negotiation, legal writing and client interviewing.
22. The average law student will accrue around \$34 708 in HECS fees in their undergraduate degree. See Universities Admission <uac.edu.au/undergraduate/fees/costs.shtml> at 7 January 2009. For some students there is an additional cost for the compulsory Practical Legal Training, at an average price of \$6850.

practice choices, the factors which are most important to them in deciding the geographical location of a graduate position, and to gauge the potential uptake of a HECS Rebate Scheme.

PLT students were identified as an appropriate group for canvassing these issues as all are either about to move into legal practice or presently considering graduate employment opportunities and are obvious targets for any potential HRS program. The students recruited were those undertaking their PLT program at Griffith University's Legal Practice Centre (both Gold Coast and South Bank campuses) and Bond University's Professional Practice Centre.

PLT students were asked a series of set questions and were also offered the opportunity to make additional comments. The questionnaires were administered by the author following attendance at the relevant PLT location on each campus. The students were informed of the purpose of the research and advised that their participation was entirely voluntary. The survey took approximately 10 to 15 minutes to complete. A box was placed in a visible location at the front of the room into which students placed their survey form.

A total of 18 PLT students completed the questionnaire. Fourteen (78 per cent) were aged under 25 years; two (11 per cent) were aged 25 to 30 years; one was between 41 and 50 years (5.5 per cent) and one was aged over 50 years (5.5 per cent). Thirteen of the students (72 per cent) surveyed were female; five (28 per cent) were male.

The findings

There were three major findings of the research: first, an HRS is unlikely to be an effective longer-term strategy to address the recruitment and retention problems in RRR areas; second, 'family considerations' are the most important factors in determining the geographical location of a graduate position; and third, that harnessing and supporting existing ties to RRR communities is likely to be a highly effective recruitment and retention strategy, particularly for rural and remote communities. Each of these findings is discussed below.

HECS Rebate unlikely as an effective longer-term strategy

The PLT students surveyed were asked about their current levels of HECS debt and the extent to which this debt influenced their decision-making about any aspect of their graduate employment options. Most (8 or 45 per cent) indicated that they had a HECS debt of between \$20 001 and \$40 000. This sum represents the average debt a law student will accrue in the course of their undergraduate law degree.²²

Three students (16.5 per cent) had a debt of \$40 001 to \$80 000 and a further three students (16.5 per cent) had a debt of \$80 000 or more. This would likely indicate that they had completed a double-degree programme. Two students (11 per cent) each had a debt of between \$0 to \$5000 and one student (5.5 per cent) had a debt of \$5 001 to \$20 000, suggesting that these students

had paid some or all of their HECS fees on an 'up front' basis. One student did not provide an estimate.

Respondents were then asked to indicate whether their level of HECS debt had affected, or would affect, any aspect of their decision-making about their graduate employment options. Nine (50 per cent) students indicated that their debt would have 'no effect' while six (33.5 per cent) stated that it would have 'somewhat' of an effect. Of the 18 students, only three (16.5 per cent) indicated that it would 'significantly' affect their decision-making.

There did not appear to be a strong correlation between the levels of graduate debt and the extent to which it influenced decision-making. Those respondents who stated that their HECS debt had no effect on their decision-making had debt levels ranging from \$0 to over \$80 000. Specifically, two respondents had debt levels of \$0 to \$5 000; one between \$5001 and \$20 000; five between \$20 001 to \$40 000 and one student had a HECS debt of over \$80 000. Of those who indicated their debt would have 'somewhat' of an effect, one student had a debt of between \$20 001 to \$40 000; three between \$40 001 to \$80 000 and one student with \$80 000 and above. Of those who indicated it would 'significantly' affect their decision-making, two had debts between \$20 001 to \$40 000 and one had a debt of over \$80 000. The above figures are represented in the following table:

Table 1:
Effects of HECS debt on graduate decision-making

Debt level	No effect	Somewhat affect	Significantly affect	Completely affect	Total
\$0-\$5000	2	0	0	0	2
\$5001-\$20 000	1	0	0	0	1
\$20 001-\$40 000	5	1	2	0	8
\$40 001-\$80 000	0	3	0	0	3
Above \$80 000	1	1	1	0	3
Unknown	0	1	0	0	1
	9	6	3	0	18

Table 1: For half of all PLT students surveyed, their level of HECS debt had 'no effect' on their decision-making about graduate employment options.

While there is no firm correlation between debt levels and decision-making for most graduates, HECS debt was clearly material for some. All three of the students who indicated that their debt would 'significantly affect' their decision-making stated that the primary way in which it would affect them related to a perceived need to focus on the salary levels offered in a prospective graduate position with the desire to pay off their debt as soon as possible. Their comments were:

'With a HECS debt of around \$35 000 to \$40 000 it is certainly a consideration when applying for jobs. It makes me look at the salary of jobs more closely — I don't want to take a job with too low a salary because it will make it hard to pay back the debt.'

'\$34K is a significant debt to start my working life with. I want to start on a good salary so I can pay off my HECS

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debt and other debts that have stemmed from being a uni student, ie credit card.

I have invested a lot of time and money in obtaining my qualifications. I need to ensure that I make good use of this investment, and if I can't get a job on the Gold Coast because of competitiveness and the economic/employment crisis then I would definitely take a job in a regional place.

Of the six students who indicated that their level of HECS debt would have 'somewhat' of an effect, most (83 per cent) also identified the importance of salary levels and the desire to pay off the debt as soon as possible, with similar comments to those above. The distinction between those 'significantly' and 'somewhat' affected is perhaps a matter of degree and can be reflected in the comment of one student who stated that, '[W]hile I want to pay off my debt quickly I do not want to take a job that I would be unhappy doing.'

In order to gauge the potential uptake and impact of such an HRS, graduates were asked to consider whether, if given the opportunity to have all or part of their HECS debt waived (or, in cases where students had paid fees 'up-front', the opportunity to have it paid back to them), they would work for a specified period in an RRR area. When asking students about their potential uptake of a HRS, the survey prompted them to consider the option of a one fifth HECS fee refund for each 12 months worked in an RRR area, a figure modelled on the current level of rebate offered in medicine.

Only three students (16.5 per cent) indicated that they would 'definitely' take up an HRS. Most (10 or 56 per cent) responded that they would 'for a year or two' only. One (5.5 per cent) student stated they would not do so 'under any circumstances'. A further student was 'not sure' (5.5 per cent) while three selected the option of 'Other'. Of those students, one stated that they 'might consider doing so but only after I had worked for a few years in the city' while the remaining two students stated that one fifth of HECS fees rebated would not be a sufficient incentive for them to want to go to an RRR area. Student comments on the level of rebate were:

I /5 is not much of an incentive.

The incentive isn't quite enough [to compensate for] the lifestyle detriment and limited contacts.

These findings suggest that even if an HRS were offered, it potentially would effect only a short-term solution as most graduates would remain in the RRR area for a year or two and then leave.

It is possible however that the proportion of students who would 'definitely' take up an HRS incentive is enough to meet the overall legal needs of RRR communities (although the extent to which remote communities might equally benefit is less clear²³). For instance, the recent *Rural, Regional and Remote Area Lawyers Survey* estimated that an additional 74 legal practitioners were required to serve the legal needs of RRR communities in Queensland.²⁴ This represents an average of 1.8 practitioners per firm. Across Australia it was estimated that an additional 476 legal practitioners were required,²⁵ representing an average of 2.3 practitioners per firm. Of course, these figures reflect only the estimates of those principal lawyers who responded to the survey, but they do provide some assistance.

It is also important to consider whether the provision of financial incentives alone can achieve retention of practitioners. There is a real need not just to attract lawyers but to retain them in the medium to longer-term, otherwise significant time, money and resources are wasted on a continuous recruitment cycle.

The limits of financial incentives can be highlighted by the Regional Solicitors Program ('RSP') introduced by Legal Aid Queensland ('LAQ') in 2004. The program aims to address the departure of 'preferred suppliers' in regional Queensland due to recruitment and retention difficulties as well as to encourage new graduates to work in regional areas.²⁶

The RSP is open to law graduates who have completed, or are about to begin, a PLT program. It is marketed through Queensland's law schools.²⁷ The graduate is placed in a private law firm located in an area of regional Queensland in which there are insufficient preferred legal aid suppliers. LAQ pays the graduate's PLT course fee and up to 75 per cent of a wage subsidy is paid to the employer. In exchange, the graduate is to work in the firm for at least two years. The subsidy is proportional to the amount of legal aid work undertaken by the firm. The remainder is paid by the employer firm. The starting salary for graduates is \$50 000.²⁸

An evaluation of the RSP undertaken in June 2007 found that the average length of a placement was only 18.8 months at an average cost of \$50 373. Of the 13 placements made at that time only three placements were continuing and 10 were no longer working with the firm (7 terminated during placement; 3 terminated after placement). The reasons given for termination included: unsatisfactory performance of the graduate, a change in the firm's 'business direction', dissatisfaction

23. Of the three students who indicated they would 'definitely' take up an HRS, only one identified a remote location as desirable.

24. Law Council of Australia and Law Institute of Victoria, above n 5, 37.

25. Ibid.

26. Dorothy Adams, *Review of the Regional Solicitor Scheme* (2007) 8.

27. Fiona Guthrie and Shirley Watters, *Evaluation of the Regional Solicitor Program*, Legal Aid Queensland (2005) 2.

28. Legal Aid Queensland, *About the Regional Solicitor Program* (2009) Legal Aid Queensland <legalaid.qld.gov.au/careers/Regional-Solicitor-Program/Pages/About-the-Regional-Solicitor-Program.aspx> at 13 April 2010. Note, the evaluation undertaken by Guthrie and Watters is based on an older starting salary of \$40 000.

of the graduate with workload, graduate's feeling of isolation from their family and graduate having accepted a promotional opportunity elsewhere.²⁹

The evaluation report concluded by offering several 'lessons' learnt from the program. These need to be considered if governments and other stakeholders are serious about identifying 'what works' to retain graduates in these RRR areas. These lessons include: the need for greater support for graduates to help them respond positively to the challenges of relocation (seen as the most significant factor in the likelihood of the graduate remaining in the firm); the availability of peer support within the firm or region; and clearer expectations of firms concerning graduate workloads, training and supervisory obligations.³⁰

When considering the findings that HECS debt appears not to be a correlative factor for most graduates when making decisions about their graduate employment and that most who would take up a HRS would do so for a year or two only, the author concludes that a HRS is unlikely to be an effective longer-term recruitment and retention strategy.

'Family considerations' most important factors

Respondents were asked to identify the most important factors for them in deciding the geographical location of a graduate position. The most common factors cited were: family considerations (83 per cent), proximity to services (39 per cent), lifestyle (27.5 per cent), whether the job itself was 'right' for them (22 per cent), the cost of living in RRR area (16.5 per cent), availability of accommodation/housing (16.5 per cent), adequate transport services (11 per cent), moving expenses (11 per cent), salary (11 per cent), moving away from friends (11 per cent) and the availability of 'good schools' and support networks for one's children (5.5 per cent).

'Family considerations' included proximity to one's family, a partner's willingness to move with them away from family and the availability of employment for one's partner. 'Lifestyle' related to the graduate's preference for regional or coastal living, 'liveability' and ease of lifestyle, and the extent to which an area offered adequate restaurants, nightlife and entertainment facilities. It is likely that 'proximity to services' overlaps with many of the aspects identified as 'lifestyle' factors.

The importance of 'family' to the graduates surveyed is consistent with both anecdotal evidence and other research findings which indicate that this is a significant factor affecting a lawyer's decision to accept a position in a RRR area and their long-term commitment to remain there. Research conducted by Miles et al into the problem of attracting and retaining professionals in RRR areas of Queensland, found that the key attraction and retention factors are availability of social and support networks for family members, appropriate jobs for partners, and education for children.³¹

Harnessing and supporting existing ties to RRR communities

The PLT students surveyed were asked to indicate the geographical location(s) in which they would

consider taking up a graduate position. On one level the survey results are quite positive in that they show that 7 (39 per cent) of the 18 students would consider taking up a position in a regional (33.5 per cent), rural (22 per cent) or remote (5.5 per cent) area of Queensland. What was problematic, however, was that these responses also bear out one critical theme in recruitment and retention problems: that the further inland we advance, the less willing professionals are to go there.

This trend toward inland decline and major shifts to city and coastal regions is reflected right across the broader Australian population and the professions more generally.³² A 2008 'mapping project' found that not only is there an overall decline in the proportion of legal practitioners outside city and metropolitan NSW in the last decade, there has been a significant movement of private solicitors away from inland areas and an influx to coastal areas of the state.³³

The PLT students surveyed were also asked to indicate whether they had ever lived in an RRR area of Australia (other than the Gold Coast region) for more than a 12 month period. Seven students (39 per cent) responded 'Yes' while eleven (61 per cent) students responded 'No'. Four of the students (57 per cent) who had previously lived in an RRR area indicated that they would consider taking up a graduate position in a rural or remote area. Conversely, none of the students without these RRR ties indicated a willingness to do so, identifying only regional Australia as their desired destination for a graduate position. This suggests that an RRR background has the far greater potential of leading to rural or remote practice and, therefore, benefit those geographical areas in greatest need. The above figures are represented in the following table:

Table 2: RRR location and PLT graduates' RRR ties

	Willing to take up graduate position in regional area	Willing to take up graduate position in rural area	Willing to take up graduate position in remote area
Have lived in RRR area for more than 12 months	3	4	1
Have not lived in RRR area for more than 12 months	3	0	0

Table 2: Students who had lived in an RRR area for more than 12 months were far more likely to consider taking up a graduate position in a rural or remote area while none of the students without RRR ties would do so.

These conclusions are supported by the comments of two students with RRR ties which reveal a desire and commitment to working in an RRR area regardless of any financial incentive offered. They stated:

My father is a remote area doctor and as such I am aware that remote services are neglected in the area of law, healthcare and education. I feel that all graduate students should do remote placement.

...I would rather work in regional/rural locations no matter what the incentive.

29. Adams, above n 26, 12.

30. Ibid 19–20.

31. Robert L Miles et al, *Attraction and Retention of Professionals to Regional Areas*, Queensland Department of State Development and Innovation (2004).

32. Australian Bureau of Statistics, *Regional Population Growth Australia 3218.0, 1996 to 2006* (2007) 4.

33. Simon Rice, 'Rural access to private lawyers' (Working Paper, Australian National University, 2008). Rice has analysed data collected by the Law Society of NSW and mapped the movement and gender distribution of private sector lawyers in rural NSW over the past two decades.

[The survey] found that 42 per cent of practitioners do not intend to practise law in five years' time and that many young lawyers are intending to leave their work in RRR areas to seek better remuneration or work in the city.

These findings are consistent with a range of professional literature (including educational, medical, and nursing), which draw 'positive associations' between one's earlier experiences of a rural lifestyle and their subsequent employment in a rural area.³⁴ They suggest that, to be effective in rural and more remote communities, lawyer recruitment and retention strategies will need to harness and support the links between a person's ties to an RRR area and their willingness to undertake legal practice in a RRR area.

Such strategies might include encouraging governments, universities and professional bodies to consider what more can be done to attract and support RRR students in the study of law (by way of scholarship and subsidy schemes) and to consider what additional resources need to be targeted to regional universities offering programs in law.³⁵ This link between rural education and rural practice is supported by research findings across the medical and nursing professions and key research literature in the educational realm.³⁶

There are a number of potential barriers to increasing RRR participation in law, including socio-economic³⁷ and educational disadvantage.³⁸ The Australasian Law Students' Association ('ALSA'), the peak representative body of Australian law students, has identified that people from regional backgrounds may be deterred from entering law school due to the additional educational costs associated with relocation and accommodation.³⁹ While there has been recent and beneficial changes to Youth Allowance and the Commonwealth Scholarship program – in particular, through an expanded eligibility criteria⁴⁰ and 'student start up' and 'relocation' scholarships,⁴¹ the extent to which these will alleviate participation barriers is yet to be seen. ALSA remains concerned about the 'strict criteria' for eligibility⁴² and when combined with other factors such as the higher HECS band,⁴³ may still deter RRR students from undertaking law studies.⁴⁴

In addition, increasing opportunity for student placement in RRR areas may offer another effective strategy. Literature supports the need for greater encouragement and availability of 'summer vacation work'⁴⁵ and 'summer clerkships'.⁴⁶ As a recruitment strategy, the provision of rural clinical placement experiences has also been shown to have a positive influence on the recruitment of health professionals to rural areas.⁴⁷

There have been two interesting initiatives in the area of RRR placements: the 'Regional Summer Clerkships

Project' ('RSCP') and the 'Law Graduates for CLCs in Regional Areas Project' ('Regional CLCs Project'). The RSCP was an initiative of the Albury Wodonga Community Legal Centre and supported by the Victoria Law Foundation and LaTrobe University Law School. The Project provided 56 undergraduate law students with a 3 to 6 month placement in regional law practices with a view to enhancing the recruitment and retention of young lawyers in regional areas.⁴⁸ The key objectives included 'expos[ing] students to positive rural lifestyle experiences' and educating students about the diversity of rural/regional legal practice.⁴⁹

Entry into the Clerkship project favoured students who had some pre-existing ties to the country or who expressed a desire to practice in a regional area.⁵⁰ Throughout the placement students were supported through regular meetings with other young lawyers or law clerks in their town or region. These were designed to address the isolation of rural/regional practice and help young people integrate into their communities.⁵¹

The evaluation found that, for many students, their interest in country practice was reaffirmed.⁵² At the same time, students did identify the challenge of social isolation which accompanied their practical experience.⁵³ Such an RRR experience, though, can arm students with foresight, greater networking tools and the increased confidence to address the challenges of isolation.

The 'Regional CLCs Project' was developed by the National Association of Community Legal Centres ('NACLC'), in recognition of the difficulties faced by Community Legal Centres in RRR areas to attract and retain lawyers, encouraging law graduates to work in regional CLCs as part of their Practical Legal Training placement.

The project aims to support law graduates who are already living in RRR areas with the ultimate aim to 'increase the number of law graduates who elect to remain and work as lawyers in regional areas'.⁵⁴ This has obvious benefits for the student who satisfies their PLT placement requirement while also offering some meaningful assistance to regional CLCs which often struggle to attract suitable legal staff. Encouraging regional placements also has the advantage of providing students with a positive experience of regional/rural life and thereby encourages more law students to consider regional CLCs (and RRR practice generally) as a viable career option.

NACLC, in partnership with the ANU Legal Workshop, is currently undertaking a pilot program

34. Mary Courtney et al, 'The impact of a rural clinical placement on student nurses employment intentions' (2002) 9(1) *The Collegian* 12–18; Danette Wood, 'Effects of educational focus on a graduate nurse's initial choice of practice area', (1998) 14(4), *Journal of Professional Nursing* 214–9; Colin Boylan and David McSwan, 'Long-staying rural teachers: Who are they?', (1998) 42(1), *Australian Journal of Education* 49.

35. These are consistent with current LCA proposals: Law Council of Australia, 'Recruitment Strategies that Stay the Distance' (2009) 3 *Australasian Law Management Journal* 2.

36. Deborah Schofield et al, 'Decision criteria in health professionals choosing a rural practice setting: development of Careers in Rural Health Tracking Survey' (2007) 7(666) *Rural and Remote Health* <rrh.org.au/publishedarticles/article_print_666.pdf> at 13 April 2010; Jeanette Hacket, 'Outreach should be rewarded', *The Australian* (Sydney), 13 February 2008, 38.

37. Louis Schetzer and Judith Henderson, above n 6.

38. Hacket, above n 36. Note reference to statistics which show that people in regional Australia have a university participation rate of 18 per cent compared to metropolitan participation rates of 28 per cent.

39. Australasian Law Students' Association ('ALSA'), *Submission to Department of Education, Employment and Workplace Relations – Scholarships for a Competitive Future* (2008) <als.a.net.au/education/submissions/cat_view/87-submissions/91-2008-submissions> at 13 April 2010.

40. The expanded eligibility criteria includes an increase in the parenting income threshold (from \$33 300 to \$44 165), the personal income threshold (from \$236 to \$400 per week) and a lowering of the age of independence (from 25 to 22 years). See for details, <deewr.gov.au/highereducation/programs/youthallowance/Pages/default.aspx> at 14 May 2010.

involving PLT placements in RRR CLCs. The pilot involves the ANU working with CLCs to establish and sustain placements, provide mentoring and support for students and provide a scholarship fund to assist student participation.⁵⁵

Conclusion

A major finding of the research suggests that an HRS is not likely to be an effective strategy to address the recruitment and retention problems faced by RRR communities. For most PLT students surveyed, their HECS debt was not a significant factor in their decision-making about graduate employment. While it is certainly an attractive option for some, the research shows that most students who would take up an HRS would do so for a year or two only and see it almost exclusively as a vehicle for quicker payment of their HECS fees rather than having any real commitment to, or interest in, RRR practice. Further research with a larger sample size may be useful in gaining more insight into these important links.

The other major finding suggests that harnessing the interest of students with RRR ties to return 'to the bush', and supporting those people into the practice of law is likely to be a highly effective recruitment and retention strategy. Such strategies might include attracting and supporting RRR students in the study of law (by way of scholarship and subsidy schemes) and allocating more resources to regional universities offering programs in law. Increasing opportunities for student clinical placement in RRR areas may also positively influence rates of recruitment and retention.

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41. All university students receiving student income support are eligible to receive the scholarship amount for up to four years. In 2010 this is valued at \$1300, increasing to \$2128 in 2011. The Relocation scholarship is valued at \$4 000 in the first year and \$1 000 in subsequent years. See DEEWR for details.

42. Australasian Law Students' Association (ALSA), *A win for regional, rural and remote university students* <alsanet.au/media/-/media-releases/166-a-win-for-regional-rural-and-remote-students> at 14 May 2010.

43. Law students currently contribute 80.5 per cent of their course costs compared to Education (37.5 per cent), Science (31.8 per cent) Medicine (30.4 per cent) and Engineering (31.4 per cent) students.

44. ALSA, above n 39.

45. Melinda Brown, 'A Country Practice' (2000) 74(9) *Law Institute Journal* 15.

46. Helen McGowan, *Lawyers Go Bush, Regional Summer Clerkship Project 2005–2006* (2006) 4.

47. Mary Courtney et al, above n 34.

48. Helen McGowan, above n 46. The project focused on three areas of regional Victoria: Bendigo, Goulburn Valley and North East of Victoria.

49. Ibid.

50. Ibid 11.

51. Ibid 6.

52. Ibid 11.

53. Ibid 11.

54. National Association of Community Legal Centres, *Project Proposal, Law Graduates for CLCs in Regional Areas, March 2008–March 2012, Year One: Feasibility Study* (2008).

55. Pilot Program is from 1 January 2009–30 July 2010 National Association of Community Legal Centres, *Pilot Program — A partnership with ANU College of Law Legal Workshop* (2009) Law Graduates for CLCs in Rural Australia <lawgraduatesrrclc.com.au/pilot_program.html> at 6 January 2010.

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