



... to the second special edition of the International Journal of Rural Law and Policy. This edition contains a selection of papers and abstracts of presentations made at the Second National Rural and Regional Law and Justice Conference, held in Coffs Harbour, New South Wales, 8-20 May 2012, and hosted jointly by the University of New England and Deakin University. The conference brought together scholars from a range of disciplines concerned with the impact of legal doctrine and policy on rural and regional people, and their communities. A subject matter that is consistent with the aims of this journal.

As with the First National Rural and Regional Law and Justice Conference held in Warrnambool in 2010, the second conference brought together nearly 100 practitioners, academic researchers, policy makers, service providers and non-government organisations to consider and discuss the law and justice issues confronting rural and regional Australia. The second national conference aimed to:

- Share knowledge among those with different professional backgrounds and concerns, but a shared interest in the future of rural and regional Australia;
- Critically analyse issues and problems;
- Develop practical strategies for delivering greater social justice for rural and regional communities.

Professor Kim Economides from Flinders Law School delivered the opening keynote address. He challenged those present to think about the spatial assumptions embedded in current legal theory, education and practice. He particularly challenged the assumption that access to the law applies equally regardless of location or status. He noted that 'rurality' and 'regionality' add distinct contextual dimensions to law and justice issues for rural and regional communities. Such communities experience many of the same legal issues as their metropolitan counterparts but their access to and delivery of justice is quite different. Professor Economides argued that there is a need to be aware of this important context when considering rural and regional law and policy. Professor Economides' presentation is published in full in this edition of the journal.

Steve Mark, the NSW Legal Services Commissioner, highlighted the ethical challenges facing practitioners in rural, regional and remote (RRR) areas in a stimulating hypothetical. This session explored the ethical implications of conflicts of interest, duty and loyalty through situations where professional duties required actions that a practitioner might otherwise consider immoral.

Also thought-provoking was the address by the Conference guest speaker, Jim Hightower, the controversial author and rural affairs commentator from the USA. The two-times Texas Agricultural Commissioner delivered an animated and enlightening speech about some of the challenges faced by rural communities, including tensions between mining and farming.

Jack Beetson provided an even more challenging perspective to rural law and justice in his keynote address by speaking from his personal experiences as an Aboriginal person from a rural community.

In a third keynote address, Paul Cleary explored the impact of the mining boom on rural, regional and remote communities in Australia. He pointed out that the benefits of the current Australian mining boom are distorted towards metropolitan areas. Past mining booms have significantly benefited the regions in which the mines were located. The advent of mobile, fly-in fly-out (FIFO) workforces are not only limiting a benefits flow to mining regions, they are adversely affecting those regions, resulting in significant law and justice issues. Paul Cleary has included a paper on the impact of FIFO in this edition of the journal.

Other presentations at the conference covered a range of issues:

- **Legal Education and Rural Communities.** These presentations discussed the available legal education strategies, which would better prepare students for careers in RRR Australia; there are possible innovations at undergraduate and postgraduate levels. The presentations explored how students could be engaged with the unique RRR experiences at different stages of their student journey.
- **Rural Services and Rural Opportunity.** With critical issues facing rural justice services comes opportunities for new approaches to meeting the challenges. This theme considered such issues as



inter-generational change and innovation in the supply side of skills in rural communities, including methods to attract and retain employees in rural and regional legal practice.

- ***Borders, Boundaries and Rural Law***. Papers presented within this theme invited people to consider the need for flexibility in the delivery of justice. They argued that there is a need to realise that the formal and informal boundaries - including the impact of uniform legislation - can result in different outcomes for rural and regional areas compared to metropolitan areas.
- ***Managing Rural Conflict***. This theme considered the emerging issues of rural conflict, including rural land use conflict (such as mining and extraction in agricultural areas), Indigenous disputes, domestic violence and the circumstances of other crimes within the RRR context. Presenters explored models of rural conflict resolution, including restorative practices in rural communities.
- ***Legal Services and Legal Practice in Rural Communities***. Access to legal services in RRR areas, was the subject of three presentations. Succession planning within RRR practices and the sustainability of practice in these areas is an issue of increasing concern for the legal profession, as is professional development. There are steps being taken to address these problems. Significantly, use of technology is being considered as one means for overcoming access issues for RRR communities but there are ethical challenges that need to be overcome.
- ***Law and Rural Social License***. A current popular topic is the link between the formal structures of the law and informal social arrangements. Papers within this theme considered how the law could engage with such informal arrangements (including co-regulatory arrangements) in the rural context.
- ***Indigenous Inclusion***. Under this theme the issues considered were those challenges facing Indigenous communities in RRR areas. The papers reconceptualised Indigenous issues as connected to the communities in which they are situated.

The papers published in this special edition of the *International Journal of Rural Law and Policy* represent a cross-section of the above themes; they illustrate the diverse law and justice issues experienced in RRR areas.

Apart from the papers by Professor Kim Economides and Paul Cleary, already discussed above, Skye Saunders and Professor Patricia Easteal detail the complex dynamic of sexual harassment in RRR workplaces. They argue that there may be special barriers to disclosure that affect employees in RRR areas. Trish Mundy's paper examines student attitudes to and perceptions of legal practice in RRR communities. Trish Mundy discusses the urban-centric nature of legal education and challenges law schools to be more rurally inclusive through embedding 'place-consciousness' in the law curriculum. Within the ***Legal Services and Legal Practice*** theme, Caroline Hart explores the range of business structures available to rural and regional firms, and discusses opportunities for sustainable and innovative practice. Other papers, not published in this special edition, but as occasional papers in this journal are also relevant to the discussions at the conference.

As already noted, in addition to the full papers published in this issue, the Editorial Committee saw value in including a copy of the conference agenda and abstracts of papers presented. Where possible, we have included details with further information. This reflects the journal's goal to foster high quality research on matters of significance to rural people.

The papers and abstracts contained in this volume highlight the diverse legal issues currently facing legal practitioners and communities in the delivery of and access to legal services in RRR Australia. They touch upon opportunities to resolve these challenges. Overwhelmingly, they signify that there is a need to maintain dialogue on rural law and justice, to continually challenge the urban-centric culture which underpins the delivery of and access to legal services, and they indicate that there is much to be gained by collaborating - both *within* and *across* communities and professions - to find solutions to identified problems. This was also a conclusion of the First National Rural Regional Law and Justice Conference in Warrnambool (2011).


To continually foster the necessary dialogue, and following a resolution at the first national conference in Warrnambool, attendees at the 2012 conference formalised the Rural Regional Law and Justice Alliance. The Alliance's principal purpose is to 'achieve justice and equity in the provision of legal system services and outcomes for all rural Australians'. It brings together representatives from the Law Council of Australia, the Alcohol and Other Drugs Council of Australia, the National Rural Health Alliance, the Australian Youth Affairs Council and several universities. The Alliance intends to work with and advocate for the law and justice needs of rural and regional Australia. Further details on the role and activities of the Alliance and



nomination forms for Alliance membership are available at <http://www.deakin.edu.au/buslaw/law/crrlj/nrlja-background>.

I wish to thank the authors for sharing their contributions with us and continuing the important discourse on rural and regional law and justice. I am also grateful to the external referees and the editorial team (particularly Miriam Verbeek) who have worked hard to produce another stimulating volume.

In closing, I remind readers that the *International Journal of Rural Law and Policy* contains a 'Comment' feature for each published paper and I strongly encourage you to log in and share your views. There is also the opportunity to submit unsolicited papers for review and publication. It remains our hope that by taking advantage of online publishing technologies we will be able to foster an interactive community of scholars interested in rural law and policy.



Amanda Kennedy  
December 2012

