AN ANALYSIS OF LEGAL AID SERVICE DATA: TWO JURISDICTIONAL PROFILES

New South Wales Profile 2018–19
Northern Territory Profile 2020-21

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An analysis of Legal Aid service data: two Jurisdictional Profiles

New South Wales Profile 2018–19
Northern Territory Profile 2020–21

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Contents

Shortened forms

ABS	Australian Bureau of Statistics
AGD	Attorney-General's Department
ATSILS	Aboriginal and Torres Strait Islander Legal Service
AVO	Apprehended Violence Order
CALD	Culturally and Linguistically Diverse
CE	Community education
CLC	Community legal centre
CLE	Community legal education
CPR	Collaborative Planning Resource
DDO	Data Digest Online
DSM	National Legal Assistance Data Standards Manual
ELA	Extended legal assistance
ERP	Estimated Resident Population
FASS	Family Advocacy and Support Service
ICL	Independent Children's Lawyer
ILAP	Indigenous Legal Assistance Program (2015-2020)
LAC	Legal Aid commission
LASDD	Legal Assistance Service Data Digest
LAW	Legal Australia-Wide survey
LGA	Local government area
LOTE	Languages other than English
NLAP	National Legal Assistance Partnership 2020-25
NLAS	Need for Legal Assistance Services
NPA	National Partnership Agreement on Legal Assistance Services (2015-2020)
NTLAC	Northern Territory Legal Aid Commission
SEIFA	Socio-Economic Indexes for Areas

IMPORTANT CONTEXT FOR THIS REPORT

This Legal Aid Jurisdictional Profiles report presents an analysis of service data reported by Legal Aid NSW for the 2018–19 financial year and by the Northern Territory Legal Aid Commission for the 2020–21 financial year.

This report aims to showcase the work of Legal Aid services in meeting the legal needs of the Australian community and especially its most vulnerable members. It also highlights the value of service delivery data as one important piece of the 'information and data' puzzle for legal assistance services. This report does not draw any conclusions about the adequacy or otherwise of Legal Aid service provision. Used in combination with legal need data, service delivery data can assist governments and service providers in improving access to justice for all Australians.

While contextual notes have been added throughout the report to provide a better understanding of service delivery, the report remains focused on service delivery data. This has implications that must be borne in mind when reading this report:

The data does not represent all services delivered
We find service data protocols may not capture all the services provided by Legal Aid to the community. In addition, the structure of data collection protocols often varies between Legal Aid Commissions thereby limiting harmonious comparisons across the jurisdictions. In some cases, services not required to be reported under government funding agreements or not funded by governments may not appear in the data. Further, some information may not be reported in sufficient detail to be included with any consistency in analytical research. Lower intensity services such as information services and referrals may not all be captured and among those that are, the range and extent of details collected often varies, reducing the potential for analysis.

This report focuses only on raw counts of services delivered. It does not attempt to value services rendered in terms of resources expended or outcomes achieved
We do not include any costings or other financial analyses of the resources required to deliver different service types across different circumstances. Therefore, the percentage of services delivered of a specific type does not reflect expenditure on that type of service. While work in the sector is under development to identify and capture outcomes in service data, this analysis does not include any such perspective.

The Foundation recommends against using the counts of services in this report to guide funding decisions without reference to sound legal need data and other contextual information.
This report concerns data derived from counts of services delivered to persons across many communities. In the case of legal assistance administration and planning, these counts are not necessarily an accurate reflection of demand for services. Further, there are notable limitations, issues and relevant contextual factors in relation to using such data. For example, delivery of services to rural and remote communities involves effort and resources beyond that required in more urban settings.

Acknowledgments

Introduction

Legal assistance services National Picture reports

The Law and Justice Foundation of New South Wales (the Foundation) was engaged by the Commonwealth Attorney-General's Department (AGD) to independently analyse the service delivery data reported by the three main legal assistance service providers: Aboriginal and Torres Strait Islander legal services (ATSILSs), Community Legal Centres (CLCs) and Legal Aid Commissions (LACs). The analysis aims to present a picture of the types of legal assistance services provided and the range of clients served across Australia. In doing this, the analysis highlights the complexity of legal assistance service delivery, the different contexts in which service providers operate, as well as a number of challenges legal assistance services face with regard to data collection and reporting.

Following the publication of the *ATSILS National Picture 2018–19* and the *CLC National Picture 2018–19* in November 2020, this paper presents a 'picture' of service delivery in New South Wales (NSW) by Legal Aid NSW and in the Northern Territory (NT) by the Northern Territory Legal Aid Commission (NTLAC). Although relevant and informative as a stand-alone analysis, it is hoped that these jurisdictional profiles can provide a template for similar analyses to be undertaken in other jurisdictions and ultimately pave the way towards the completion of a Legal Aid National Picture.

This report, like the National Pictures, aims to provide a 'lay of the land' account of what service data can or cannot tell us in relation to service delivery and the legal needs that are met with legal assistance services. It explores the potential insights that can be gained from this valuable resource while highlighting challenges and caveats to be aware of.

It is important to note that while the service providers operate in different contexts and areas of law with different target groups (and thus often using different service models), the services they provide nevertheless interrelate, and analyses across providers and across jurisdictions can help piece together a more complete picture of legal assistance service provision.

In the following two sections, we elaborate on some key points about the use and utility of service data, and its limitations, in the broader context of legal needs and service planning.

Service delivery data in the context of legal needs analysis

Role, nature, strengths and limitations of service data

Legal service data provides valuable insights into the targeting and delivery of services – and the nature of the legal needs of the community that are being addressed with legal assistance services. Service data (or 'administrative data'[1] more generally) presents many key advantages for use in the context of legal needs research and service planning.

Service data acts as a record of an organisation's activity: it is routinely collected and captures some information on many, and often most, services provided. This means that data is readily available and large samples can be drawn from it. It can sometimes cover the item or population of interest in its entirety (or close to), for example all **services** delivered or all service **users**, including those that, for a variety of reasons, tend to slip through the net of other data gathering exercises. As service data is collected on an ongoing basis, it not only has the potential to build a solid baseline but is also a valuable resource to explore trends over time and/or the impact of particular changes or events. And of course, all of the above make service data a cost-effective solution to contribute to the development of evidence.

However, all data has limitations. Service data is usually collected for 'administrative' purposes, rather than for research or evaluation purposes, which means that it is not always possible to answer broader, more complex research questions with service data alone. Issues such as accuracy, consistency and completeness impact data and its utility, especially when service data from different organisations are used together to explore sector-wide questions.

Finally, in a financially constrained (i.e. supply is independent of demand) environment, service data provides insights into that portion of the legal need, the demand, that receives services but not about the portion of the legal need that does not. People with legal needs that do not contact a service provider are not recorded in the data. Likewise, those people with legal needs that do contact a legal service provider but who do not receive a service for eligibility, capacity or other reasons, are also not generally recorded in the data.

> **Box 1: Legal need vs service data**
>
> It is important to note that service data does not generally provide a comprehensive or representative picture of legal need. Rather, service data simply reflects services delivered, and this is a function of the resources available and the focus of service providers in targeting specific areas of need within a constrained environment.

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[1] Administrative data is generated by a wide range of activities where the emphasis is on keeping and accumulating records that describe the frequency and magnitude of these activities over set intervals of time.

Box 2: Focus on service counts
The focus of this report is largely on service counts as it aims to provide a snapshot of the service delivery landscape, and a better understanding of varying service delivery models in different contexts. The same client can receive multiple services, and each service provided can relate to multiple problems. Analyses based on service counts, on client counts, or on problem counts, provide valuable insights on service delivery from different angles. For example, client-based analyses might be useful to explore the reach to particular community groups, and problem-based analyses might be useful in better understanding the nature of the portion of legal need that is being met by legal assistance services.[2]

This analysis of service counts also does not include analyses based on resources required to provide different services. These vary substantially between service types. There is, therefore, no implied relationship between numbers or percentages of services delivered and the amount of resources used to provide them.

Legal need of the community

While this report and the National Pictures and Jurisdictional Profiles focus on administrative data and services delivered, the following brief points are provided to help place this analysis in the broad context of the need for legal assistance services.

There is currently no robust measure or indicator of the extent of legal need, identified by various geographical areas (SA1-4, suburb, post code, LGA), in Australia.

- Large scale legal needs surveys provide the only representative way of identifying the extent and prevalence of legal need in the community, the particular vulnerability of different groups to legal problems, and their responses when faced with legal problems. But these surveys generally cannot provide reliable numbers for smaller geographical areas cost effectively.
- While Census data provides reliable population counts in the smallest geographies, population counts do not themselves identify people more likely to need legal assistance.
- Indicators of socio-economic disadvantage such as Socio-Economic Indexes for Areas (SEIFA) describe the level of disadvantage of an area, but do not provide a count of disadvantaged people, and such indicators use criteria that do not necessarily align with legal need.

The Foundation's *Legal Australia-Wide (LAW) Survey* still provides the best general insight into the legal needs of the community.[3] Combined with the findings of other legal need surveys

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[2] Where possible, some elements of client-based and problem-based analyses have been included in the NTLAC Profile to illustrate further insights that can be gained from administrative data.

[3] Coumarelos, C, Macourt, D, People, J, MacDonald, HM, Wei, Z, Iriana, R & Ramsey, S 2012, Legal Australia-Wide Survey: legal need in Australia, Law and Justice Foundation of NSW, Sydney.

in other jurisdictions[4] as well as other legal needs research, it highlights the particular vulnerabilities of people facing disadvantage who experience a range of legal problems and lack the capability to effectively resolve them.[5]

The insights gained from this Australian and international legal needs research, particularly around the relationships between demographic characteristics and legal need, allow us to use other readily available and reliable data to better understand the nature and distribution of legal needs. This other data includes a range of official[6] and other administrative data, from census-based data through to state and local government demographic information to local qualitative assessment.

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[4] Over the last 25 years more than 55 large-scale stand-alone national legal needs surveys of individual have been conducted in more than 30 jurisdictions. See OECD/OSJI Legal Needs Surveys and Access to Justice, 2018 https://www.oecd.org/governance/legal-needs-surveys-and-access-to-justice-g2g9a36c-en.htm

[5] Pleasence, P, Coumarelos, C, Forell, S & McDonald, HM 2014, Reshaping legal assistance services: building on the evidence base: a discussion paper, Law and Justice Foundation of NSW, Sydney.

[6] Official data includes, for example, Census and other collections by the Australian Bureau of Statistics, or data held by other Government agencies such as Social Services.

Scope and context of this analysis

National Partnership Agreements on Legal Assistance Services

A period of ongoing reforms to the legal assistance sector saw the creation in 2010 of the first *National Partnership Agreement on Legal Assistance Services (2010-2015*) (NPA), and then, in 2015, the implementation of a suite of national legal assistance policies including the *National Strategic Framework for Legal Assistance 2015–20*, the *Indigenous Legal Assistance Program 2015–20* (ILAP), the second *National Partnership Agreement on Legal Assistance Services (2015–2020)* and the *National Legal Assistance Data Standards Manual* (DSM). The 2015–20 NPA established a new priority client framework and new legal assistance service recording and reporting requirements implementing the DSM. In 2020, the *National Legal Assistance Partnership 2020–2025* (NLAP) was implemented and replaced both the previous ILAP and NPA.

Over the two distinct data periods covered by this report, the Australian Federal Government contributed funding for Legal Aid services through the NPA 2015–2020 and the NLAP 2020–2025. These agreements include different sets of reporting requirements with regard to funded services, which, in turn, would have had an impact on service data collected by LACs and other providers.

This report is not intended to provide a picture of just those services strictly funded under the NPA or NLAP. Rather, the study is based on available data from Legal Aid NSW and NTLAC, with all funding categories combined. LACs also receive funding from state governments as well as additional sources. The aim of this report is to provide a broader picture of services delivered. This is consistent with the approach of the *National Strategic Framework for Legal Assistance (2015-2020)*.

Jurisdictional Profiles

This report provides two examples of an analysis of legal assistance services provided by LACs, in two different jurisdictions and across two different periods:

- Legal Aid NSW services delivered in the 2018–19 financial year
- NTLAC services delivered in the 2020–21 financial year.

NSW and the NT differ greatly in many ways, not the least in population size and composition, distances and infrastructure, all of which have an impact on the nature and extent of legal problems, access to services and the models of service delivery to meet the demand for legal assistance. The two financial years also encompass a degree of environmental shift that is yet to be fully understood, with the first period preceding the onset and spread of Covid-19 and the second period starting in the midst of border controls and ending with the first lockdown in the NT. In view of the different geographical contexts and data periods, the aim of the report is to present a broad high-level descriptive analysis of service delivery while showcasing valuable insights and the potential benefits of service delivery data.

Note that this report is based on service data as recorded and extracted from the respective Legal Aid NSW and NTLAC Grants and Case management systems. The quality of data entered by users, its completeness, consistency and accuracy, will have an impact on the reliability of findings and interpretations drawn from the data analysis.

It is also important to note that service data, and some data items in particular, was collected for external reporting or other purposes, and not specifically for reports such as the present analysis. This means that not all data items used in this analysis were collected or reported for all services delivered and, as a result, some sections or charts presented in this report may be based on a slightly different number of services. This is indicated at the bottom of each chart.

General cautions for interpretation

The data analysis to develop Legal Aid Jurisdictional Profiles and the ATSILS and CLC National Pictures highlighted a number of challenges with completeness, accuracy and consistency of reporting, as well as variations arising simply because of different jurisdictional circumstances. Although some of the issues raised may not be directly relevant to the NSW or NT Legal Aid profiles, there are a number of general and specific cautions that should be borne in mind when reading and interpreting this report, or any similar analysis of service data across jurisdictions or providers. These include:

Service counts

This report does not include any financial analysis, nor any consideration of the different costs (in terms of staff time and/or other resources) associated with delivering a particular service in any particular circumstance. These vary substantially between service types. For example, delivering 10% of higher intensity services, such as *representation* services, will usually involve a much larger percentage of expenditure that a similar percentage of a lower intensity service, such as *advice*.

Data collection

In a context of constrained resources, data collection may be affected by a lack of training capacity, especially when services face a high turnover of administrative staff, rely on volunteers for data entry work, or simply the need to prioritise frontline service delivery over administrative tasks. This may lead to gaps in the data and/or inconsistent practices. Further, service providers work with clients who sometimes face an array of complex problems or might be in a crisis situation, they then may choose not to collect potentially sensitive information if they feel it might restrict their capacity to reach particularly vulnerable clients.

Accuracy and consistency

Implementation of the DSM (version 1) in 2017, followed by the publication of version 2 in 2020, had significant implications in terms of new definitions, new counting rules and the corresponding changes in reporting practices. Notwithstanding the critical step towards improved consistency facilitated by the DSM, there may remain differences in reporting practices in some areas. These differences may result in different apparent proportions of service types and/or under-reporting of the numbers of services. Such implications will take time to resolve. The transition to new systems of data collection is an iterative and often expensive process and has proved especially challenging for the sector given limited

resources. It is expected that not all providers would have had the capacity to implement all aspects of the different versions of the DSM at once, resulting in inconsistencies across datasets.[7]

For the same reason, the data is not suitable for accurate trend analysis, and comparisons with previous years' data should be avoided. It is not recommended to combine data reported before and after the implementation of new reporting practices.

Completeness

The completeness of the available data will obviously have an impact on the usefulness of the data. It is important to note that service data may not represent the full breadth of services provided.[8] Different types of services such as lower intensity services (for example information services), services to the community (for example community legal education) may not lend themselves to the same extent of service data collection as representation services for reasons of practicality, appropriateness, or other factors. Work on the National Pictures for the three service providers has revealed a number of challenges concerning completeness – for example due to (a) uncertainty as to whether only services funded by particular funding sources are to be reported, but also, (b) any variation in the data required to be reported in relation to services provided by private practitioners.[9]

Comparability

The findings for NSW and NT LACs are unlikely to be directly comparable, as not only will they reflect the very different contexts - legal, socio-economic and geographic - in which services are delivered but will also reflect differences in their respective management information systems and the local application of counting rules.

Finally, these jurisdictional profiles need to be seen in the context of work to develop National Pictures for the other legal assistance services (ATSILSs and CLCs). This work has highlighted some key service data collection and reporting inconsistencies and challenges that, with commitment and resources over time, should be able to be adequately addressed. However, direct comparisons (a) between LACs and/or jurisdictions, (b) with a provider's previous years' service data, and (c) with other legal assistance providers' service data should generally be avoided. This is because differences in the data can result from different service models, different reporting practices, other contextual factors, or a combination of all three, and may lead to misinterpretation or incorrect conclusions.

While data cannot be compared with any underlying assumption that numbers should align with any expected pattern across providers or jurisdictions, it can, however, be useful to view

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[7] Version 1 of the DSM was current at the time of data collection for the Legal Aid NSW data presented in this report, while version 2 of the DSM was current at the time of data collection for the NTLAC data. Although this change did not cause considerable discrepancies, it may explain slight variations in counting and reporting practices.

[8] The Foundation acknowledges that while the present report has arisen in the context of the NLAP (Commonwealth funded), both LANSW and NTLAC provided data for both state and Commonwealth funded services. This is the preferred outcome and ensures that these Profiles provide a more complete and valuable picture of the services delivered.

[9] For example, if fewer data points are collected for assigned services, a client profile analysis is then likely to be skewed towards the profile of in-house services' clients and, therefore, not provide a true representation of all clients receiving legal assistance. Further, if the nature of the relationship between in-house and assigned services varies from one area, or one jurisdiction, to another, crude analyses may reveal what appears to be differences in client profiles when in fact they are merely reflecting differences caused by different service models and/or incorrect data interpretation.

the data 'side by side' as this can highlight different service delivery approaches and different reporting practices. This in turn can promote the sharing of lessons learned, inform data standardisation considerations, and at the very least can better represent the breadth of legal assistance service provision both in its richness and complexity.

The comments above are not intended to suggest the data in this analysis should not be used. Rather, by highlighting the specific issues, it is hoped that the service delivery data in this report will be interpreted appropriately and cautiously as necessary.

Legal Aid service provision in 2018–19: New South Wales Jurisdictional Profile

The Data Standards Manual (DSM) groups legal assistance services into two broad categories:

1. Services to individuals: that include discrete assistance, ongoing legal support, facilitated resolution process, duty lawyer and representation services[10]
2. Services for the community: that include community legal education (CLE), community education (CE), law and legal service reform and stakeholder engagement.

This analysis focuses on discrete assistance, duty lawyer and representation services. It covers the different types of services provided, the types of legal problems and, where applicable, clients socio-demographic characteristics.

Although the two jurisdictional profiles cover similar analyses, the findings are not directly comparable: they reflect different periods but also the different contexts - legal, socio-economic and geographic - in which services are delivered.

Services provided to individuals

A total of 497,360 services to individuals were reported in 2018–19 and included in the data provided for this analysis.[11] All numbers in this report are rounded to the nearest ten.

We note that this data does not capture the full breadth of services provided by Legal Aid NSW. Referral services, for example, are not included in these figures, with the exception of facilitated referrals (where the client is directly assisted to make contact with another individual or organisation). Further, services provided through LawAccess NSW, a telephone service that provides legal information, referrals and in some cases, advice for people who have a legal problem in NSW, are also not represented in this analysis. This might explain disparities in reported numbers of services between this analysis and some other publications.

Service category and service type
A breakdown by service type describes the nature of services provided. As shown in Figure 1, half of services to individuals (50.7%) were discrete assistance services. Duty services accounted for 41.7% and representation services for 7.6% of services to individuals. It should be noted we do not assume there is any relationship between percentage of services delivered and percentage of resources required to deliver them. The resources required vary substantially between service types, and it is likely that a large percentage of services

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[10] These includes services for individuals, groups and organisations.

[11] Data supplied by Legal Aid NSW for the purpose of this analysis was extracted from dynamic databases in accordance with our request. It should be noted that because of the data extraction methodology, it is possible that data extracted for different purposes might provide slightly different numbers. Numbers quoted in this report may therefore slightly differ to data published in other reports.

delivered may only represent a small percentage of resources expended, or the reverse. For example, representation services are typically more complex and therefore substantially more resource-intensive than information services.

Figure 1: Services by category, NSW 2018–19
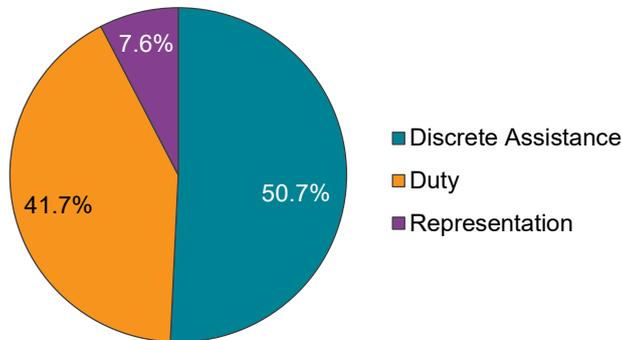
Base: services to individuals (N=497,360)

The DSM further divides the legal assistance services to individuals into service types. The most frequent service type in NSW in 2018–19 was duty services, accounting for 207,200 services, followed by information services (128,930 services or 25.9%), and legal advice (90,730 services or 18.2%).

Figure 2: Service by type, NSW 2018–19
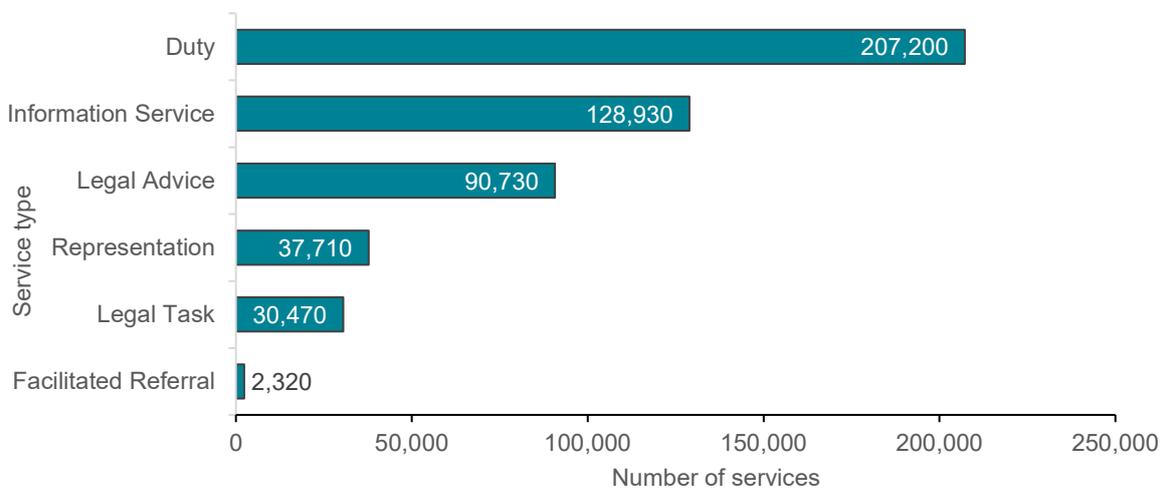
Base: services to individuals (N=497,360)

Table 1 presents numbers of services by service type.[12]

Note that representation services are further broken down into three types in the DSM: (1) representation at court or tribunal (the vast majority), (2) dispute resolution and (3) other

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[12] Table 1 does not include non-legal support services and Facilitated Resolution Process services. While this data was not provided to the Foundation in time for inclusion in this report, we understand that it is available and future analyses should include those services.

representation services. This level of detail could not be ascertained from the data supplied and, considering their relative low proportion compared to other service types, all representation services were analysed as a single category for the purpose of this report.

It is worth noting that 850 of the 37,710 representation services were extended legal assistance (ELA) services that fall into the 'other representation' category. ELA is a type of service developed by Legal Aid NSW that provides a method of delivering ongoing services to clients, where otherwise they may only qualify for discrete one-off services such as legal advice or legal task services. When providing an ELA service, Legal Aid NSW does not generally take carriage of the matter in a representative capacity at court, but rather seeks to provide a more effective and efficient service to clients by providing a more holistic, ongoing service by a given solicitor, instead of unconnected one-off services. These ELA services, however, are categorised as 'representation' services (and reported as 'other representation') due to the ongoing nature, complexity and intensity of the service provided.

Table 1: Services by type, NSW 2018–19

Service category	Service type	Services to individuals 2018–19
		N
Discrete Assistance	Information Service	128,930
	Facilitated Referral	2,320
	Legal Advice	90,730
	Legal Task	30,470
Duty	Duty	207,200
Representation	Representation	37,710
Total		497,360

Broad area of law

Over half (59.0%) of services reported were for criminal law matters, a further 20.9% were in relation to civil law matters and 20.1% were for family matters.

Figure 3: Percentage of services by broad area of law, NSW 2018–19
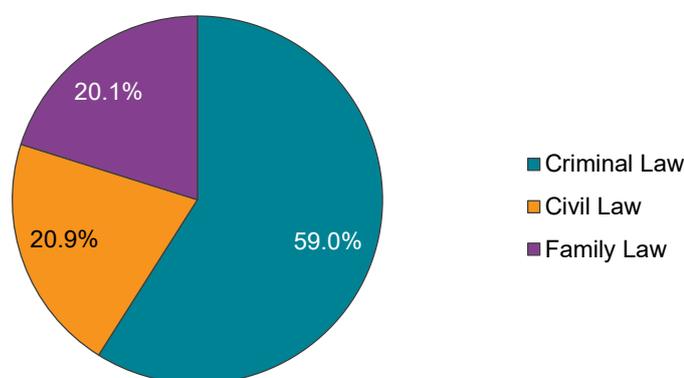
Base: services to individuals (N=497,360)

However, this pattern varies considerably when service type is considered.

Figure 4 and Table 2 present the breakdown by broad area of law for each service type. The majority of duty and representation services were for criminal matters (85.8% and 63.2% respectively), and 31.4% of representation services concerned family law matters. Discrete assistance services were generally provided for matters across all three broad areas of law, with an emphasis on civil law for legal task (58.6%) and legal advice (41.0%) services. More than half of facilitated referrals (55.9%) were made in relation to family law matters.

Figure 4: Percentage of services by service type and by broad area of law, NSW 2018–19
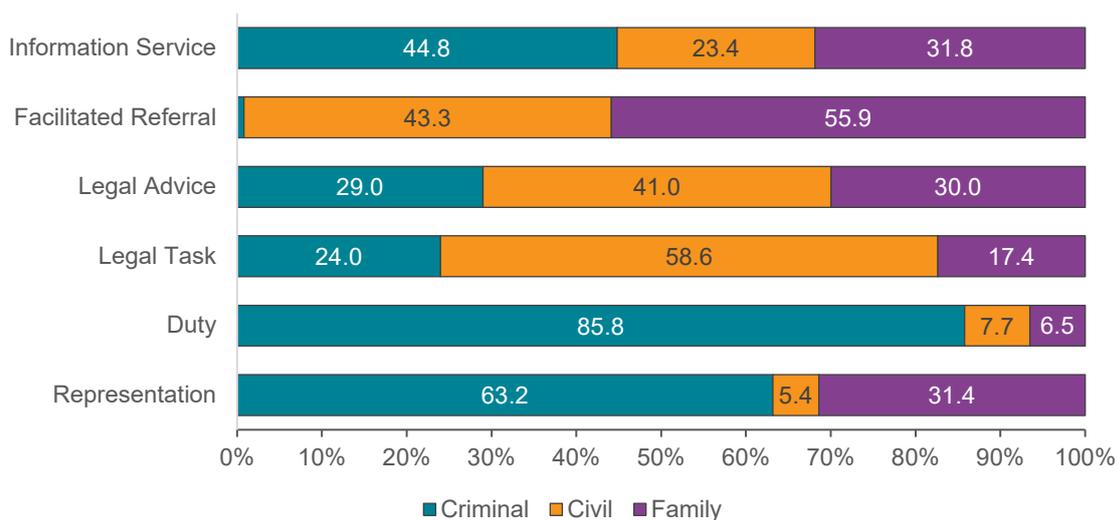
Base: services to individuals (N=497,360)

Table 2: Services by type and by broad area of law, NSW 2018–19

		Criminal	Civil	Family
Information	N	57,760	30,120	41,050
	%	*44.8*	*23.4*	*31.8*
Facilitated referral	N	20	1,000	1,300
	%	*0.8*	*43.3*	*55.9*
Legal advice	N	26,310	37,240	27,180
	%	*29.0*	*41.0*	*30.0*
Legal task	N	7,310	17,860	5,290
	%	*24.0*	*58.6*	*17.4*
Duty	N	177,740	15,920	13,530
	%	*85.8*	*7.7*	*6.5*
Representation	N	23,830	2,040	11,840
	%	*63.2*	*5.4*	*31.4*

Base: services to individuals (N=497,360)

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Box 3: limited data on low intensity service types

For a number of practical and ethical reasons, it is generally accepted that the level of detailed information to be collected about clients and the legal issue they seek help for cannot be the same for discrete, lower intensity services (such as information services and referrals) as it is for more intensive or ongoing services (such as legal task or representation). In some circumstances, it may not be appropriate to collect detailed personal and potentially sensitive information from clients and/or doing so runs the risk of alienating clients, especially those most vulnerable or difficult to reach. It should also be noted that service providers are not presently required by the NLAP (and were not in 2018-19 under the NPA) to collect and report detailed data for information and referral services.

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Data on information services and facilitated referrals, other than an overall count of services by area of law, was not available when this analysis was conducted. **For this reason, information services and referrals are not included in the following sections.**

Remoteness of service location

Service location data was provided for in-house advice, all legal task, all duty and all representation services.

Service location was reported either by suburb, locality or landmarks such as hospitals or court locations. This data was first mapped to *Localities*, which are the officially recognised boundaries of suburbs (in cities and larger towns) and localities (outside cities and larger towns). Then, using correspondence tables, localities were mapped to *Remoteness Areas* and assigned one of five levels of remoteness as per the Australian Bureau of Statistics (ABS) remoteness structure:[13]

1. Major Cities
2. Inner Regional
3. Outer Regional
4. Remote
5. Very Remote

Figure 5 shows the proportion of services by level of remoteness of service location. Nearly three-quarters of services (74.5%) were provided in major cities while 20.9% of services were provided in outer regional, remote or very remote areas. However, these percentages are indicative only as service location was not provided for all services.

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[13] Relative remoteness is measured in an objective way using the Accessibility and Remoteness Index of Australia (ARIA+), which is developed by the Hugo Centre for Migration and Population Research at the University of Adelaide. The ABS then maps ARIA+ data to the Australian Statistical Geography Standard (ASGS) and compiles correspondence tables across various geographies. Refer *ASGS: Volume 5 - Remoteness Structure, July 2016* on the ABS website for more details.

Figure 5: Services by service location, NSW 2018–19
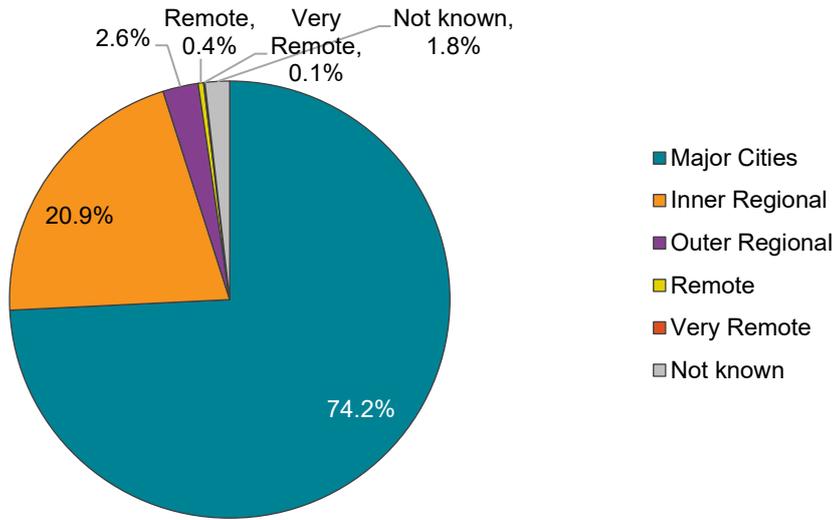
Base: In-house advice services, all legal task, all duty and all representation services (N=365,030)

In-house and assigned services

Legal Aid NSW works in partnership with private lawyers who receive funding from Legal Aid NSW to provide legal assistance services to clients. Those services are referred to as 'assigned' services and form an integral part of legal assistance service delivery alongside the 'in-house' services provided by Legal Aid NSW staff. The types and proportions of assigned services compared with in-house services vary between jurisdictions. In NSW, representation, duty services and, to a much lesser extent, advice services may be assigned to the private legal profession.

Figure 6 shows a breakdown of assigned and in-house services by service type. Services assigned to private lawyers were most commonly duty services, with 80,160 services, followed by representation services (25,670). A few advice services (1,080) were provided by private lawyers.

Figure 6: In-house and assigned services by service type, NSW 2018–19

Base: Advice, duty and representation services (N=335,640)

Law and Justice Foundation of NSW

Over two-thirds (68.1%) of representation services to legally aided clients were undertaken by private lawyers (Table 3) while such assigned services only made up over one-third of duty services (38.7%). While the contrast provides insight into Legal Aid NSW service delivery models, both are sizeable proportions of services delivered and highlight the crucial role of the partnership between Legal Aid NSW and the private legal profession.

Table 3: Number and percentage of in-house and assigned services by service type, NSW 2018–19

		In-house	Assigned	Total
Legal Advice	N	89,650	1,080	90,730
	%	98.8	1.2	100
Duty	N	127,040	80,160	207,200
	%	61.3	38.7	100
Representation	N	12,040	25,670	37,710
	%	31.9	68.1	100

Base: Advice, duty and representation services (N=335,640)

Figures 7 and 8, and Table 4 present the breakdown of in-house and assigned services both by service type and by area of law. Assigned services appear across all areas of law, with greater numbers for court-based services.

Figure 7: Number of in-house and assigned services by area of law and by service type, 2018-19
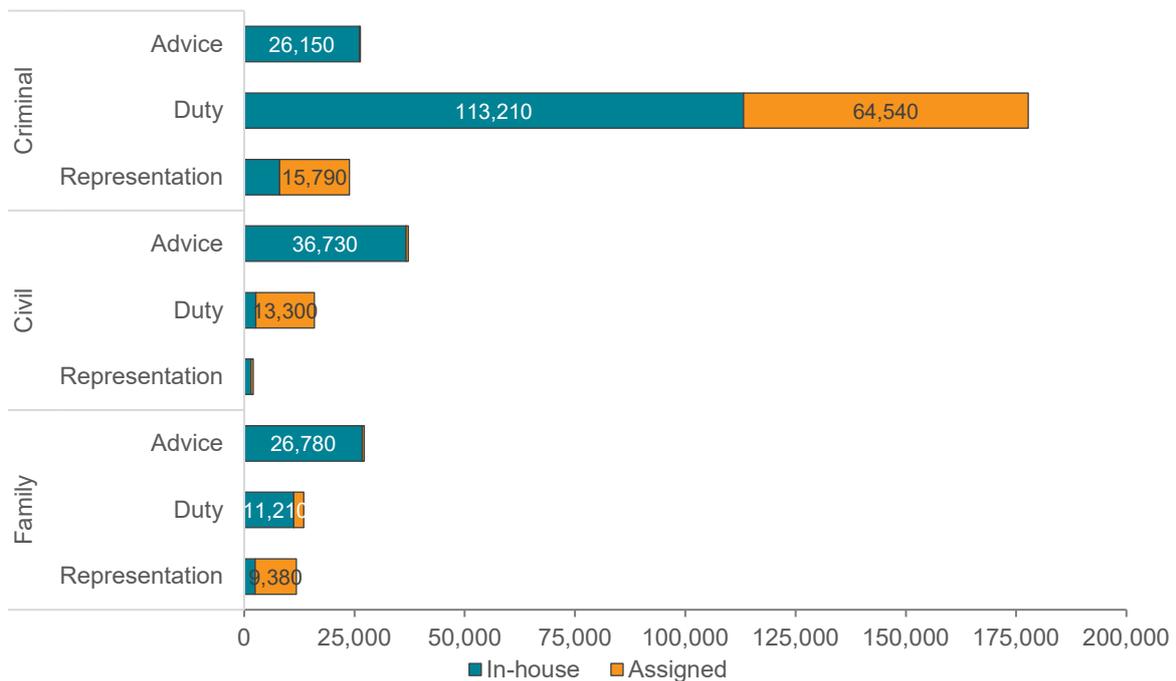
Base: Advice, duty and representation services (N=335,640)

With regards to family law services, small percentages of advice and duty services were assigned (1.5% and 17.2% respectively) whereas a large majority of representation services were delivered by private lawyers (79.2%).

Services delivered in relation to civil matters, however, show a different pattern with a majority of duty services being assigned (83.5%) compared with a quarter of representation services (24.9%).

Figure 8: Percentage of in-house and assigned services by area of law and by service type, NSW 2018–19
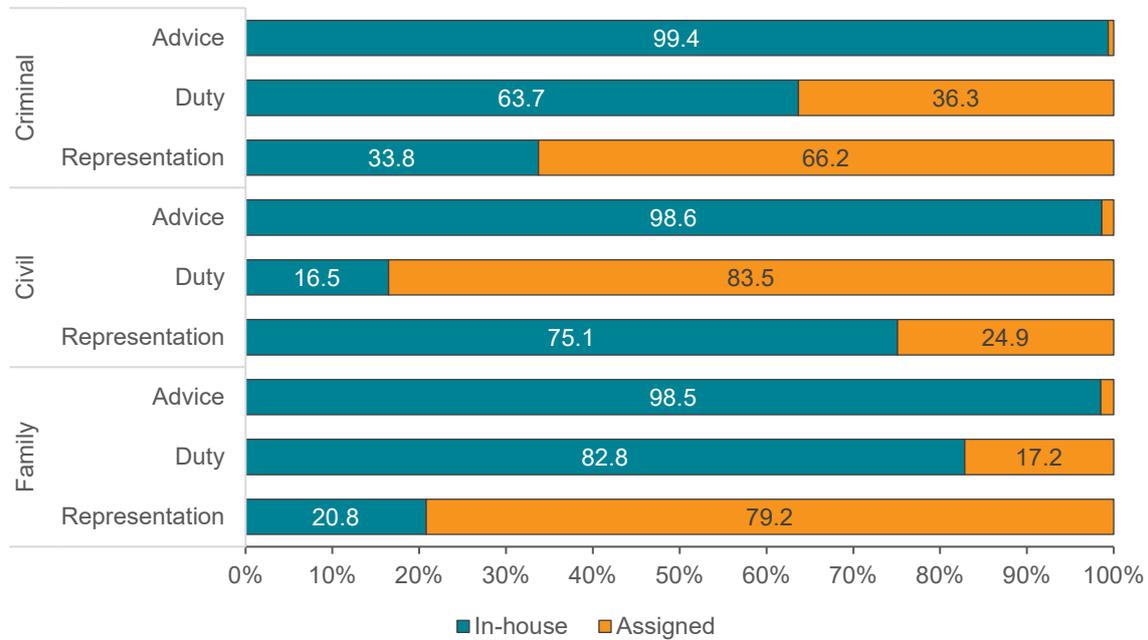
Base: Advice, duty and representation services (N=335,640)
Percentages are calculated within each service type and broad area of law. For example, 63.7% of duty services in relation to criminal law were in-house services.

The bulk of duty services were in relation to criminal law for both in-house and assigned services. A similar pattern appears for representation services.

A contrast appears between civil law and family law service delivery. With regards to civil law, duty services were substantially more likely to be assigned than in-house, whereas representation services were more likely to be in-house than assigned. This pattern was reversed for family law: representation services were most often assigned, and duty services were more likely to be delivered in-house.

Table 4: Number and percentage of in-house and assigned services by service type and by area of law, NSW 2018–19

Service type			Civil Law	Criminal Law	Family Law	Total
Advice	In-house	N	36,730	26,150	26,780	89,650
		%*	40.5	28.8	29.5	98.8
	Assigned	N	510	170	400	1,080
		%	0.6	0.2	0.4	1.2
Duty	In-house	N	2,620	113,210	11,210	127,040
		%	1.3	54.6	5.4	61.3
	Assigned	N	13,300	64,540	2,320	80,160
		%	6.4	31.1	1.1	38.7
Representation	In-house	N	1,530	8,040	2,470	12,040
		%	4.1	21.3	6.5	31.9
	Assigned	N	510	15,790	9,380	25,670
		%	1.3	41.9	24.9	68.1

Base: Advice, duty and representation services (N=335,640)

* Percentages are calculated over the total number of services for the relevant service type. For example, 40.5% of all advice services were in-house services in relation to civil law.

The number of in-house and assigned services by levels of remoteness of service location (Figure 9) shows that, although a larger number of assigned services were provided in major cities, the balance of assigned and in-house services is reversed in other levels of remoteness with more assigned than in-house services provided in inner and outer regional areas. This suggests that working in partnership with private practitioners might be one way to further reach target clients in regional and rural areas.

Figure 9: Number of in-house and assigned services by levels of remoteness of service location, NSW 2018–19
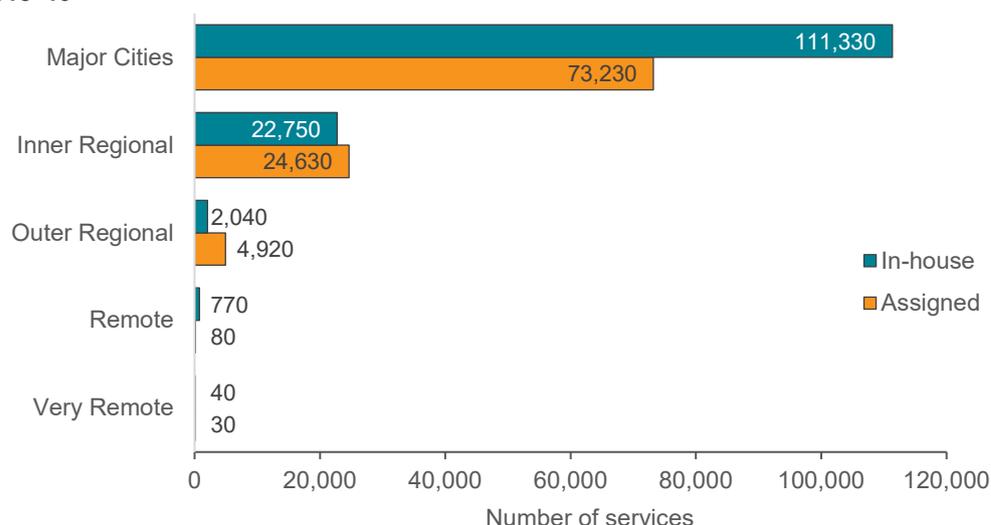
Base: Duty and representation services where service location is known (N=239,810)

In NSW, data available for assigned advice and duty services is limited compared with in-house services. Data on representation services provided by private lawyers, however, is extracted from the Legal Aid NSW grants management system, where private lawyers provide

the same data as in-house Legal Aid NSW staff. In contrast, fewer data items are captured for other assigned services (mainly duty) due to the administrative burden that providing this data would place on private lawyers.

For the purpose of this analysis, area of law was the only variable provided for assigned advice services, and area of law, date and service location were the variables provided for assigned duty services. Further service detail and client demographics information were provided for all representation services, both in-house and assigned.

As a result, we have conducted the remainder of this analysis on 284,880 services out of 497,360 services to individuals (or 57.3%), including the following service types:

- in-house advice
- legal task
- in-house duty
- representation.

Matter group

Legal Aid NSW data includes the matter type for which a service is provided, and matter types are categorised into matter groups within each of the three broad areas of law. There are some challenges in interpreting analysis of service data by matter group that must be kept in mind:

- Although a single legal assistance service may be provided for multiple legal problems, only data in relation to the primary matter type was provided.
- It should be noted that the list of matter types (or matter groups) available in the Legal Aid NSW system does not exactly align with the problem types listed in the DSM (and may also differ from the matter types and matter groups classification used by other LACs). As a result, comparisons across providers are generally inappropriate.
- **Matter groups are not equal in the breadth of problems they encompass.** For example, family law matters are categorised under five matter groups and civil law matters are categorised under more than 30 matter groups. As a result, a family matter group is more likely to cover a wider range of legal issues under each matter group than the more specific civil matter group, and will therefore account for a larger number of services overall. This should be taken into account when interpreting analyses such as that reported in Figure 10 (below).

Table 5: Number of matter types and matter groups by area of law, as categorised in Legal Aid NSW databases

Law type	Number of Problem/matter types	Number of matter groups
Criminal	153	20
Civil	260	32
Family	55	5

Note: numbers are drawn from service data: matter types that do not appear at all in 2018–19 data are not counted.

Nevertheless, an analysis of services provided by matter group paints a picture of the types of legal problems for which clients received assistance that is informative at a high level.

Figure 10 presents numbers of services for the ten most commonly reported matter groups and all other matter groups combined, for each broad area of law.

Children was the most commonly reported matter group overall, with 27,690 services provided in relation to these family law issues, which represents 9.7% of services reported in that year (noting that family law matter groups are especially broad and this matter group in particular represents a wide range of legal issues). AVOs/harassment (criminal law) was the second most common matter group, followed by Assault/intentional injury. Mental health was the most common matter group in relation to civil law.

Figure 10: Services by top matter groups for each area of law, NSW 2018–19
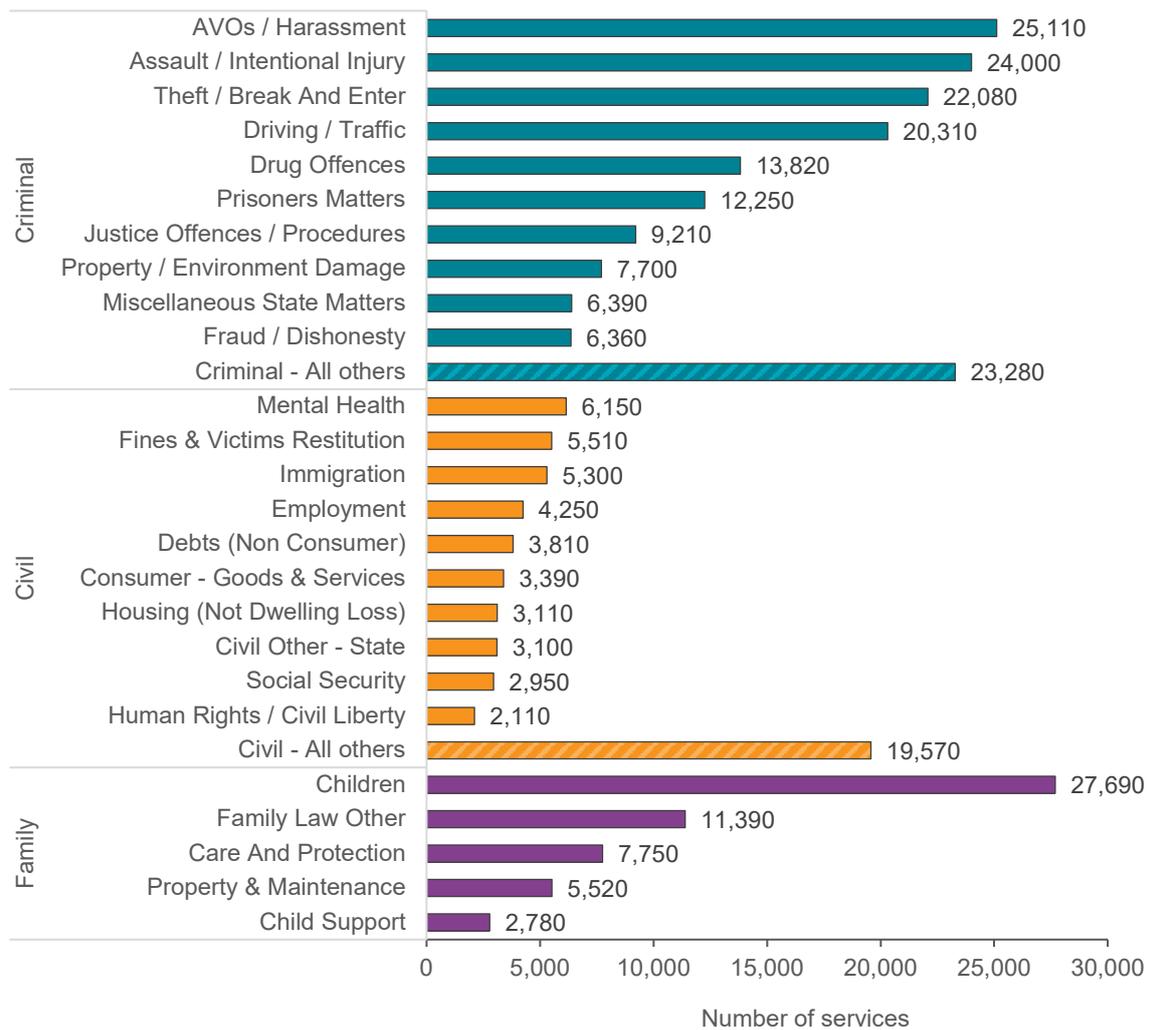
Base: In-house advice, legal task, in-house duty and all representation services (N=284,880)

Client profile

This section presents an analysis of key demographics, and therefore excludes a small number of services provided to organisations (1,660 services) for which demographic variables were not relevant.

Client's gender

Over half of services (63.7%) were provided to male clients (see Figure 11).

Figure 11: Services by client's gender, NSW 2018–19
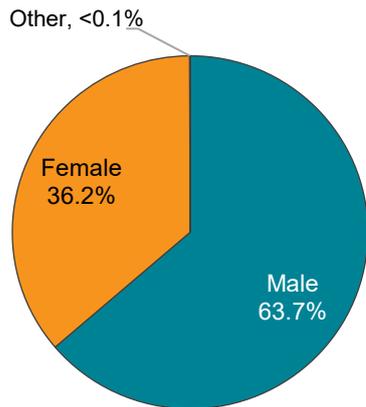
Base: services to individuals whose gender is known (N=283,200)

There are, however, differences in the distribution of services by broad area of law by demographics. While nearly three-quarters (73.0%) of male clients received services in relation to criminal matters (largely driven by the large number of duty services provided at court), services provided to female clients were more evenly spread across all three areas of law with 37.8% for criminal matters, 35.7% for family matters and 26.5% in relation to civil law matters.

Figure 12: Services by client's gender by area of law, NSW 2018–19
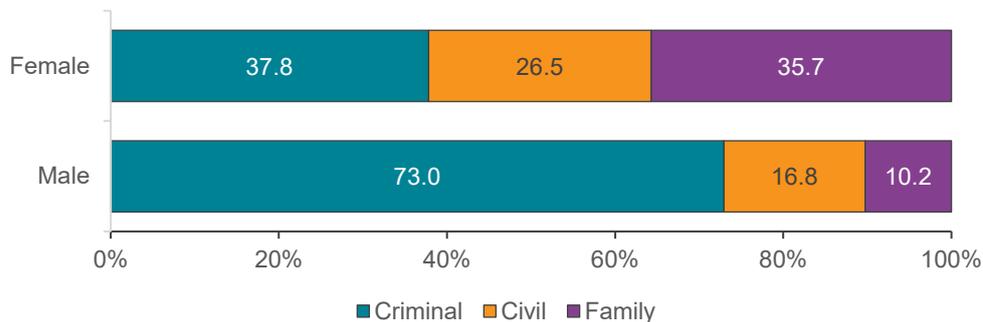
Base: services to individuals whose gender is recorded as either female or male (services where client's gender was identified as 'other' are not displayed due to small numbers) (N= 283,100)

Duty services represented just over half (51.5%) of all services provided to male clients and a third (33.3%) of services provided to female clients. Legal advice was the service type most commonly provided to female clients. The proportion of representation services were similar

for both genders, accounting for 12.8% of services to female clients and 13.6% of services to male clients.

Figure 13: Services by client's gender by service type, NSW 2018–19
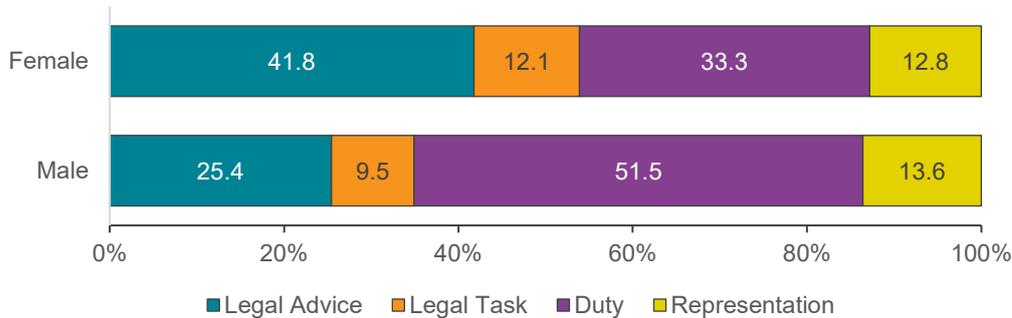
Base: services to individuals whose gender is recorded as either female or male (services where client's gender was identified as 'other' are not displayed due to small numbers) (N= 283,100)

Figure 14 shows that, while a majority of services were provided to male clients across the four service types, the gender imbalance was more marked for court-based services with 73.1% of duty services and 65.1% of representation services provided to male clients.

Figure 14: Services by service type by client's gender, NSW 2018–19
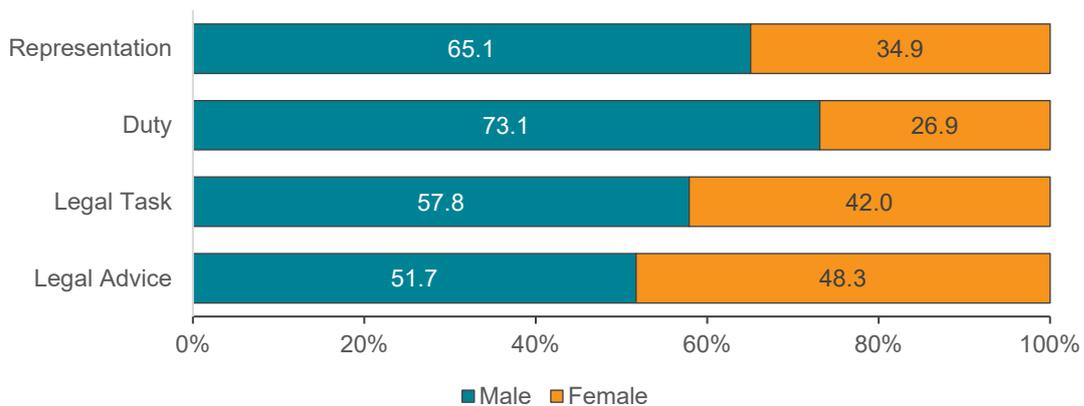
Base: services to individuals whose gender is recorded as either female or male (services where client's gender was identified as 'other' are not displayed due to small numbers) (N= 283,100)

Client's age

The proportion of services by client age peaks for the 25–34 age group (25.1% of services), followed by the 35–44 age group (23.1%) and the 45–54 age group (14.5%; see Figure 15). More than a quarter of services (26.3%) were provided to children and young people aged under 25 years and 4.0% were provided to older people aged 65 or over.

Figure 15: Services by client's age group, NSW 2018–19
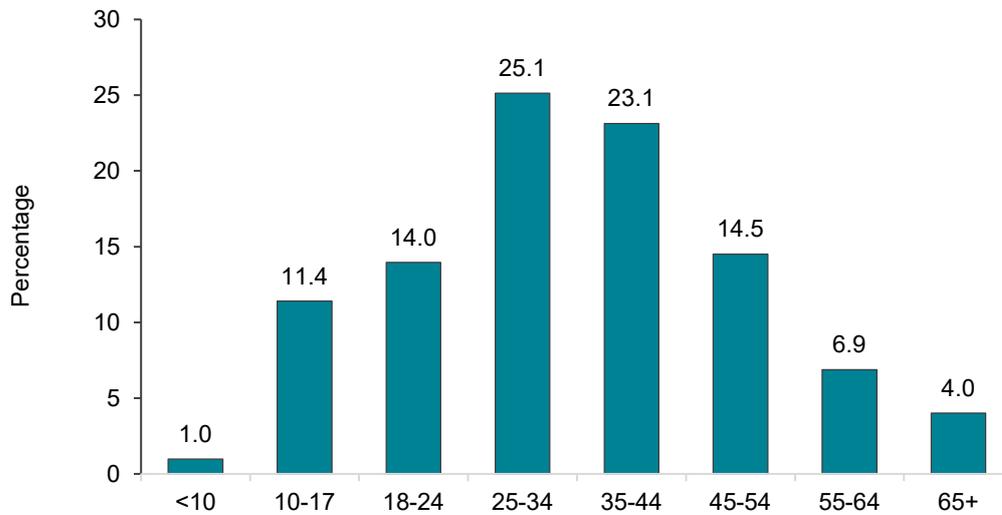
Base: services to individuals whose age is known (N=283,120)

The proportion of services in relation to civil law matters increases as the client's age increases, and represents a majority for the over 55 age group. In parallel, the proportion of services in relation to criminal matters follows a reverse trend and decreases from 90.1% of services to 10–17-year-olds to 19.9% of services to people aged 65 and over. The proportion of services provided in relation to family law matters is higher for young children and adults aged 25 and 54, who are more likely to have dependent children.

Figure 16: Services by client's age group by area of law, NSW 2018–19
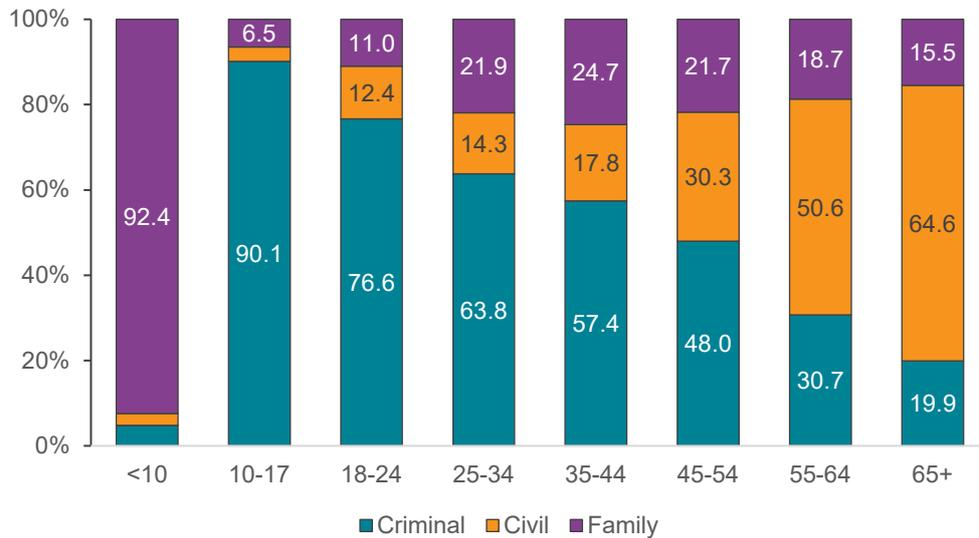
Base: services to individuals whose age is known (N=283,120)

The breakdown of services provided to each age group by service type shows that the proportion of duty services tends to decrease as clients' age increases (reflecting the above

trend considering that, as mentioned earlier, a majority of duty services were in relation to criminal matters). In parallel, the proportion of legal advice services increases for older clients.

Services provided to children (aged under 18) show a distinct pattern with a majority (82.1%) being representation services.

Figure 17: Services by client's age group by service type, NSW 2018–19
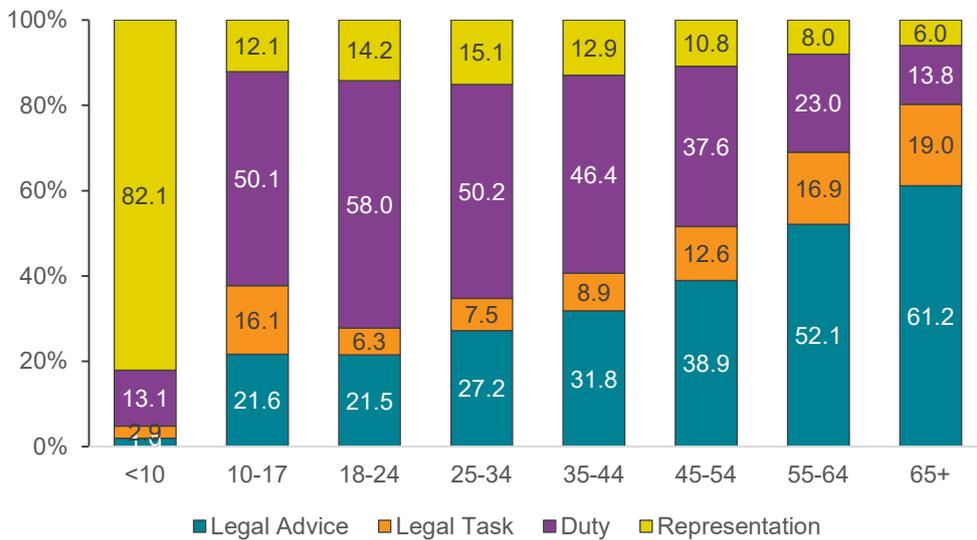
Base: services to individuals whose age is known (N=283,120)

Priority client groups

The NPA service delivery principles included a focus on priority clients. Providers were required to plan and target services to people experiencing financial disadvantage and falling into one or more of the following groups:

- Aboriginal and Torres Strait Islander people
- Children and young people up to 24 years
- Older people aged over 65 years
- People experiencing, or at risk of, family violence
- People experiencing, or at risk of, homelessness
- People in custody and prisoners
- People residing in rural and remote areas
- People with a disability or mental illness
- People with a low proficiency in English
- People with low education levels
- Single parents.

Financial disadvantage

Under the NPA, financial disadvantage meant: a person who does not have the means to pay for their legal representation without incurring serious financial difficulty, including a person who: a) is in receipt of Centrelink benefits as their main source of income; or b) satisfies a

means test applied by a legal aid commission; or c) is exempt from the legal aid means test, such as people seeking merits review of decisions about eligibility for Commonwealth military entitlements or military compensation payments and children; or d) has an income equal to or below the Henderson Poverty Line; or e) cannot access finances temporarily due to circumstances outside of their control.[14]

Legal Aid NSW service data for 2018-19 does not include a financial disadvantage indicator as such. This indicator is derived within the Legal Aid NSW system for reporting purposes. However, Legal Aid NSW service data does include whether clients receive Centrelink benefit for most in-house services and shows that just under half of services (46.5%) were provided to clients who receive a form of government benefit. This figure may appear low at first glance but it actually points to a substantial number of services being provided to economically vulnerable clients. Indeed, it is important to bear in mind the following points:

- First, not all services provided by Legal Aid NSW are means-tested: for example, legal advice, legal task services and some duty services do not require the client to satisfy financial eligibility criteria. Yet, Figure 18 below shows that high percentages of services that are not means-tested were provided to clients in receipt of government benefit (about half of both legal advice and legal task services).
- Another point to consider lies in the limitations of an analysis based on binary variables. In the data provided to the Foundation, the benefit indicator is reported as either 'Yes' or 'No': the system default value is set to 'No' and updated to 'Yes' when the client is known to receive benefits. Although we can assume a reasonable level of completeness and accuracy, it remains a possibility that the benefit indicator may be unknown for some clients and such cases would still be reported as 'No' (as there isn't a 'Not known' category). This means that the reporting of services delivered to clients who receive government benefit should be treated as **minimum** counts and could be higher.
- Lastly, receiving government benefits is not in itself a comprehensive measure of financial hardship and the benefit indicator alone does not align with the definition of financial disadvantage as described above. Figure 18 shows, for example, that 51.1% of representation services were provided to clients for whom the benefit indicator was reported as 'No'. As they were represented, and therefore received a grant of aid, those clients either met the legal aid means test or were exempt from the application of such test, which therefore brings them within the definition of financial disadvantage under the NPA.

In summary, we can say that **all** representation services were delivered to clients who met the financial disadvantage definition under the NPA. Further, the analysis of the benefit indicator variable suggests that more than one in two services provided by Legal Aid NSW, *including services that are not means-tested*, are targeted to the more economically vulnerable people in the community.

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[14] This is the definition that was also included in the version 1 of the DSM that was current at the time of collecting/reporting on 2018-19 service data.

Figure 18: Percentage of services to clients in receipt of government benefit by service type, NSW 2018–19
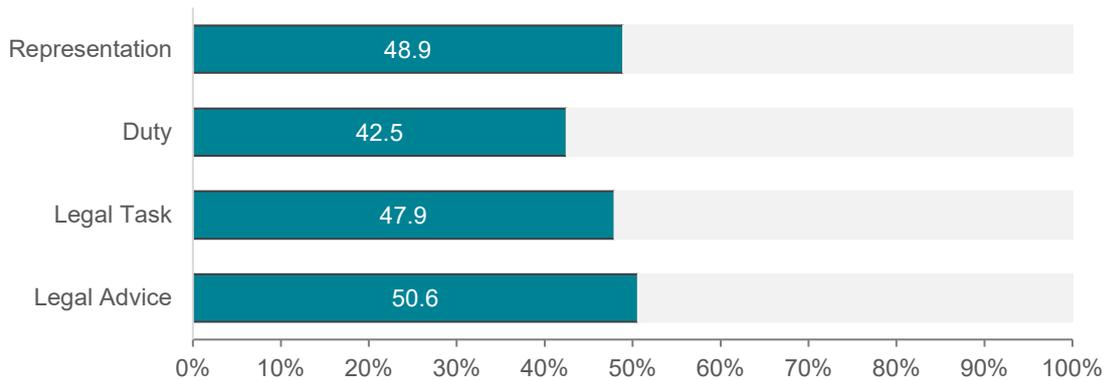
Base: In-house advice, legal task, in-house duty and all representation services, not including services to organisations (N=283,220)

National Partnership Agreement priority client groups

Figure 19 below presents the percentage of services to individuals provided to priority clients, for some of the priority client groups outlined in the NPA.[15]

Over a quarter of services (26.3%) were provided to children and young people under the age of 25, 22.7% were provided to people in custody and one in four (20.0%) to people with a disability or mental illness.

Cultural and linguistic diversity (CALD) is complex to measure and report and, generally, cannot adequately be captured with a single variable.[16] Although there isn't a precise definition of the CALD priority group in either the NPA or the DSM (version relevant in 2018-19), there are, however, several variables in the DSM that relate to cultural and linguistic diversity, such as country of birth, main language spoken at home, proficiency in English, that together can help identify CALD clients receiving legal assistance.

Legal Aid NSW data includes the following variables in relation to CALD indicators: main language spoken at home, interpreter required, country of birth, proficiency in spoken English. Country of birth and proficiency in spoken English were only available for some service types and with varying degrees of completeness, therefore the language other than English (LOTE) indicator and the need for an interpreter were used in Figure 19.[17] Over one in six services (15.6%) was provided to clients whose main language spoken at home is not English, and 5.4% were provided to clients who required an interpreter.

Just under 15% of services were provided to clients who identified as Aboriginal or Torres Strait Islander, and 12.3% were provided to clients experiencing, or at risk of, family violence.

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[15] No data was available to calculate percentages for two priority groups as this information was not required to be reported: people with low education levels and single parents.

[16] See ABS, Standards for Statistics on Cultural and Language Diversity (1289.0), 1999.

[17] This is consistent with the variables used in the CLC national Picture.

Nearly one in 15 services (6.5%) were provided to clients residing in outer regional, remote or very remote areas.[18] One in 25 services (4.0%) were provided to clients aged 65 or over.

Figure 19: Percentage of services provided to priority clients, NSW 2018–19
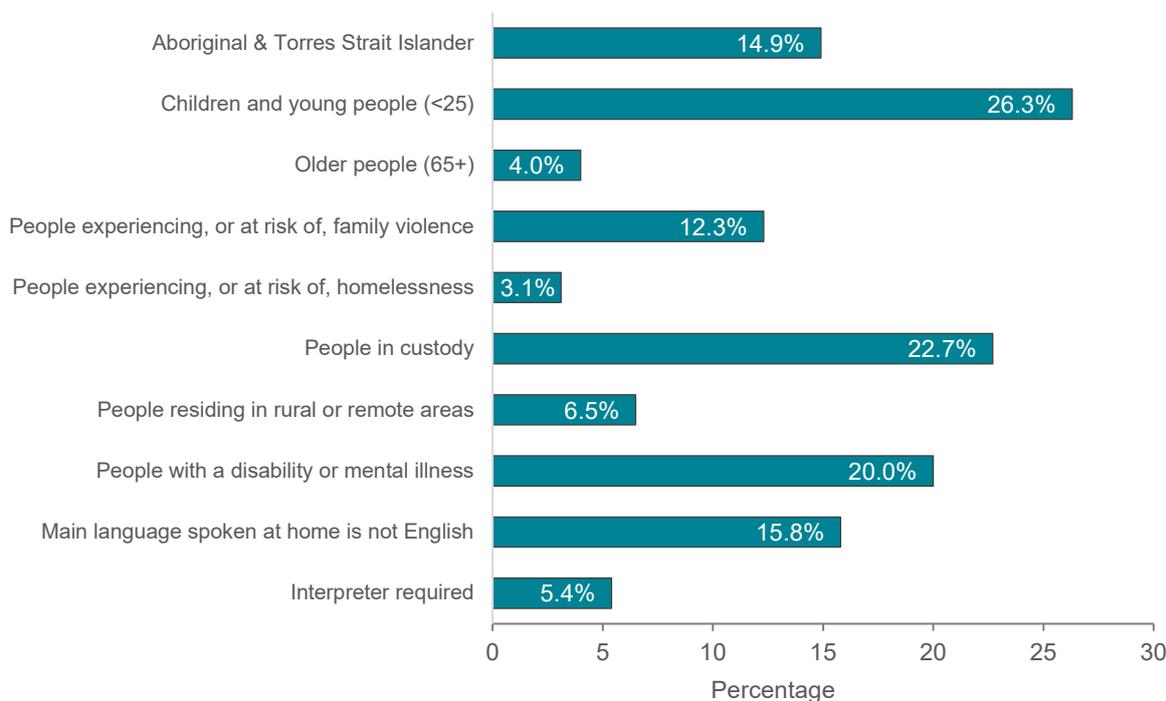
Base: In-house advice, legal task, in-house duty and all representation services, not including services to organisations (N=283,220)

The breakdown of services by broad area of law (Figure 20) and by service type (Figure 21) show different patterns in the types of services provided to different priority client groups.

As may be expected, people in custody were most likely to receive assistance in relation to criminal law matters (87.9% of services provided to that priority group). And a majority of services provided to young people aged under 25, people experiencing or at risk of homelessness, Aboriginal and Torres Strait Islander people, people with a disability or mental illness and people residing in rural or remote areas were also for criminal matters.

Nearly two-thirds of services (64.6%) provided to older people were for civil law matters, and 52.7% of services to clients experiencing or at risk of family violence were in relation to family law. Clients from the CALD priority group, whose main language spoken at home is not English and/or those who required an interpreter, received services for a range of legal issues that appears more evenly spread across the three broad areas of law compared to that of other priority client groups.

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[18] Neither the NPA nor version 1 of the DSM (current at the time of 2018-19 data collection/reporting) include a definition for the priority group 'people residing in rural or remote areas'. For the purpose of this report, this group was defined as those residing in outer regional, remote or very remote areas as per the ABS remoteness structure. This is in line with CLASS reporting and consistent with other similar analysis, especially the ATSILS and CLC National Pictures. We note that the draft version 3 of the DSM currently being considered includes a similar definition for this priority group.

Figure 20: Percentage of services provided to priority clients, by area of law, NSW 2018–19

Priority client group	Criminal Law	Civil Law	Family Law
Aboriginal & Torres Strait Islander	60.4	23.9	15.8
Children and young people (<25)	79.8	8.1	12.1
Older people (65+)	19.9	64.6	15.5
People experiencing, or at risk of, family violence	31.5	15.8	52.7
People experiencing, or at risk of, homelessness	60.8	25.4	13.8
People in custody	87.9	8.9	3.2
People residing in rural or remote areas	52.0	28.9	19.1
People with a disability or mental illness	58.7	28.4	12.9
Main language spoken at home is not English	41.0	32.0	27.0
Interpreter required	30.1	43.3	26.6

■ Criminal Law   ■ Civil Law   ■ Family Law

Base: In-house advice, legal task, in-house duty and all representation services, not including services to organisations (N=283,220)

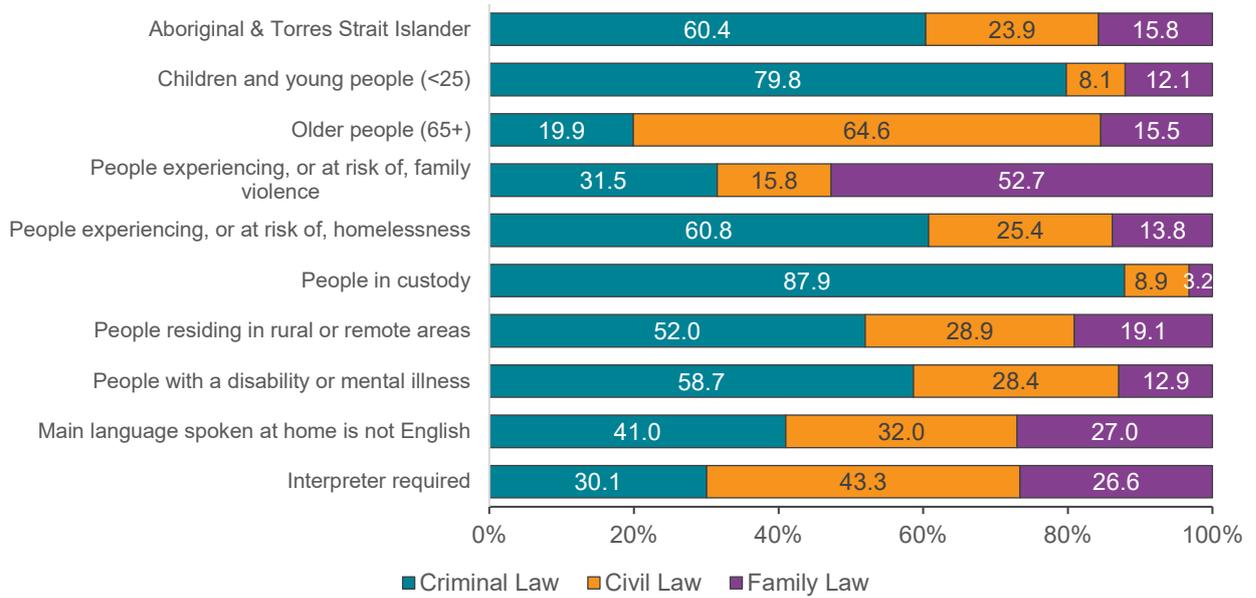Priority client groups that received more services in relation to criminal matters than other areas of law generally also received more court-based service types such as duty or representation services.

In contrast, services provided to older people and CALD clients were more likely to be discrete assistance services such as legal advice or legal tasks.

Services provided to clients experiencing or at risk of family violence and to clients residing in rural or remote areas show a similar pattern with around half of them being discrete assistance services, about a third of duty services and the remainder being representation services.

Figure 21: Percentage of services provided to priority clients, by service type, NSW 2018–19

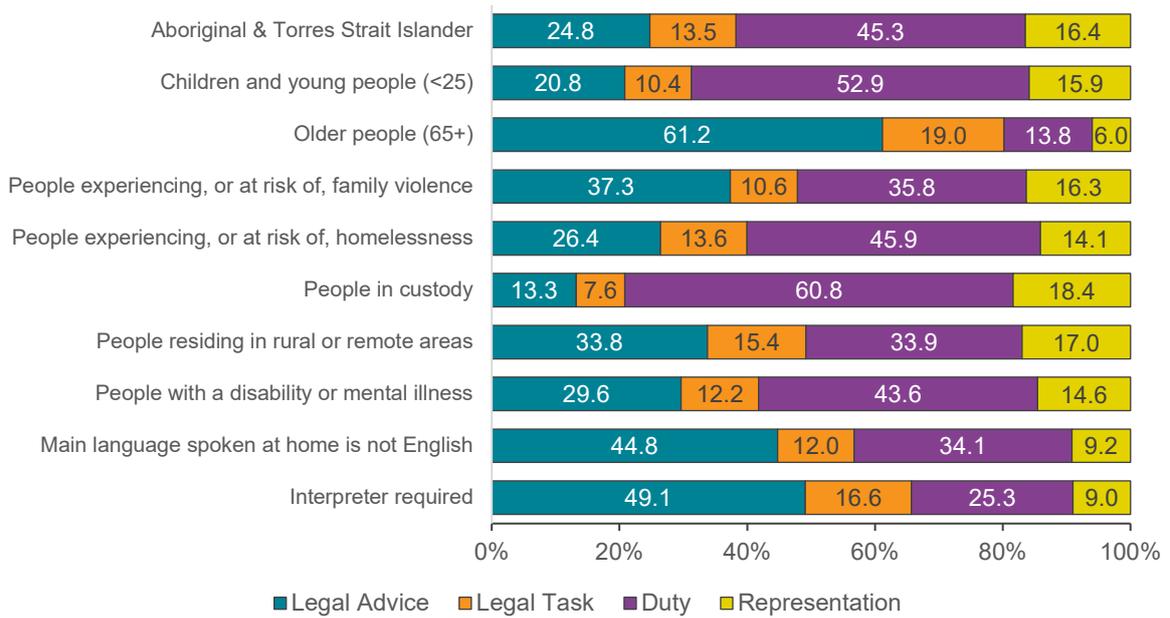|	Legal Advice	Legal Task	Duty	Representation
Aboriginal & Torres Strait Islander	24.8	13.5	45.3	16.4
Children and young people (<25)	20.8	10.4	52.9	15.9
Older people (65+)	61.2	19.0	13.8	6.0
People experiencing, or at risk of, family violence	37.3	10.6	35.8	16.3
People experiencing, or at risk of, homelessness	26.4	13.6	45.9	14.1
People in custody	13.3	7.6	60.8	18.4
People residing in rural or remote areas	33.8	15.4	33.9	17.0
People with a disability or mental illness	29.6	12.2	43.6	14.6
Main language spoken at home is not English	44.8	12.0	34.1	9.2
Interpreter required	49.1	16.6	25.3	9.0

Base: In-house advice, legal task, in-house duty and all representation services, not including services to organisations (N=283,219)

Legal Aid service provision in 2020–21: Northern Territory Jurisdictional Profile

The Data Standards Manual (DSM) groups legal assistance services into two broad categories:

1. Services to individuals: that include discrete assistance, ongoing legal support, facilitated resolution process, duty lawyer and representation services[19]
2. Services for the community: that include community legal education (CLE), community education (CE), law and legal service reform and stakeholder engagement.

This analysis focuses on discrete assistance, duty lawyer and representation services. It covers the different types of services provided, the types of legal problems and, where applicable, clients demographic characteristics.

Although the two jurisdictional profiles cover similar analyses, the findings are not directly comparable: they reflect different periods but also the different contexts - legal, socio-economic and geographic - in which services are delivered.

Services to individuals

A total of 41,850 services to individuals were reported in 2020–21 and included in the data provided for this analysis.[20] All numbers in this report are rounded to the nearest 10.

We note that this data does not capture the full breadth of services provided by NTLAC. Referral services and services provided to organisations, for example, are not included in these figures.

Service category and service type

As shown in Figure 22 a large majority of services to individuals (84.7%) were discrete assistance services. Duty services accounted for 9.6% and representation services for 5.7% of services to individuals.

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[19] These includes services for individuals, groups and organisations.

[20] Data supplied by NTLAC for the purpose of this analysis was extracted from dynamic databases in accordance with our request. It should be noted that because of the data extraction methodology, it is possible that data extracted for different purposes might provide slightly different numbers. Numbers quoted in this report may therefore slightly differ to data published in other reports.

Figure 22: Services by category, NT 2020–21
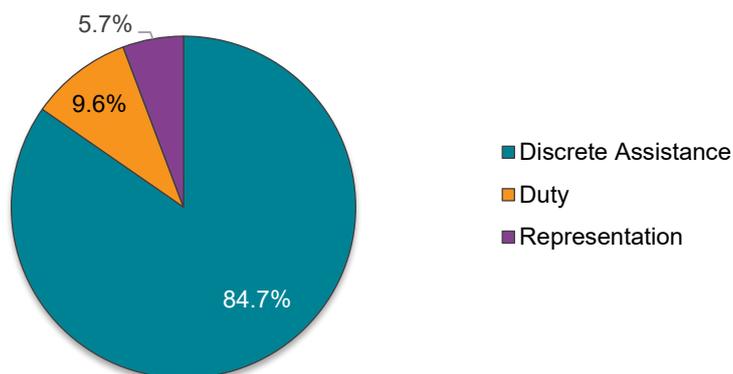
Base: services to individuals (N=41,850)

The DSM further divides the legal assistance services to individuals into service types. The most frequent service type was information services, accounting for over 27,500 services, followed by legal advice (5,070 services) and duty lawyer services (4,010 services).

Figure 23: Services by type, NT 2020–21
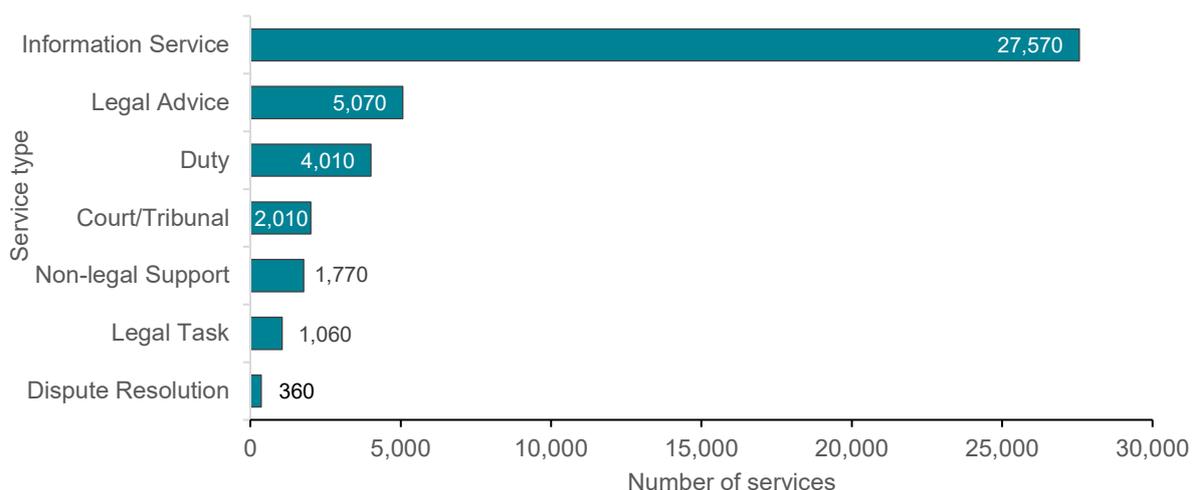
Base: services to individuals (N=41,850)

Table 6 presents the number and percentage of services by service type.

Table 6: Services by type, NT 2020–21

Service category	Service type	Services to individuals 2020–21	
		N	%
Discrete Assistance	Information Service	27,570	50.4
	Legal Advice	5,070	12.1
	Legal Task	1,060	2.5
	Non-legal Support	1,770	19.7
Duty	Duty	4,010	9.6
Representation	Court/Tribunal	2,010	4.8
	Dispute Resolution	360	0.9
Total		41,850	100

In order to take a closer look at the areas of law and types of legal problems addressed through NTLAC service delivery, the next section of this analysis focuses on **legal** services and does not include non-legal support services.

Broad area of law

Over a third of reported legal services (34.8%) were for criminal law matters, a further 31.1% were in relation to civil law matters and 22.4% were for family matters. About one in ten information services (11.7%) were not within a specific area of law but related more broadly to the legal system and legal help.

Figure 24: Percentage of services by broad area of law, NT 2020–21
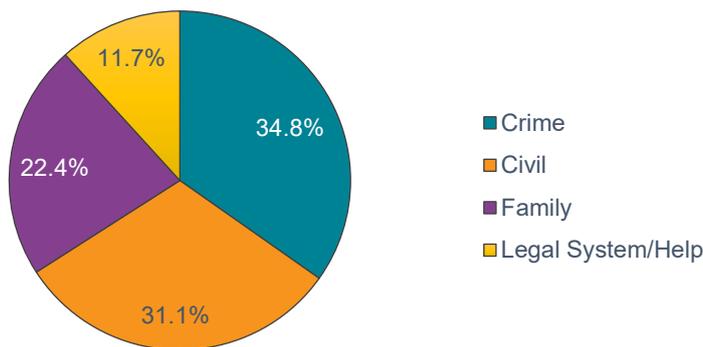
Base: legal services to individuals (N=40,090)

However, this pattern varies considerably when service type is considered. Figure 25 and Table 7 present the breakdown by broad area of law for each service type. The majority of duty and representation services at court/tribunal were for criminal matters (75.6% and 87.6% respectively), whereas all dispute resolution services concerned family law matters. Information services and legal advice were more generally provided for matters across all three broad areas of law, while a majority of legal tasks (71.7%) were in relation to civil law matters.

Figure 25: Percentage of services by service type and by broad area of law, NT 2020–21

Base: legal services to individuals (N=40,090)

Law and Justice Foundation of NSW

Table 7: Services by type and by broad area of law, NT 2020–21

		Criminal	Civil	Family	Legal system/ Legal help
Information	N	8,120	9,340	5,440	4,680
	%	29.4	33.9	19.7	17.0
Legal advice	N	1,060	2,080	1,930	0
	%	20.9	41.0	38.1	0.0
Legal task	N	0	760	300	0
	%	0.0	71.7	28.3	0.0
Duty	N	3,030	260	720	0
	%	75.6	6.5	18.0	0.0
Court/Tribunal	N	1,760	30	220	0
	%	87.6	1.5	10.9	0.0
Dispute resolution	N	0	0	360	0
	%	0.0	0.0	100.0	0.0

Base: legal services to individuals (N=40,090)

Box 4: limited data on low intensity service types

For a number of practical and ethical reasons, it is generally accepted that the level of detailed information to be collected about clients and the legal issue they seek help for cannot be the same for discrete, lower intensity services (such as information services and referrals) as it is for more intensive or ongoing services (such as legal task or representation). In some circumstances, it may not be appropriate to collect detailed personal and potentially sensitive information from clients and/or doing so runs the risk of alienating clients, especially those most vulnerable or difficult to reach. It should also be noted that service providers are not presently required by the NLAP to collect and report detailed data for information and referral services or for non-legal support services.

A limited number of variables were available for information services and non-legal support services when this analysis was conducted. **For this reason, information services and non-legal services are not included in the following sections.**

In-house and assigned services

NTLAC works in partnership with private lawyers who receive funding from NTLAC to provide legal assistance services to clients. These services are referred to as 'referred' or 'assigned' services and form an integral part of legal assistance service delivery alongside the 'in-house' services provided by NTLAC staff. The types and proportions of assigned services compared with in-house services vary between jurisdictions. In the NT, representation, duty and advice services may be assigned to the private legal profession.

Figure 26 shows a breakdown of assigned and in-house services by service type. Services assigned to private lawyers were most commonly legal advice, with 1,670 services, followed by representation services at court/tribunal (690).

Figure 26: In-house and assigned services by service type, NT 2020–21
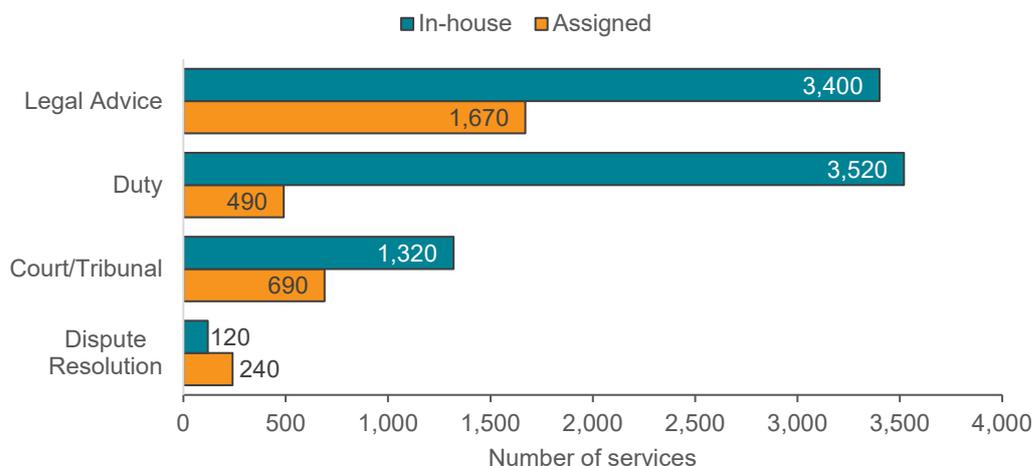
Base: Advice, duty and representation services (N=11,455)

Overall, just over a quarter (27%) of advice, duty and representations services combined were undertaken by private lawyers. Assigned services represent two-thirds of dispute resolution services and one-third of legal advice and of representation at court/tribunal services, while they represent a smaller proportion of duty services (12.2%). These are sizeable proportions of services delivered and highlight the crucial role of the partnership between NTLAC and the private legal profession.

Table 8: Number and percentage of in-house and assigned services by service type, NT 2020–21

		In-house	Assigned	Total
Legal Advice	N	3,400	1,670	5,070
	%	67.1	32.9	100
Duty	N	3,520	490	4,010
	%	87.8	12.2	100
Court/Tribunal	N	1,320	690	2,010
	%	65.7	34.3	100
Dispute Resolution	N	120	240	360
	%	33.3	66.7	100

Base: Advice, duty and representation services (N=11,455)

Figures 27 and 28, and Table 9 present the breakdown of in-house and assigned services both by service type and by area of law.

Overall, higher counts of services are assigned to the private profession within the area of family law compared with criminal or civil law. However, the breakdown by service type shows sizeable numbers of assigned services for advice in relation civil matters and for criminal representation.

Figure 27: Number of in-house and assigned services by area of law and by service type, NT 2020–21
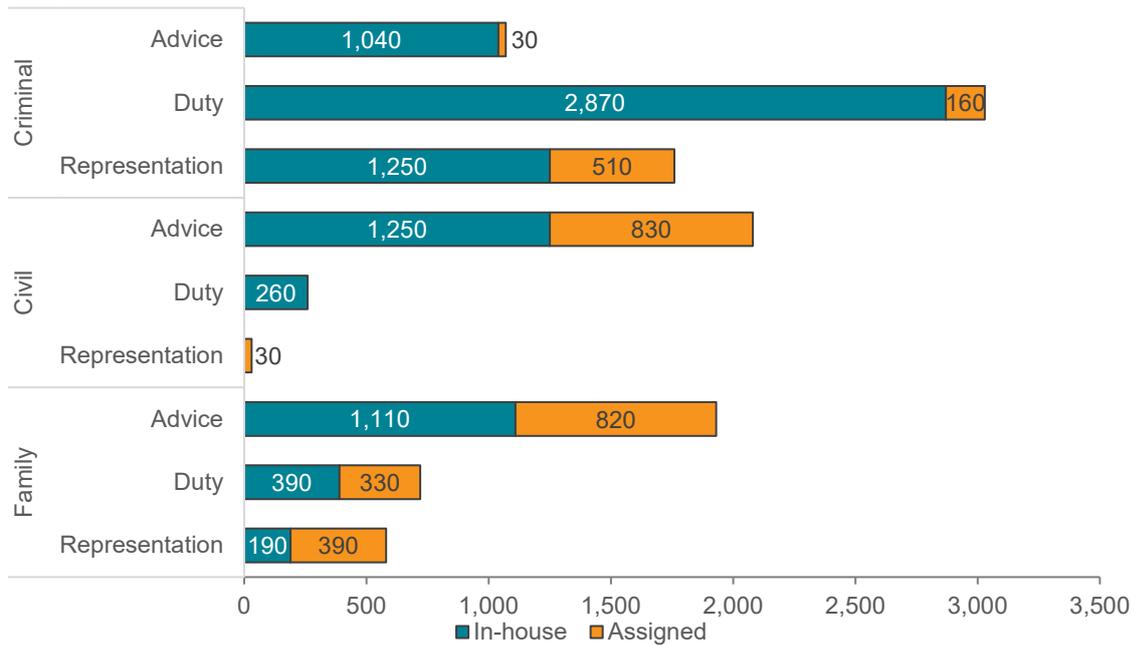
Base: Advice, duty and representation services (N=11,455)

The same analysis based on percentages shows a reasonably balanced in-house/assigned split across all service types in relation to family law (with some emphasis on assigned services for representation). In contrast, the extent of assigned services is more varied across service type in the areas of civil or criminal law: assigned services are more likely to be representation services whereas all civil duty services and a large majority of criminal duty and criminal advice are in-house services.

Figure 28: Percentage of in-house and assigned services by area of law and service type, NT 2020–21

Base: Advice, duty and representation services (N=11,455) Percentages are calculated within each service type and broad area of law. For example, 94.6% of duty services in relation to criminal law were in-house services.

Table 9: Number and percentage of in-house and assigned services by service type and by area of law, NT 2020–21

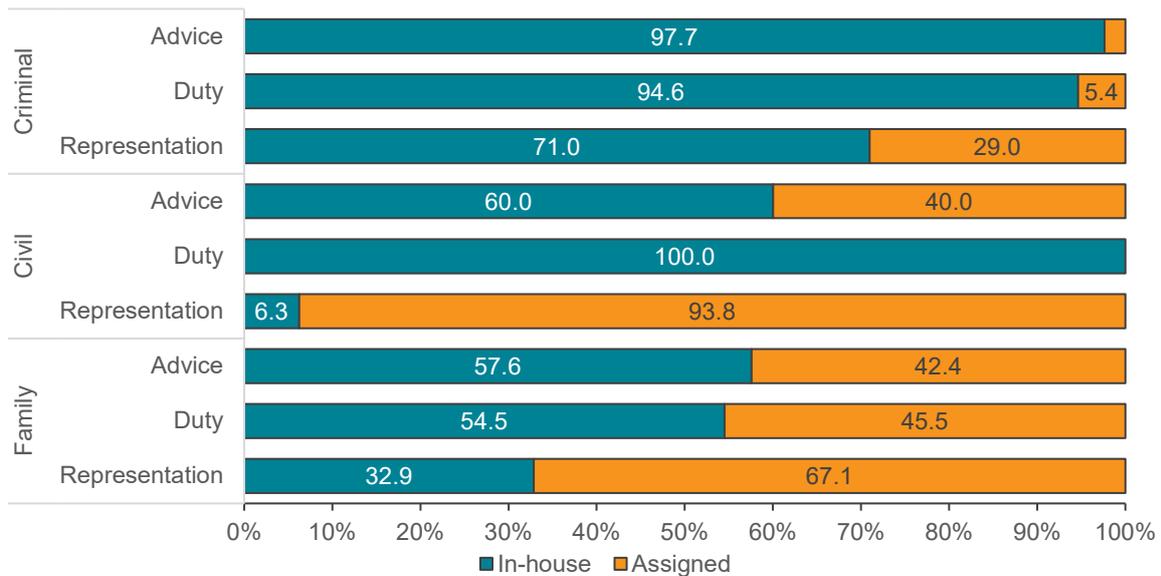| Service type			Civil Law	Criminal Law	Family Law	Total
Advice	In-house	N	1,250	1,040	1,110	3,400
		%*	24.6	20.5	21.9	67.0
	Assigned	N	830	30	820	1,670
		%	16.4	0.5	16.2	33.0
Duty	In-house	N	260	2,870	390	3,520
		%	6.5	71.5	9.8	87.8
	Assigned	N	0	160	330	490
		%	0.0	4.1	8.2	12.2
Representation	In-house	N	0	1,250	190	1,440
		%	0.1	52.5	8.1	60.7
	Assigned	N	30	510	390	930
		%	1.3	21.5	16.5	39.3

Base: Advice, duty and representation services (N=11,455)
* Percentages are calculated over the total number of services for the relevant service **type**. For example, 24.6% of all advice services were in-house services in relation to civil law.

Problem type and matter group

NTLAC data includes the problem types for which a service is provided. Problem types are categorised into broader matter groups within each of the three broad areas of law. There are some challenges to analysing service data by problem type (or by matter group) that must be kept in mind:

- **Legal problems are categorised differently across jurisdictions and/providers.** It should be noted that the list of problem types available in the NTLAC system does not exactly align with the problem types listed in the DSM (and may not align with lists used by other LACs or other service providers).
- **Problem types are not equal in the breadth of problems they encompass.** For example, there are 37 problem types (merged into five groups) for family law matters whereas there are 151 problem types (merged into 14 groups) for criminal law matters. As a result, a family problem type is more likely to cover a wider range of legal issues than the more specific criminal or civil problem types, and will therefore account for a larger number of services overall. To some extent, the analysis by matter group helps with addressing this issue as there are smaller variations in the number of matter groups across the three areas of law, but this issue should be kept in mind when interpreting analyses such as that reported in Figure 29 (below).

**Table 10: Number of problem types and matter groups by area of law, as categorised in NTLAC databases**

Law type	Number of Problem/matter types	Number of matter groups
Criminal	151	14
Civil	159	9
Family	37	5

Nevertheless, an analysis of matter groups paints a picture of the types of legal problems for which clients received assistance that remains informative at a high level.

A single legal assistance service may be provided in relation to more than one problem. When this is the case, providers identify a primary problem type and record additional problems. Figure 29 presents numbers of **problems** – rather than services – (categorised at matter group level) for each broad area of law. Both primary and additional problems are included in this analysis.

Figure 29: Top problem types (matter groups) for each area of law, NT 2020–21
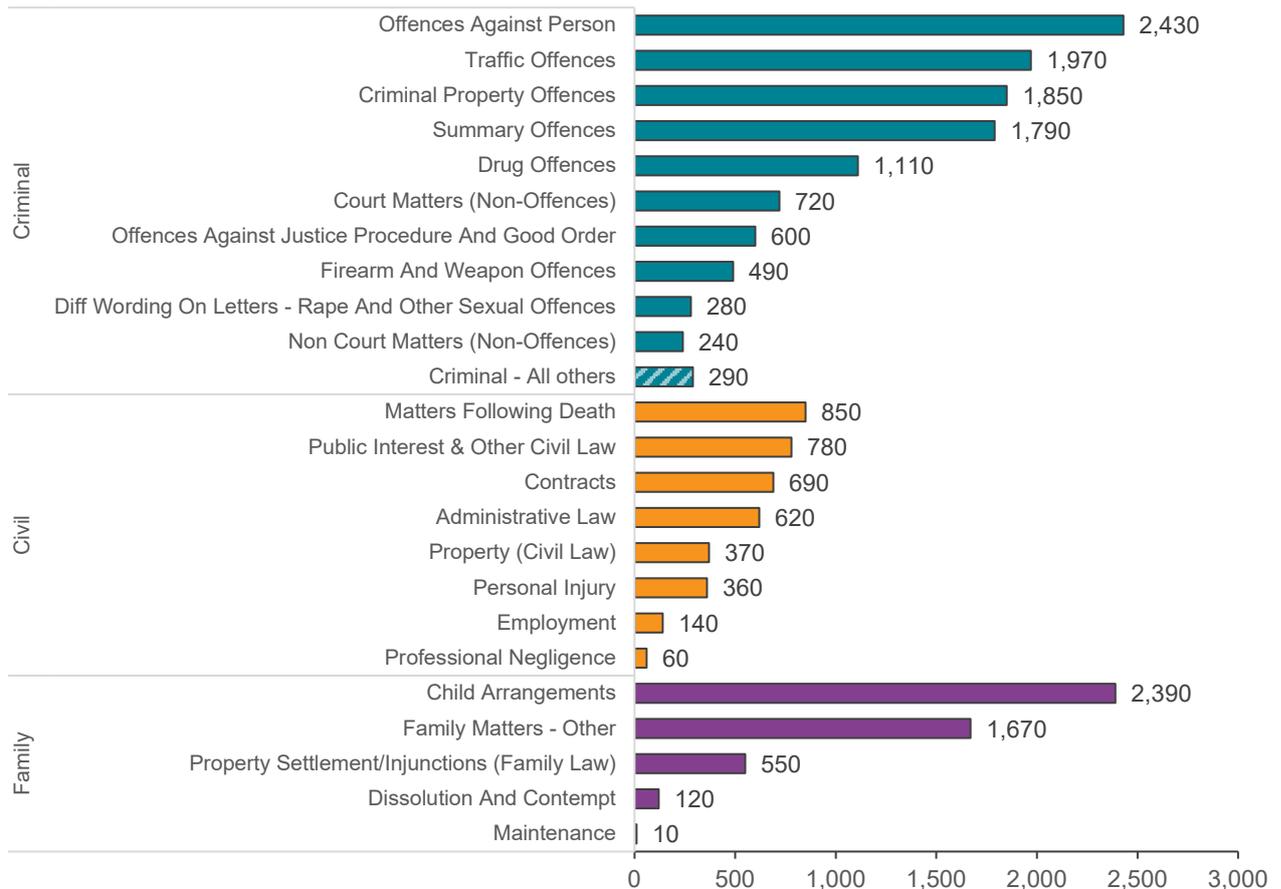
Base: Problems addressed by legal services, excluding information services (N=20,366 problems, representing 12,515 services)

When there are multiple legal issues at play, the process of assigning a primary problem to a service can be difficult: it inevitably carries a degree of subjectivity but is also likely to introduce differences in recording practices between providers and/or jurisdictions depending on the types of services provided, respective areas of expertise, or on state legislations.

Figure 30 shows a similar chart to the one above, with the additional breakdown by primary or additional problem.

Services provided in relation to criminal matters were more likely to have multiple problems recorded than those provided in relation to civil or family law matters. This means that, while an analysis by primary problem only might be adequate in the areas of family and civil law, it

may however, provide a distorted picture of the range, nature and extent of criminal legal needs that is met by NTLAC service provision.

Matter groups recorded more often as additional rather than the primary matter include: summary offences, traffic offences, criminal property offences, offences against justice procedure, firearm and weapon offences.[21]

Figure 30: Problem types (matter groups) for each area of law by priority/additional status, NT 2020–21
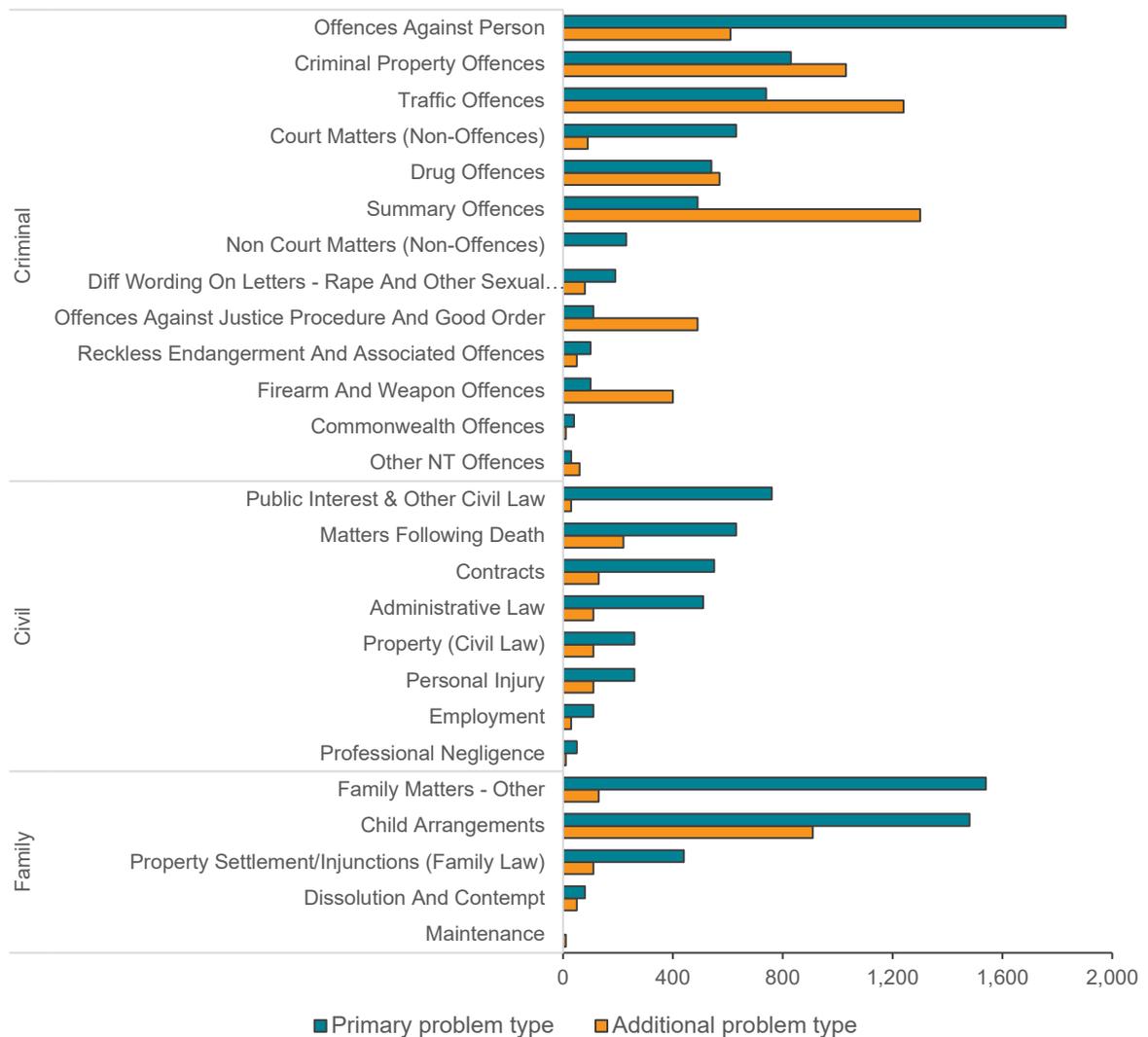
Base: Problems addressed by legal services, excluding information services (N=20,366 problems, representing 12,515 services)

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[21] 'Summary offences' is a broad category in the NTLAC data that includes a wide range of different problem types such as breach of DVO, disorderly/offensive behaviour, liquor offences, resist/hinder police, unlawful use of motor vehicle, violent conduct, and more. It should be noted that other providers/systems may classify these differently, and especially so in different jurisdictions.

Client profile

This section presents an analysis of key client demographics. This is an analysis based on **services** delivered, and not an analysis by client, which means that if the same person received multiple services during the period they are counted multiple times.

Unique demographic details may not be recorded for Independent Children's Lawyer matters (ICL files) if they involve more than one child. As a result, a small number of services of this type (less than 60) were excluded from the following analysis.

Client's gender

Over half of services (61.2%) were provided to male clients (see Figure 31).

Figure 31: Services by client's gender, NT 2020–21
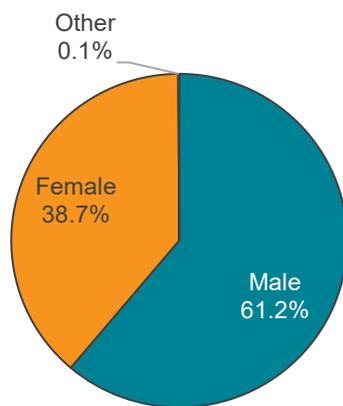
Base: legal services (excl information services) to individuals whose gender is known (N=12,450).

There are, however, differences in the distribution of services by broad area of law by demographics. While a majority (57.6%) of male clients received services in relation to criminal matters, services provided to female clients were more evenly spread across all three areas of law with 30.3% for criminal matters, 31.7% for civil matters and 37.9% in relation to family law matters.

Figure 32: Services by client's gender by area of law, NT 2020–21

Base: legal services (excl information services) to individuals whose gender is known (services where client's gender was identified as 'other' are not displayed due to small numbers) (N=12,450).

Advice services represented nearly half (48.2%) of services provided to female clients and over a third (36.0%) of services to male clients. Duty and representation services accounted

for higher proportions of services provided to male clients than to female clients, which reflects the above finding of higher percentages of services in relation to criminal law matters for this cohort.
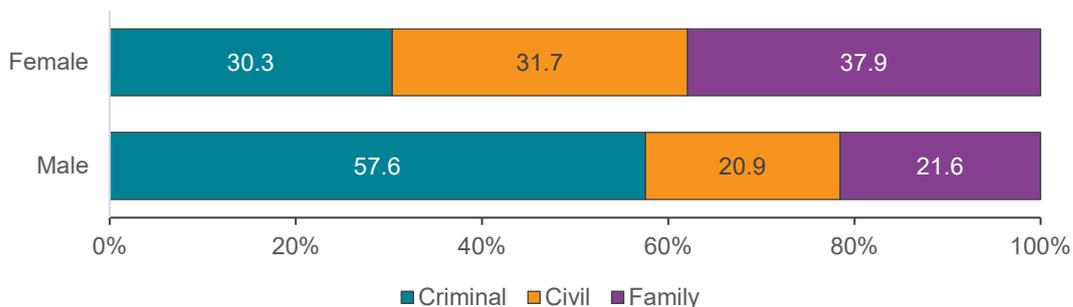
Figure 33: Services by client's gender by service type, NT 2020–21

Base: legal services (excl information services) to individuals whose gender is known (services where client's gender was identified as 'other' are not displayed due to small numbers) (N=12,450).

Figure 34 shows that a majority of services were delivered to male clients across three out of four service types. Legal task is the only service type where the gender balance is reversed, with more legal task services provided to female clients than to male clients.

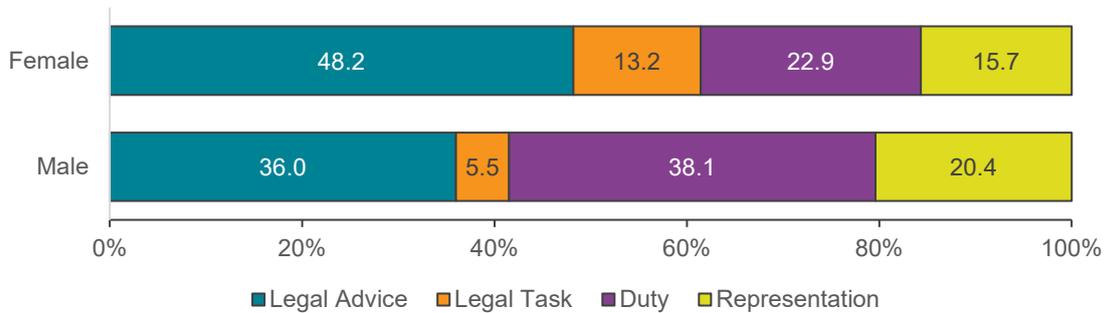**Figure 34: Services by service type by client's gender, NT 2020–21**

Base: legal services (excl information services) to individuals whose gender is known (services where client's gender was identified as 'other' are not displayed due to small numbers) (N=12,450).

Client's age

The proportion of services by client's age peaks for the 25–34 age group (27.8% of services), followed by the 35–44 age group (26.1%) and the 45–54 age group (15.9%; see Figure 35). Just over 18% of services (18.1%) were provided to children and young people aged under 25 years and 4.0% were provided to older people aged 65 or over.

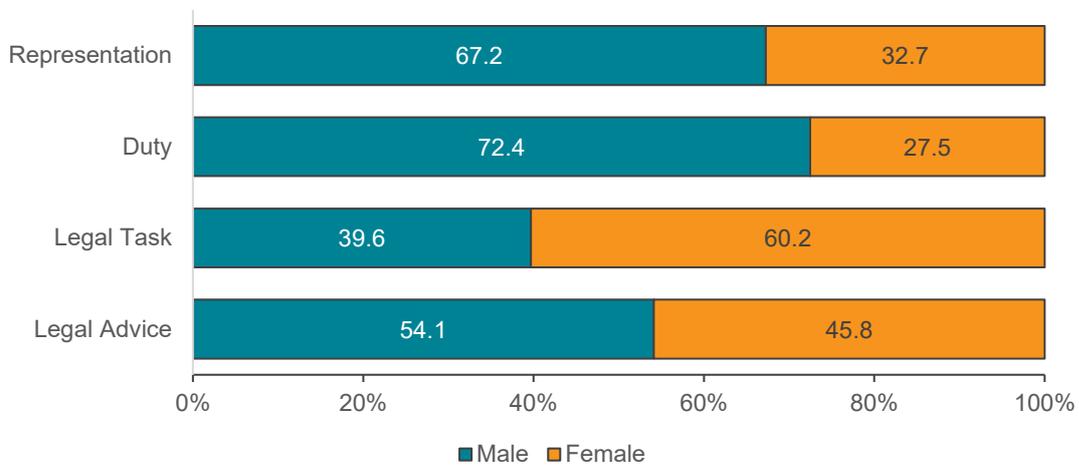**Figure 35: Services by client's age group, NT 2020–21**
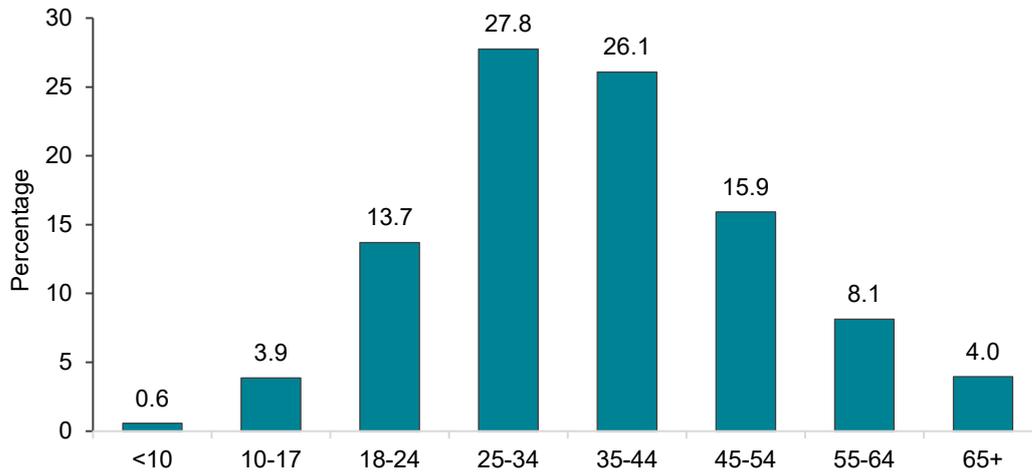
Base: legal services (excl information services) to individuals whose age is known (N=12,440).

The proportion of services in relation to <u>civil</u> law matters increases as the client's age increases, and represents a majority of services for the over 65 age group. In parallel, the proportion of services in relation to <u>criminal</u> matters follows a reverse trend and decreases from 80.2% of services to 10–17-year-olds to 29.2% of services to people aged 65 and over. The proportion of services provided in relation to <u>family</u> law matters is higher for young children and for adults aged 25 to 54 who are more likely to have dependent children.

Figure 36: Services by client's age group by area of law, NT 2020–21

Base: legal services (excl information services) to individuals whose age is known (N=12,440).

The breakdown of services provided to each age group by service type shows that the proportion of duty services tends to decrease as clients' age increases (reflecting the above trend considering that, as mentioned earlier, a majority of duty services were in relation to criminal matters). In parallel, the proportion of legal advice services increases for the older age groups.

Services provided to young children (aged under 10) show a distinct pattern with a majority (81.9%) being representation services, many of these are cases where an Independent Children's Lawyer has been appointed by the court (ICL files).
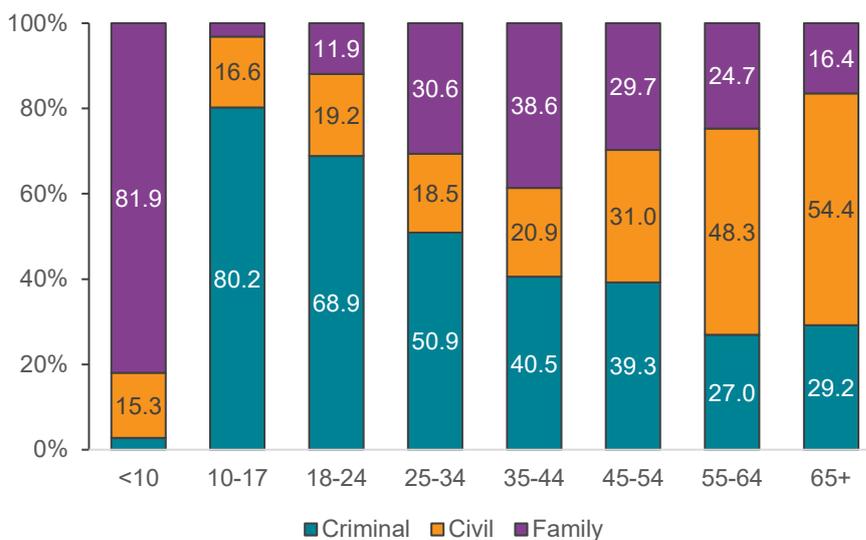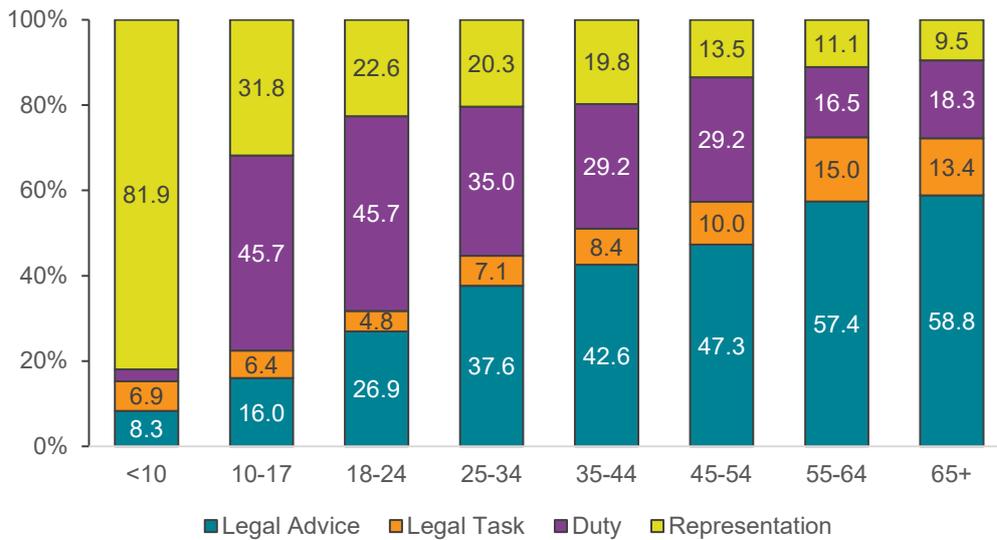
Figure 37: Services by client's age group by service type, NT 2020–21

Base: legal services (excl information services) to individuals whose age is known (N=12,440).

Client location

Client location data was reported through two data items: postcode and locality. *Localities* are the officially recognised boundaries of suburbs (in cities and larger towns) and localities/towns (outside cities and larger towns). Then, using correspondence tables, localities were mapped to *Remoteness Areas* and assigned one of five levels of remoteness as per the Australian Bureau of Statistics (ABS) remoteness structure:[22]

1. Major Cities
2. Inner Regional
3. Outer Regional
4. Remote
5. Very Remote

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[22] Relative remoteness is measured in an objective way using the Accessibility and Remoteness Index of Australia (ARIA+), which is developed by the Hugo Centre for Migration and Population Research at the University of Adelaide. The ABS then maps ARIA+ data to the Australian Statistical Geography Standard (ASGS) and compiles correspondence tables across various geographies. Refer *ASGS: Volume 5 - Remoteness Structure, July 2016* on the ABS website for more details.

Figure 38 shows the proportion of services by level of remoteness of client location. It is worth noting that the NT (including the city of Darwin) is entirely classified as either Outer Regional, Remote or Very Remote within the ABS remoteness structure. Therefore, it is not surprising that a majority of services (6,890, or 55.1%) were provided to clients residing in outer regional areas, followed by those provided to clients in remote (21.1%) and very remote (14.6%) areas.

The small number of services provided to clients residing in areas classified as either inner regional or major city were interstate clients. A small, but not negligible, number of services (681, or 5.4%) were delivered to clients who recorded a PO Box or PO Bag delivery area as their postcode of residence. Although this means that their precise place of residence (and consequently the exact level of remoteness) cannot be ascertained, all PO Box/PO Bag postcodes listed are within outer regional, remote or very remote areas, and it is therefore highly likely that these clients reside in one of these three levels of remoteness.

Figure 38: Number and percentage of services by remoteness of client's residence, NT 2020–21
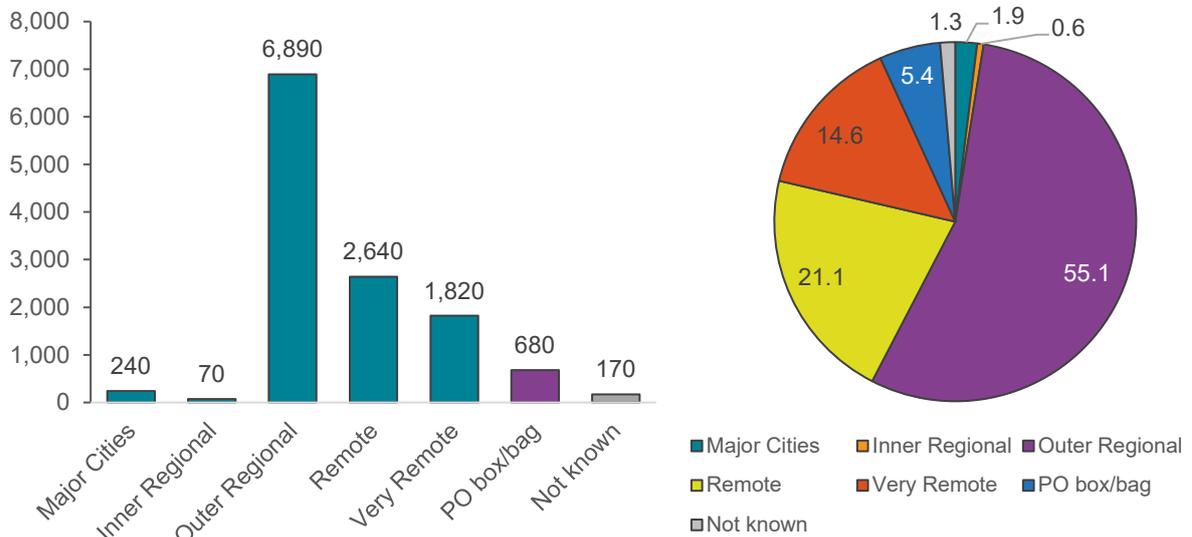
Base: legal services (excl information services) (N=12,515).

Priority client groups

Like the NPA before, the NLAP service delivery principles include a focus on priority clients. Providers must ensure that services are focused on people experiencing financial disadvantage, and must plan and target people who fall within one or more of the following national priority client groups:

- Aboriginal and Torres Strait Islander people
- Children and young people up to 24 years
- Older people (aged over 65 years, or Aboriginal and Torres Strait Islander people aged over 50 years)[23]
- People experiencing, or at risk of, family violence

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[23] Note that this priority group differs slightly from the 'Older people' priority group under the NPA, which included those aged 65+ regardless of Indigenous status.

- People experiencing, or at risk of, homelessness
- People in custody and/or prisoners
- People residing in rural and remote areas
- People who are culturally and linguistically diverse
- People with a disability or mental illness
- People with low education levels
- Single parents.

Financial disadvantage

Under the NLAP, financial disadvantage means: a person who does not have the means to pay for their legal representation without incurring serious financial difficulty, including a person who: a) is in receipt of Centrelink benefits as their main source of income; or b) satisfies a means test applied by a legal assistance provider; or c) is exempt from a legal assistance provider's means test, such as a child or a people seeking merits review of decisions about eligibility for Commonwealth military entitlements or military compensation payments; or d) has an income equal to or below the Henderson Poverty Line; or e) cannot access finances temporarily due to circumstances outside of their control. For example, a person at risk of family violence who cannot access finances without risk to their personal safety or safety of others.[24]

NTLAC only applies a means test for grants of aid applications, that is for the provision of representation services. This means that all representation services (100%) were provided to clients who meet the above definition of financial disadvantage (i.e. they either met the means test or were exempt from it).

For discrete assistance and duty services, no means test is applied and the financial disadvantage status of clients could not be ascertained from the available data.

NLAP priority client groups

Figure 39 below presents the percentage of services provided to priority clients, for some of the priority client groups outlined in the NLAP.[25]

The sample of services provided to some priority groups is comparatively small and therefore findings in relation to these groups are indicative only. This is especially the case for people experiencing, or at risk of, homelessness, for people who are culturally and linguistically diverse, and to a lesser extent, for older people.[26]

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[24] This is the definition that was also included in the version 3 of the DSM implemented from July 2021. Version 2 of the DSM that was current at the time of collecting 2020-21 service data specified 'legal aid commission' in place of 'legal assistance provider' at b) and c). In the case of Legal Aid data analysis, this change has no impact.

[25] No data was available to calculate percentages for two priority groups as this information was not required to be reported: people with low education levels and single parents. A further priority group (people experiencing, or at risk of, family violence) is not included in Figure 39 due to incomplete data.

[26] The 'Older people' priority group is not an exact match to the NLAP definition: the age groups provided in the data did not allow to include Aboriginal and Torres Strait Islander clients aged 50 to 55.

Nearly half (46.6%) of services were provided to Aboriginal and Torres Strait Islander clients. Nearly one in five services was provided to people in custody (19.5%), 18.1% were provided to young people, and 13.0% to people with a disability.[27]

The DSM version 2, current at the time of this data was collected, did not include a definition of the priority group 'people residing in rural or remote areas'. In line with similar reporting and analyses in relation to this group, the three lower levels of the ABS remoteness structure (Outer Regional, Remote, and Very Remote) were used to identify services provided to this priority group (using the client's area of residence). [28] For the reasons described earlier with regards to remoteness classification within the NT, nearly all services (97.4%) were provided to people residing in rural or remote areas.

Similarly, the DSM version 2 also did not include a definition of the priority group 'people who are culturally and linguistically diverse' (CALD). Cultural and linguistic diversity is complex to measure and report and, generally, cannot adequately be captured with a single variable.[29] In its third version (current from July 2021, subsequent to the time this data was collected), the DSM now includes the following definition: *'those whose main language spoken at home is not English or require an interpreter/translator, not including Aboriginal and Torres Strait Islander people'*.[30]

NTLAC data does not include a specific *CALD priority group* variable, but it does include Indigenous status as well as the following two variables in relation to CALD indicators: *main language spoken at home* and *interpreter required*. Those three variables were used to identify services to clients who meet the DSM v3 definition: 5.3% of services were provided to so-defined CALD clients.

The issues of remoteness and language diversity are especially important in the context of the NT. More refined analysis is useful to draw a clearer picture of service delivery to people facing such barriers in this jurisdiction, see section *Specific analysis in relation to the context of the NT* on page 52.

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[27] Note that the NLAP priority group includes people with a disability **or mental illness**, the data provided includes a Disability variable with no indication as to the inclusion of mental illness. Figures reported here may not align with the NLAP priority group.

[28] The same definition was later included in version 3 of the DSM implemented from July 2021.

[29] See ABS, Standards for Statistics on Cultural and Language Diversity (1289.0), 1999.

[30] Aboriginal and Torres Strait Islander people are not included because they are already counted in a separate priority group.

Figure 39: Percentage of services provided to priority clients, NT 2020–21
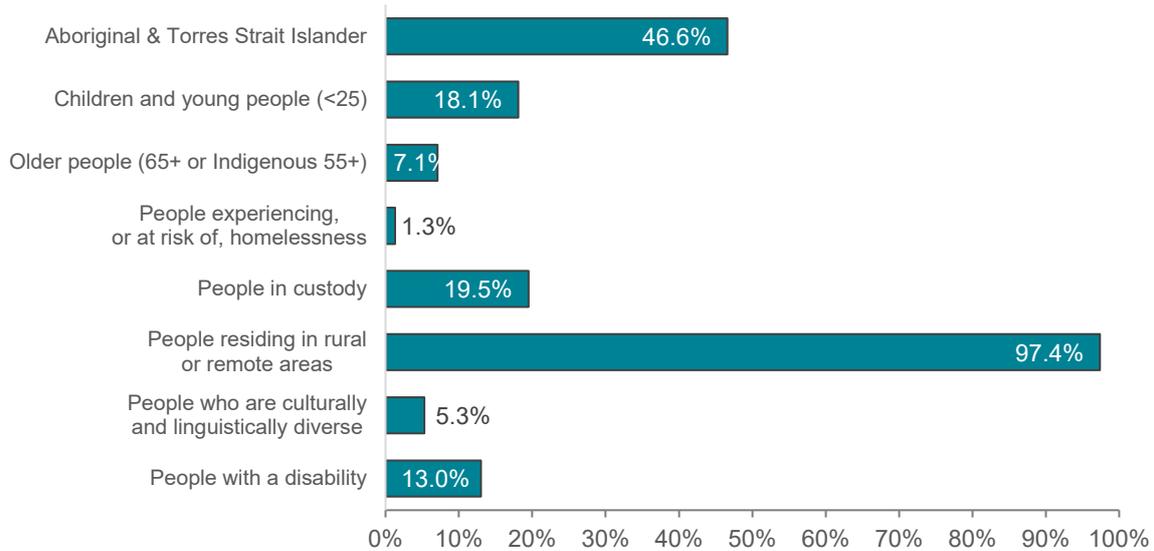
Base: legal services (excl information services) (N=12,515). The 'Older people' group includes clients aged over 65 or Aboriginal and Torres Strait Islander clients aged over **55**, which does not exactly match the NLAP priority group definition that also includes Aboriginal and Torres Strait Islander clients aged 50-55.

Services to priority clients by area of law and by service type

The breakdown of services by broad area of law (Figure 40) and by service type (Figure 41) show different patterns in the types of services provided to different priority client groups.

As may be expected, people in custody were most likely to receive assistance in relation to criminal law matters (79.5% of services provided to that priority group). And a large majority of services (69.2%) provided to young people aged under 25 were also for criminal matters.

In contrast, nearly two-thirds of services (64.3%) provided to people experiencing, or at risk of, homelessness and 58% of services to older people were for civil law matters.[31] Those two priority groups also show the lowest proportions of criminal legal assistance services.

With the exception of CALD priority clients, the percentage of services provided in relation to a family law issue were more consistent across the different priority groups at around 17%, albeit with slightly lower percentages for people in custody and young people and a slightly higher percentage for Aboriginal and Torres Strait Islander people.[32]

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[31] The sample of services provided to people experiencing, or at risk, homelessness is comparatively small and therefore findings in relation to this priority group are indicative only.

[32] We did not comment on the priority group of people residing in rural or remote areas in this instance as, due to the remoteness classification within the NT, nearly all clients are counted in this group.

Figure 40: Percentage of services provided to priority clients, by area of law, NT 2020–21
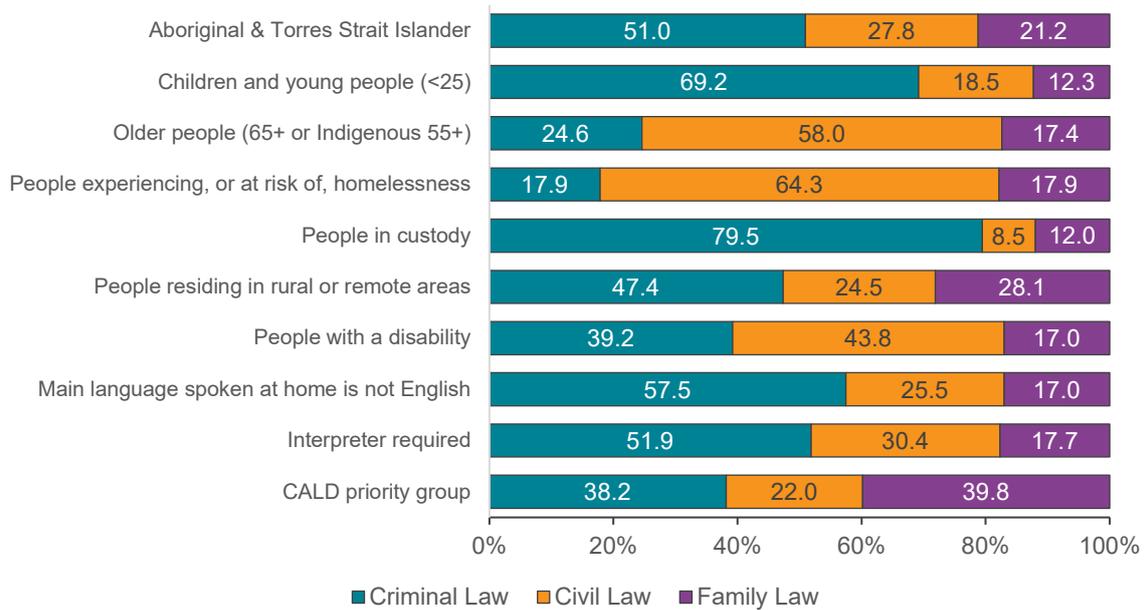
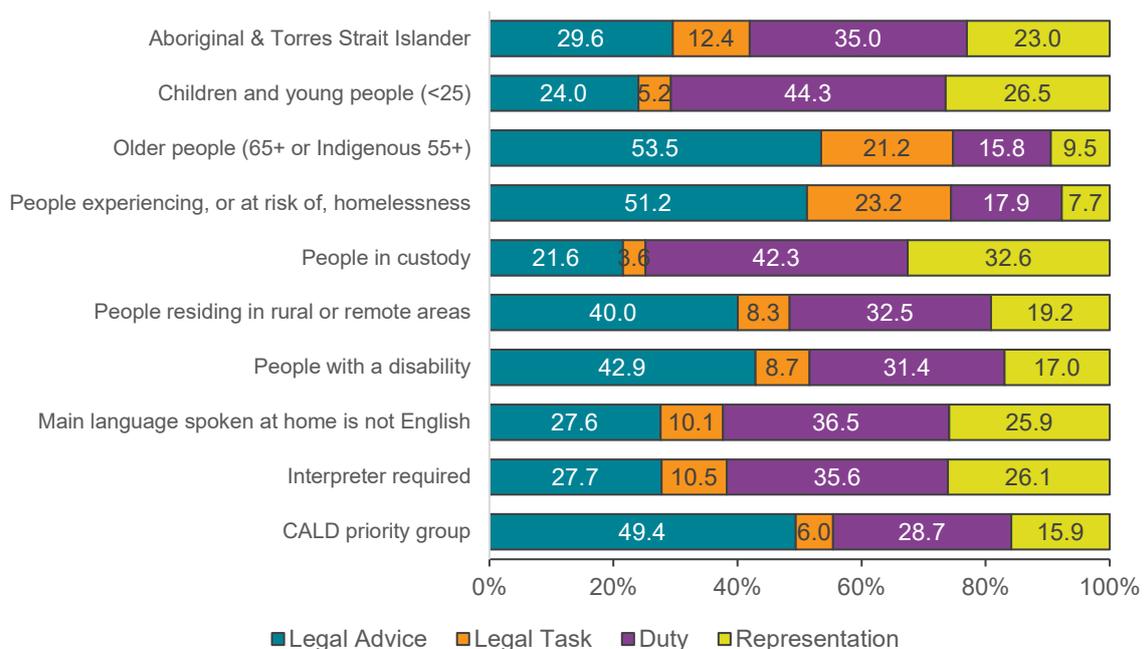|	Criminal Law	Civil Law	Family Law
Aboriginal & Torres Strait Islander	51.0	27.8	21.2
Children and young people (<25)	69.2	18.5	12.3
Older people (65+ or Indigenous 55+)	24.6	58.0	17.4
People experiencing, or at risk of, homelessness	17.9	64.3	17.9
People in custody	79.5	8.5	12.0
People residing in rural or remote areas	47.4	24.5	28.1
People with a disability	39.2	43.8	17.0
Main language spoken at home is not English	57.5	25.5	17.0
Interpreter required	51.9	30.4	17.7
CALD priority group	38.2	22.0	39.8

Base: legal services (excl information services) (N=12,515).

Priority client groups that received more services in relation to criminal matters than other areas of law generally also received more court-based service types such as duty or representation services. Whereas priority groups that received more services for a civil law matter were also more likely to receive discrete assistance services such as legal advice or legal tasks.

Figure 41: Percentage of services provided to priority clients, by service type, NT 2020–21

	Legal Advice	Legal Task	Duty	Representation
Aboriginal & Torres Strait Islander	29.6	12.4	35.0	23.0
Children and young people (<25)	24.0	5.2	44.3	26.5
Older people (65+ or Indigenous 55+)	53.5	21.2	15.8	9.5
People experiencing, or at risk of, homelessness	51.2	23.2	17.9	7.7
People in custody	21.6	3.6	42.3	32.6
People residing in rural or remote areas	40.0	8.3	32.5	19.2
People with a disability	42.9	8.7	31.4	17.0
Main language spoken at home is not English	27.6	10.1	36.5	25.9
Interpreter required	27.7	10.5	35.6	26.1
CALD priority group	49.4	6.0	28.7	15.9

Base: legal services (excl information services) (N=12,515).

# Specific analysis in relation to the context of the NT

Remoteness in the NT

The very high percentage of services to clients residing in rural or remote areas (97.4%) is to be expected considering that the whole resident population of the NT technically falls within the definition of that priority group. The challenges associated with providing services to people residing in remote communities are obviously of particular importance in the NT.

However, the definitions and remoteness structure used at the national level may not be the most relevant for the NT at the jurisdictional level if the whole population qualifies as 'priority'. An alternative option is to refine the analysis and more adequately describe the reach to remote communities by using an NT-specific definition of the rural/remote target group that only includes the population residing **outside** the main cities/towns of Darwin, Palmerston, Alice Springs, Katherine and Tennant Creek where NTLAC offices are located.

Figure 42 and Table 11 below presents counts of services to clients who reside either in one of the main towns of the Territory (Darwin, Palmerston, Alice Springs, Katherine and Tennant Creek), or in rural/remote or very remote locations. Nearly a third (32.0%) of services were provided to clients who did not reside in one of the main towns.[33]

Figure 42: Percentage of services by remoteness of client's residence, NT 2020–21

- NT main cities/towns
- NT rural/remote
- Not known/interstate

9.3
32.0
58.7
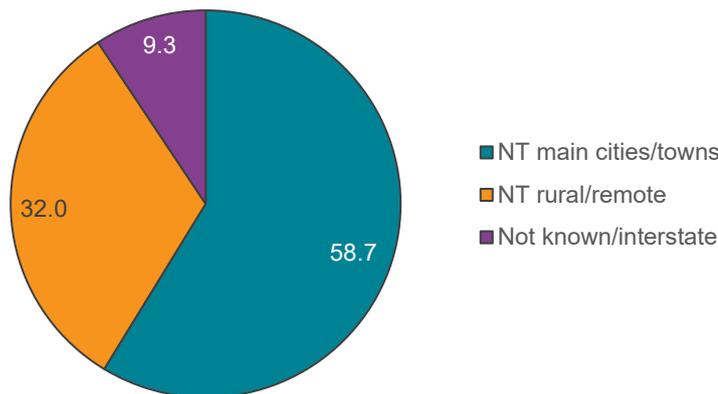
Base: legal services (excl information services) (N=12,515).

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[33] This is possibly an under-estimate if we consider that a further 9.3% of services were provided to clients who use PO boxes/bags, reported an interstate place of residence, or whose place of residence was not known.

Table 11: Number and percentage of services by remoteness of client's residence, with additional breakdown within levels of remoteness, NT 2020–21

Remoteness	Town / other	Services	%
Outer Regional	Darwin	3,570	28.5
	Palmerston	1,230	9.8
	Outer Regional – other	2,100	16.8
Remote	Alice Springs	1,340	10.7
	Katherine	750	6.0
	Remote – other	540	4.3
Very Remote	Tennant Creek	460	3.7
	Very Remote – other	1,360	10.9
Major City / Inner Regional*		320	2.5
PO box/bag		680	5.4
Not known		170	1.3

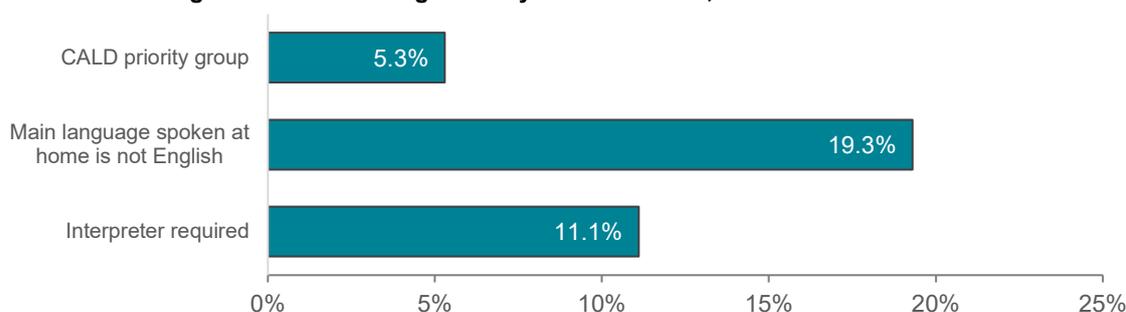Base: legal services (excl information services) (N=12,515).

*services likely provided to interstate clients.

This is not to suggest that the definition of this priority group should be amended in the DSM, or that service providers in the NT should use different definitions in their reporting. The use of consistent definitions across providers and jurisdictions is crucial to creating a reliable dataset of legal assistance services at the national level. Furthermore, the decision to align the definition of this priority group to the ABS remoteness structure presents many advantages. This example shows the potential of unit-record data for a more flexible and useful analysis in different contexts and at various levels of geography.

Cultural and linguistic diversity in the NT

Looking back separately at the two language-related variables that are commonly reported by service providers in relation to the CALD priority client group, data shows that nearly one in five services (19.3%) was provided to clients whose main language spoken at home is not English, and 11.1% were provided to clients who required an interpreter. These percentages suggest that language barrier is a challenge in accessing services that is far more prevalent than might be interpreted from the CALD priority group alone.

Figure 43: Percentage of services to linguistically diverse clients, NT 2020–21

Base: legal services (excl information services) (N=12,515).

When considering the breakdown by Indigenous status, we find that, while 5.3% of services were provided to CALD clients (as mentioned earlier), a further 15.7% of services were provided to Aboriginal and Torres Strait Islander clients facing a language barrier (Table 12).

Table 12: Services to linguistically diverse clients by Indigenous status, NT 2020–21

CALD indicator	Aboriginal and Torres Strait Islander people	Non-Indigenous	Total services
Main language spoken at home not English OR interpreter required	1,960	670	2,630
% of 12,515 services	*15.7%*	*5.3%*	*21.0%*

In other settings such as large cities in the more populous states, the CALD priority group primarily captures a cohort of people with a migrant background that may face specific challenges in accessing legal services. This analysis is not to suggest that the definition of priority client groups should be changed. Rather, it outlines some of the challenges of service delivery in the NT in relation to cultural and linguistic diversity that is not captured through NLAP reporting. In particular, it highlights the benefits of flexible analysis that can be drawn from unit-record data to provide a more precise picture of service delivery.

Client-based analysis

This analysis is based on **clients** (rather than services). It also provides a profile of clients and follows the same template as the client profile presented earlier, only this time each individual client is counted once regardless of the number of services they received during the period.

A total of 5,640 clients received legal assistance from NTLAC during the 2020-21 financial year (not including those who received information and/or non-legal support services only).

Number of services received

Nearly half of clients (47.7%) received one service during the period, and a further 35.5% received two or three services.

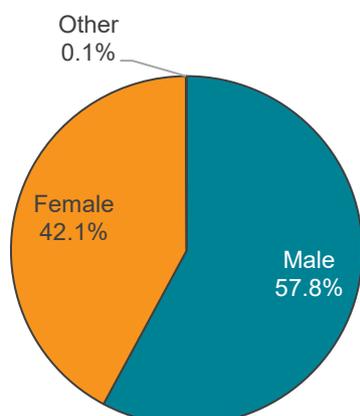**Table 13: Number of clients by number of services received, NT 2020–21**

Number of services	Clients	%
1 service	2,690	47.7
2 or 3 services	2,000	35.5
4 or 5 services	640	11.3
>5 services	310	5.5

Base: Clients who received legal services (excl information services) (N=5,640).

Client's gender

Over half of clients (57.8%) were male and 42.1% were female.
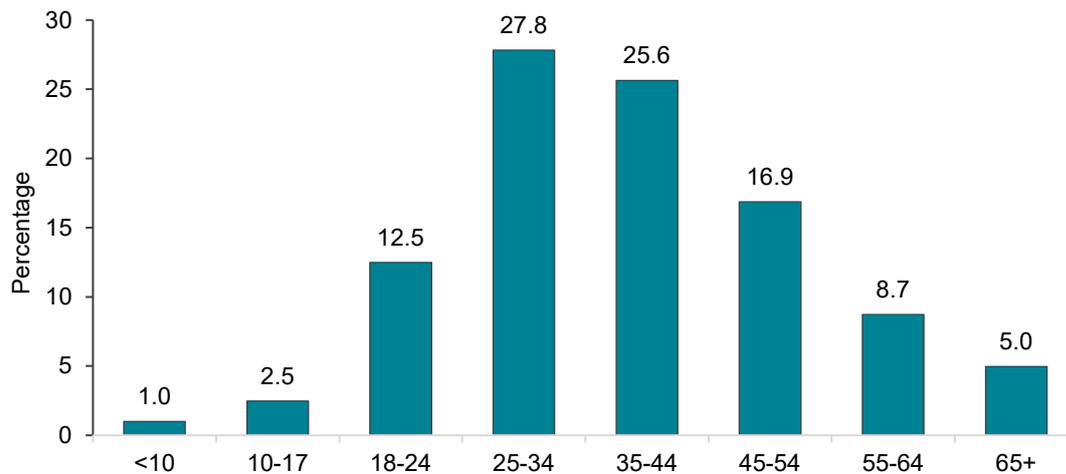
Figure 44: Clients by gender, NT 2020–21

Base: Clients who received legal services (excl information services) and whose gender is known (N=5,590).

Client's age

The proportion of clients by age group peaks for the 25–34 age group (27.8% of services), followed by the 35–44 age group (25.6%) and the 45–54 age group (16.9%). 16% of clients were children and young people aged under 25 years and 5.0% were older people aged 65 or over.

**Figure 45: Clients by age group, NT 2020–21**

Base: Clients who received legal services (excl information services) and whose age is known (N=5,590).

Client location

Over half of clients (55.7%) were residing in areas defined as outer regional (Darwin and surrounds), and over a third (34.8%) resided in remote or very remote areas (including the towns of Alice Springs and Katherine).

Figure 46: Number and percentage of clients by remoteness of residence, NT 2020–21
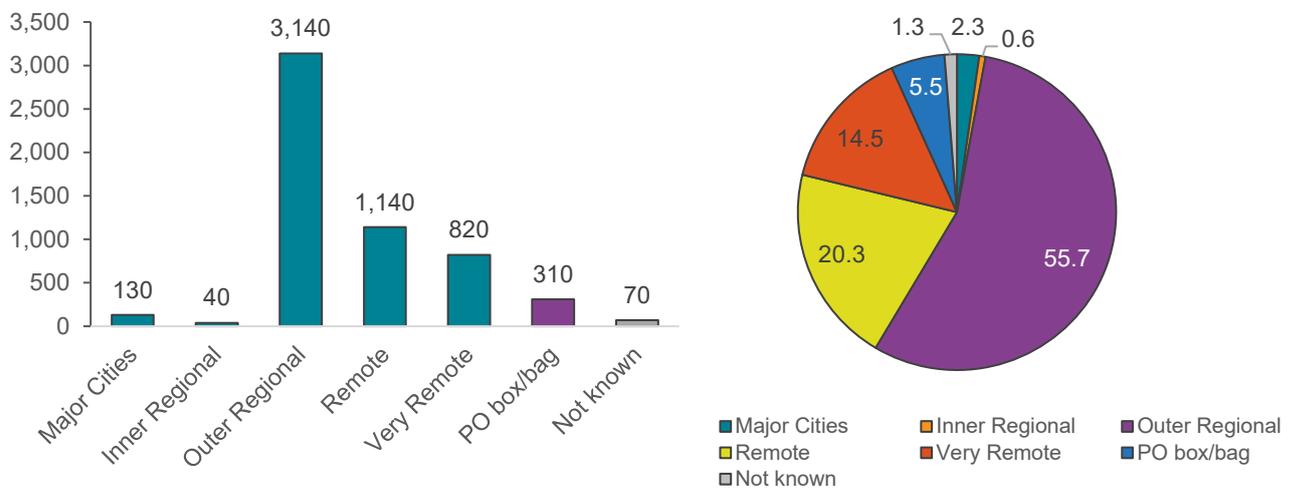
Base: Clients who received legal services (excl information services) (N=5,640).

Priority client groups

Clients in at least one priority group

Nearly all clients (98.3%) were counted in at least one of the following eight priority groups:

- Aboriginal & Torres Strait Islander
- Children and young people (<25)
- Older people (65+ or Indigenous **55+**)
- People experiencing, or at risk of, homelessness

- People in custody
- People residing in rural or remote areas
- People who are culturally and linguistically diverse (not including Aboriginal and Torres Strait Islander people)
- People with a disability

Percentage of clients within each priority group

Apart from the expected high percentage of clients residing in areas included within the rural/remote priority group, the next priority group with the highest number of clients is Aboriginal and Torres Islander people (42.1%), followed by children and young people (16.0%) and people in custody (14.1%).

Figure 47: Percentage of priority clients, NT 2020–21
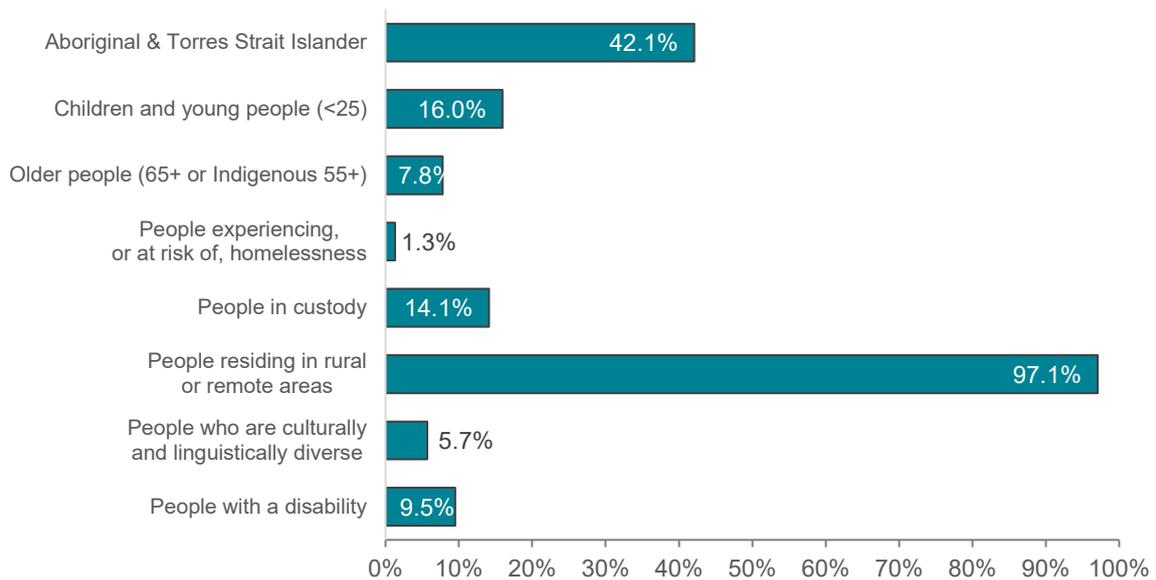
Base: Clients who received legal services (excl information services) (N=5,640).

Clients in multiple priority groups

Over a third (34.2%) were counted in one priority group only, nearly four in ten clients (39.3%) were counted in two groups – which is the highest proportion – and a further 20% were included in three distinct groups.

These numbers remain under-estimates of the actual reach of NTLAC legal services to priority clients as they do not include clients who may be counted in the priority groups for which data was incomplete or unavailable (family violence, low education, single parents).

Table 14: Number of clients by number of priority groups they are counted in, NT 2020–21

Number of priority groups clients are counted in (out of 8 groups)	Clients	%
0	100	1.7
1	1,930	34.2
2	2,220	39.3
3	1,130	20.0
4	250	4.4
5	20	0.3

Base: Clients who received legal services (excl information services) (N=5,640).

Figure 48 shows, for each priority group, the percentage of clients by the number of priority groups they are counted into. The percentages of clients who are counted in three or more priority groups are highest for the people in custody group, followed by people with a disability and young people.

Figure 48: Percentage of priority clients by number of priority groups they are counted in, NT 2020–21
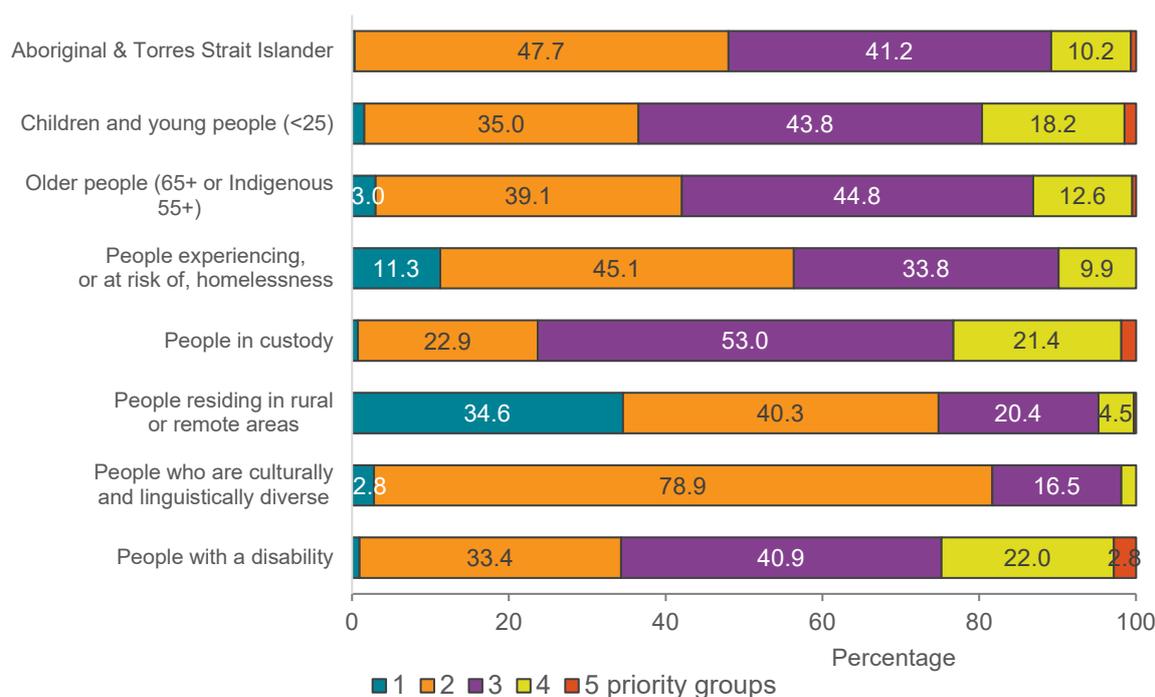
Base: Clients who are counted in at least one priority group (N=5,550).

Table 15 shows the most commonly reported combinations of priority groups for clients who were counted in two groups or more. Aside from rural/remote, this table suggests that identifying as Aboriginal and Torres Strait Islander, being under the age of 25 and being in custody may be a particularly prevalent cluster of disadvantage among clients. Having a disability also appears as an additional layer of disadvantage, especially for clients who are counted in four groups.

Table 15: Most commonly identified combinations of priority groups, NT 2020–21

Priority groups	Clients	Priority group combination
2	1,100	Rural/remote + Indigenous
3	360	Rural/remote + Indigenous + custody
3	330	Rural/remote + Indigenous + young people
2	310	Rural/remote + young people
2	250	Rural/remote + CALD
2	180	Rural/remote + custody
2	170	Rural/remote + disability
2	160	Rural/remote + older people
3	160	Rural/remote + Indigenous + older people
4	120	Rural/remote + Indigenous + young people + custody
3	120	Rural/remote + Indigenous + disability
4	40	Rural/remote + Indigenous + young people + disability
4	30	Rural/remote + Indigenous + custody + disability
4	30	Rural/remote + Indigenous +older people + disability

Priority groups in the context of the NT

This section looks at number and percentage of clients in relation to remoteness and language diversity, using the report-specific criteria outlined earlier.

Remoteness

A third (32.7%) of clients did not reside in one of the main towns of Darwin, Palmerston, Alice Springs, Katherine or Tennant Creek.

Figure 49: Percentage of clients by remoteness of residence, NT 2020–21
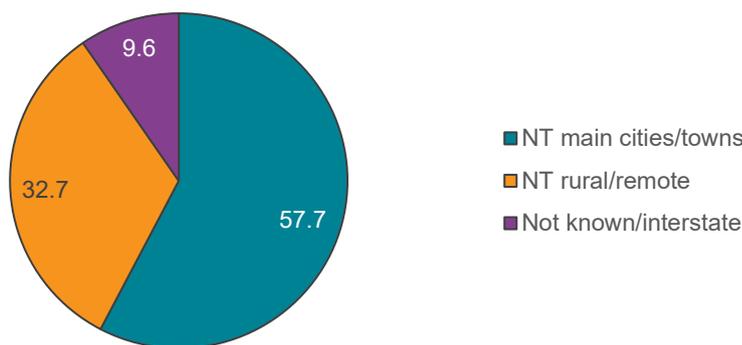
Base: Clients who received legal services (excl information services) (N=5,640).

Table 16: Number and percentage of clients by remoteness of client's residence, with additional breakdown within levels of remoteness, NT 2020–21

Remoteness	Town / other	Clients	%
Outer Regional	Darwin	1,640	29
	Palmerston	540	9.6
	Outer Regional - other	970	17.1
Remote	Alice Springs	570	10.1
	Katherine	320	5.7
	Remote - other	260	4.5
Very Remote	Tennant Creek	190	3.4
	Very Remote - other	630	11.1
Major City / Inner Regional		160	2.9
PO box/bag		310	5.5
Not known		70	1.3

Base: Clients who received legal services (excl information services) (N=5,640).

Language diversity

Figure 50 shows that 17.7% of clients reported a language other than English as their main language spoken at home, and one in ten required an interpreter.

Figure 50: Percentage of clients by various language-related variables, NT 2020–21
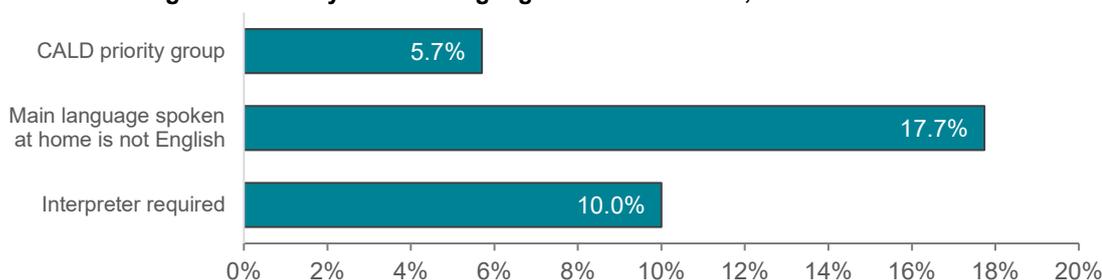
Base: Clients who received legal services (excl information services) (N=5,640).

Although 5.7% of clients were counted in the CALD priority group, a total of 19.2% of clients – or nearly two in ten – potentially faced the added challenge of a language barrier.

Table 17: Linguistically diverse clients by Indigenous status, NT 2020–21

CALD indicator	Aboriginal and Torres Strait Islander people	Non-Indigenous	Total clients
Main language spoken at home not English OR interpreter required	760	320	1,080
% of 5,644 clients	*13.3%*	*5.7%*	*19.2%*

Multiple priority groups with report-specific revised criteria[34]

Using a revised criteria for the CALD group and the rural/remote group that may be more relevant for the NT at jurisdictional level, that is:

- including Aboriginal and Torres Strait Islander clients who speak a language other than English as their main language at home
- excluding clients who reside in one of the main cities/towns of Darwin, Palmerston, Alice Springs, Katherine and Tennant Creek

We find that three-quarters of clients (75.2%) were counted into at least one of eight priority groups, and nearly one in ten (18.9%) were counted in three or more priority groups.

Table 18: Number of clients by number of priority groups they are counted in, using report-specific criteria for remoteness and CALD, NT 2020–21

Number of priority groups (out of 8 groups) incl CALD Indigenous excl residents of NT main towns	Clients	%
0	1,400	24.8
1	1,930	34.1
2	1,250	22.2
3	720	12.8
4	290	5.1
5	50	1.0
6	0	0.1

Client profile: counting services or counting clients?

An analysis based on services or one based on clients can both provide useful insights. Simply put, an analysis based on *services* might describe a client profile that tends to emphasise the characteristics of clients who received multiple services (likely those facing specific or multiple challenges). On the other hand, an analysis based on *clients* may not adequately reflect potential pressure points on service delivery as it does not reflect the demand placed on resources by additional service provision to some vulnerable clients.

As an example, 9.5% of clients reported having a disability (Figure 47) and 13.0% of services were provided to these clients (Figure 39). This may suggest that individual clients with a disability are either more likely to face multiple legal problems over a given period, or are more likely to require multiple services to address a particular legal problem, or a combination of both. In line with the above finding on most disadvantaged clients, there are similar differences for Aboriginal and Torres Strait Islander people, young people and people in custody. These findings, however, are indicative only and further research would be required to explore the impact of possible confounding factors.

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[34] Report-specific revised criteria is for the purpose of this report only to demonstrate the flexibility of service data. It is not suggested for application beyond this report.

Concluding remarks

Service delivery data holds great, and largely untapped, potential in providing insights into the legal needs of the community that is met by public legal assistance. It gives us an opportunity to explore what types of services are provided, for what types of legal problems, to which client profiles, and where.

In undertaking an analysis of service data across providers and jurisdictions, the National Picture project paints a picture of legal assistance service delivery, both at the national (when all jurisdictions participate) and state/territory levels, but also sheds some light on the types of questions that can be answered with this valuable and readily available resource.

Much progress has been made towards achieving increased data quality through improved consistency and completeness, and the implementation of the National Legal Assistance Data Standards Manual (DSM) has likely been a key factor in that regard. But there remains a number of challenges associated with data collection and reporting practices, and more work is required to build a comprehensive and reliable legal assistance services dataset.

In exploring the broader question of whether service delivery data is a suitable source of evidence to guide policy decisions, we reiterate that such data remains only one of the many building blocks to be considered to inform the development of planning strategies. A high-quality standardised legal assistance services dataset, analysed alongside other research and/or data sources on the legal needs of the community, demand for services and the cost-effectiveness of alternative service delivery strategies, can provide valuable insights to inform evidence-based policy formulation.

Appendix

Classification of legal problems

The classification of legal problems varies between providers and jurisdictions, and sometimes reflect differences in legislation. This is especially the case in criminal law, where the classification of problem types is generally based on types of offences.

Problem types, or 'matter types', are typically grouped into broader categories, or 'matter groups', although the grouping of similar problem types may also differ between providers and/or jurisdictions.

The DSM provides a list of 'problem types' by the three broad areas of law. Though the number of problem types listed suggests that the list is more in line with what LACs refer to as 'matter groups'.

For these reasons, reporting and analysis of administrative data by problem type (or by matter group) is indicative only, regardless of whether it is based on services delivered (i.e. primary problems only) or on all recorded problems.

Table 19: Number of problem types and matter groups by area of law, as categorised in different systems used by LACs and listed in the DSM

LAC/DSM	Law type	Number of Problem/matter types	Number of matter groups
NTLAC	Criminal	151	14
	Civil	159	9
	Family	37	5
Legal Aid NSW	Criminal	153	20
	Civil	260	32
	Family	55	5
DSM	*Criminal*	*23*	
	Civil	*22*	
	Family	*9*	

Service location

Service location was reported as one of the five NTLAC offices: Darwin, Palmerston, Alice Springs, Katherine and Tennant Creek, with a relatively small number of services attributed to Family Advocacy and Support Service (FASS), Family Duty Lawyer or Indigenous Outreach with no specific location.

The high number of services reported from the Palmerston office (47.4%) reflects the structure of NTLAC service delivery: the Palmerston office hosts the telephone helpline and therefore provides a large majority of information services provided to clients across the territory. Over a third of services (37.6%) were reported from the Darwin office.

Table 20: Number of services by office location, NT 2020–21

NTLAC Office	Services	%
Alice Springs	1,780	4.3
Darwin	15,760	37.6
Katherine	2,080	5
Palmerston	19,830	47.4
Tennant Creek	1,180	2.8
Unknown	1,230	2.9
Total	41,850	100

Note: the Palmerston office hosts the telephone helpline and provides most information services NT-wide
Unknown includes FASS, family duty, Indigenous outreach