



An indicator of need for community legal centres: introducing NLAS(CLC)

Catriona Mirrlees-Black

Abstract: Community legal centres (CLCs) are not-for-profit organisations providing legal information and advice to the public and more intensive assistance to those people who qualify. Generalist CLCs provide help on a range of legal matters to people living within in a specified geographic area or catchment. Specialist CLCs focus on a particular area of law, such as tenancy, or section of the public, such as the elderly or people with disability.

Following a review of CLCs and other community-based legal assistance services, conducted by Alan Cameron AO, in August 2018 the NSW government announced that it was adopting an application-based funding model and supporting this process through the provision of legal needs analysis undertaken by the Law and Justice Foundation of NSW. As part of the work, the Foundation developed a new Need for Legal Assistance Services indicator called NLAS(CLC) to provide evidence of how need for legal assistance services may be distributed across the state.

The NLAS(CLC) indicator extends the original set of indicators developed by the Foundation to support the National Partnership Agreement on Legal Assistance Services 2015–2020. The 2018 Collaborative Planning Resource (2018 CPR) comprises five indicators: NLAS(Capability), NLAS(ATSI), NLAS(CALD), NLAS(65+) and NLAS(\$52K). For more information, see *Locating demand: updating the Need for Legal Assistance Service indicators*, Justice Issues paper 28, December 2018.

Acknowledgements

This work was undertaken with funds provided by the Department of Justice NSW and uses 2011 and 2016 Census data provided under Creative Commons licence by the Australian Bureau of Statistics.

Background

In Australia the main organisations providing free or subsidised legal assistance are legal aid commissions, Aboriginal and Torres Strait Islander Legal Services (ATSILS), Family Violence Prevention Legal Services, community legal centres and other community-based legal assistance services. The latter two are collectively referred to here as CLCs. CLCs are independently operated not-for-profit, community-based organisations most of which are represented by state peak bodies, such as Community Legal Centres NSW (CLCNSW) and the National Association of Community Legal Centres (NACLC). Generalist CLCs usually provide services on a range of legal issues to people living within a specific geographic area, or catchment. Specialist CLCs, on the other hand, usually provide statewide services for a specific legal issue such as tenancy, immigration or employment, or for a particular group of clients, such as children and young people, women, older people or the homeless.

CLCs may have multiple funding sources, including Commonwealth and state government funding. In August 2018, the NSW government announced it was accepting the recommendations of the *Review of NSW Community Legal Centre Services* conducted by Alan Cameron AO (the ‘Cameron Review’) to adopt an application-based funding model for CLCs. The review also recommended that an evidence base to inform applications for funding should be developed. The Law and Justice Foundation (‘the Foundation’) developed a resource which provided tabulation of data on legal needs for each generalist CLC catchment.¹ To best meet the requirements of the CLC sector, a bespoke measure of legal need was developed for inclusion in this resource.² This paper provides further details on this measure.

Measuring legal need

Surveys of legal need such as the Foundation’s Legal Australia-Wide (LAW) Survey provide measures of the proportion, and by extension, an estimate of the number of people experiencing legal problems in a particular time period. About half the adult population reported experiencing at least one legal problem in the year preceding the LAW Survey, which equates to over 8.5 million Australians aged 15 or over.³

However, as planning decisions may require information for relatively small geographic

localities, survey findings – which are necessarily estimates based on samples of the population – are unlikely to provide sufficiently precise measures for this purpose.⁴ For small geographic areas, only government census data is likely to provide robust enough data for funding allocation.

Census data provides reliable counts of the number of people living in an area, and total population numbers are one approach to assessing demand. But in the context of restricted funding, targeting resources at those most in need of services is likely to be a more cost-effective strategy.

An alternative approach, given the widespread nature of legal problems, is to consider the number of people who are *likely* to require the support of a legal assistance service, *if* they were to experience a legal problem. This approach draws on the concept of legal capability, which recognises that some people are less likely to have the personal resources to resolve their own problems due to factors such as problem-solving ability, financial resources and contextual factors (such as the impact the legal problem is having). Deploying this concept of legal capability, the Foundation developed a set of proxies of legal need using census measures of age, income, educational attainment and cultural background.

Need for Legal Assistance Services (NLAS) indicators

The Foundation first developed a set of Need for Legal Assistance Services (NLAS) indicators in support of the National Partnership Agreement on Legal Assistance Services 2015–2020 (NPA) between the Commonwealth of Australia and the states and territories.⁵ The NPA requires service providers to use data and other information to target resources to those most in need of services (Council of Australian Governments 2015).⁶ The initial set of NLAS indicators provided three counts of legal need:

- NLAS(Capability), a count of residents aged 15 to 64 with a level of personal income likely to qualify them for the more intensive legal assistance services, who also had a relatively low level of educational attainment.⁷

4 Estimates based on samples have an associated margin of error. Broadly speaking, the smaller the sample from a particular area, the larger this margin will be. The range within which the true value lies can be calculated for each area, but where these ranges overlap it will not be possible to draw conclusions about comparative levels of need between areas.

5 See Mirrlees-Black & Randell, 2015.

6 See Council of Australian Governments, 2015.

7 NLAS(Capability) is intended to be a proxy indicator for legal capability. People with higher levels of legal capability are more able to resolve their own problems without assistance. The use of educational attainment in this indicator is based on the findings of the Programme for the International Assessment of Adult Competencies which shows the relationship between qualifications and problem solving (ABS, 2013).

1 See Randell et al 2018.

2 As the construction of NLAS(CLC) is resource intensive, it is not currently included in the Foundation’s Collaborative Planning Resource. For further information on the availability of this indicator please contact datadigest@lawfoundation.net.au

3 See Coumarelos, et al 2012.

- NLAS(Indigenous) includes residents aged 15 and over with a low personal income who were likely to require culturally appropriate services as they had an Aboriginal or Torres Strait islander background. It has no educational attainment requirement.
- NLAS(CALD) counts residents aged 15 and over with a low personal income from a culturally and linguistically diverse background. It has no educational attainment requirement.

The introduction of an evidence-based funding allocation model for CLCs necessitated a review of the indicators.

Other data for priority groups – such as single parent families, disengaged youth, people requiring assistance with day-to-day activities and prisoners – was provided alongside the NLAS indicators in the Foundation’s 2015 Collaborative Planning Resource (2015 CPR).

During 2017, the 2015 CPR was updated with 2016 Census data and relaunched as the 2018 Collaborative Planning Resource (2018 CPR).⁸ The 2018 CPR increased the low income criterion from an annual income of less than \$20,800 to less than \$26,000 to take account of changes in the cost of living and renamed the NLAS(Indigenous) indicator NLAS(ATSI). Two additional NLAS indicators were added:

- NLAS(\$52K) uses the same criteria as NLAS(Capability) but with an increased income level which aligns with the mean disposable income in Australia and the level above which it is currently unlikely clients would qualify for any bespoke support⁹
- NLAS(65+) allows residents over the age of 64 to be included in the total NLAS(Capability) count. They had previously been excluded for reasons explained further below.

Introducing NLAS(CLC)

The initial set of indicators was developed to support collaborative planning by all parts of the legal assistance sector and not to inform funding decisions for a single element. The introduction of an evidence-based funding allocation model for CLCs necessitated a review of the indicators. Since the launch of the 2018 CPR, the ABS has released an updated version of its index of disadvantage: Socio-Economic Indexes for Areas (SEIFA). This provides a tool against which to assess the performance of

the NLAS indicators. Our review concluded that an additional indicator was required for the purpose of informing CLC funding allocations, based on the same concept as that of NLAS(Capability), but:

- using a financial qualifying criteria equivalent to a \$52,000 per year
- referencing household rather than personal income
- including residents aged 15 and over
- having a wider definition of low educational attainment, and
- incorporating a correction for potential undercounts in more disadvantaged areas.

The rationale for each requirement is discussed below.

Qualifying income level of up to \$52,000

Under the NPA, legal assistance services must be targeted to priority clients with the greatest legal need. CLCs generally focus on people who are vulnerable to or experiencing disadvantage or have other special needs. Although low income is not always a criterion to receive support from a CLC, in the context of restricted resources it is likely to be an important consideration. However, there is no prescribed means test and individual CLCs can set their own criteria. The Cameron Review noted that although the NPA provides a definition of financial disadvantage, this did not prevent CLCs from providing services to people outside the definition – particularly clients not requiring legal representation.

The NLAS(Capability) indicator currently has a personal income threshold of \$26,000 per year, which is the same as that used in ABS’s Socio-Economic Indexes for Areas (SEIFA)¹⁰ and aligns with the current Henderson Poverty Line¹¹ and generally the cut-off for receiving unsubsidised representation services from legal aid commissions.¹² Approximately one-third of Australian residents aged 15 to 64 have a personal income under this amount, with the highest proportions in Tasmania and South Australia, and the lowest in Australian Capital Territory and Northern Territory.¹³

Many CLCs serve a greater proportion of their community and may provide even the more intensive services to clients with an income above \$26,000 per year, perhaps with a monetary contribution from the client.¹⁴ For this reason, the income limit has been

8 See <http://www.lawfoundation.net.au/reports/2018cpr> and Mirrlees-Black & Randell, 2018.

9 Bespoke services include advice, assistance and representation that take account of an individual’s circumstances. Non-bespoke services include providing generic information about the law and legal processes in pamphlets, websites, in person and over the phone.

10 See Australian Bureau of Statistics (ABS) 2018, *Socio-economic indexes for areas (SEIFA) 2016: Technical paper*, ABS cat. no. 2033.0.55.001, Canberra.

11 Melbourne Institute of Applied Economic and Social Research 2016, *Poverty lines: Australia September quarter 2018*, The University of Melbourne, Melbourne.

12 In practice, legal aid commissions in each state and territory set their own qualifying criteria.

13 In 2015–16 of all states/territories ACT had the highest median income at \$63,061 followed by NT at \$59,466 (see ABS, 2018b). Both territories have a lower than average unemployment rate (see ABS, 2018c).

14 See www.clcsw.org.au/FAQs

raised to \$52,000 which is in line with the mean equivalised disposable household income in Australia since 2007–2008.^{15, 16, 17} CLCs are unlikely to provide ongoing assistance tailored to their circumstances to people who earn more than \$52,000.

Household income

The census provides measures of self-reported gross personal and total household income. Equivalised household income which we have used in developing NLAS(CLC) is derived from the latter and takes into consideration that people living together can live more cheaply than if they lived alone. It provides a count of people living in households with a per person income equivalent to that of a person living alone. This means that people living in households with an *equivalised total household income* of less than \$52,000 each have access to the same economic resources as people living by themselves with a *personal income* of less than \$52,000. Appendix A provides further details.

In developing the NLAS indicators, either only an individual's personal income can be taken into account or the income of others in the household can be considered.

The argument for using personal income is that an individual may not have access to the financial resources of other household members, a particular concern for those experiencing or at risk of family violence. On the other hand, an individual with a low personal income may live in a relatively advantaged household. Dependent adult children and stay-at-home partners may fall into this category.¹⁸ The consequence of using personal income is that women, who are less likely to be in employment and have lower average incomes, make up a far larger proportion of the NLAS(Capability) count than men.¹⁹

There are, though, problems with utilising equivalised household income instead. First, it is only available for 'place of enumeration' (that is, where an individual was on census night) and not 'place of usual residence' and secondly, household income data is available for a smaller proportion of Australians than personal income. Household income data is not computed for people in non-classifiable relationships, people who are not living in private

households (such as those living in care homes etc.), visitor only households and for anyone with missing personal income data for at least one person in their household. When using household income data, it is therefore necessary to consider applying an adjustment for missing data.

Age 15+

The original NLAS(Capability) included only residents aged 15 to 64. A separate count was provided for the 65+ age group. This was because the older age group is far more likely to meet the criteria for NLAS(Capability) reflecting not only their lower incomes, but also historical differences in educational attainment, more reflective of opportunities and expectations than lower capability. Their inclusion would therefore inappropriately skew the indicator profile to areas with high populations of retirees. Excluding the older age group entirely, however, undercounts potential demand for services in these same areas. To extend the NLAS counts to include the older age group, a review of the educational attainment of each age cohort was made, with the aim of including – to the extent this was feasible – roughly the same proportion of each age cohort. No adjustment was made for the average lower cost of living of this age group, though this could also be considered for future iterations.

Low educational attainment

NLAS(CLC) has a more inclusive definition of low educational attainment than NLAS(Capability). Added to the count are people not currently in education who have non-school qualifications at Certificate 1 and 2 level. Analysis of the Programme for the International Assessment of Adult Competencies, which shows people with this level of qualification have a problem-solving competence more in line with those with no post-school qualifications, formed the basis for this decision (see ABS 2013).

Adjusting for missing data

For household income-based indicators some individuals are excluded from the counts. This is because they: do not live in private households; have a non-classifiable relationship to others in the household; are in a household where a member is temporarily absent; or, are in a household where one or more individuals did not provide data on the personal income question.²⁰

In addition, all census counts are affected by people who do not participate in the census²¹ and do not answer one or more of the questions required for the NLAS indicators. The 2015 CPR and 2018 CPR indicators included only residents that provided

15 Australian Bureau of Statistics 2015-16, *Household income and wealth, Australia 2015-16 cat. no. 6523.0*, ABS, Canberra.

16 As income is collected through banded options it is necessary to select an income indicated by the top of a band. So although the median income is lower at around \$44,000 annum, as this falls *within* a census band (\$800-\$999 per week) it is not possible to use it as a maximum income amount.

17 For 2018 NLAS(Capability), which references personal income, negative income is included as low income. However, it is not a category for equivalised household income and is not therefore included. Nil income is included in both counts.

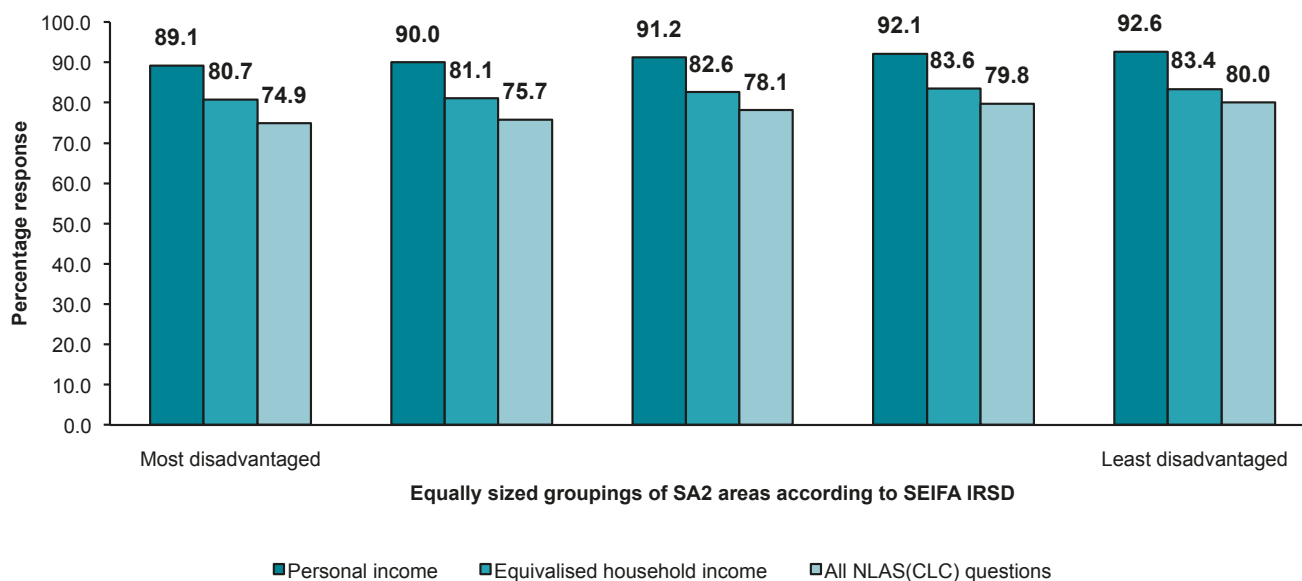
18 However, individuals currently in education are excluded from the NLAS(Capability) count and from the NLAS(CLC) count.

19 See Mirrlees-Black & Randell, 2018.

20 Household income is available for visitor only households, but equivalised household income is not. See ABS 2016b.

21 In 2016, the census response rate was 94.8%.

FIGURE 1: PERCENTAGE OF RESIDENTS AGED 15+ WITH A RESPONSE TO THE CENSUS-BASED MEASURE, BY AREA DISADVANTAGE



a relevant response to the census, and for this reason they have been described as minimum counts. However, if the rate of non-response to the census and individual questions is correlated with geographic location, then non-response may undermine comparisons of counts between geographic areas. This is a testable hypothesis and with the release of 2016 SEIFA it has been possible to investigate whether non-response rates vary by level of disadvantage in different geographic areas.

Missing data by area disadvantage

Using the SEIFA scores, geographic areas can be grouped into the most and least disadvantaged. The analysis here compares the average completion rate of the NLAS(CLC) census questions for the residents of the 20% most disadvantaged areas through to those living in the 20% least disadvantaged.²²

Figure 1 shows there is a differential response to the census questions by area level of disadvantage. The proportion of residents responding to the personal income question ranges from 89.1% in the most disadvantaged areas to 92.6% in the least disadvantaged areas. Because equivalised household income is only calculated when all adults provide an answer to the personal income question, and only for residents living in private households, the proportion of residents with missing data on this measure is greater than for personal income. As with personal income, the lowest response rates are in the more disadvantaged areas.²³

²² The areas which have been grouped together for this analysis are ABS Statistical Area 2 (SA2). These are medium sized areas that represent a community that interacts together socially and economically. There are 2,310 SA2 regions covering the whole of Australia without gaps or overlaps. See ABS, 2016.

²³ The response rate for equivalised household income is the count of people aged 15+ enumerated in the area for whom an

The impact of this differential response increases further when other variables are included, such as the three census questions that are used to assess educational attainment in the construction of NLAS(CLC).²⁴ In the most disadvantaged areas only 74.9% of residents had valid data for equivalised income and all the educational attainment questions, compared to 80.0% of residents in the least disadvantaged areas.

Impact of adjusting for missing data

The implication of this analysis is that the counts of people meeting the NLAS criteria *may* be relatively underestimated in more disadvantaged areas where a larger proportion of people did not provide answers to the relevant questions. Although there is no way to ascertain the income level and educational attainment of those not answering the relevant census question, it is appropriate to make an adjustment for the unequal impact of missing data across geographic areas.

To do this we have calculated the percentage of people meeting the NLAS(CLC) criteria as a proportion of people answering all the relevant

equivalised income value is provided, excluding not stated and not applicable, as a percentage of the resident 15+ population. Included in the base, therefore, are people for whom household income was not calculated as, for instance, they did not live in a private household.

²⁴ These are: highest year of school completed (HSCP), non-school qualification: level of education (QALLP) and full-time/part-time student status (STUP). See ABS 2016b. NLAS(CLC) has a more inclusive definition of low educational attainment than 2018 NLAS(Capability). Added to the count are people, not currently in education who have non-school qualifications at Certificate 1 and 2 level. This decision was made by reference to an analysis of the Programme for the International Assessment of Adult Competencies, which shows people with this level of qualification have a problem-solving competence in line with those with no post-school qualifications (see ABS 2013).

TABLE 1: IMPACT OF ADJUSTMENT FOR MISSING DATA ON NLAS(CLC) BY AREA DISADVANTAGE

Decreasing area disadvantage	Unadjusted NLAS(CLC)		Adjusted NLAS(CLC)		Adjusted NLAS(CLC) as a % of 15+ population
	Count	Distribution	Count	Distribution	
1 Most disadvantaged areas	704,130	31.6	940,210	32.4	27.2
2	552,020	24.8	729,200	25.2	19.6
3	463,030	20.8	592,710	20.5	14.8
4	325,340	14.6	407,840	14.1	10.5
5 Least disadvantaged areas	182,250	8.2	227,750	7.9	5.9
Australia	2,226,830	100.0	2,869,750	100.0	15.1

Source: 2016 Census. Findings based on the use of ABS TableBuilder.

Notes: Each line represents 20% of ABS Statistical Area 2s, grouped according to their Index of Relative Socio-Economic Disadvantage (IRSD) score, with line 1 including the 20% most disadvantaged areas.

The unadjusted count is the number of enumerated 15+ people that met the NLAS(CLC) criteria.

The adjusted count is ((the number of enumerated 15+ people that met the NLAS(CLC) criteria)/(the number of enumerated 15+ people that answered the questions required to meet the NLAS(CLC) criteria))*resident 15+ population.

Area counts do not add to the Australia total due to the impact of ABS perturbation, which is where individual area counts are adjusted to protect the confidentiality of respondents. The impact of this can be reduced by using total counts (e.g. all Australia), rather than summing. At the time of analysis, it was necessary to sum counts across SA2s for the area based SEIFA within the place of residence dataset in TableBuilder.

census questions, and then applied this proportion to the resident population count for the area.²⁵

Applying this adjustment increases the overall count and has the most impact in disadvantaged areas because not only are the proportion of non-responders greater in these areas, so too are the NLAS proportions. Table 1 shows how, after the adjustment, the proportion of the Australian NLAS(CLC) population living in the most disadvantaged areas increases from 31.6% to 32.4%.

Table 1 also shows the proportion of people living in each of the area groupings that meet the NLAS(CLC) criteria. As expected it is highest in the most disadvantaged areas (at 27.2%) and lowest in the least disadvantaged areas (at 5.9%). However, it is worth noting that there are an estimated 227,750 people living in the least disadvantaged areas that do still meet the NLAS(CLC) criteria. This demonstrates the limitations of relying on SEIFA, or any other measures of area disadvantage as a method of identifying demand for services.

Adjusting for population growth

A census provides a population count for one day in one year, and a census only takes place every five years in Australia. In between census dates, the ABS provides estimated resident population (ERP) counts. The ERP adjusts census counts to compensate for

residents originally not counted, either because they did not complete the census or were temporarily overseas, and is updated annually to take account of births, deaths, internal migration, and overseas arrivals and departures. Estimates are available at Local Government Area (LGA) level and ABS Statistical Area 2 (SA2) level. At the time of writing the latest ERP available was for December 2017.²⁶

The ERP has not been used here as it could not be used to inform the legal needs resource developed for the Cameron Review implementation. This is because the CLC catchment areas are comprised of suburbs and ERP is not available at this level. However, as time from the census elapses and population growth becomes pronounced, it will be important to consider the potential for differential impact of this growth across geographic areas.

Distribution of NLAS(CLC) population across Australia

At the time of the 2016 Census, 15.1% of Australians aged 15 or over were counted in NLAS(CLC). Looking across Australia, the largest number of people meeting the NLAS(CLC) criteria live in NSW (31.6% of the total count), followed by Victoria (24.2%) and Queensland (21.8%) (Table 2).

Although this distribution mirrors the underlying population distribution, the states and territories do vary in the proportion of people that are counted by NLAS(CLC) as shown in Figure 2. Tasmania has the highest proportion at 22.4% and ACT the lowest at 6.8%.

²⁵ This approach makes the pragmatic assumption that the same proportion of census non-responders as responders meet the NLAS criteria in each geographic area. However, as disadvantage and capability are related, this is probably a conservative assumption (i.e. those that didn't answer the questions are more likely than average to meet the NLAS(CLC) criteria). It is likely, therefore, that the adjusted NLAS(CLC) remains an under-count and should still be referred to as a minimum count.

²⁶ ABS 2018a.

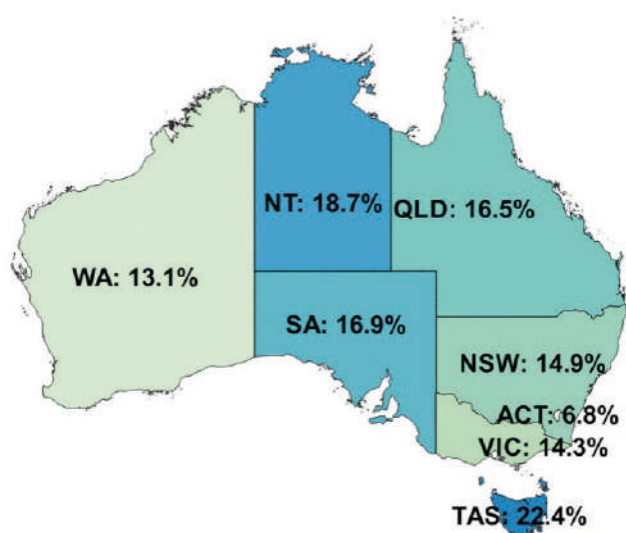
TABLE 2: NLAS(CLC) BY STATE/TERRITORY

	15+ population count (and % of Australia population)	NLAS(CLC) count	NLAS(CLC) as a percent of state resident 15+ population	Distribution of NLAS(CLC) across Australia
New South Wales	6,093,900 (32.0%)	907,200	14.9	31.6
Victoria	4,845,710 (25.5%)	693,590	14.3	24.2
Queensland	3,790,500 (19.9%)	624,990	16.5	21.8
South Australia	1,383,650 (7.3%)	233,990	16.9	8.2
Western Australia	1,997,730 (10.5%)	261,470	13.1	9.1
Tasmania	419,760 (2.2%)	93,910	22.4	3.3
Northern Territory	179,360 (0.9%)	33,560	18.7	1.2
Australian Capital Territory	322,920 (1.7%)	21,860	6.8	0.8
Other Territories	3,770 (0.02%)	740	19.6	0.0
Total	19,037,280 (100.0%)	2,869,750	15.1	100.0

Source: 2016 Census. Findings based on use of ABS TableBuilder data.

Notes: the NLAS(CLC) count here is the adjusted count which takes account of missing data. Counts rounded to nearest 10.

FIGURE 2: PERCENTAGE OF EACH STATE/TERRITORY 15+ RESIDENT POPULATION COUNTED BY NLAS(CLC)



Demographic profile of NLAS(CLC) population

Understanding who is included in the NLAS(CLC) count is relevant for designing appropriate services and may be of particular interest to specialist CLCs focusing on specific client groups.²⁷ Of the priority client groups identified in the NPA, it is feasible to analyse the profile of the NLAS(CLC) population in respect of:

- age
- Indigenous status
- disability

²⁷ The demographic profile of the NLAS(CLC) population reflects the assumptions that underpin the indicator. Different assumptions, such as in how to define low educational attainment, will have an impact on the demographic profile.

- geographic location (major city or regional/rural/remote), and
- cultural and linguistic diversity.²⁸

Gender is not a priority client group but is included here as it may be a relevant consideration to service design.

Gender and age

Just over half (53.5%) of the NLAS(CLC) count are female and three-quarters (76.2%) are under 65 years old (Figure 3). The NLAS(CLC) count therefore has a slightly older profile than the general population, of which 80.7% are aged between 15 and 64.²⁹

Women have an older age profile than the men, which is partly, but not entirely, a reflection of their longer life expectancy. Women aged 75 and over make up 8.0% of the NLAS(CLC) count, whereas men of this age comprise 4.6% of the count.

Indigenous status

Overall, 38.3% of people aged 15 and over self-identifying as Aboriginal or Torres Strait Islander in the 2016 Census are included in the NLAS(CLC) count.³⁰ This compares with 14.7% of people not identifying as Aboriginal or Torres Strait Islander. Figure 4 shows that, as for the non-Indigenous population, the proportion is greater in the older age groups, with 43.5% of Aboriginal and Torres Strait Islander people aged 65 to 74 included in NLAS(CLC) and 48.3% of those aged 75 and over. However, reflecting their shorter life expectancy, only 8.5% of

²⁸ Council of Australian Governments, 2015.

²⁹ The age groupings are those used to calculate NLS(CLC). Within each age grouping the school leaving year remains constant.

³⁰ It should be noted, however, that we have not assessed whether the census variables used to define educational attainment in the construction of NLAS(CLC) are an appropriate proxy for legal capability for indigenous communities.

FIGURE 3: PERCENTAGE OF AGE GROUP INCLUDED IN NLAS(CLC), BY GENDER

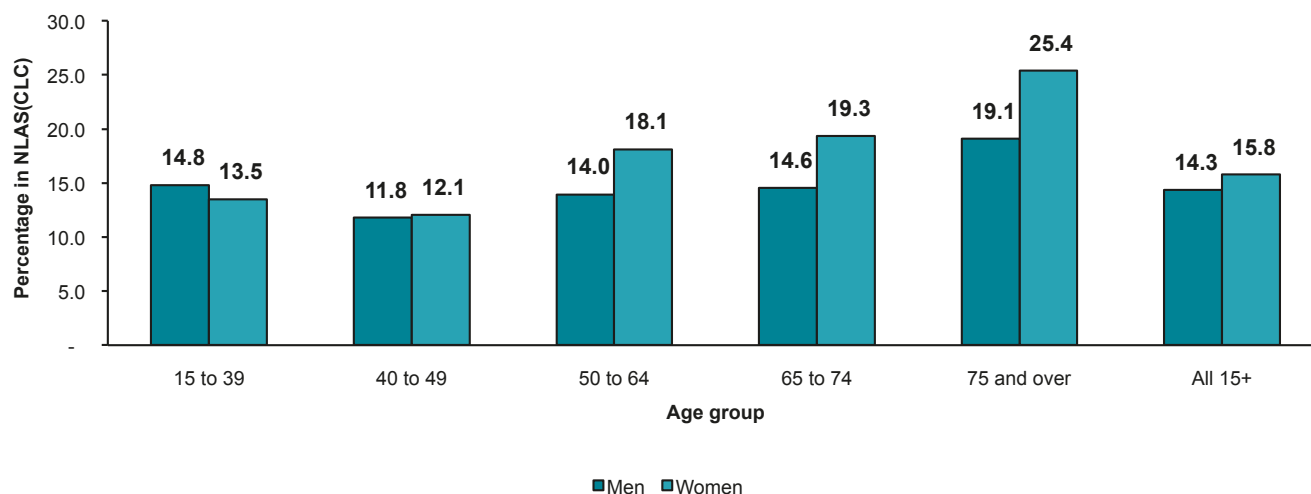
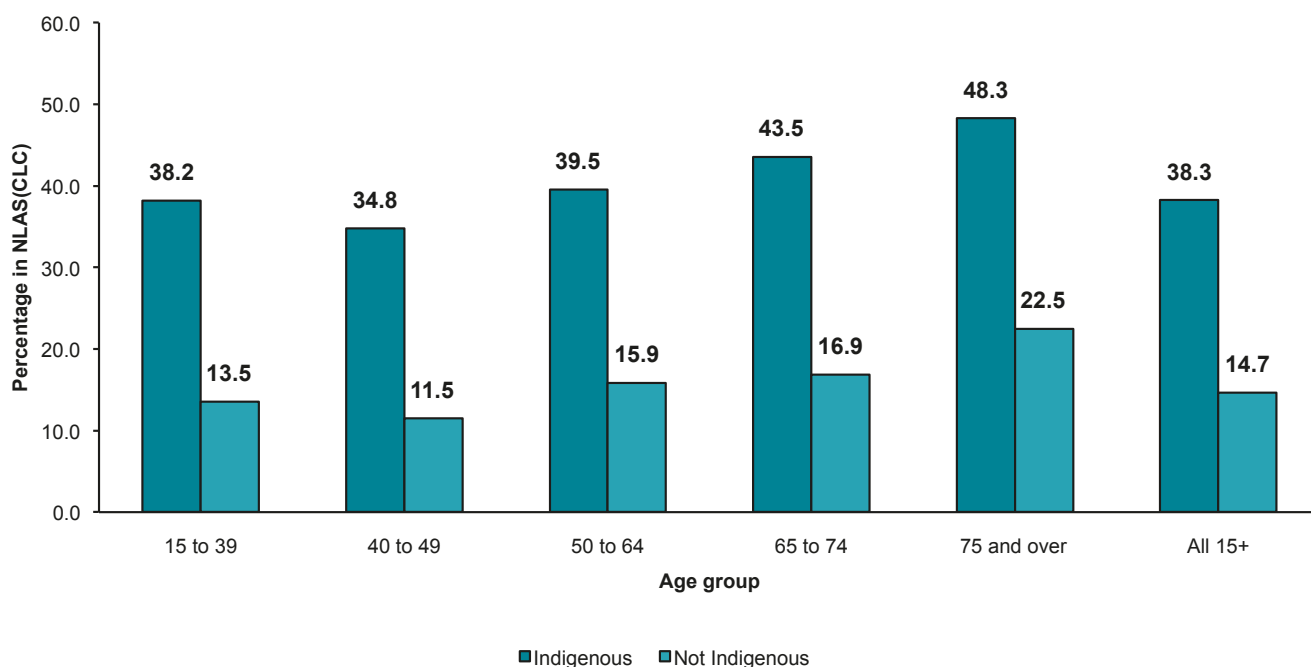


FIGURE 4: PERCENTAGE OF AGE GROUP COUNTED AS NLAS(CLC), BY INDIGENOUS STATUS



Aboriginal and Torres Strait Islanders included in the NLAS(CLC) count are aged 65 or over, compared to 25.6% of the non-Indigenous NLAS(CLC) count.

Disability

The 2016 Census measure of disability asks whether people need help with self-care, mobility and communication because of a disability, long-term health condition or old age.³¹ People who said they required help were far more likely to be counted in NLAS(CLC) than others. Overall 36.1% met the

NLAS(CLC) criteria compared to 14.0% of the rest of the population. Figure 5 shows that the proportion was higher in the younger age groups, with 40.4% of people aged 15 to 39 identifying as needing assistance included in NLAS(CLC). The drop among the 65+ age group appears to be a consequence of the socioeconomic demographic of those requiring assistance becoming relatively less disadvantaged (financially and educationally) as it expands to include those experiencing the impacts of old age.

Regional/rural/remote geography

About 40% of Australians live outside the major cities in regional, rural and remote areas. Overall a fifth (20.7%) of these people meet the NLAS(CLC) criteria, far higher than the 13.0% living in major cities. Age would appear to be less of a variant in rural/remote

³¹ This is a relatively narrow definition of disability, excluding for instance those that can function without the assistance of another person but use specialised equipment or those that experience exclusion as a result of a physical or cognitive impairment. It is, however, the only one currently available in the census.

FIGURE 5: PERCENTAGE OF AGE GROUP COUNTED AS NLAS(CLC), BY NEED FOR ASSISTANCE

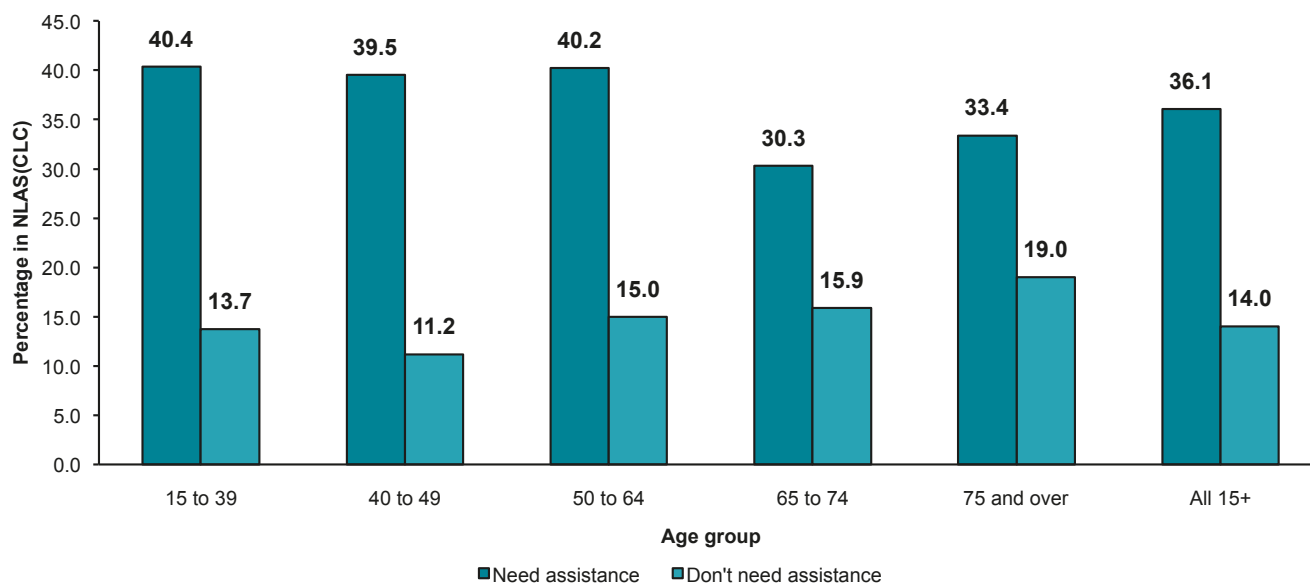
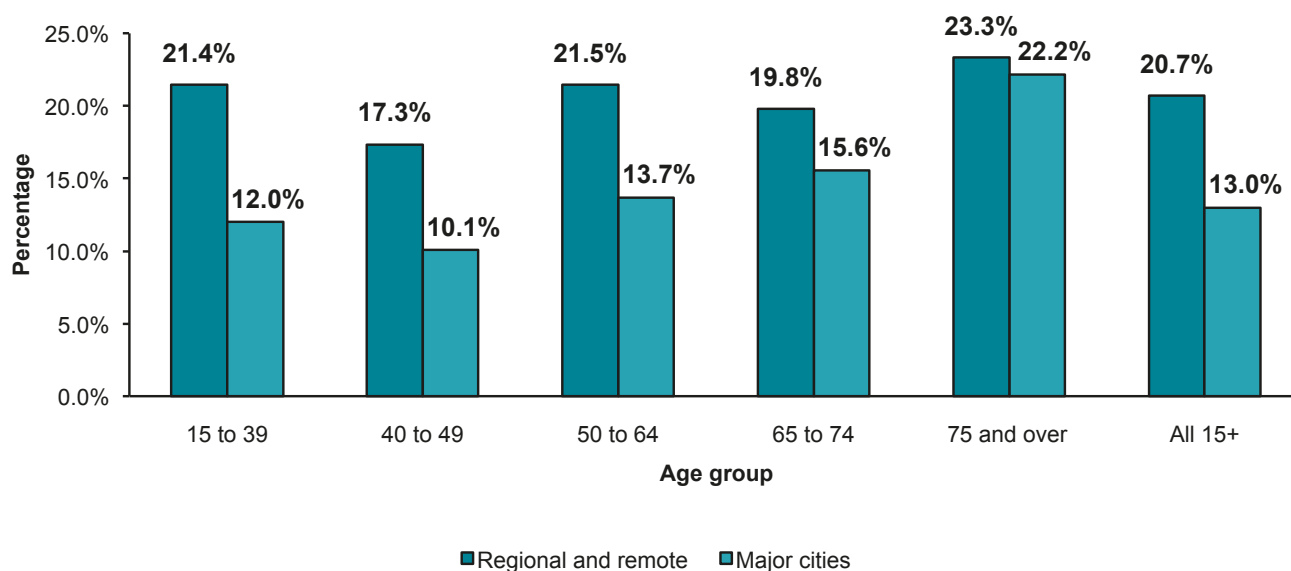


FIGURE 6: PERCENTAGE OF AGE GROUP COUNTED AS NLAS(CLC), BY RURAL/REMOTE OR MAJOR CITY



areas – with higher likelihood of meeting the criteria persisting through all age cohorts, compared a generally upward trend among those living in cities (Figure 6).

Culturally and linguistically diverse

The proportion of the culturally and linguistically diverse (CALD) population meeting the NLAS(CLC) criteria increases markedly by age cohort (Figure 7).

Forecasting demand for legal assistance services and allocating resources by geography is challenging.

The increase for the 65 to 74 cohort is driven by both a reduction in household income and educational attainment, while the increase for the oldest (75 and older) cohort reflects their even lower average educational attainment.

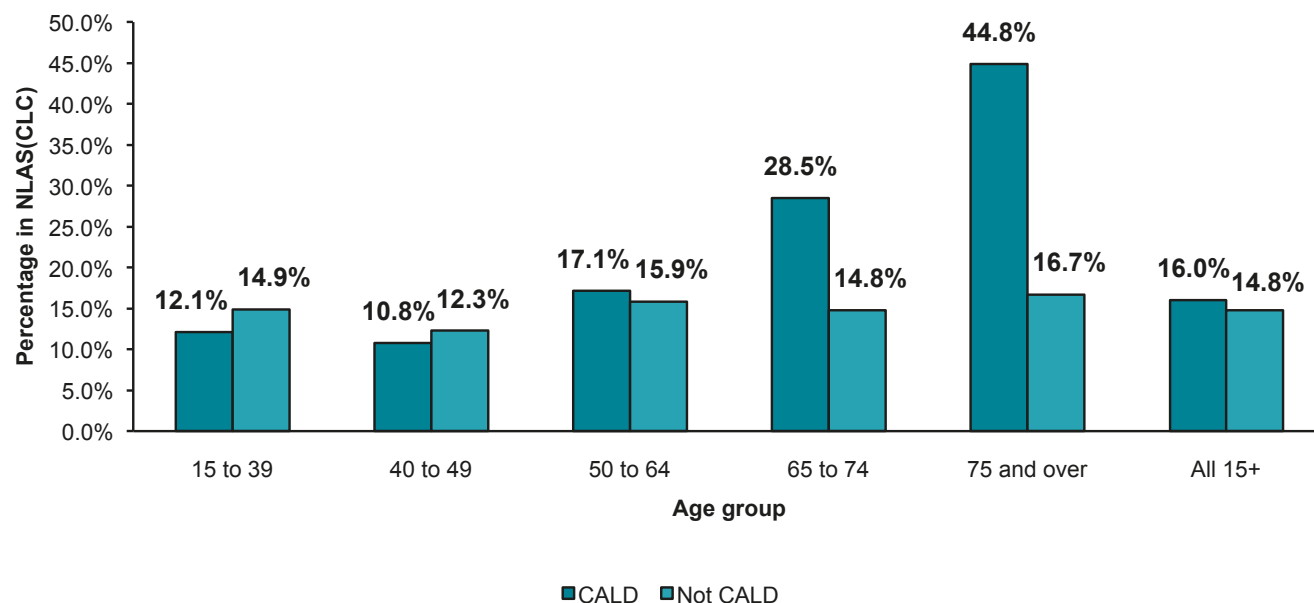
How can NLAS(CLC) be used?

Forecasting demand for legal assistance services and allocating resources by geography is challenging. Even if good measures of the experience of legal problems were available for relevant geographies, legal problem experience is not predicted by area characteristics – or even sufficiently well by individual demographic characteristics – so would not be a good basis on which to allocate resources.³² In the context of the limited resources of the sector, equitable and cost-effective allocation based on legal need should arguably also take account of individuals' relative lack of capability to resolve problems.

Census population counts which are available for all geographies provide a good basis for planning, but

³² See People et al 2015.

FIGURE 7: PERCENTAGE OF AGE GROUP COUNTED AS NLAS(CLC), BY CULTURAL AND LINGUISTICALLY DIVERSE (CALD) STATUS



further refinement is necessary to ensure service provision is targeted at those most in need. NLAS(CLC) employs a proxy measure of legal capability to provide that refinement. As an indicator of the number of people who are likely to need assistance to resolve legal problems should they experience them, it is a good starting point for the allocation of resources. However, the relative complexity of client needs, the requirement for services to be appropriate to the cultural and linguistic needs of communities, and the relative accessibility of geographic areas will also be relevant – because reaching potential clients may require funding for partnership working, translators, extensive travel

... need for services does not directly translate into demand: people experiencing problems have to know that they require assistance, be aware that services are available, and have access to those services

or establishing multiple outreach centres. In practice the NLAS(CLC) indicator will not translate directly into actual demand for services. First, need for services will vary over time depending on the prevalence of legal problem experience, with significant fluctuations for unexpected events such as local job losses and natural disasters. Second, need for services does not directly translate into demand. People experiencing problems have

to know that they require assistance, be aware that services are available and have access to those services. Third, it provides only a count of residents – that is where people spend the night, which is not necessarily where they spend the day or where they access services. Services physically located near state borders, employment, educational institutions, health facilities and retail centres may face demand for services from residents beyond their defined catchment. And services in the vicinity of police stations, courts and prisons may face heightened demand, particularly with criminal justice matters. Although this means that place of residence of potential clients is not so relevant for the planning of services based in areas of high day-time population, such as inner-city areas, or for statewide services delivered by phone or other technology, comparing the place of residence of actual clients to the NLAS(CLC) geographic distribution may indicate potential underservicing of some areas relative to others.

The specific design of services within an area will require more nuanced information about the profile of potential clients to ensure they are designed to be accessible and appropriate. The Foundation’s Collaborative Planning Resource and extensive research evidence provide a readily accessible resource to support Australian CLCs to deliver appropriate and cost-effective services.³³

³³ See Mirrlees-Black & Williams 2015, Mirrlees-Black & Randell 2018, Coumarelos et al 2015 and Randell et al 2018.

References

- Australian Bureau of Statistics 2013, *Programme for the International Assessment of Adult Competencies*, Australia, 2011–12, ABS cat. no. 4228.0, ABS, Canberra.
- Australian Bureau of Statistics 2015–16, *Household income and wealth, Australia 2015–16*, cat. no. 6523.0, ABS, Canberra.
- Australian Bureau of Statistics 2016, *Australian Statistical Geography Standard (ASGS): Volume 1 – Main structure and greater capital city statistical areas, July 2016*, cat. no. 1270.0.55.001, ABS, Canberra.
- Australian Bureau of Statistics 2016a, *Census of Population and Housing*, ABS, Canberra.
- Australian Bureau of Statistics 2016b, *Census of Population and Housing: Census Dictionary*, ABS, Canberra.
- Australian Bureau of Statistics 2017, *Census of Population and Housing: Understanding the Census and Census Data, Australia, 2016*, ABS cat. no. 2900.0, ABS, Canberra.
- Australian Bureau of Statistics 2018, *Socio-economic indexes for areas (SEIFA) 2016: Technical paper*, ABS cat. no. 2033.0.55.001, ABS, Canberra.
- Australian Bureau of Statistics 2018a, *Australian Demographic Statistics, December 2017*, ABS cat. no. 3101.0, ABS, Canberra.
- Australian Bureau of Statistics 2018b, *Estimates of personal income for small areas, 2011–16*, ABS cat. no. 6524.0.55.002, ABS, Canberra.
- Australian Bureau of Statistics 2018c, *Labour Force, Australia, October 2018*, ABS cat. no. 6202.0, ABS, Canberra.
- Cameron, A 2017, *Review of NSW Community Legal Centres Services*, December 2017.
- Coumarelos, C, Macourt, D, People, J, McDonald, HM, Wei, Iriana, R & Ramsey S 2012, *Legal Australia-Wide Survey: legal need in Australia*, Law and Justice Foundation of NSW, Sydney.
- Coumarelos, C, McDonald, HM, Forell, S & Wei, Z 2015, *Collaborative Planning Resource – Service Planning*, Law and Justice Foundation of NSW, Sydney.
- Council of Australian Governments 2015, *National Partnership Agreement on Legal Assistance Services*, COAG, Canberra.
- Mirrlees-Black, C & Williams, SA 2015, *Collaborative Planning Resource – Jurisdictional Data*, Law and Justice Foundation of NSW, Sydney.
- Mirrlees-Black, C & Randell, SA 2017, *Need for legal assistance services: developing a measure for Australia*, Justice issues paper 26, Law and Justice Foundation, Sydney.
- Mirrlees-Black, C & Randell, S 2018, *2018 Collaborative Planning Resource*, Law and Justice Foundation of NSW, Sydney.
- Mirrlees-Black, C & Randell, S 2018, *Locating demand: updating the need for legal assistance service indicators*, Justice issues paper 28, Law and Justice Foundation of NSW, Sydney.
- People, J, Karras, M, Coumarelos, C, Mirrlees-Black, C & Ramsey, S 2015, *Planning legal assistance services by area: Is SEIFA the answer?*, Updating justice, no. 46, Law and Justice Foundation of NSW, Sydney.
- Randell, S, Mulherin, G & Mirrlees-Black, C 2018, *Evidence of legal need in NSW to support the Cameron Review implementation*, Law and Justice Foundation of NSW, Sydney.

Appendix A – Equivalised household income

The census-derived 'equivalised household income' indicator can be used to count people living below a specified household income, controlling for the number of people in the household. Two adults living together, for instance, do not require twice the income to achieve the same standard of living as one adult living alone. However, there is no requirement for the purposes of the calculation that household expenses are shared: unrelated group households are included, as well as families and lone person households. The equivalised indicator is calculated using an equivalence factor, with 1 point to the first adult, 0.5 to other adults and 0.3 to children, such that 2 adults living together require the income of 1.5 adults to have the same standard of living as 1 adult living by themselves. Two adults and a child require an income of 1.8 that of a lone household. People living in households with an equivalised total household income of less than \$52,000 therefore each have access to the same economic resources as an individual with a personal income of less than \$52,000 living by themselves.

Equivalised household income is only available by place of enumeration, that is by the location of individuals on census night. For planning purposes, 'place of usual residence' is preferable as this count is based on where people usually live, not where they were on census night (although 93.9% were at their usual home). However, people who are not at home on census night are not linked back to their dwellings or households, so it is not feasible to derive household income by place of usual residence. This is likely to result in an overcount in areas with a high temporary population on census night (August), such as the ski regions (although households made up *only* of visitors are excluded), and an undercount in areas with more mobile residents, such as those working away from home.

Appendix B – Definition of NLAS(CLC)

Definition of NLAS(CLC)	Definition of base for NLAS(CLC) rate estimate
Place of enumeration Persons aged 15 to 39 AND Highest year of school completed (HSCP) = Year 12 or below; Age 40 to 49 and Year 11 or below; Age 50 to 64 and Year 10 or below; Age 65 to 74 and Year 9 or below; Age 75+ and Year 8 or below; AND Equivalised total household income (HIED) = Nil income to \$999 per week AND Non-school qualification (QALLP) = Not applicable or Certificate level 1 and 2 AND not a full-time or part-time student (STUP = not attending)	Place of enumeration Age 15+ Excluding overseas visitors Highest Year of School Completed (HSCP): excluding not stated Non-school qualification (QALLP): excluding inadequately described and not stated Full-time/Part-time student status (STUP): excluding both institution and full-time/part-time not stated Equivalised total household income (HIED): excluding partial income stated AND all incomes not stated AND not applicable
Note: Rates are calculated by dividing the count in the left column by the count in the right column. The rate is then then multiplied by the resident count for the equivalent geographic area to provide a total count of people meeting the NLAS(CLC) criteria, that corrects for missing data.	
Source: 2016 ABS Census TableBuilder.	

